

GROWTH CENTERS IN VERMONT

A Report From the
Vermont Planners Association

Based on a Report prepared by
The Growth Centers Study Committee

As revised by the
Executive Committee

October 25, 1996

INTRODUCTION: For several decades, communities throughout the country have been struggling with problems associated with sprawl and haphazard growth patterns. Strategies for addressing these problems have ranged from traditional zoning approaches to outright limitations on building permits. In Vermont, the growth management challenge has resulted in the encouragement of planned and controlled growth within the context of the traditional Vermont settlement pattern of compact village and urban centers separated by rural countryside. This theme was a major undercurrent in the passage of both Act 250 and Act 200, and it is a popularly accepted principle at the regional and local planning levels in the state.

There has, however, been no consensus on how to perpetuate this traditional pattern in the context of modern development forms and the land and space needs of business and industry. Traditional zoning, by itself, does not appear adequate to the task. A consolidated effort at state, regional and local levels is needed. On the heels of the Act 200 legislation, a new growth management concept was identified and became known as "Growth Centers."

While the "Growth Center" concept has become popular, there has been considerable confusion as to what exactly constitutes a "Growth Center". Some interpret the term as a way of managing and directing growth. Others see it as a means of recognizing established (historic) centers that need continuing reinvestment to remain viable and dynamic. Still others see it as a mechanism for inducing growth, as if the designation of an area as a growth center will automatically bring in a wealth of development and tax ratables.

This document is an attempt to bring some clarity to the use of the term "Growth Center", and to further develop it as a planning concept that is useful to communities that are sincerely attempting to manage and provide a framework for anticipated future development that enhances the public benefits from that development.

-
- o Due to the compact form, mixed use, historic resources, and public investments that characterize growth centers, detailed planning and design for these places is required. Because growth centers have the promise of bringing significant community benefits, they merit strong public incentives and public investment.
 - o There are many different types of "Growth Centers". Small communities may have local "growth Centers" which serve much as traditional village centers. Larger communities may have larger "sub-regional" growth centers which form a focal point for one or more adjacent towns. Indeed, some regions may have growth centers (such as downtown Burlington) that serve one or more entire counties. What is important is that they be planned and designed to achieve the variety of objectives illustrated later in this report.

It is strongly recommended that the State of Vermont support and encourage the creation of "Growth Centers". It is also recognized that some growth will occur in other areas, but of a type, density, and location that reinforces the growth center concept. Planning and managing such growth also warrants public support.

While the concept of "Growth Centers" has been evolving in Vermont for over two decades (see Appendix A for a brief discussion of this evolution), land use patterns in the state continue in the progression toward suburban sprawl. There appears to be uncertainty about just what constitutes a growth center, who decides whether an area should be considered a growth center, and whether it should receive special treatment as a result. Until the recent evaluation of the Growth Centers Pilot Project, there has been relatively little sense of what needs to be done to actually create or encourage growth centers. To date there has been little legislative action, public discussion or provision of adequate planning resources.

In 1996, The Vermont Planners Association, which has always supported the concept of growth centers, decided to establish a special committee to explore the growth center concept with the express intent of developing a pro-active position on implementation of a growth center program. This report represents the conclusions of that committee.

The remainder of this report includes a definition of "Growth Center" and a list of recommendations of local, regional and state actions that are needed to successfully implement a growth center

- o implementation plans which may include zoning and subdivision provisions, official maps, capital programs, applications for infra-structure grants, impact fees, transferable development rights programs, or other implementation tools needed to encourage development of the growth center and protection of the character of surrounding open lands.

Effective planning for and designation of a growth center may be used as a means of targeting state or other funds or programs for implementation. If so, it is important that the plans show how the above growth center characteristics will be achieved.

Central to the growth center definition above, is the list of six characteristics that distinguish a growth center from sprawl development. Examples of growth center characteristics can be found in communities of varying sizes and types throughout Vermont. Downtown Burlington with its urban bustle, Bristol's tree-lined neighborhoods and compact town center, and the rural village of Craftsbury Common, all illustrate growth center characteristics. Although the context, scale and function of these communities are different, they each represent desirable patterns of development that can be achieved through growth center planning.

While inspiration for growth centers can be found in many of the historic cities, towns, and villages in Vermont, examples of new development exhibiting growth center characteristics are rarer. A few communities have begun a process of creating new town centers or augmenting existing centers by planning and designing for the kind of compact, mixed-use, pedestrian-oriented development described above.

The Town of Essex is working in partnership with developers to design a new town center in a location identified for that purpose in the Town Plan. The center will include multi-story buildings on a grid of streets serving civic, commercial and residential purposes. Public parks and pedestrian/bicycle connections to nearby residential and commercial areas are integrated into plans for the town center.

