

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 An act relating to amending the Act 250 criteria relating to traffic, scattered  
14 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 \* \* \*



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 travel.

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  
19 in the consideration of applications by a district commission.

20 \* \* \*



1           (i) Inside existing settlements, a permit shall be granted for  
2           development or subdivision of land if the applicant, in addition to other  
3           applicable criteria, demonstrates that the project will not significantly detract  
4           from Vermont's historic settlement pattern of compact villages and urban  
5           centers separated by rural countryside, which shall be accomplished by  
6           complying with planned densities that are appreciably higher than densities  
7           outside existing settlements within the municipality and region.

8           (ii) In areas outside existing settlements, a permit shall be granted  
9           for development or subdivision if, in addition to all other applicable criteria,  
10          the applicant demonstrates that the project:

11           (I) will not significantly detract from Vermont's historic  
12          settlement pattern of compact villages and urban centers separated by rural  
13          countryside, which shall be accomplished by contributing to overall densities  
14          that are appreciably lower than densities planned for existing settlements  
15          within the municipality and region.

16           (II) will not promote a pattern of strip development along  
17          public highways. In situations in which a pattern of strip development has  
18          already been established, development shall reinforce compact in-fill site  
19          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.

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