

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2014

Bill Number: H809

Name of Bill: A Bill Related to the Designation Process for New Town Centers and Growth Centers

Agency/ Dept: ACCD Author of Bill Review: John E. Adams/Chris Cochran

Date of Bill Review: May 9, 2014

Status of Bill: (check one):

Upon Introduction

As passed by 1st body

As passed by both bodies

Recommended Position:

Support

Oppose

Remain Neutral

Support with modifications

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

This bill proposes changes to the designation requirements and process for new town centers and growth centers. The bill seeks to clarify and consolidate the requirements for growth center designation in one statutory section and it integrates the growth center planning process into the municipal planning process. Additionally, the bill addresses concerns about costly build-out analysis that is required for designation under the current law. Changes to the new town center statute are intended to integrate the new town center planning process into the municipal planning process, and provide more flexibility in the type of regulations available to municipalities hoping to designate new town centers. The bill also proposes to consolidate the Growth Center Planning manual with the Planning and land use manual – and requires manual to be updated by November 15, 2015.

SECTION BY SECTION:

Section 1: Removes the existing definition of "growth center;" refers to new definition which now appears in section 2793c.

Section 2: Amends the process for designating new town centers, to make that process more consistent with the designation process for downtown and village centers

Section 3: Reorganizes and consolidates the growth center application and designation requirements into a single statutory section; defines growth center; lists the required characteristics of a growth center; delineates the application and designation process.

Section 4: Incorporates reference to designated growth centers into the existing statutory section dealing with municipal planning and development. The bill would encourage economic growth in designated areas, and require that development be undertaken in accordance with smart growth principles.

Section 5: Gives the Commissioner of Housing and Community Development authority over the preparation and maintenance of the planning manual.

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Section 6: Requires municipalities to state their intent to apply for designation under chapter 76A in the municipal plan.

Section 7: Requires regional plans to indicate areas in the region that are likely candidates for designation as downtown centers, village centers, new town centers, or growth centers.

Section 8: This section would amend the existing statutory language regarding the practical implementation of municipal plans- the bill would add a reference in this section to the designation process under chapter 76A, essentially reminding municipalities that the option to apply for designation and the associated benefits exists.

Section 9: Requires the Commissioner of Housing and Community Development to revise the planning manual by November 15, 2015.

Section 10: Amends the enforcement provisions of the Planning and Development Act to specify the information that must be included with any notice of violation of a bylaw or ordinance issued under the Act.

2. Is there a need for this bill? *Please explain why or why not.*

Yes, there is a need for this bill. The bill is the result of an extensive stakeholder process that identified ways to improve the existing Growth Center and New Town Center designation programs. The proposed changes simplify and clarify the application process – making it more user friendly. Additionally, the bill integrates the municipal planning process with the designation planning and eliminates redundancy.

Updating the planning and land use manual is also necessary. The Agency of Commerce and Community Development is charged with insuring that the manual is maintained and current for regional and municipal users. It's been 25 years since the last comprehensive update of the manual and the time has come to revisit this important document that guides the ongoing work of over 5,000 municipal volunteers across the state.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

The statutory update will likely increase interest in the state designation programs and stretch staff resources to administer the programs.

Updating the land use planning manual to comply with 24 V.S.A. § 4304 will require significant staff time. Depending on how much work can be done in-house, the estimated cost ranges from \$25,000 - \$75,000.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

All relevant Agencies (ANR, ACCD, BGS, AAF+M, VTrans and the NRB) were involved in the development of this bill and are supportive. The fiscal and programmatic implications for other departments are negligible – if any.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)

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The bill will make it easier and less expensive for municipalities to seek either designation and therefore municipalities support the changes.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

The following groups collaborated on the language that became H 809. Likewise, they support the goals and improving and integrating the Growth Center and New Town Center designation processes.

Vermont League of Cities and Towns
Vermont Affordable Housing Coalition
Champlain Housing Trust
Housing Vermont
Vermont Realtors Association
Home Builders and Remodelers Association of Northern Vermont
Preservation Trust of Vermont
Regional Development Corporations
Vermont Chamber of Commerce
Vermont Association of Planning and Development Agencies
Vermont Planners Association
Vermont Natural Resources Council
Vermont Mayors' Coalition

6.2 Who else is likely to oppose the proposal and why?

There is no opposition to this bill

7. Rationale for recommendation: *Justify recommendation stated above.*

Support. See "need for this bill" section.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

None.

Secretary/Commissioner has reviewed this document: Noelle MacKay **Date:** 5/12/14