



Senate Committee on Natural Resources and Energy
H.809 Growth Center Designation–Voting Provision
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Dear Committee Members:

Thank you for meeting with Peg Elmer last week who testified on behalf of VPA. This is being submitted as a supplement to our previously filed testimony on H.809 and H.823. Based on VPA's review of the following language regarding the voting requirement for Growth Center designation under H.809, ***we ask that this language be strengthened and clarified, as applied to exceptions:***

(6) **Designation decision.** Within 90 days of the receipt of a completed application, after providing notice as required in the case of a proposed municipal plan or amendment under subsection 4384(e) of this title, and after providing an opportunity for the public to be heard, the State Board formally shall designate a growth center if the State Board finds, in a written decision, that the growth center proposal meets the requirements of subsection (b) of this section. **An application that complies with all of the requirements of subsection (b) of this section other than the size requirement set forth in subdivision (b)(1) may be approved by the State Board if the applicant presents compelling justification for deviating from the size requirement and provided that at least 80 percent but no fewer than seven of the members of the State Board present vote in favor of the application.**

The current language specifies that “80%, but no fewer than seven members present” of the 13-member board is needed to grant this exception. Given the potential scale, cost and impacts of growth center development, this sets very low bar – a simple majority, as should be required for any growth center designation. **We respectfully request that the Committee consider a higher bar – e.g., 80% of board membership – or more specifically stated, no fewer than 10 members of the 13-member board– to approve this type of exception (or 9 for a 2/3 supermajority, if considered in committee).**

A high bar is warranted given that the overall size of a growth center is a critical consideration in defining a compact pattern of development, consistent with longstanding state planning goals:

- A growth center must be planned to accommodate **a majority (50+ %)** of anticipated development in the municipality over a 20-year period.
- The criteria for designation under 1(b), however, also allow for the growth center to be sized to accommodate up to **150% of anticipated residential development and 100% of commercial and industrial development** anticipated over the same 20-year period. This provides a reasonable amount of additional room for siting and expansion within the designated area, as supported by existing or planned infrastructure. No maximum acreage is specified – this needs to be determined based on the local planning process.
- **Too large an area in relation to planned growth requires more extensive and costly infrastructure, results in lower densities of development and less efficient use of land and infrastructure capacity, and promotes sprawl and “leapfrog” development** – undermining a principal purpose of growth center designation. That said, in very limited cases there may be good reason to allow an even larger area than that required for development – for example if there are significant physical development constraints within a portion of the growth center. It was decided, after much discussion and debate within DHCD's working group, to include an exception – as supported by 80% of the board – to in effect grant a variance with “compelling justification.”