

CRITERION 9(L) GUIDANCE



Agenda



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Overview



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Section by Section

1. Existing Settlement Determination
2. Efficient Use Requirement
3. Strip Development Evaluation



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Questions / Discussion

Overview

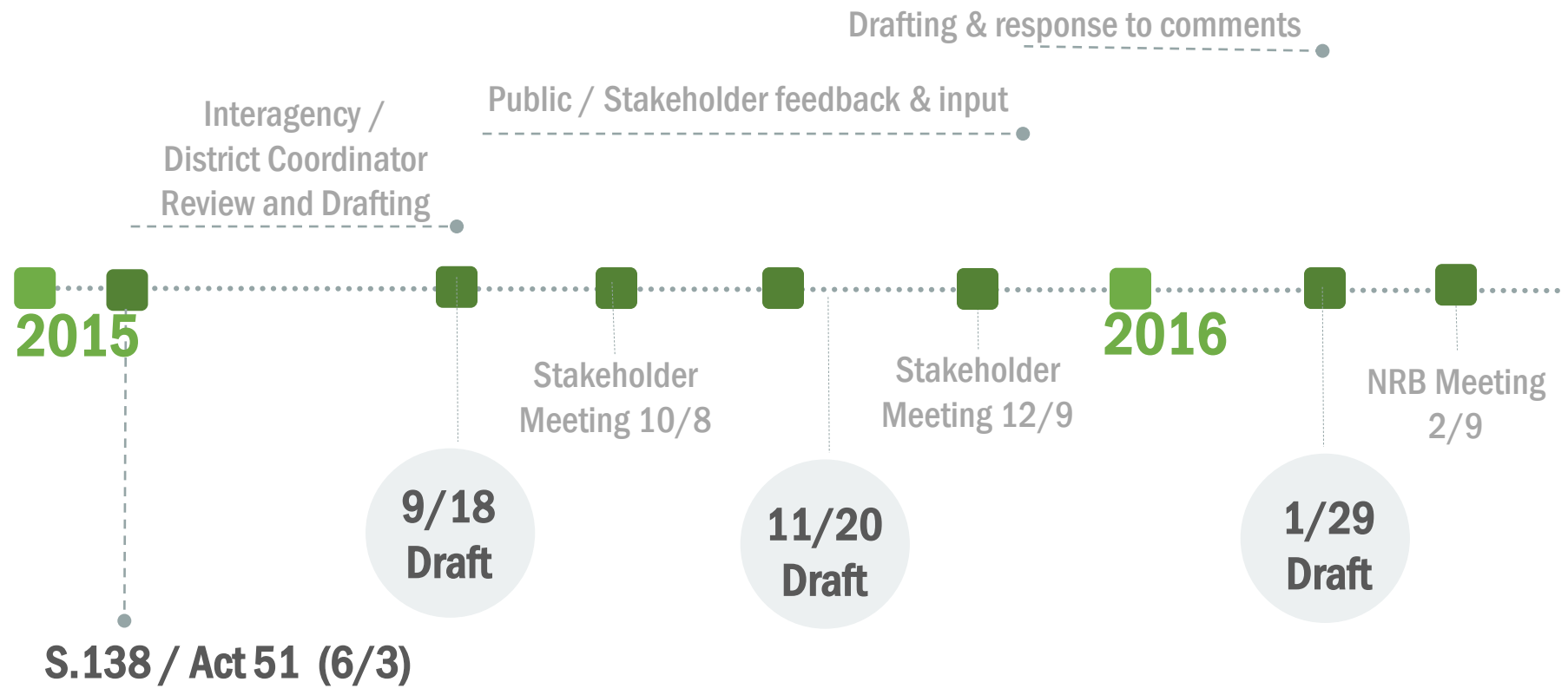


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S.138 / Act 51

“The General Assembly determines that additional opportunity for public comment on the Criterion 9L Procedure, as well as additional education and improved guidance, would be beneficial in implementing the criterion.”

- **Collaborative Review of the Procedure**
- **Develop Outreach Material**



2015

2016

Interagency /
District Coordinator
Review and Drafting

Public / Stakeholder feedback & input

Drafting & response to comments

**9/18
Draft**

**11/20
Draft**

**1/29
Draft**

Stakeholder
Meeting 10/8

Stakeholder
Meeting 12/9

NRB Meeting
2/9

Overview



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Participants in Process

Associated Industries of Vermont; Barre Area Development Corporation; Chittenden County Regional Planning Commission; Conservation Law Foundation; Downs Rachlin Martin; Greater Burlington Industrial Corporation; Homebuilders and Remodelers of Northern Vermont; Hollister Hill Consulting; Lake Champlain Chamber of Commerce; Lamoille County Regional Planning Commission; MMR; Northwest Regional Planning Commission; Northerneastern Vermont Development Association; Preservation Trust Vermont; S.D. Ireland Companies; Two Rivers-Ottawquechee Regional Commission; Vermont Association of Planning and Development Agencies; Vermont Association of Realtors; Vermont Chamber of Commerce; Vermont League of Cities and Towns; Vermont Natural Resources Council; Vermont Planners Association; White & Burke and individuals from across Vermont.

Overview

Criterion 9(L)

Settlement patterns. To promote Vermont's historic settlement pattern of compact village and urban centers separated by rural countryside, a permit will be granted for a development or subdivision outside an existing settlement when it is demonstrated by the applicant that, in addition to all other applicable criteria, the development or subdivision:

- (i) will make efficient use of land, energy, roads, utilities, and other supporting infrastructure; and*
- (ii) (I) will not contribute to a pattern of strip development along public highways; or*

(II) if the development or subdivision will be confined to an area that already constitutes strip development, will incorporate infill as defined in 24 V.S.A. § 2791 and is designed to reasonably minimize the characteristics listed in the definition of strip development under subdivision 6001(36) of this title.

10 VSA § 6086 (9)(L)

Criterion 9(L)

1

Settlement patterns. To promote Vermont's historic settlement pattern of compact village and urban centers separated by rural countryside, a permit will be granted for a development or subdivision outside an existing settlement when it is demonstrated by the applicant that, in addition to all other applicable criteria, the development or subdivision:

2

1. Will make efficient use of land, energy, roads, utilities, and other supporting infrastructure; and

3

2. i) will not contribute to a pattern of strip development along public highways; or
ii) if the development or subdivision will be confined to an area that already constitutes strip development, will incorporate infill as defined in 24 V.S.A. § 2791 and is designed to reasonably minimize the characteristics listed in the definition of strip development under subdivision 6001(36) of this title.

Criterion 9(L)

①

Existing Settlement Determination

②

Efficient Use Requirement

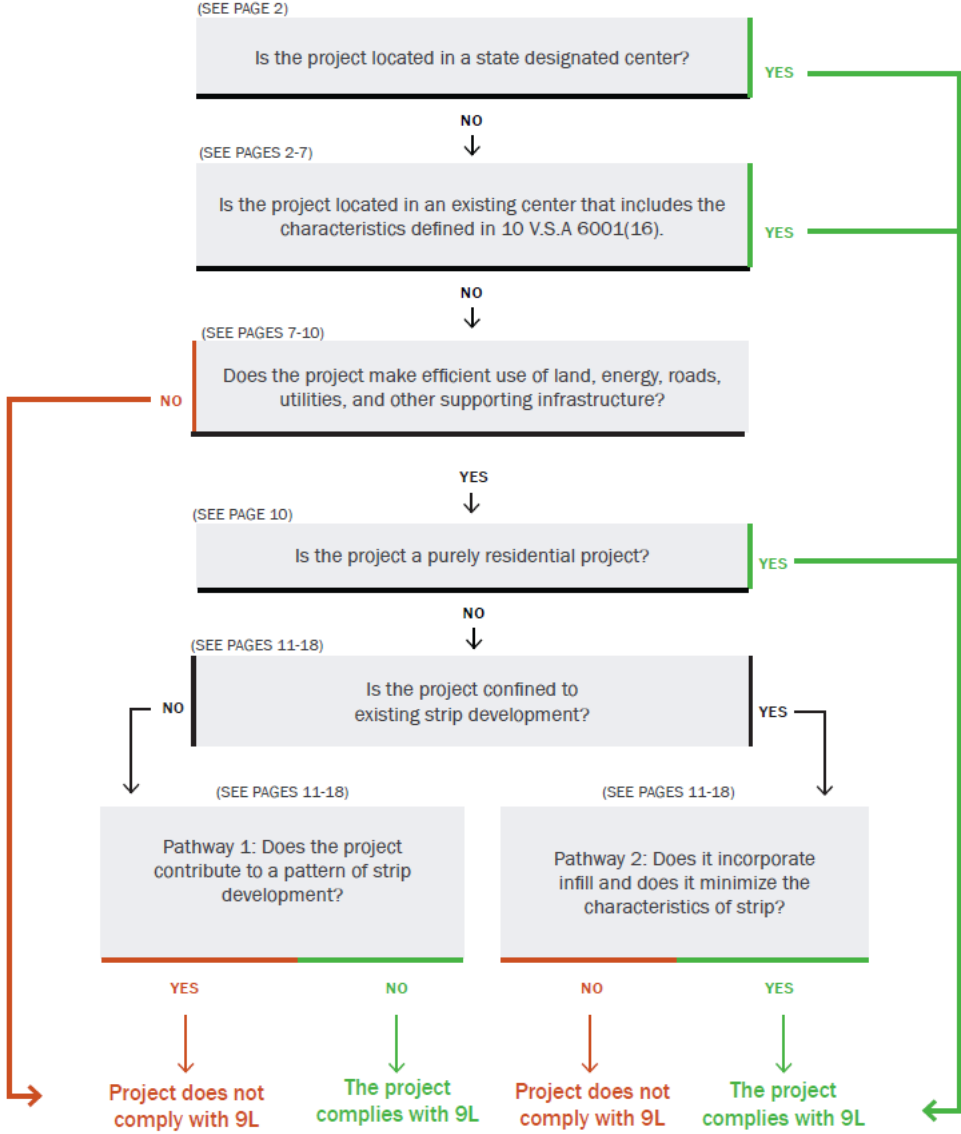
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Strip Development Evaluation