The Town of Hinesburg is working to concentrate new development in its existing village and to improve the quality of life for village residents and businesses. Tools employed by the Town to expand and enhance the existing village include planning for inter-connecting streets, traffic calming for existing roads, a zoning bylaw that allows higher densities and a mix of uses in the village, design

GROWTH CENTER IMPLEMENTATION:

Achieving growth centers that include the characteristics set forth in the definition will require a comprehensive strategy which includes local, regional, and state levels of government. In addition, it is recognized that the private sector which will do most actual development within growth centers. Without participation by the private sector and full support and effective action at all three levels of government, the success of a growth center program will be marginal, at best.

LOCAL LEVEL: Implementing a growth center program requires an extensive planning effort at the local level to conceive of and specify exactly what the growth center(s) should be. This involves many things such as anticipated growth; designation of the growth center boundaries; specification of uses, densities both inside and outside of the growth center, circulation patterns, organization, possibly some visual design criteria; and identification of needed infra-structure (water, sewer, transportation facilities, etc.).

- o The Municipal Plan should include designation of the growth center(s), delineation of the area(s), and description of all of the characteristics that are needed to meet the criteria of a growth center, along with recommendations for other actions needed by the municipality to achieve the growth center(s) such as zoning, tax increment financing, impact fees, subdivision requirements, transferable development rights programs or special financing tools.

The Municipal Plan should make it clear that areas outside of the growth center(s) are to be kept at relatively low levels of use (except for existing centers that may already have compatible densities).

The Municipal Plan should include recommended capital improvements (infra-structure) needed to support the growth center(s), including transportation facilities, sewer and water services, schools, public buildings, and other facilities intended to form the growth center(s).

The Municipal Plan can also encourage the use of land trusts as a means of retaining the low density or open land uses of important tracts of land outside of the designated growth center.

Unit and Planned Residential Development provisions for growth center(s), design review provisions, Transferable Development Rights programs, special parking requirements, etc.

- o The Subdivision Regulations may also contain provisions to reinforce the image of the growth center when land is subdivided, such as special landscaping and street tree requirements, street patterns, special sidewalk requirements, and other physical improvements that may be set forth in the Municipal Plan.

In addition, municipalities can and should participate in Act 250 proceedings to support developments that are located in and consistent with their growth centers, and oppose developments that are inconsistent with growth center planning. Municipalities may also work through the Council of Regional Commissions to ensure that regional plans, plans of adjoining municipalities, and State Agency Plans are consistent with their approved municipal plans which include growth centers.

With effective local growth center planning, new development will be occurring in locations where growth is a given. The regulatory focus will need to focus less on WHETHER and WHERE development will occur and more on HOW. In order to accommodate higher densities and mixed uses, and to minimize conflicts and maintain a high quality of life, design issues will need to be better understood and addressed. Detail must be attended to in Growth Center planning.

- o The Regional Long Range Transportation Plan should recognize the implications of the growth centers and identify transportation projects and strategies needed to support the centers. Such projects should be given high priority for scheduling and funding. These should be incorporated into the regional Transportation Improvement Program (TIP).

The Regional Long Range Transportation Plan should also give strong consideration to alternative means of transportation that can support the growth centers, perhaps at the same time discouraging those transportation systems that promote sprawling development patterns.

Regional Planning Commissions should actively participate in Act 250 proceedings and support projects that are located within and consistent with planned growth centers and oppose proposed developments that are not consistent with planned growth centers.

Regional Planning Commissions also have the ability to seek to enforce the requirement that state agency plans be consistent with the goals and policies of Section 4302 of the Vermont Municipal and Regional Planning and Development Act--through the Council of Regional Commissions.

-
- * The Vermont Downtown Program;
 - * Waste Water Treatment Advance Planning Grant program;
 - * Urban forestry Program;
 - * Small Business Administration Loan and Technical Assistance programs;
 - * Transportation planning programs under the Intermodal Surface Transportation Efficiency Act (ISTEA)
- o Amend Chapter 117 to expressly authorize designation of growth center boundaries with the provision for higher densities and multiple uses within those boundaries and limited uses at lower densities outside of those boundaries.
 - o Target certain state funding to approved growth centers in approved municipal and/or regional plans, such as funding for water and sewer improvement projects, transportation facilities, economic development efforts, and various public building projects.
 - o Ensure that new state buildings are located in growth centers and reinforce growth center planning.
 - o Re-examine, and revise as needed, state construction standards in such areas as schools, transportation facilities, housing, and life safety codes, to ensure that they are able to respond to the special needs of growth centers.
 - o Amend the local road funding formula to promote transportation facilities that support growth centers and discourage road projects that proliferate sprawl patterns of development.
 - o Amend the local and state tax mechanisms to take the burden off of property taxes. This will remove the incentive to local communities to favor any development in any location, and allow more responsible land use planning at the local level.
-

6. The Vermont Planners Association should initiate a study of Vermont's property tax structure and the ways it effects patterns of land use.

