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April 7, 2014

Faith Ingulsrud, Planning Coordinator
Vermont Department of Economic, Housing & Community Development
National Life Building, 6th Floor
One National Life Drive
Montpelier, VT 056320

Dear Ms. Ingulsrud:

Enclosed please find the materials that Colchester is submitting to the Vermont Downtown Board in support of the first five-year review of the town's new town center and growth center designations. This includes a report describing the current status of each finding of fact in the board's original decision approving the growth center. That is supplemented with further documentation in the following attachments:

1. Permitted Development Tables and Map (2009-2013)
2. Relevant excerpts from Colchester's draft Town Plan (final public hearing on the draft plan is scheduled for April 8 and review by CCRPC for April 16)
3. Updated zoning provisions
4. Transportation related materials
5. New Town Center Community Investment Agreement

The first five years of Colchester's growth center designation have been challenging and not without a few surprises, but meaningful progress has been made towards our goal of creating a new town center at Severance Corners. It is important to remember that we are building something new from the ground up rather than building upon something that already exists. As with any new venture, the time and effort invested in the early years may not seem to be producing immediate results but are creating a sound foundation for the long-term future.

Development is proceeding more gradually than envisioned as a result of the recession and slow recovery. However, this has given the town more time to refine the zoning regulations for development at Severance Corners, partner with South Burlington to successfully complete a wastewater treatment plant expansion to provide ample capacity for development within the growth center, and work to bring transit service to Colchester.

The state's decision to abandon plans for the Circumferential Highway led to further study of planned transportation improvements within the growth center as part of the larger regional picture. This has set the implementation schedule for those improvements back somewhat, but has brought new funding sources and opportunities that should be very beneficial for the growth center over the long-term. It now looks like the town will

be able to allocate more future TIF revenues to bike and pedestrian improvements rather than to roadway and intersection improvements within the growth center.

As detailed in Attachment 1, there have been 56 dwelling units (two 28-unit buildings) built within the new town center between 2009 and 2013. That represents approximately 35% of all the new residential units built in Colchester over that period. Severance Corners has been the only large-scale residential development occurring in town – no other project has included more than 10 new dwellings. At this time, most new housing outside the growth center is occurring as a build-out of small subdivisions and lots that were created prior to 2009.

The economic downturn has significantly affected the rate of commercial development townwide. Between 2009 and 2013, Colchester has issued only 16 permits for new non-residential construction. One of those was for an approximately 4,000 square foot building within the growth center, which now houses the Movement Center School of Dance, Music and Theater. This is the only new commercial space created in the growth center between 2009 and 2013. The commercial space that was built prior to 2009 at Severance Corners has experienced some turnover but remains largely occupied.

Seven permits were issued for new commercial and industrial space in the Exit 16 area. This included a hotel, office space, and health laboratory building. These were primarily larger-scale projects, which Colchester envisions will continue to locate in the hub around the exit while more neighborhood-scale commercial development will occur within the growth center. There were also several permits issued for commercial projects in the vicinity around St. Michael's College and the Fort, as well as a few small, individual buildings distributed elsewhere around town.

The amount of non-residential development occurring within the growth center during this first five years has been disappointing. There has been strong demand for residential development within the growth center to provide housing for students at the Albany College of Pharmacy. As a result, the developer has focused more heavily on meeting that need rather than seeking commercial tenants. With the college at its full enrollment level and housing built for those students, we anticipate that the developer will have more interest in pursuing commercial projects over the next several years. Town staff is working with the developer to attract commercial tenants to the growth center. To summarize, Colchester has taken a number of important steps during the past five years that will improve the town's ability to achieve the vision of a new town center at Severance Corners. Solutions to our infrastructure challenges have been or are being implemented. We have refined our plans and regulations. Our TIF district provides a funding source for turning those plans into real world improvements. All of these create a hospitable environment for the private development we want to attract to the growth center.