Pathway 1

Pathway 2

**STATE OF VERMONT
NATURAL RESOURCES BOARD
GUIDANCE: CRITERION 9(L) FLOWCHART**

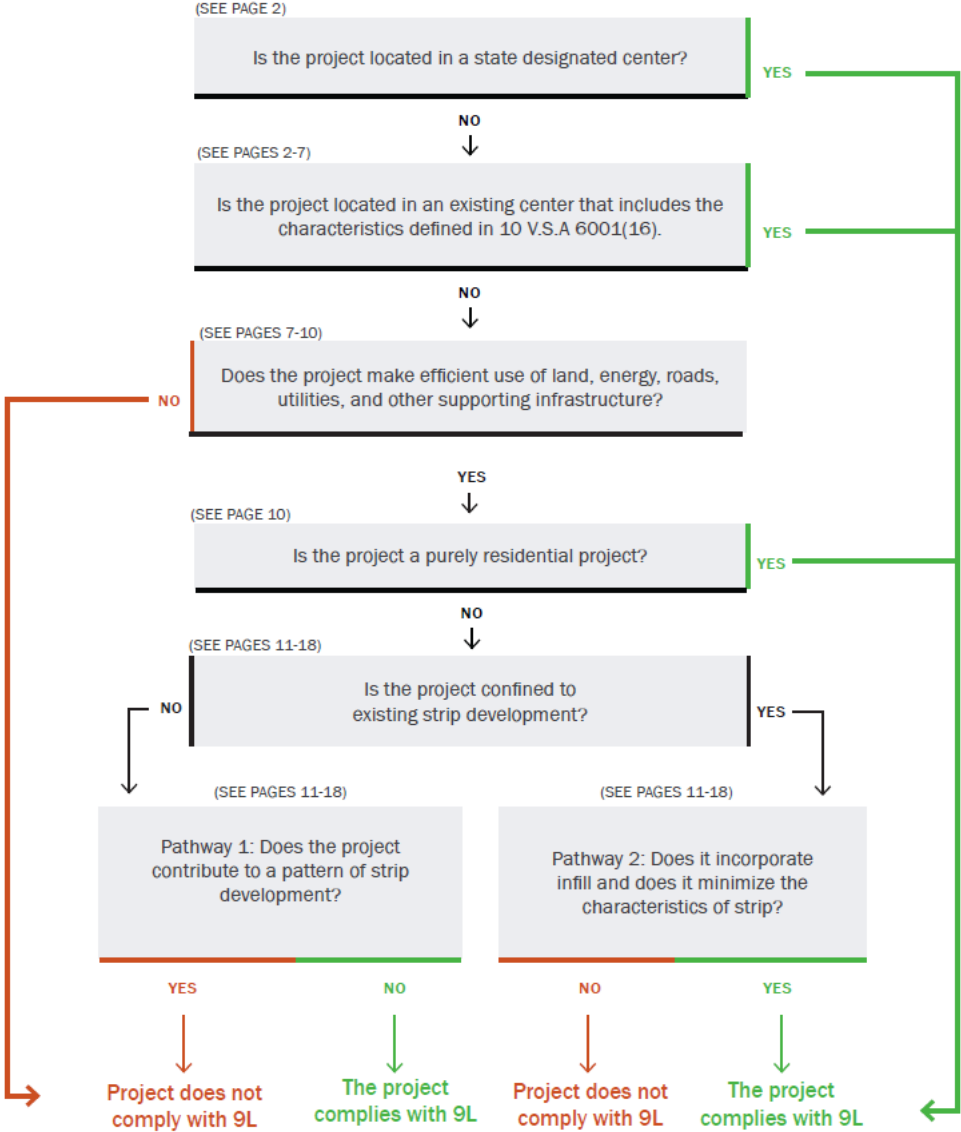


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NATURAL RESOURCES BOARD
GUIDANCE: CRITERION 9(L) FLOWCHART**

Existing Settlement
Determination

Efficient Use
Requirement

Strip Development
Evaluation



Criterion 9(L)

①

Existing Settlement Determination

②

Efficient Use Requirement

③

Strip Development Evaluation

Pathway 1

Pathway 2

Existing Settlement Determination

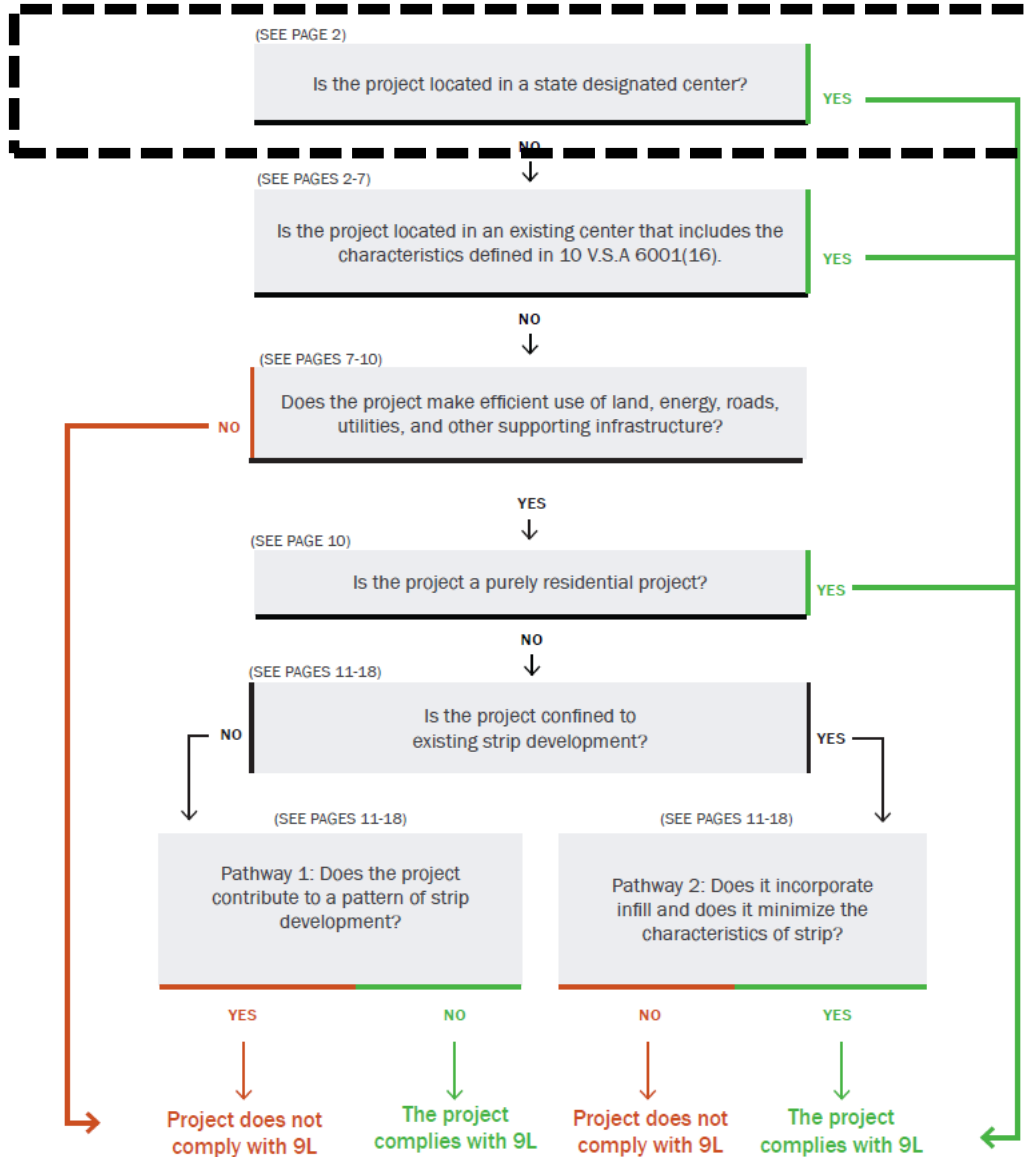
①

..... State Designated Center; or

②

..... An existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the settlement; and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit and public parks or greens 10 VSA 6001(16).

