

H.823 – FREQUENTLY ASKED QUESTIONS

Department of Housing and Community Development (DHCD)
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1. How does this bill help Downtowns?

The bill makes it easier and less expensive to develop in state Designated Downtowns by creating a no-fee, expedited state review process for projects that demonstrate no adverse impact on relevant Act 250 criteria and it accelerates state water and sewer main connection permits that are municipally approved and certified by a licensed designer. Changes are also proposed to give all state designated areas* priority consideration for state wastewater infrastructure funding.

2. What would this bill do to address housing needs in Vermont?

To help tackle the statewide housing shortage, the bill raises the number of “mixed-income” housing units that can be built before triggering Act 250 review in all state Designated Downtowns, New Town Centers, Growth Centers, and Neighborhood Development Areas (and Neighborhood Development Areas associated with Village Centers). It also modifies the definition of “mixed-income” for rental housing to require that 20% of the units be affordable to households making 80% (currently 60%) of county median household income for 20 years (currently 30 years).

3. Would this bill help protect important natural resources?

Yes. Many factors make it easier for development to sprawl out into the countryside rather than to locate in areas that are already developed. This bill would encourage infill and reduce the current cost of developing in state designated areas and other existing settlements. By promoting infill construction and making it more affordable to build in these areas, the bill would help protect important natural resources like farmland, forests, wildlife habitat, wetlands and flood plains from development. It also would encourage growth patterns that are less auto-dependent, promote more walking and biking options and reduce greenhouse gas emissions.

4. Would this bill exempt development from local regulations, or conflict with local regulations?

No. This bill includes no changes to municipal regulatory authority, nor does it alter Act 250’s Criterion 10 that requires conformance with local municipal plans.

5. Does this bill weaken Act 250?

No. As noted above, the bill creates an expedited state review process within state Designated Downtowns only (historically, about 2 projects a year). The proposed process allows State Agencies and the Natural Resources Board (not District Commissions) to review project impacts on transportation, historic buildings, natural resources and state lands. Public participation in the process is maintained with notices sent to neighbors and other interested parties who may submit comments, request a hearing and appeal the decision to Environmental Court. The bill also proposes changes to Criterion 9(L) to help infill existing strip development and promote the efficient use of land and infrastructure. Finally, the bill adds language to Criterion 5 (transportation) to ensure, when appropriate, that a variety of transportation options including walking, biking, and public transportation are considered.

6. How would this bill change how impacts to primary agricultural soils are mitigated?

Currently, projects that trigger Act 250 Criterion 9(B) must mitigate the loss of primary agricultural soils on-site, unless a District Commission determines that off-site mitigation is appropriate. The off-site mitigation payment ratio is between 2:1 and 3:1, depending on the quality of the soils. The money for off-site mitigation is then used to purchase agricultural soils elsewhere. Currently, projects within designated Growth Centers may pay to mitigate off site at a ratio of 1:1 and this bill proposes to extend this benefit to Designated Downtowns, their associated Neighborhood Development Areas and to existing New Town Centers. These additional areas amount to approximately 0.03% of Vermont’s total land area.

*state Designated Downtowns, Village Centers, New Town Centers, Growth Centers and Neighborhood Development Areas

7. What are the implications of the proposed change to the Act 250 Criterion 9(L)?

The bill replaces the current 9(L) “rural growth areas” with a criterion called “settlement patterns.” The new criterion requires that projects outside existing settlement areas be designed in a way that does not establish, extend, or contribute to a pattern of strip development. This criterion does not apply to residential development and any development, redevelopment or subdivision within existing settlement areas would automatically comply with Criterion 9(L).

Examples of “strip development” and new development alternatives



Before Development

Strip Development

New Development Alternative

8. How many projects obtain Act 250 permits annually and how many applications are denied?

	2008	2009	2010	2011	2012	2013
Total applications	439	380	355	330	340	295
-Major (hearing)	102	70	60	61	73	62
-Minor (no hearing)	337	310	295	269	267	233
Denials	2	5	2	3	3	5
Denials as %	0.45%	1.3%	0.56%	0.9%	0.88%	1.69%

9. Will the proposed definition of “strip development” apply to industrial parks?

The proposed definition of “strip development” only applies to larger scale “linear commercial development along a public highway” with broad road frontage and without shared road access. Industrial parks generally have shared road access and are not planned or developed in a way that would be characterized as “strip development.”

10. What would this bill do to the cost of development and municipal budgets?

A national survey of 17 case studies found that compact development in and around centers costs an average of 38% less than strip development, for upfront costs for new construction of roads, sewers, water lines and other infrastructure, while saving municipalities an average of 10% on police, ambulance and fire service costs. Additionally, on a per-acre basis, compact development patterns produce far more tax revenue than strip development. *SOURCE: Building Better Budget - A National Examination of the Fiscal Benefits of Smart Growth Development. 2013. Report by Smart Growth America with funding from the U.S. Department of Housing and Urban Development.*

11. Would this bill make it easier or harder to develop wind turbines and other renewable energy facilities?

Neither. This bill does nothing to change any laws related to wind development or any other renewable energy facilities.