Sincerely,



Sarah Hadd
Colchester Director of Planning & Zoning

Colchester Growth Center Status Report 2009-2013

1. The proposed growth center growth cannot reasonably be achieved within an existing designated downtown, village center, or new town center located within the applicant municipality (24 V.S.A. § 2793c(e)(1)(G)(ii)).
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FINDINGS OF FACT. Through its projections, the town anticipates about 1,300 additional households and 2,300 additional jobs over the next 20 years. This translates to about 665 dwelling units and 478,550 SF of commercial space needing to be accommodated in the growth center. For the 10-acre New Town Center to accommodate this amount, or even 50% of this amount, the density would have to exceed the maximum density of 12 units per acre allowed under the current zoning. The current zoning density is enabled, not required. Higher densities would require a zoning change.

CURRENT STATUS. It remains accurate that the proposed growth center growth could not reasonably be achieved within Colchester's 10-acre New Town Center. The boundaries of both the New Town Center and the Growth Center remain as originally approved in 2007 and 2009, respectively.

Seven years after its designation, the New Town Center development as originally planned and permitted is largely constructed and occupied. In 2013, Colchester replaced the zoning within the Severance Corners Growth Center with a new form-based code (FBC) district. The FBC does not have a maximum density and will allow for future infill within the New Town Center. However, even with those changes, Colchester anticipates that the majority of future growth within the Growth Center will occur outside the 10-acre New Town Center.

2. The proposed growth center is of an appropriate size sufficient to accommodate a majority of the projected population and development over a 20-year planning period. The proposed growth center does not encompass an excessive area of land that would involve the unnecessary extension of infrastructure to service low-density development or result in a scattered or low-density pattern of development at the conclusion of the 20-year period (24 V.S.A. § 2793c(e)(1)(F)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by development that is not serviced by municipal infrastructure or that requires the extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers (24 V.S.A. § 2791(13)(1)(iv)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by linear development along well-traveled roads and highways that lacks depth, as measured from the highway (24 V.S.A. § 2791(13)(1)(v)).

FINDINGS OF FACT. The proposed growth center is 273 acres. Only about 161 acres are developable. More than 50% of the projected growth can fit into these 161 acres, especially if they are built out to the maximum feasible extent according to the applicant.

Much of the area has been permitted at less than maximum feasible density permitted. It is not characterized by linear development. While the PUDs within the growth center

are each planned at a higher density pattern, there was some concern that that these areas do not unify into one compact form. Future infill development could help diminish a scattered appearance between the developments. The area is currently served by water and sewer. Given the configuration of the growth center, and the growth projections over 20 years (even if there is a slowing in the growth over the next couple of years), the growth center is appropriately sized.

CURRENT STATUS. It remains accurate that the 273-acre Growth Center is appropriately sized to accommodate a majority of Colchester's projected growth over the 20-year planning period. Colchester adopted a form-based code for Severance Corners in 2013, which was intended to promote higher-density and infill development. The state's 2011 decision to abandon plans for the Circumferential Highway, which would have bisected the Growth Center, is anticipated to create new opportunities for a better integrated and connected development pattern at Severance Corners than could have been achieved if the highway had been built as originally planned.

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3. The proposed growth center will support and reinforce any existing designated downtown, village center, or new town center located in the municipality or adjacent municipality by accommodating concentrated residential neighborhoods and a mix and scale of commercial, civic, and industrial uses consistent with the anticipated demand for those uses within the municipality and region (24 V.S.A. § 2793c(e)(1)(G)(i)).

The proposed growth center is planned to develop compact mixed-use centers at a scale appropriate for the community and the region (24 V.S.A. § 2791(13)(8)).

FINDINGS OF FACT. The application includes an analysis of retail activity in Chittenden County. The scale and mix of commercial uses proposed for the growth center is not destination in nature and thus not proposing to compete with other major retail centers in Chittenden County, including Colchester's own Exit 16. There will be no big box retail stores, as no buildings greater than 10,000 square feet will be permitted within the proposed growth center. Only 25% of the proposed commercial space proposed in the growth center will be retail, and is projected to mainly serve the residents of Colchester, especially those living in the area. These limitations are key to minimizing the impact on other parts of Colchester and surrounding downtowns and village centers, including Burlington, Essex Junction, Winooski, Williston and Jericho. The residential growth within the growth center is expected to reinforce the designated new town center of Colchester, especially if the town is successful in funneling a majority of their commercial and residential growth into the growth center.

CURRENT STATUS. It remains accurate that Severance Corners is not envisioned to become a major regional retail center. The Severance Corners form-based code requires multi-story buildings and incorporates architectural standards that will effectively prevent big box retail development and promote mixed-use development.