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State Designated Centers



Downtowns



Village Centers



Growth Centers



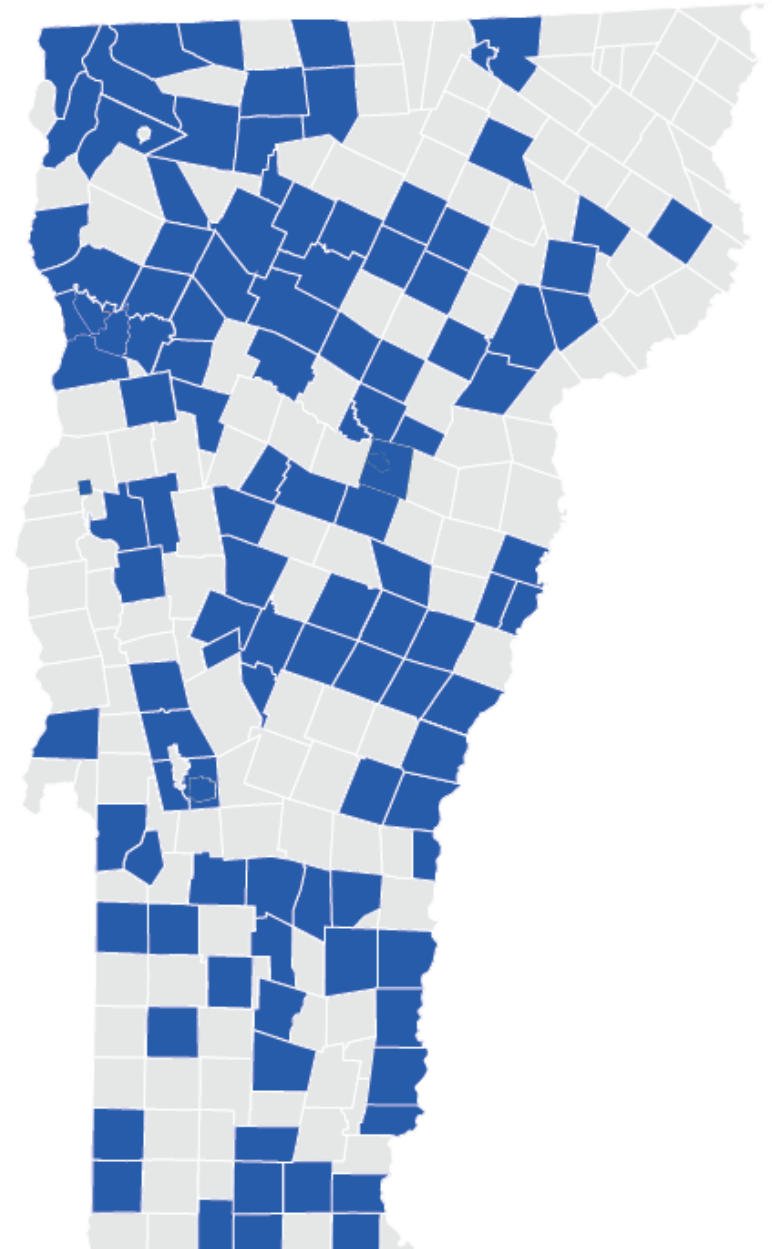
New Town
Centers



Neighborhood
Development Areas

160

Designated Centers



Municipalities with State Designated Centers

Community Planning & Revitalization
Click here for more information on the Smart Growth programs

Enter address

Lookup by E911 add...
Enter the address
Street
Town Select Town...
Locate Clear

Smart Growth Program Details
Tax Credits for Downtowns & Villages (do
Downtown Program Website

bing

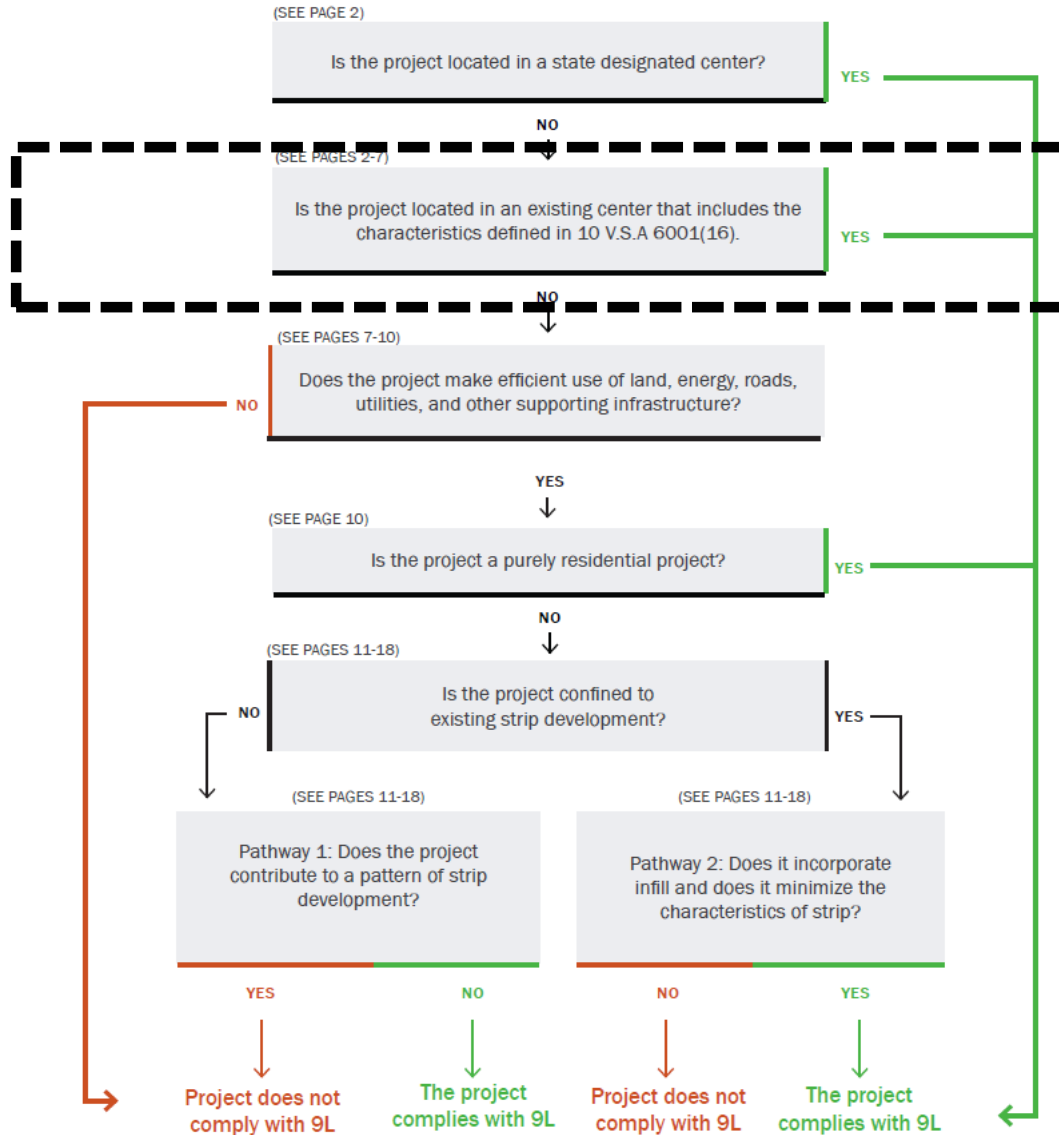
10 km
5 mi

72° 32' 16" W 44° 39' 53" N

ACCD / DHCD - HP | ACCD - DHCD | © 2015 Microsoft Corporation, Earthstar Geographics...

The screenshot displays a web-based map application for Vermont's Smart Growth programs. The interface includes a top navigation bar with the title 'Community Planning & Revitalization' and a search bar for entering an address. A search overlay is active on the left, allowing users to look up locations by E911 address, street, or town. The map shows various Vermont towns, with 'St Albans' highlighted in red. A 'Smart Growth Program Details' popup is visible in the bottom right, providing links to 'Tax Credits for Downtowns & Villages' and the 'Downtown Program Website'. The map also features a scale bar (0-10 km, 0-5 mi) and coordinate information (72° 32' 16" W, 44° 39' 53" N) in the bottom left corner. The footer contains copyright information for 2015 Microsoft Corporation and Earthstar Geographics.

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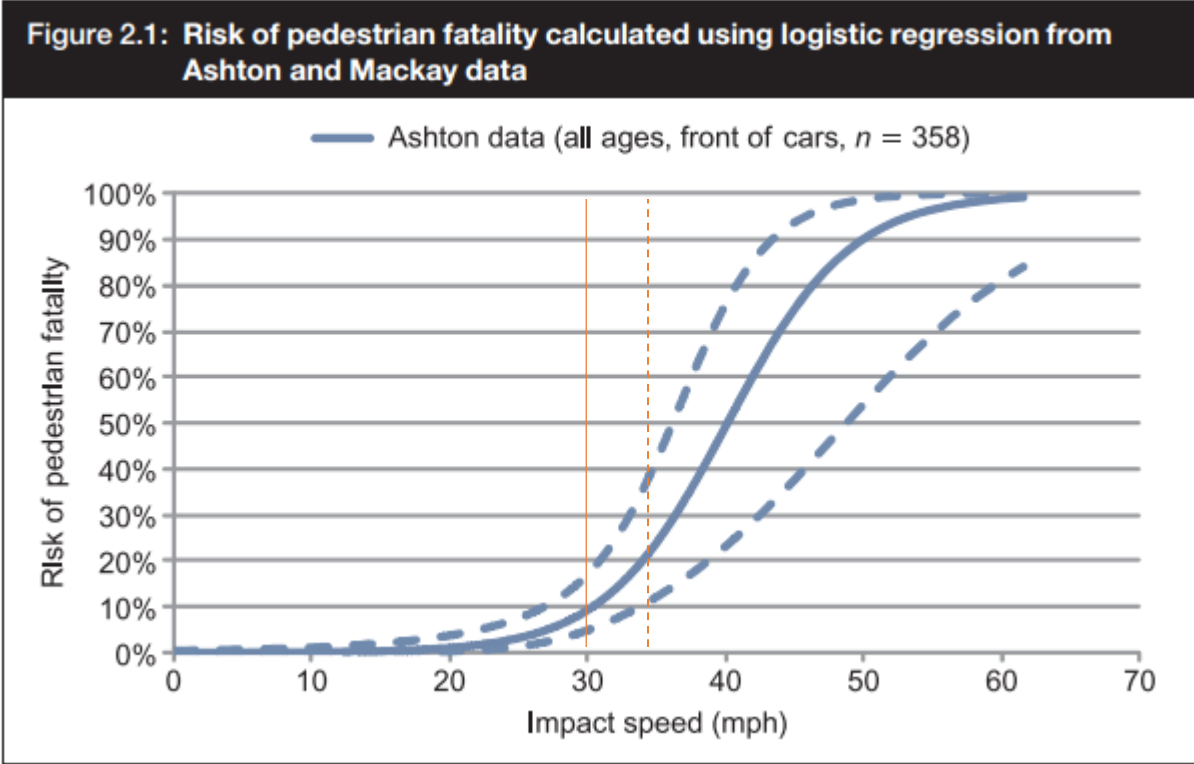
Existing Settlement Determination

An existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the settlement; and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit and public parks or greens 10 VSA 6001(16).