Successful implementation of an effective growth center program will require strong political will and consistent decisions at the highest level, linked to strong local support. The Vermont Planners Association should take a lead role in meeting this challenge.

APPENDIX A.
HISTORICAL EVOLUTION OF THE GROWTH CENTER CONCEPT
IN VERMONT

HISTORICAL EVOLUTION: The evolution of the "Growth Center" concept in Vermont goes back at least two decades. In 1970, Act 250 (Vermont's Land Use and Development Law) contained review criteria which were directly related to patterns of development. These are found primarily in Criterion 9 and deal with the impact on the growth of the town or region (9-A); the costs of scattered development (9-H); and development affecting public investments (9-K).

In 1988 the Legislature passed Act 200 which amended Vermont's Municipal and Regional Planning and Development Act in several ways, including adding the goal of planning development so as to "maintain the historic settlement pattern of compact village or urban centers separated by rural countryside". Act 200 created the Municipal and Regional Planning Fund to be supported by revenues from the Property Transfer Tax, and to be used specifically to support local and regional planning efforts. Finally, Act 200 established the Council of Regional Commissions to serve as a vehicle to ensure compliance with the goals set forth in Section 4302 of the Planning Act.

Later in 1988, a Summer Study Committee began to focus on growth management planning and identify specific growth areas:

"Local Growth Area: An area within a municipality, with identifiable boundaries, which has the following characteristics:

- a) an existing built-up or village center serving the surrounding community where continual reinvestment will occur, or*
- b) an area within which vacant or underutilized land exists which is the target for growth at a higher intensity than surrounding areas based on the goals and policies of Act 200, or*
- c) an area with a combination of the above conditions, such as a village and the vacant land immediately surrounding it.*

Regional Growth Center: An area within a region which:

- a) is a focus for regional activities, including employment, trade, housing, and regional institutions and has the potential or need for reinvestment to support these activities, or*
- b) has vacant or underutilized land appropriate, based on Act 200 goals and policies, for projected development with a potential for regional impact, and which has or is programmed to have the infrastructure to serve such development.*

As one of those steps, the Department of Housing and Community Affairs, in April of 1996, issued its Consolidated Plan which included the following definitions of "growth Center":

"a land area (or areas) designated by a municipality in its duly adopted plan to accommodate concentrated commercial, residential and industrial growth over a twenty year period. The area designated will specify where the municipality desires growth to occur and where it has made or will make public investment to support such growth. The amount of land needed to accommodate growth over the twenty year period shall be calculated using an accepted methodology based on objective data. Municipalities should locate growth centers to avoid or to mitigate negative impacts on important resource areas and on lands of state-wide interests as designated in state agency plans required under VSA 4020. A growth center may take one of two forms:

a) compact settlement: an area sufficiently compact in size and providing for a mixture of civic, commercial, recreational and residential uses, and a density of development that enables and encourages use by pedestrians and, as such, encourages and enhances public transit options, car pooling, bicycle options, and shared parking where appropriate;

b) business park: an area designated for uses inappropriate to a compact settlement due to impacts such as noise or traffic generation, or to extensive space requirements. Heavy industry, warehousing, auto sales, and building supply sales are examples of such uses; office space, general retail and personal services are not. A business park is designed to have limited impact on the traffic moving function of adjacent highways by minimizing access points to the highways and by providing a well defined pattern of internal circulation."

- 2) Parties that have standing to a regional plan approval process include: municipalities in the region, other adjoining regions (See 24 VSA Section 4305(c)(2)).
- 3) Parties that have standing to a state agency plan approval process include: regional planning commissions, municipalities with approved plans; (See 24 VSA Section 4305(d)(3)). **EXAMPLE:** Kingsbury Bridge in Warren. The improvements proposed by the AOT do not conform with language in the approved Warren Town Plan. AOT must update its State Agency plan this year. When AOT brings its plan to the Council of Regional Commissions, or to public hearing, the municipality (Planning Commission or Select Board) could request that the Council review the State Agency plan for compliance with the municipal plan. (Note: Recent amendments to 19 VSA Section 10c require AOT bridge projects to be in compliance with local and regional plans.