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Proposed Revisions to H. 823, Draft No. 3.1, Senate Natural Resources

Sec 2. 10 V.S.A. § 6086 is amended to read:

§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

(a) Before granting a permit, the District Commission shall find that the subdivision or development:

(5)(A) Will not cause unreasonable congestion or unsafe conditions with respect to the use of the highways, waterways, railways, airports and airways, and other means of transportation existing or proposed.

(B) **As appropriate**, will incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, transit networks and services, ~~unless~~. **In determining appropriateness**, the District Commission ~~affirmatively finds that~~ **shall consider (a) whether** such a strategy, access, or connection ~~does not~~ constitutes a measure that a reasonable person would take given the type, scale, and transportation impacts of the proposed development or subdivision, **and (b) whether such a strategy, access, or connection would cause an undue burden on the applicant.**

(9) Is in conformance with a duly adopted capability and development plan, and land use plan when adopted. However, the legislative findings of subdivisions 7(a)(1) through (19) of Act 85 of 1973 shall not be used as criteria in the consideration of applications by a District Commission.

(L) Settlement patterns. To promote Vermont's historic settlement pattern of compact village and urban centers separated by rural countryside, a permit will be granted for a development or subdivision outside an existing settlement when it is demonstrated by the applicant that, in addition to all other applicable criteria, and development or subdivision:

(i) will make efficient use of land, energy, roads, utilities, and other supporting infrastructure;

~~(ii) is designed in a manner consistent with the planning goals set forth in 24 V.S.A. 4302(e)(1)~~

~~——(iii) will conform to the land use element, map, and resource protection policies included in the municipal and regional plans applicable to the proposed location of the development or subdivision; and~~

~~——(iv)(I) will neither establish nor contribute to a pattern of strip development along public highways; and~~

~~——(II) if the development or subdivision will be located in an area that already constitutes strip development, will incorporate infill as defined in 24 VSA 2791 and is designed to avoid or minimize the characteristics listed in the definition of strip development under subdivision 6001(36) of this title.~~