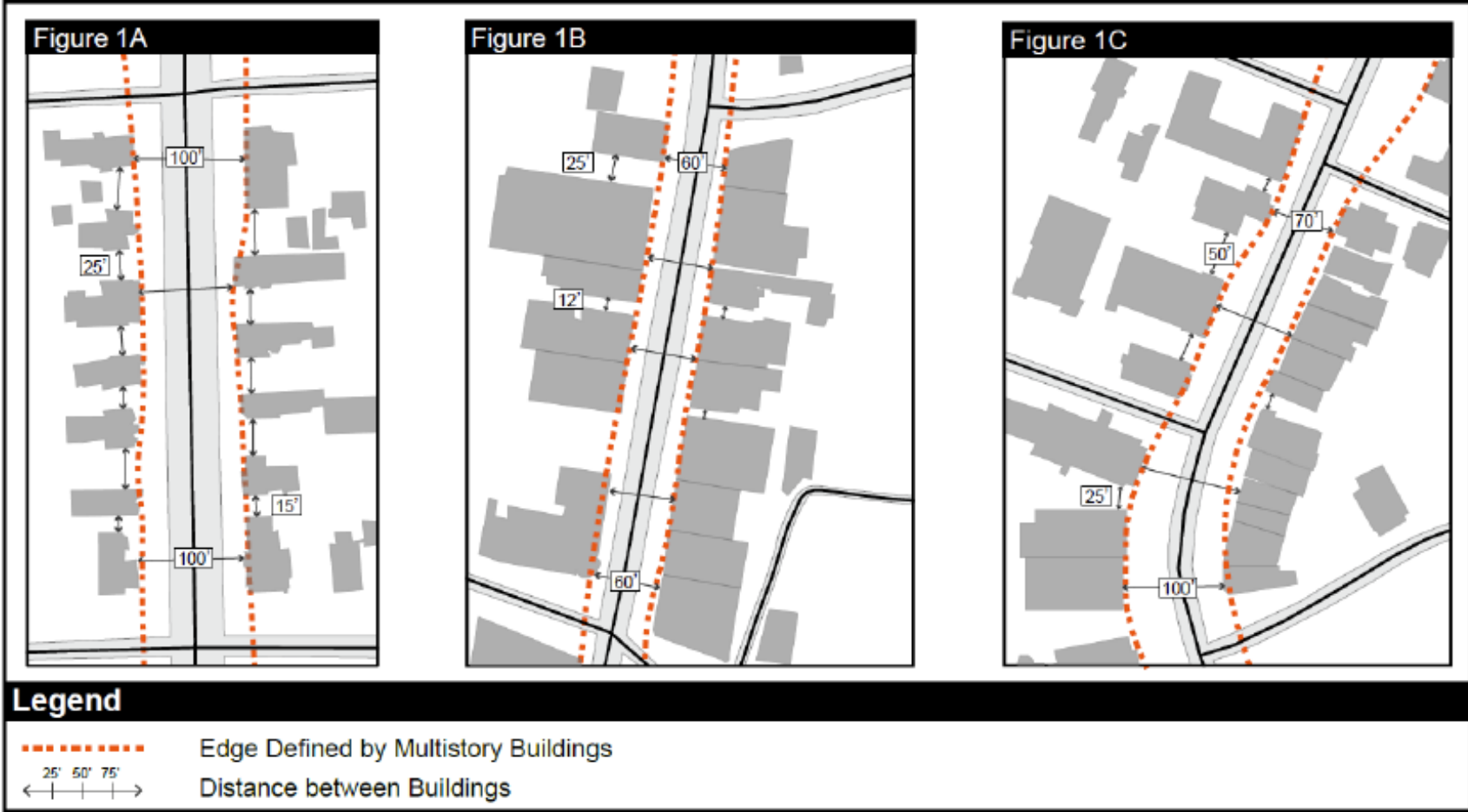
The characteristics of a compact center include: relatively high density, mixed land uses (such as residential/commercial/civic/recreation etc.), opportunities for social interaction, and contiguous building patterns designed to encourage walking and cycling.

Existing Settlement Determination

An existing center that is compact in form and size;



Existing Settlement Determination

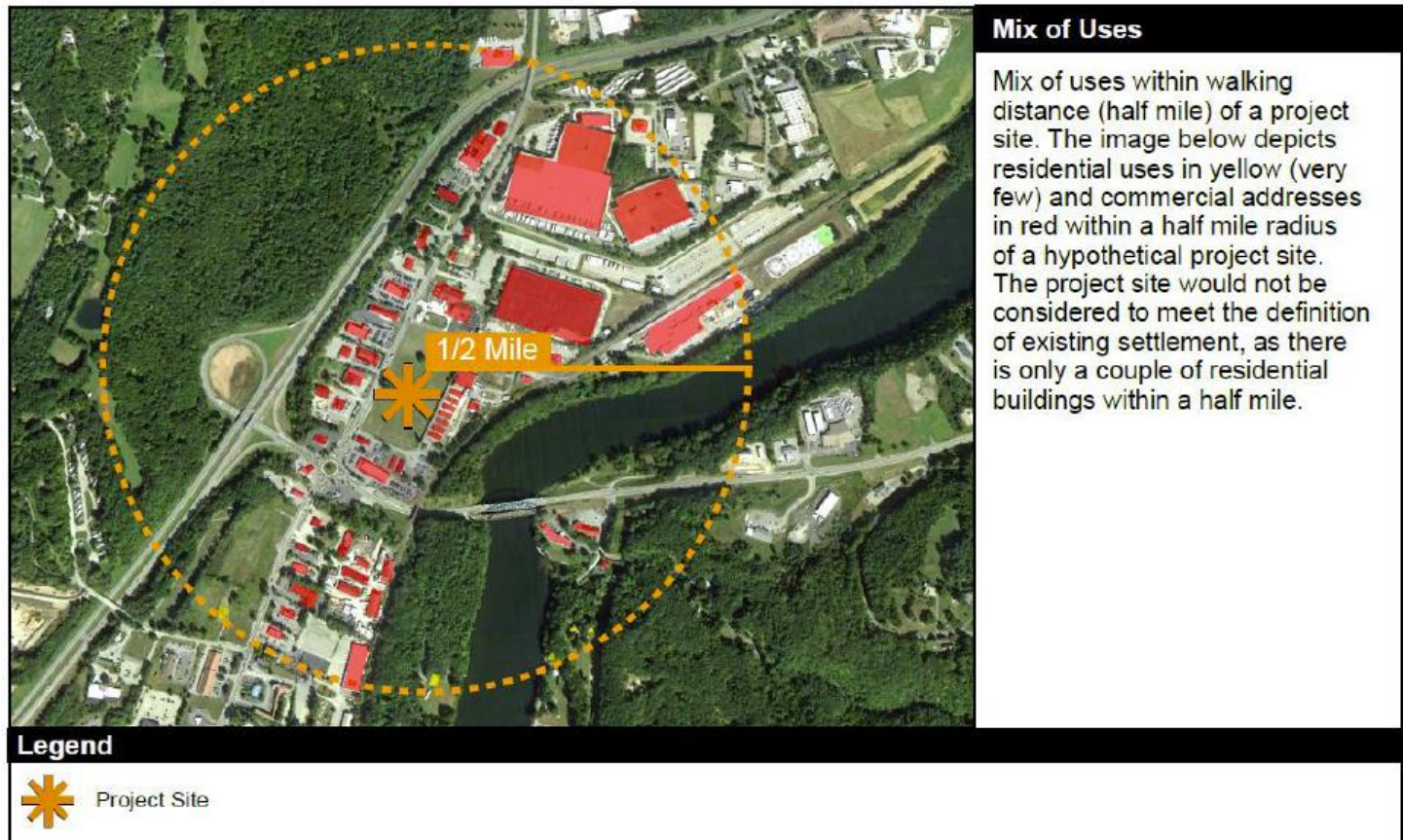


Existing Settlement Determination

An existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the settlement; and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit and public parks or greens 10 VSA 6001(16).

Existing Settlement Determination

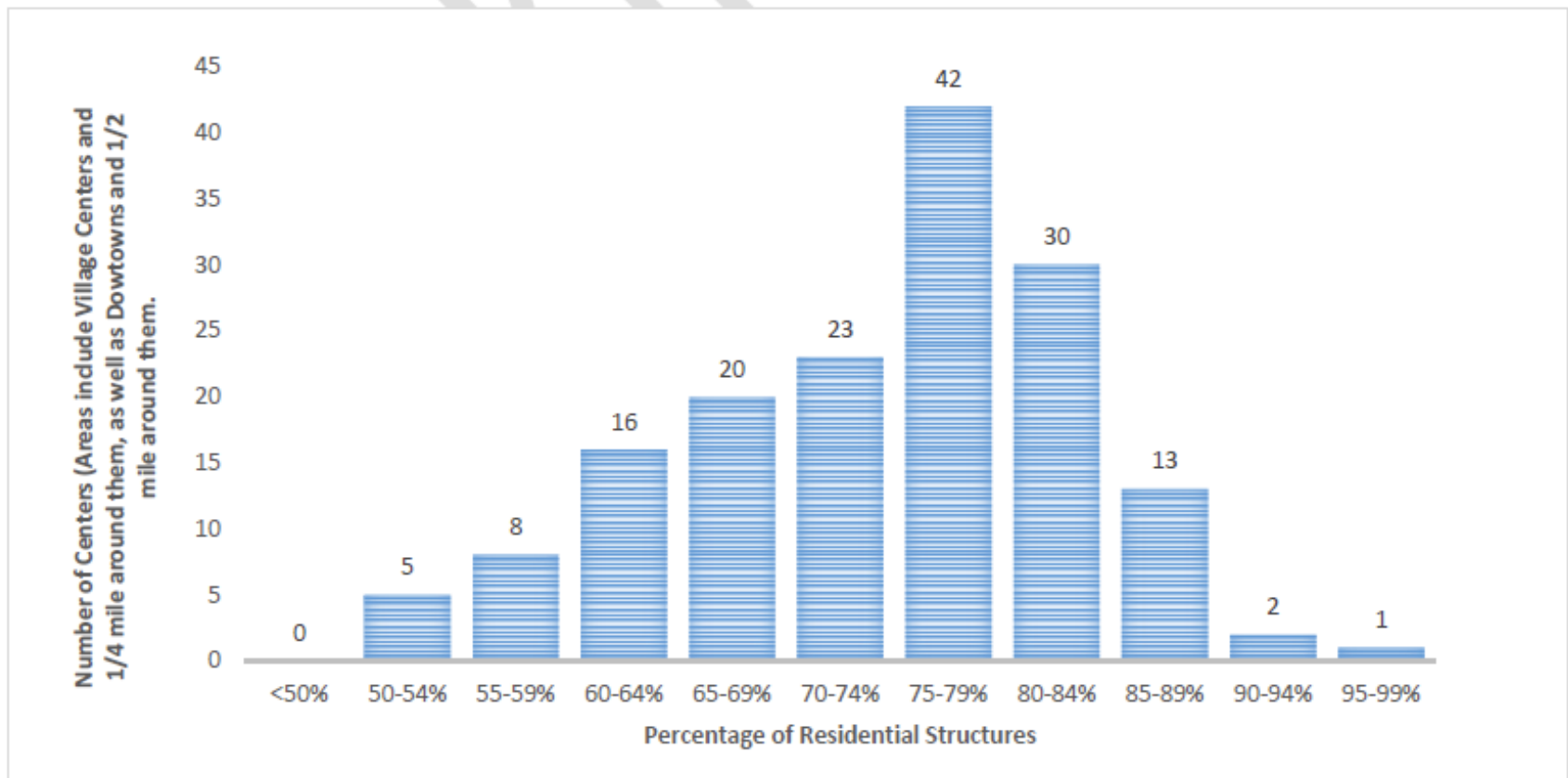
Mixture of uses that include a substantial residential component and that are within walking distance of each other;