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4. The proposed growth center promotes densities of land development that are significantly greater than existing and allowable densities in parts of the municipality that are outside a designated downtown, village center, growth center, or new town center, or, in the case of municipalities characterized predominately by areas of existing dense urban settlement, it encourages infill development and redevelopment of historically developed land (24 V.S.A. § 2791(12)(B)(iv)).

The proposed growth center results in compact concentrated areas of land development that are served by existing or planned infrastructure and are separated by rural countryside or working landscape (24 V.S.A. § 2791(12)(B)(vi)).

The proposed growth center is planned to maintain the historic development pattern of compact village and urban centers separated by rural countryside (24 V.S.A. § 2791(13)(A)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by scattered development located outside of compact urban and village centers that is excessively land consumptive (24 V.S.A. § 2791(13)(1)(i)).

The approved plan and the implementing bylaws further the goal of retaining a more rural character in the areas surrounding the growth center, to the extent that a more rural character exists (24 V.S.A. § 2793c(e)(1)(D)(iv)).

FINDINGS OF FACT. Colchester has an incentive approach to development in the growth center; they are trying to attract smart growth development to the growth center through incentives by making it a better option for the developer than conventional development. Tools in place to achieve smart growth include: higher base density in the growth center than some (but not all) areas of the town, density bonuses, a fledgling Transfer of Development Rights (TDR) program that has the growth center as just one of the receiving areas though with additional bonus points, in-place infrastructure in the growth center, open space planning, Planned Unit Development (PUD), and design guidelines for compact mixed use GD3 zoning district.

The following concerns were raised during the designation review processes about the town's regulatory program (responses from the applicant shown in italics):

- The regulations allow low-density development including one-story buildings within the growth center. *Higher densities are optional but the design guidelines for the district make multi-storied buildings more likely to be proposed and approved than low-density development.*
- Integrating the four quadrants of the growth center into an interconnected whole rather than as four separate PUDs may be difficult given the layouts approved for three of the PUDs and the separation created by the Circ Highway right-of-way. *The town has proposed connections through pedestrian and vehicular infrastructure and expects that the design guidelines for the district, over time and with infill development, will lead to a better-integrated pattern as envisioned in the concept drawing.*
- It may be a challenge to direct 50% or more of the projected growth into the growth center, since there are other areas of the town where commercial, residential and industrial growth can and will occur. In particular, the growth center identified in

the Town Plan for Exit 17 could detract from the designated growth center at Severance Corners. *The town plan targets the Exit 17 area for growth only after the Severance Corners growth center is built out. There is no existing sewer service at Exit 17. A recent study indicated that provision of necessary sewer, water, and transportation networks to support the mixed-use compact growth that zoning defines for Exit 17 would be exorbitant and not likely to occur within the foreseeable future.*

- If developers do not take advantage of density bonuses, the actual density may not be much higher in the growth center than in other parts of the town. Since the growth center is not the only receiving area in the TDR program, the incentive may be diluted. Furthermore the town's incentives in the growth center may be undermined by Act 250 requirements for off-site mitigation for any impacts to agricultural soils in the growth center regardless of any development rights that may have been purchased on farm land. *Development in the growth center is eligible for double the bonus densities available in other receiving areas and with the other incentives available for development in the growth center will tip the balance to favoring use of the TDR bonuses in the growth center.*

The incentive based tools - including TDRs and density bonuses - are still in the development stage, so their ability to direct smart growth development will not be known for some time. Understanding that Colchester has made the effort to lead at least 51% of development to the growth center over the next 20 years, but that the results of this effort is not certain, the Board believes that reporting on progress at less than the 5-year renewal period is an appropriate way to move forward with the growth center designation.

CURRENT STATUS. It remains accurate that Colchester is actively working to promote smart growth development within the Growth Center and to protect rural character in outlying areas of town. During the past five years, the town has revised its regulatory tools in response to changing market conditions and feedback from various stakeholders, including the discussion and findings associated with the Growth Center planning and approval process.

The zoning at Severance Corners that was in place when the Growth Center was approved has been replaced in its entirety by a form-based code (FBC). The FBC eliminates the maximum density, requires multi-story buildings, eliminates minimum parking requirements, and establishes architectural standards for new buildings and design standards for new parking lots.

