

H.823, An Act Relating to Encouraging Growth in Designated Centers and Protecting Natural Resources

Overview, Bill as Passed House

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Two broad areas relating to designated centers under 24 V.S.A. chapter 76A

- Regulatory benefits for designation.
- Land use and natural resources provisions.

Regulatory Benefits

- Amends 10 V.S.A. chapter 151 (Act 250) in various ways, including:
 - Encouraging mixed income housing and mixed use projects within various centers designated under 24 V.S.A. chapter 76A, such as designated downtown districts, by reducing the number of those projects that require an Act 250 permit.
 - Developments within a downtown development district may seek expedited findings and conclusions from the Natural Resources Board in lieu of a permit or permit amendment from the District Commission. The review would apply a limited set of criteria and occur under a specified time frame. Appeal would be on the record.
 - Projects in designated downtowns, growth centers, and neighborhood development areas associated with designated downtowns may perform off-site mitigation of primary agricultural soils at a 1:1 ratio.
- Agency of Natural Resources (ANR) to prioritize funding for eligible municipal projects in designated centers.
- Directs ANR to issue a permit for a new or modified connection in a designated downtown to a water or sewer main on submission of a certification by licensed designer and a letter from the owner of the water or sewer main allocating sufficient capacity.

Land Use and Natural Resources Provisions

- Amends Act 250's transportation criterion to add a new subdivision requiring developments, as appropriate, to incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and existing and planned pedestrian, bicycle, and transit networks and facilities.
- Replaces Act 250's "rural growth areas" criterion with an "existing settlements" criterion.
 - Applies to development and subdivision outside existing settlements.
 - "Existing settlement" includes designated centers and existing community centers that are compact, contain a mixture of uses, have higher densities than the densities outside the center, and are typically served by municipal infrastructure.
 - Requires that a development or subdivision outside an existing settlement promote an efficient use of land, energy, roads, and other infrastructure; be designed consistently with statutory planning goals; not establish or extend strip development as defined in the bill; and, if in or adjacent to an area that constitutes strip development, avoid or minimize the characteristics listed in the definition of strip development.
 - "Strip development" is defined to mean linear commercial development along a public highway that meets three or more characteristics listed in the proposed definition, such as broad road frontage and predominance of single-story buildings.