Existing Settlement Determination

Mixture of uses that include a substantial residential

FIGURE 3: Percentage of Residential Structures in and Around Villages and Downtowns

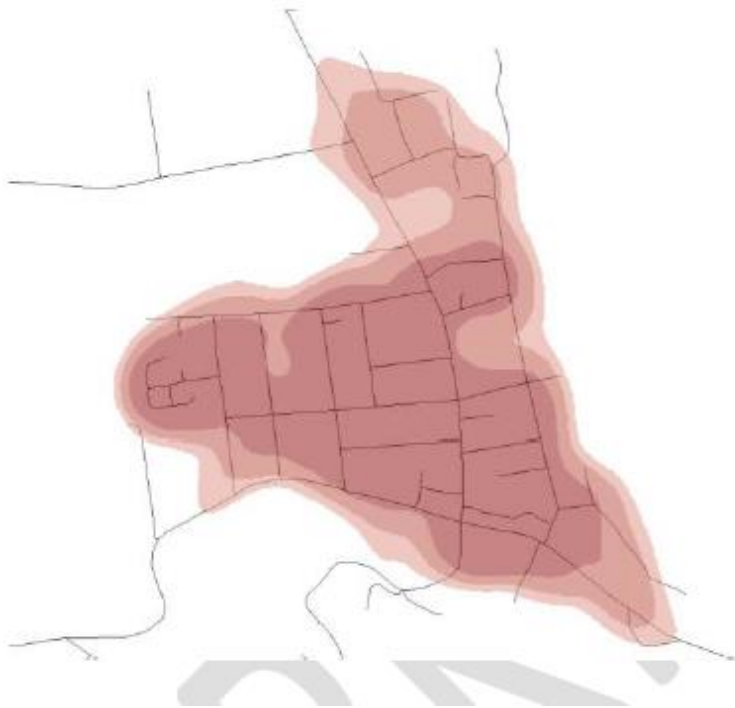


Existing Settlement Determination

An existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; **that has significantly higher densities than densities that occur outside the settlement;** and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit and public parks or greens 10 VSA 6001(16).

Existing Settlement Determination

Has significantly higher densities than densities that occur outside the settlement;

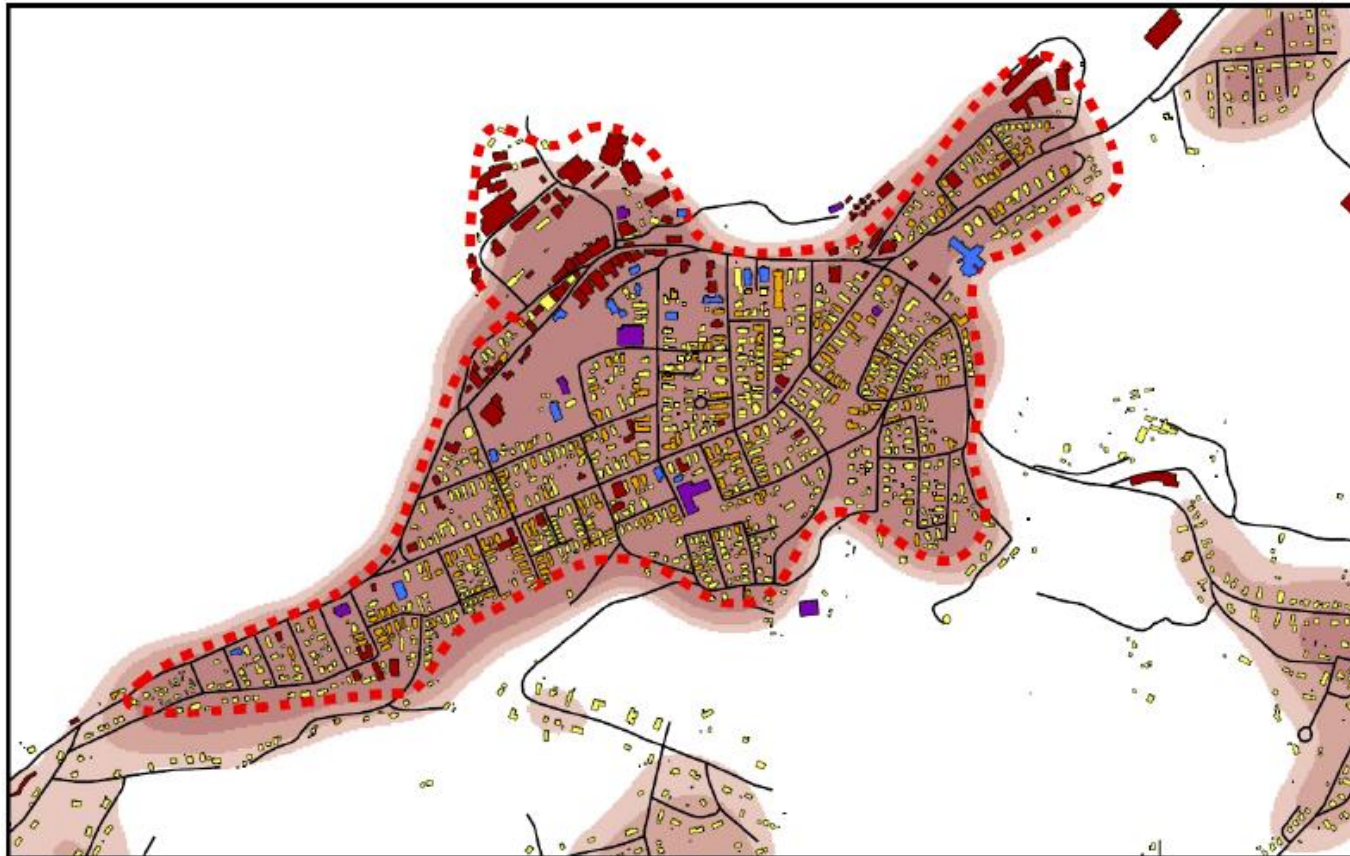


E-911 Point Density for habitable structures

Existing Settlement Determination

An existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the settlement; and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit and public parks or greens 10 VSA 6001(16).

Existing Settlement Determination



Legend

- | | |
|-----------------------------|------------------------------|
| ■■■ Existing Settlement | ■ Multifamily Residential |
| ■ Medium Density | ■ Commercial and Mixed Use |
| ■ High Density | ■ Government and Educational |
| ■ Highest Density | ■ Cultural and Institutional |
| ■ Single Family Residential | |

Criterion 9(L)

①

Existing Settlement Determination

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Efficient Use Requirement

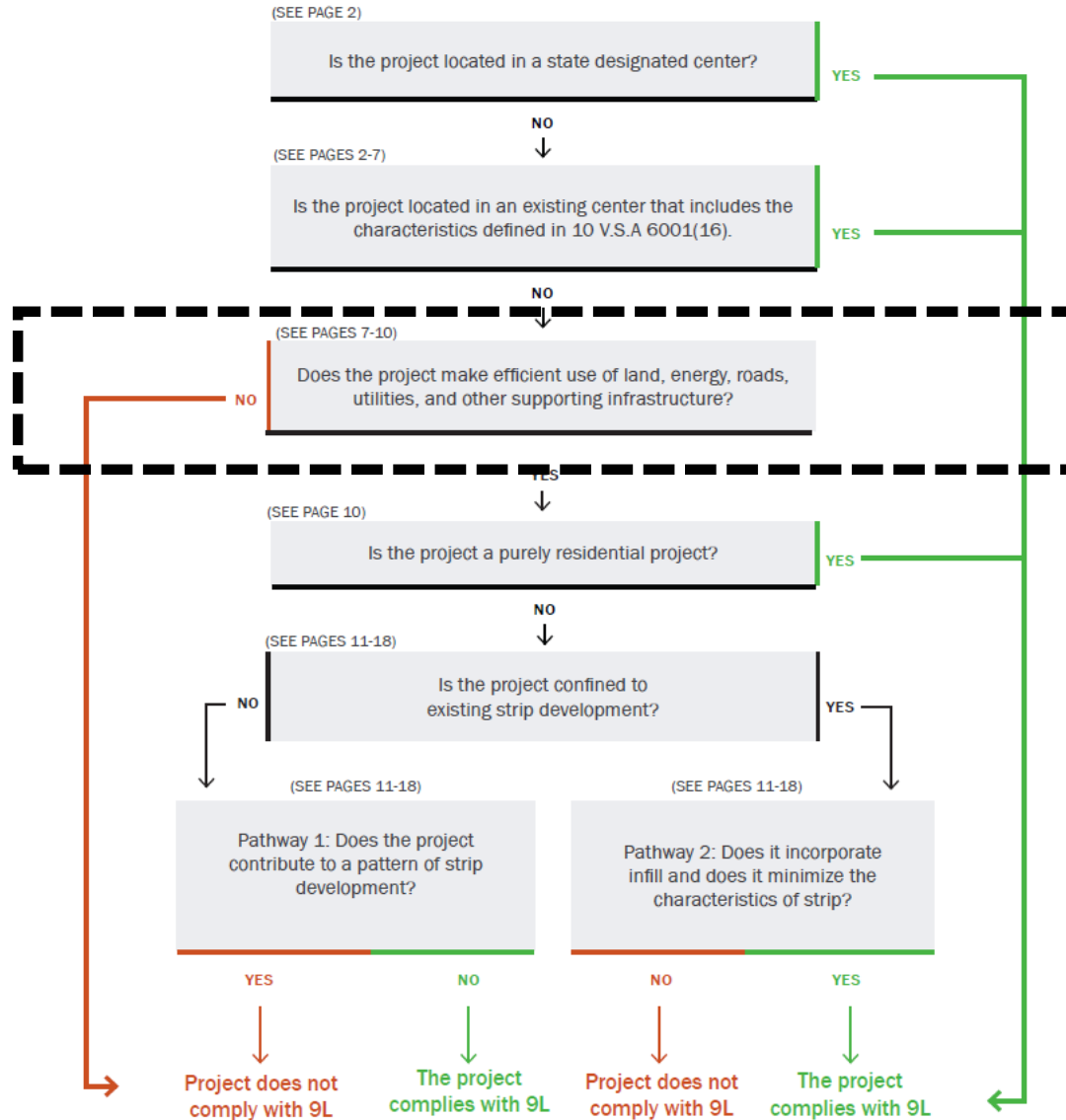
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Strip Development Evaluation