The Transfer of Development Rights (TDR) program Colchester envisioned establishing when the Growth Center was approved has not been possible to implement given market conditions over the past 5 years. A viable TDR program would require a level of growth pressure that currently does not exist in Colchester. Seeing that TDRs were not going to be effective in the near term, the town rezoned the Agricultural Mixed Use district to incorporate fixed area based zoning, which requires new residential lots to be between ½ and 1 acre in area in order conserve open space and working lands.

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5. The proposed growth center incorporates a mix of uses that typically include or have the potential to include the following: retail, office, services, and other commercial, civic, recreational, industrial, and residential uses, including affordable housing and new residential neighborhoods, within a densely developed, compact area (24 V.S.A. § 2791(12)(B)(i)).

The proposed growth center is planned to support a diversity of viable businesses in downtowns and villages (24 V.S.A. § 2791(13)(G)).

The proposed growth center is planned to provide for housing that meets the needs of a diversity of social and income groups in each community (24 V.S.A. § 2791(13)(H)).

FINDINGS OF FACT. Residential units can range from single-family homes, to multi-family dwellings to boarding houses and temporary homes.

The application discusses the housing options that both the Town Plan and the regulations attract within the proposed growth center. These include density bonuses for affordable housing, senior housing and congregate housing. The dwelling units within the new town center-typical of what will be found throughout the growth center-are within a price range that meet the state's definition of affordable housing for Chittenden County (affordable to households earning between \$38,000 to \$87,000 per year).

CURRENT STATUS. It remains accurate that Colchester is actively working to promote mixed-use development, including affordable housing, within the Growth Center. The 2013 form-based code for Severance Corners expands the range of uses allowed in the Growth Center in conjunction with architectural standards to ensure compatibility. The housing constructed at Severance Corners during the past five years is a mix of rental apartments and ownership condominiums – the majority of which qualify as affordable housing under the state's definition.

6. The applicant has adopted a capital budget and program in accordance with 24 V.S.A. § 4426 and the existing and planned infrastructure is adequate to implement the growth center (24 V.S.A. § 2793c(e)(1)(E)).

The proposed growth center is planned to balance growth with the availability of economic and efficient public utilities and services (24 V.S.A. § 2791(13)(F)).

FINDINGS OF FACT. The application includes Colchester's 2008-2010 Capital Improvement Plan, which focuses on transportation improvements, though none of those improvements are in the proposed growth center. This is not the only tool that the town uses for infrastructure improvements within the growth center. There is also the MOU between the town and the major developers of the properties within the growth center, signed in July 2007, covering specifically transportation improvements within the growth center. The MOU included in the application is general in its identification of responsibilities, but has been supplemented by a 4/7/09 memo by the town presenting an outline for how bike and pedestrian improvements will be implemented over the next 20 years.

The town also has an Official Map, but the level of detail is not sufficient to focus on planned public infrastructure within the growth center. The town plans on refining the MOU and using that as the main tool for future improvements, instead of revising the Official Map.

As stated above, public sewer and water is currently available within the growth center. The developers will pay for extensions and hook-ups. In terms of wastewater capacity, additional capacity needed by the growth center by 2011 will be supplied by expansion of South Burlington's treatment plant. The application stated that construction was expected to start in the spring of 2009. The applicant clarified and ANR concurred, that a fall 2009 or spring 2010 construction date was more likely, which still meets the town's needs for having the additional capacity by 2011. The applicant also explained at the PCG meeting that there is no prioritization for the new allocation between Exit 16 and the growth center, but since Exit 16 is mostly built out, in reality the growth center will receive most if not all of this allocation.

CURRENT STATUS. Colchester continues to maintain a current Capital Improvement Plan (CIP) and an Official Map. There have not been any changes to those documents that relate directly to the growth center since 2009. Plans for transportation improvements at Severance Corners have evolved considerably during the past five years. As a result, the anticipated timing of those improvements remains beyond the five-year horizon of the CIP.

Colchester applied for and received a tax increment financing (TIF) district for the growth center in 2010. The town had sought the TIF district primarily to fund the transportation improvements at Severance Corners. The state's decision to pursue alternatives to the Circ has changed the timing and funding for those improvements from what was anticipated in 2009. The current status of the transportation improvements at Severance Corners is discussed in greater detail below.

