1	S.99
2	Introduced by Senator Lyons
3	Referred to Committee on
4	Date:
5	Subject: Land use; conservation and development; Act 250; recommendations
6	of smart growth committee
7	Statement of purpose: This bill proposes to amend the Act 250 criteria
8	pertaining to traffic and scattered development in accordance with the majority
9	recommendations of the smart growth committee created by Sec. 16 of
10	No. 176 of the 2007 Adj. Sess. (2008). Also in accordance with those
11	recommendations, this bill proposes to repeal the Act 250 criterion related to
12	rural growth areas and add in its place a criterion related to settlement patterns.
13 14	An act relating to amending the Act 250 criteria relating to traffic, scattered development, and rural growth areas
15	It is hereby enacted by the General Assembly of the State of Vermont:
16	Sec. 1. 10 V.S.A. § 6001 is amended to read:
17	§ 6001. DEFINITIONS
18	When used in this chapter:
19	* * *

(16) "Rural growth areas" means lands which are not natural resources
referred to in subdivisions 6086(a)(1)(A) through (F), subdivision
6086(a)(8)(A) and subdivisions 6086(a)(9)(B), (C), (D), (E) and (K) of this
title.

* * *

(31) "Existing settlement" means an extant community center similar to the traditional Vermont center which is compact in size and contains a mixture of uses which may include commercial, industrial, and residential components which are, to a large extent, within walking distance of each other, and which have appreciably higher densities than densities that occur outside these areas. For the purposes of this subdivision, the term shall include downtown development districts designated in accordance with 24 V.S.A. § 2793, village centers designated in accordance with 24 V.S.A. § 2793a, new town centers designated in accordance with 24 V.S.A. § 2793b, growth centers designated in accordance with 24 V.S.A. § 2793c, and Vermont neighborhoods designated in accordance with 24 V.S.A. § 2793d. The term excludes strip development.

(32) "Strip development" means linear commercial development along

an arterial highway leading from an existing settlement or connecting two
existing settlements. The characteristics of strip development, which need not
all be present in order for strip development to exist, include the following:
broad road frontage; individual curb cuts for individual projects; lack of

1	connection to existing settlements by anything except highway; limited
2	accessibility for pedestrians; and lack of coordination with surrounding
3	projects in terms of design, signs, lighting, and parking.
4	Sec. 2. 10 V.S.A. § 6086(a) is amended to read:
5	§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA
6	(a) Before granting a permit, the district commission shall find that the
7	subdivision or development:
8	* * *
9	(5) Will not cause unreasonable congestion or unsafe conditions with
10	respect to use of the highways, sidewalks, bikeways, waterways, railways,
11	airports and airways, and other means of transportation existing or proposed
12	and provides appropriate connections to existing or planned transit, bicycle,
13	and pedestrian networks with the objective of providing alternative modes of
14	<u>travel</u> .
15	* * *
16	(9) Is in conformance with a duly adopted capability and development
17	plan, and land use plan when adopted. However, the legislative findings of
18	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.

* * *

19

20

(H) Costs of scattered development. The district commission will grant a permit for a development or subdivision which is not physically contiguous to an existing settlement whenever it is demonstrated that, in addition to all other applicable criteria, the additional costs of public services and facilities caused directly or indirectly by the proposed development or subdivision, when considered together with cumulative effects of scattered development on the costs of public services and facilities in the town or region, do not outweigh the tax revenue and other public benefits of the development or subdivision such as increased employment opportunities or the provision of needed and balanced housing accessible to existing or planned employment centers.

12 ***

(L) Rural growth areas Settlement patterns. A permit will be granted for the development or subdivision of rural growth areas when it is demonstrated by the applicant that in addition to all other applicable criteria provision will be made in accordance with subdivisions (9)(A) "impact of growth," (G) "private utility service," (H) "costs of scattered development" and (J) "public utility services" of subsection (a) of this section for reasonable population densities, reasonable rates of growth, and the use of cluster planning and new community planning designed to economize on the cost of roads, utilities and land usage.

(i) Inside existing settlements, a permit shall be granted for
development or subdivision of land if the applicant, in addition to other
applicable criteria, demonstrates that the project will not significantly detract
from Vermont's historic settlement pattern of compact villages and urban
centers separated by rural countryside, which shall be accomplished by
complying with planned densities that are appreciably higher than densities
outside existing settlements within the municipality and region.
(ii) In areas outside existing settlements, a permit shall be granted
for development or subdivision if, in addition to all other applicable criteria,
the applicant demonstrates that the project:
(I) will not significantly detract from Vermont's historic
settlement pattern of compact villages and urban centers separated by rural
countryside, which shall be accomplished by contributing to overall densities
that are appreciably lower than densities planned for existing settlements
within the municipality and region.
(II) will not promote a pattern of strip development along
public highways. In situations in which a pattern of strip development has
already been established, development shall reinforce compact in-fill site
design.

1	(III) will promote an efficient use of land, energy, roads,
2	utilities, and other supporting infrastructure through any combination of
3	compact site development, clustering, and conservation subdivision design.
4	* * *