Pathway 1

Pathway 2

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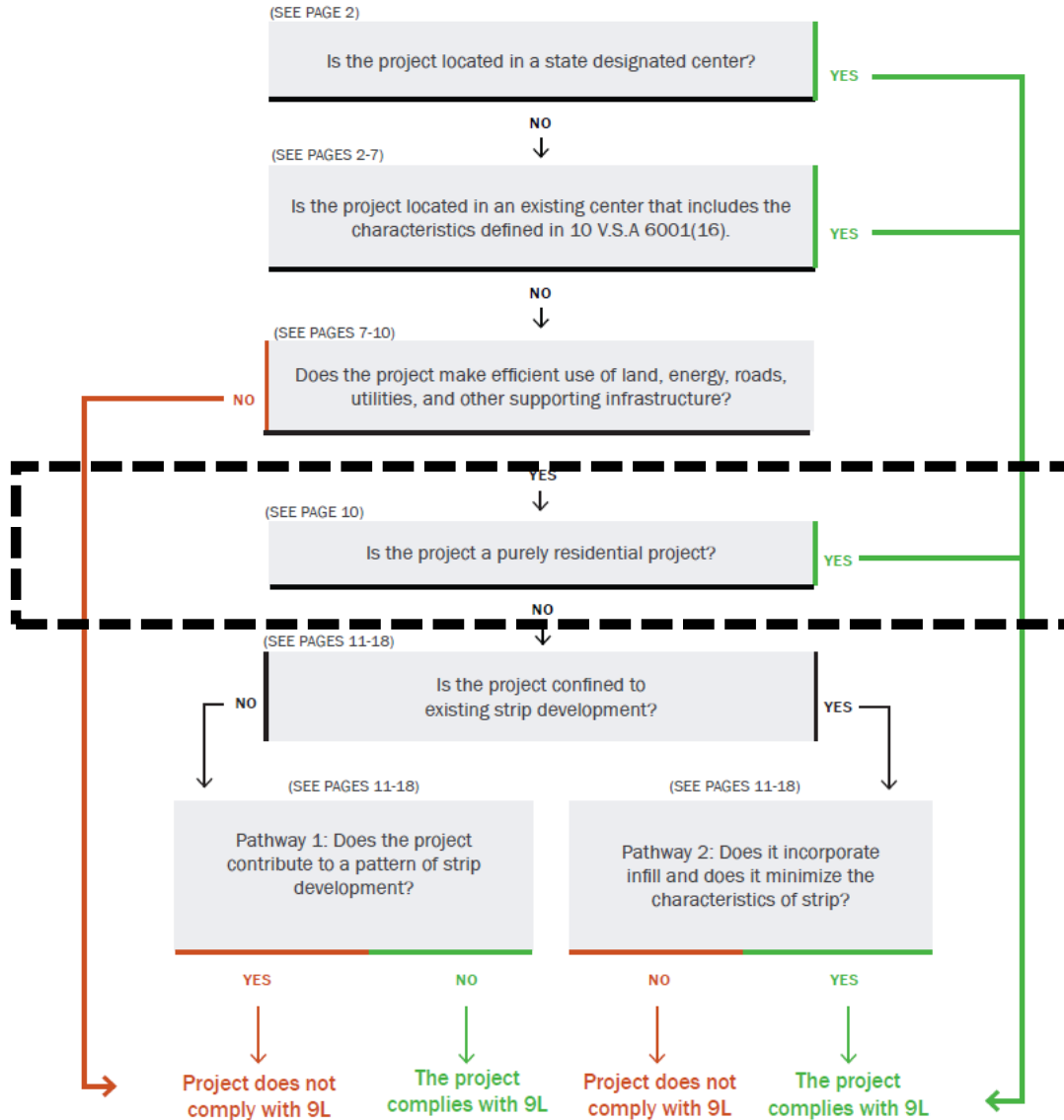
Efficient Use Requirement

Efficient use of land, energy, roads, utilities and other infrastructure.

General strategies to increase efficient use include:

- consolidating and coordinating utilities;
- consolidating and coordinating access;
- mixing uses, such as residential, office and retail;
- multistory buildings;
- clustering development;
- minimizing off street parking and using shared parking;
- using on street parking, which generally utilize half the space of off-street lots;
- planning to accommodate future development;
- design that fosters a grid network of roads;
- redeveloping existing buildings and site;
- minimizing setbacks;
- building energy efficient structures;
- integrating renewable energy generation.

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Criterion 9(L)

①

Existing Settlement Determination

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Efficient Use Requirement

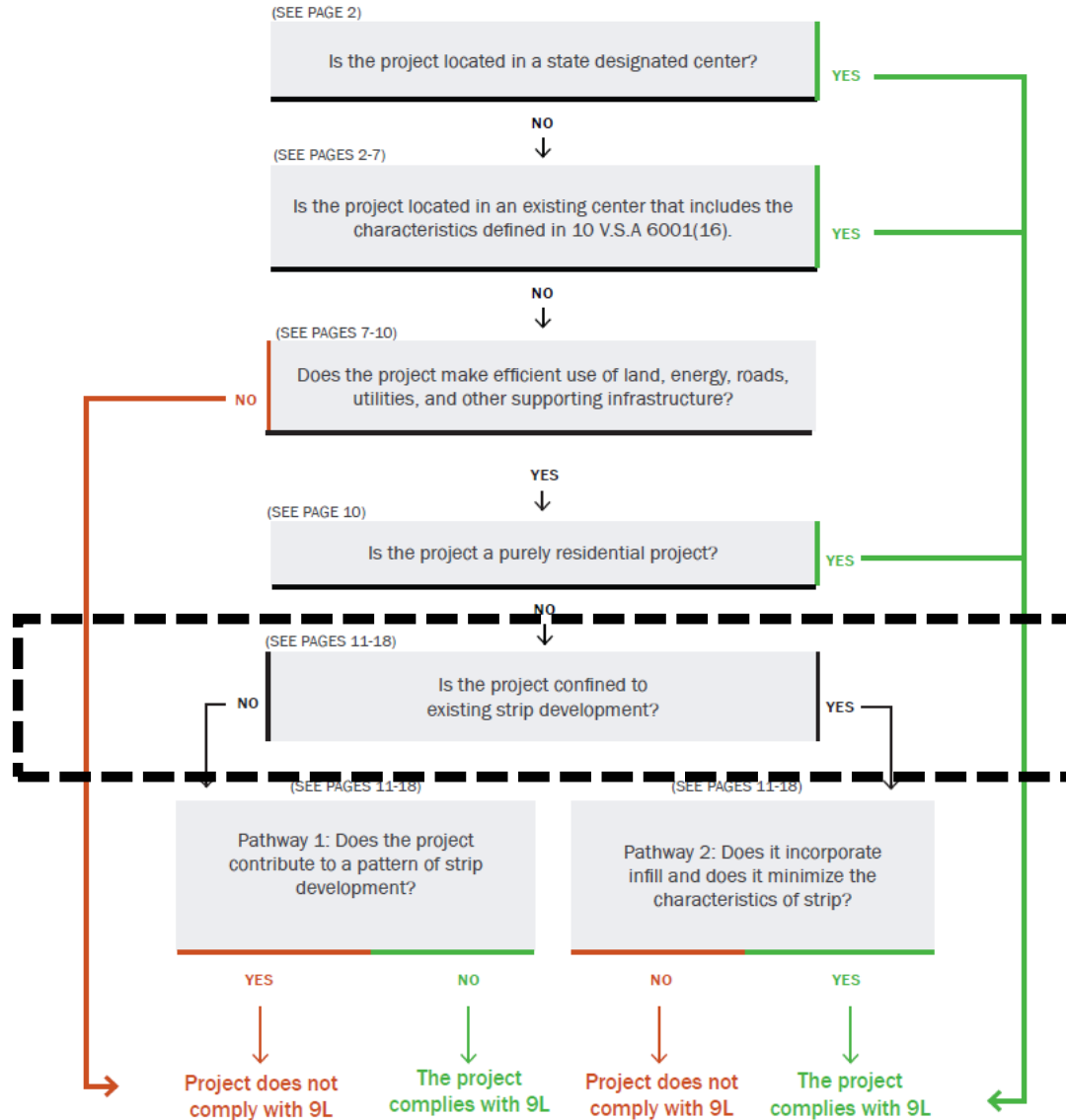
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Strip Development Evaluation

