



Strong local zoning and design standards in Bennington, Vermont, resulted in a centrally located Dollar General store that fits well into the fabric of the community. Because of a loophole in Act 250, which was intended to regulate land use and development statewide, Vermont towns with no—or weakly worded—zoning have little say in the appearance or siting of small discount retail stores.

VERMONT FIGHTS SMALL-BOX SPRAWL

SUSANNE PACILIO WANTED TO FIGHT when she found out that Dollar General, a discount retailer, intended to build a store in the hayfield across the highway from her neighborhood in Fairlee, Vermont. “It does not contribute to the traditional and loved New England small-town appearance,” she says.

But there was little she could do to prevent the rapidly growing retail chain from expanding into her neighborhood. “To have any zoning, you have to have a valid town plan, and our town plan had expired,” Pacilio says.

Two state laws are credited with preserving Vermont’s charm: the 1968 Billboard Act, which bans off-premise advertising signs, and Act 250, a 1970 law that regulates development on 10 acres if local zoning regulations are in force, or on more than one acre if the municipality does not have both permanent zoning and subdivision bylaws.

In the 1990s, Act 250 was credited with allowing the state to steer Walmart into opening smaller-than-typical stores in existing buildings, including one in downtown Rutland.

But Act 250 has not given municipalities that kind of leverage against Dollar General and other small discount retailers such as Family Dollar. Dollar General has built 32 stores in Vermont in 10 years, says Dollar General Corporation spokesperson Crystal Ghassemi. “We plan to identify additional areas for new store growth in the state.” That expansion is typical of both the chain, which added about 5,000 stores nationwide in the past 10 years, and the small-footprint, discount store category, which has boomed in recent years. (See “Big Box Bust,” July: planning.org/planning/2016/jul/bigboxbust.)

Calculated per person, the number of Dollar General stores built in Vermont in the last 10 years is three times higher than the national average. The stores have been built in small towns with no other national retail chains and, in some cases, only 10 miles apart.

“Too many communities rely on Act 250 to be the savior, and it’s not,” says Thomas Kennedy, AICP, executive director of the Southern Windsor Regional Planning Commission. Vermont’s regional planning commissions, which are part of state government, oversee planning issues often done at the county level in other states.

“Less than 10 percent of Dollar Generals in Vermont went through Act 250,” says Kate McCarthy, AICP, sustainable communities program director of the Vermont Natural Resources Council. “The size has kept them under the radar of Act 250,” adds Kinvin Wroth, former director of Vermont Law School’s Land Use Institute.

All about zoning

The goal, Vermont planners say, is not to keep any type of store out of Vermont, but to keep downtowns vibrant and the rural outskirts undeveloped. “It’s always about location and scale,” says Paul Bruhn, executive director of the Preservation Trust of Vermont.

There have been victories among towns that have tried to apply smart growth principles to small discount retail development. The Dollar General in Bennington, for example, was built in a commercial district with a sidewalk entrance. “The credit goes to the planning and development boards in Bennington,” says Bruhn. “I’m sure that wasn’t the prototype design.”

Well-written municipal plans and zoning ordinances are the only way other towns will find similar success, experts say. It’s work townspeople may be more willing to do once they’ve experienced the consequences of inaction, Kennedy says.

Pacilio did not let the education she gained by opposing Dollar General go to waste. “I joined the town planning board,” she says. “We actually have a town plan and now we are writing zoning to accom-

pany it. It’s a lot of work, but I feel like I’m making a difference.”

—Madeline Bodin

Bodin is a freelance journalist who writes about science and the environment. She lives in Vermont.

ONTARIO TAKES ON REGIONAL PLANNING—TIMES FOUR

SOUTHERN ONTARIO IS MAKING synchronized planning a new sport, as more than 110 municipalities and dozens of local and provincial government agencies coordinate to refine four regional plans within the province’s Greater Golden Horseshoe region.

One of the plans, the *Growth Plan for the Greater Golden Horseshoe*, won APA’s Daniel Burnham Award for a Comprehensive Plan in 2007, the first time the award was given for a plan outside the U.S., in large part for its success in striking a balance between new development and open space.

One in four Canadians—about 9 million—live in the Greater Golden Horseshoe, an area the size of Maryland wrapping around the western end of Lake Ontario. That population is projected to swell to 13.5 million by 2041. Centered around Toronto, the region produces two-thirds of Ontario’s gross domestic product, is home to several unique landforms and ecosystems, and includes some of the best agricultural land in the country.

Over the last 18 months, local officials have undertaken a review of the growth plan, along with three conservation-oriented plans for areas within the Greater Golden Horseshoe: the *Greenbelt Plan*, the *Oak Ridges Moraine Conservation Plan*, and the *Niagara Escarpment Plan*. A 10-year review is legislatively required for each, but the concurrent process is new.

Since the plans cover the same geographical area, stakeholders urged officials to consult with them on all four plans at the same time to avoid redundancy in the process, says Larry Clay, assistant deputy minister of the Ontario Growth Secretariat, the provincial agency coordinating the review process.

A joint panel comprised of farmers, planners, developers, and natural resource managers, and headed up by former Toronto Mayor David Crombie, conducted 17 town hall meetings across the region and numerous technical briefings for stakeholder groups.

Precision is needed, Clay explains, because the enabling legislation for the four regional plans require the municipalities covered by them to comply with each of the plans’ objectives. “The regional plan is basically the law here [in Ontario]” rather than just a guiding document, he says.

The panel’s report gives 87 specific recommendations, which include increasing the growth plan’s “intensification target” for built-up areas, future development-designated greenfield areas, and areas around existing transit. That last part meshes with efforts to better maximize public investment in the expanding network of regional rail and local bus rapid transit and light-rail transport infrastructure. The density bump would enable increased protection of agricultural land and conservation areas covered by the other three plans, including an expansion of the Greenbelt with 21 additional urban river corridors, seven coastal wetlands and the addition of about 111,000 acres to the bank of conservation lands in the Niagara Escarpment.

Clay says the report was well received both by the government and most stakeholders. The new mandates are expected to be finalized in late 2016.

—Brian Barth

Barth is a Toronto-based freelance writer with a background in environmental planning.

The U.S. Department of Transportation awarded Oregon a \$2.1 million grant to expand its “pay by the mile” pilot program as a potential alternative to the gasoline tax. Launched last year, Oregon’s “OReGo” program charges volunteer participants 1.5 cents per mile driven. California launched a similar pilot in June.

In September, the Obama administration released a white paper (tinyurl.com/gnbdezc) calling for local governments to lessen regulations on housing development and warning that zoning barriers and other housing constraints are exacerbating the affordability crisis in cities across the U.S.

Oakland, California, approved sharp cuts to its parking requirements aimed at lowering housing costs and making the city more walkable. Near major transit hubs, the requirement is now zero with a maximum cap. Also, rental property owners are required to separate parking charges from rent.

The U.S. Fish and Wildlife Service has listed the eastern massasauga rattlesnake as a threatened species under the Endangered Species Act after considering it as a “candidate” for more than 30 years. Considered shy and nonaggressive, the snake lives in areas within the Midwest and Great Lakes regions. Elsewhere in the U.S., voluntary efforts are helping some at-risk species stay off the endangered species list (see “Good Habitats Pay Off,” August/September 2016: planning.org/planning/2016/aug/goodhabitats).