Pathway 1

Pathway 2

STATE OF VERMONT NATURAL RESOURCES BOARD GUIDANCE: CRITERION 9(L) FLOWCHART



Strip Development Evaluation

Definition of Strip Development

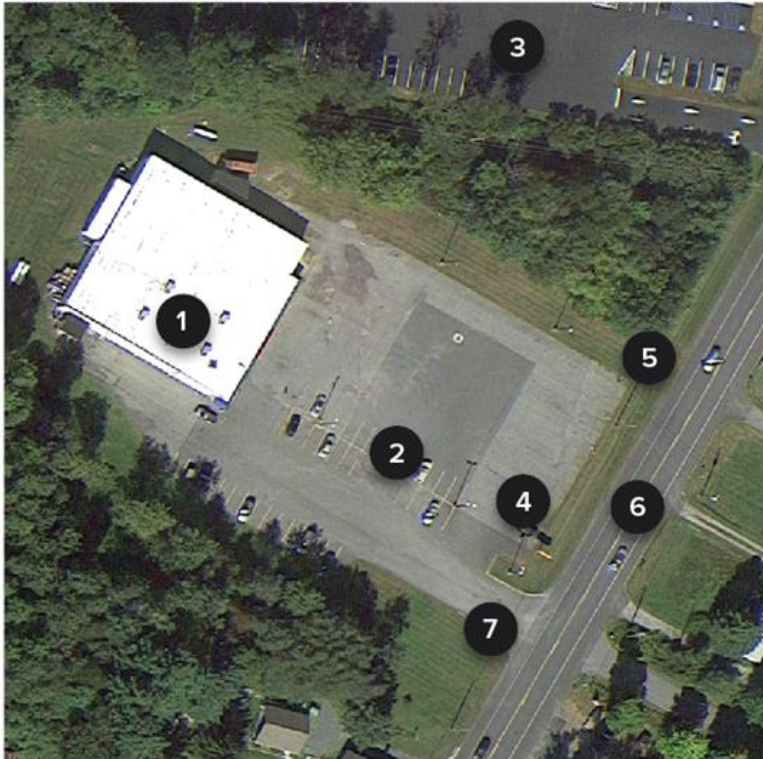
Strip development means linear commercial development along a public highway that includes three or more of the following characteristics:

1. broad road frontage
2. predominance of single-story buildings
3. limited reliance on shared highway access
4. lack of connection to any existing settlement except by highway
5. lack of connection to surrounding land uses except by highway
6. lack of coordination with surrounding land uses
7. limited accessibility for pedestrians

In determining whether a proposed development or subdivision constitutes strip development, the District Commission shall consider the topographic constraints in the area in which the development or subdivision is to be located.

Strip Development Evaluation

Definition of Strip Development



- 1 Single story
- 2 Limited accessibility for pedestrians
- 3 Lack of connection to surrounding land use except by highway
- 4 Lack of coordination with surrounding land use
- 5 Broad road frontage
- 6 Lack of connection to existing settlement except by highway
- 7 Exclusive Access Drive

Strip Development Evaluation

PATHWAY 2: If a project is confined to an area that already constitutes strip development, compliance with 9(L) may be demonstrated if the projects incorporates infill and is designed to reasonably minimize the characteristics of strip development.

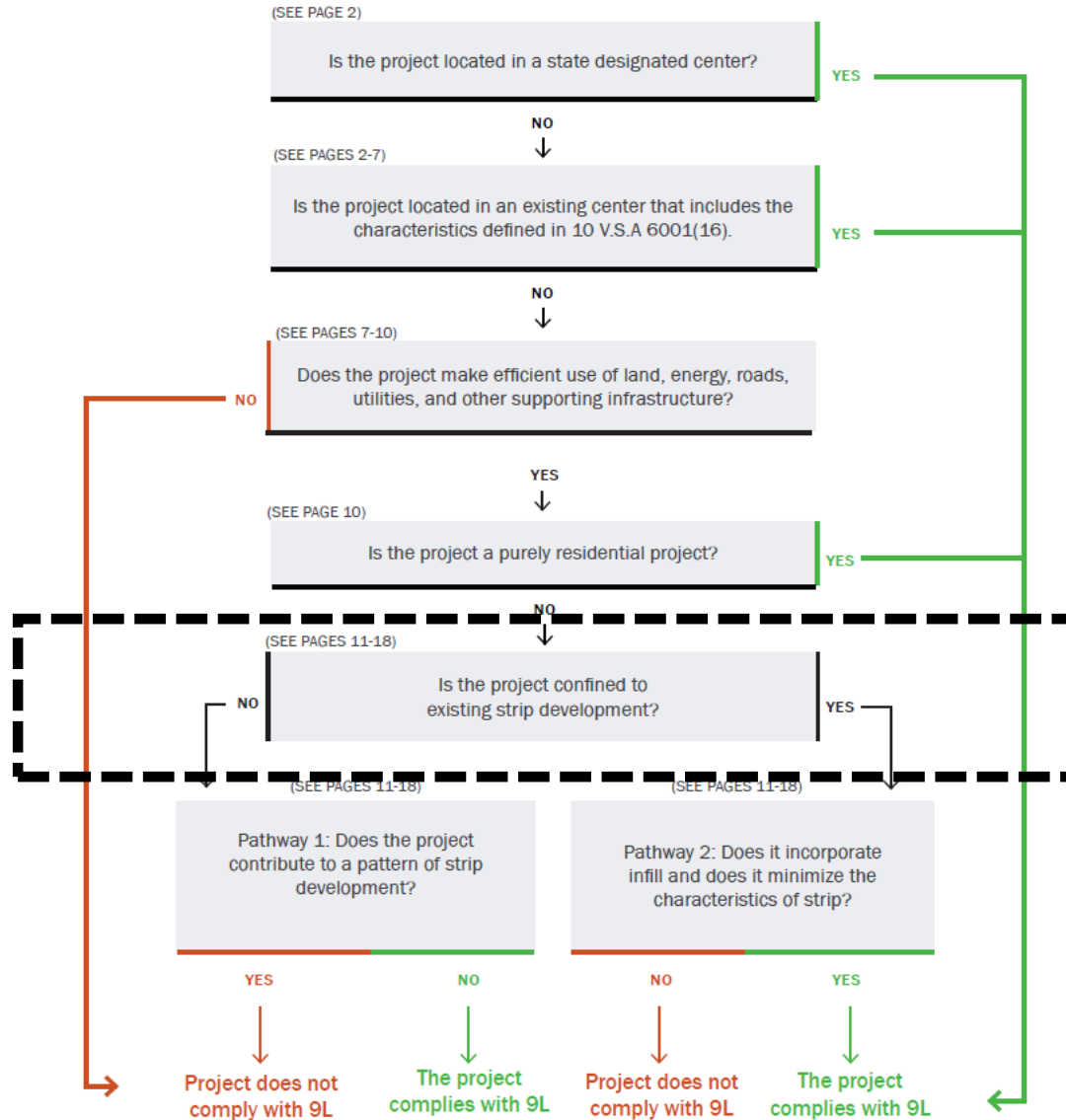
A project is “confined to” existing strip development if it is surrounded by strip development on both sides of the project along the same side of the public highway, not merely near other strip development or in an area of scattered development or sprawl.

Strip Development Evaluation

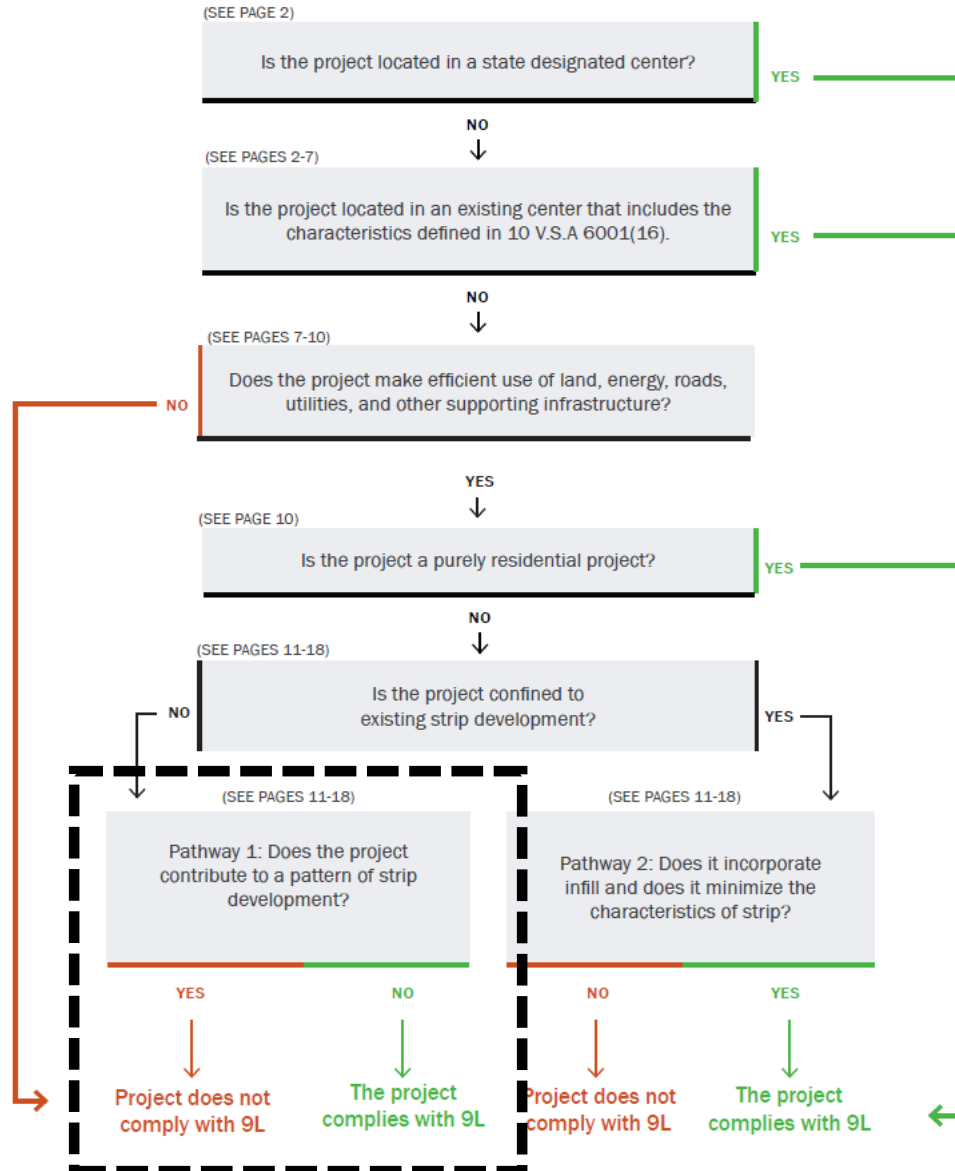
Is the project confined to an area that already constitutes strip development?



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Strip Development Evaluation

PATHWAY 1: Does the project contribute to a pattern of strip development along public highways?

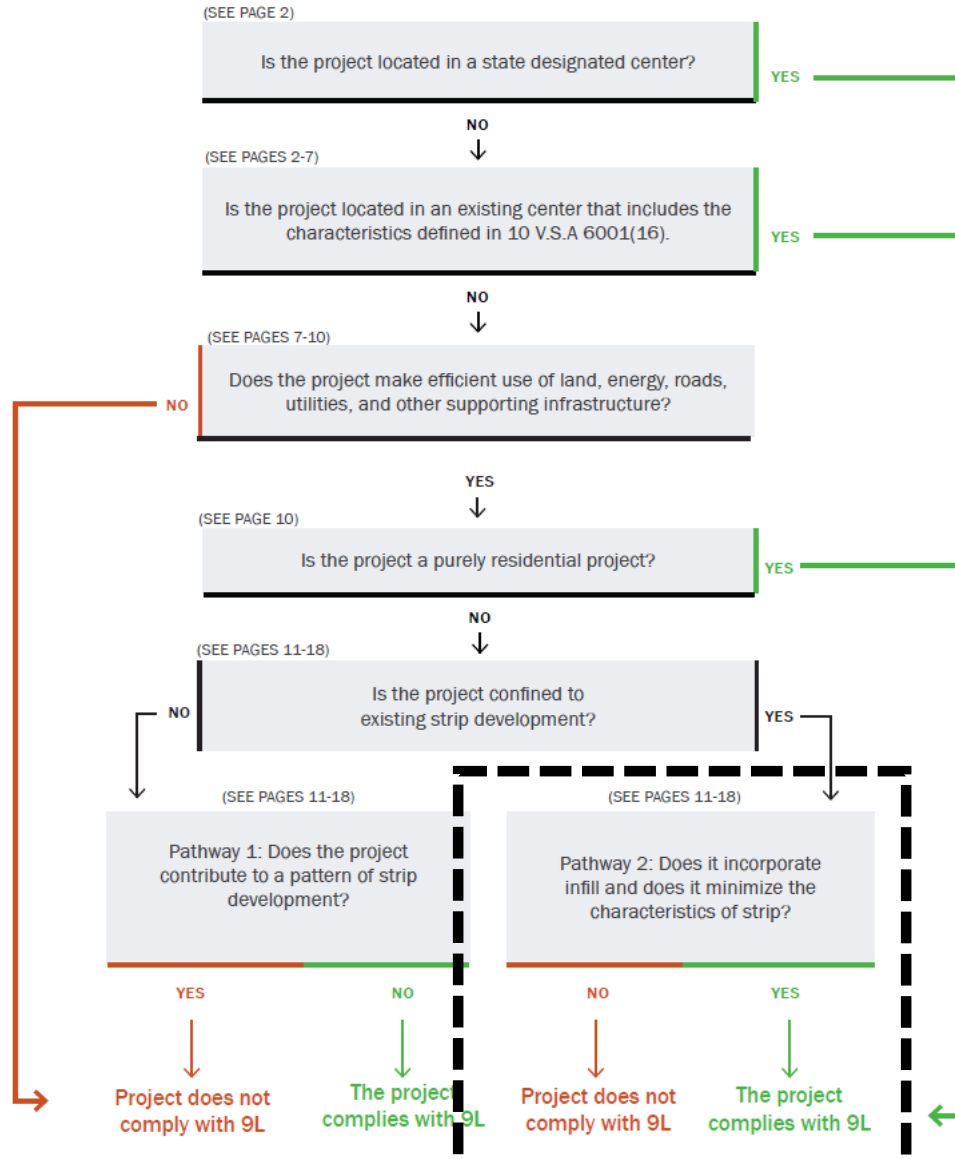
Does the project meet the definition of strip development?

Strip Development Evaluation

PATHWAY 1: Does the project contribute to a pattern of strip development along public highways?

Considering context and character of the area, are there circumstances that make the project more or less likely to contribute to a pattern of strip development.

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Strip Development Evaluation

PATHWAY 2: If a project is confined to an area that already constitutes strip development, compliance with 9(L) may be demonstrated if the projects incorporates infill and is designed to reasonably minimize the characteristics of strip development.

Strip Development Evaluation

PATHWAY 2: If a project is confined to an area that already constitutes strip development, compliance with 9(L) may be demonstrated if the projects incorporates infill and is designed to reasonably minimize the characteristics of strip development.

**Infill is defined as “the use of vacant land or property within a built-up area for further construction or development”
24 V.S.A. § 2791**

Strip Development Evaluation

PATHWAY 2: If a project is confined to an area that already constitutes strip development, compliance with 9(L) may be demonstrated if the projects incorporates infill and is designed to reasonably minimize the characteristics of strip development.

Strip Development Evaluation

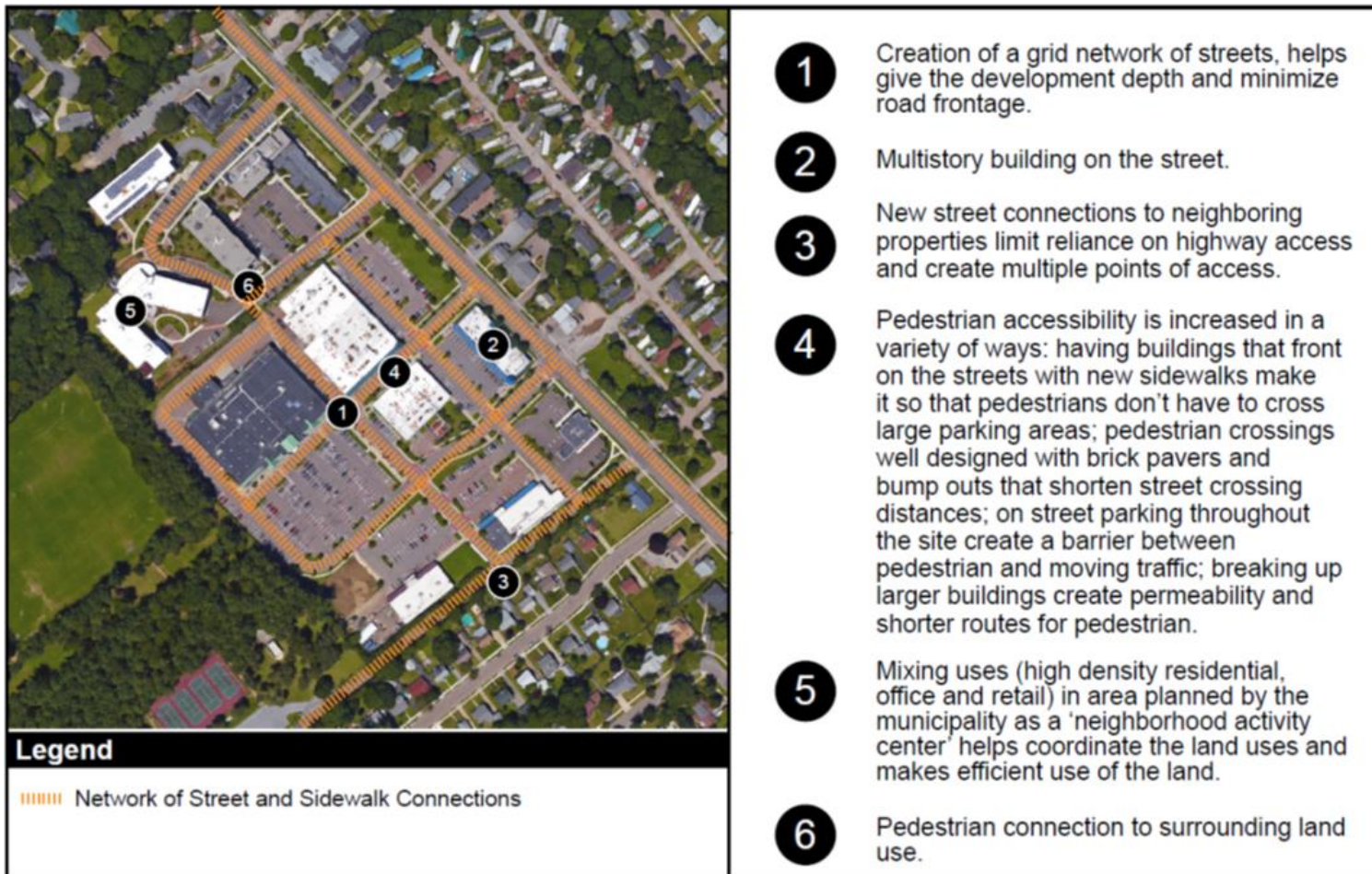
Reasonably minimizing the characteristics of strip development.



- 1 Broad road frontage and lack of grid network.
- 2 Single story building set back from street.
- 3 No street connections to neighboring properties and poor access management.
- 4 Limited access for pedestrians.
- 5 Single Use.
- 6 Lack of pedestrian connections to surrounding land use.

Strip Development Evaluation

Reasonably minimizing the characteristics of strip development.



COMMENTS & QUESTIONS