Capacity from the expanded South Burlington wastewater treatment plant that serves this area became available in 2013. Colchester is currently updating its sewer allocation ordinance, which will dedicate the majority of the additional capacity (approximately 200,000 gallons per day) to the growth center.

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7. The proposed growth center incorporates existing or planned public spaces that promote social interaction, such as public parks, civic buildings (e.g., post office, municipal offices), community gardens, and other formal and informal places to gather (24 V.S.A. § 2791(12)(B)(ii)).
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FINDINGS OF FACT. Most of the town's civic buildings are already located outside of the proposed growth center. Because of Colchester's traditional pattern of development over the years, growing in separate nodes of development including the Village, Malletts Bay area and Exit 16 off I-89, the town's civic functions and other public spaces are also scattered throughout the town. However, Colchester will also locate several civic functions within the growth center (a satellite library and office space for their economic development department and the local chamber of commerce). There will also be community spaces, such as public greens, gazebos, recreation pathways, play areas, and open air markets, incorporated into the three approved developments within the growth center.

CURRENT STATUS. It remains accurate that community functions, spaces and amenities will be provided within the Growth Center. The current Severance Corners development is organized around a central green with a gazebo. The conceptual plans for future development within the growth center envision extending that green across Blakely Road. There is also playground within the development. One of the original tenants in the New Town Center is a daycare center. The approved plans for the Sunderland development (across Route 7 from the New Town Center) include a farmers' market.

Since the approval of the Growth Center in 2009, Colchester has built a new town office on Blakely Road less than two miles east of the Growth Center. The planned extension of the town's bike path through the Growth Center will connect Severance Corners to the town office, and the schools and public recreation facilities just beyond.

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8. The proposed growth center is organized around one or more central places or focal points, such as prominent buildings of civic, cultural, or spiritual significance or a village green, common, or square (24 V.S.A. § 2791(12)(B)(iii)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by linear development along well-traveled roads and highways that lacks depth, as measured from the highway (24 V.S.A. § 2791(13)(1)(v)).

FINDINGS OF FACT. There are several focal points within the growth center including central greens within the individual PUDs. Sunderland Corners PUD will include a clock tower, which will provide a visual focal point. All these areas are open to the general public. The proposed roundabout for the intersection of Route 7 with Blakely Road and Severance Road will provide a central focus that will help integrate the separate PUDs into a single growth center, especially if a compact streetscape around that intersection is built as planned. This central focus would help draw together the separate areas of the growth center, so this could be a key element. While VTrans has no plans at the moment to design or construct the roundabout, the town and developers are looking to include some local responsibility for it in their MOU, including financing mechanisms.

CURRENT STATUS. As described above, the first phase of development within the Growth Center is organized around a central green. The 2013 form-based code will make further infill development fronting on the intersection of Route 7, Blakely Road and Severance Road possible. As part of the visioning associated with development of the FBC, a 3D model was developed illustrating that desired development pattern and that was used to help calibrate the code. That model can be viewed online at <http://youtu.be/KqmHE8YRHrw>.

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9. The proposed growth center is supported by existing or planned investments in infrastructure and encompasses a circulation system that is conducive to pedestrian and other non-vehicular traffic and that incorporates, accommodates and supports the use of public transit systems (24 V.S.A. § 2791(12)(B)(v)).

The proposed growth center is planned to enable choice in modes of transportation (24 V.S.A. § 2791(13)(C)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by development that limits transportation options, especially for pedestrians (24 V.S.A. § 2791(13)(1)(ii)).

FINDINGS OF FACT. Several transportation-related issues were identified during the designation review process. One concerned proposed transit as described in the application (the plans for transit described in this section were terminated after the application was submitted). This plan was supplemented by a 4/7/09 memo from the town describing Colchester's efforts to date in bringing transit to the growth center. The memo outlines how it will approach joining with CCTA over the next five years, including a survey of townwide demand, continued discussions with CCTA and a more energetic education effort to build public support.

Public transit is a requirement of growth center designation. Because the growth center is still under development the Board will condition designation approval on the town submitting a transit plan in keeping with PCG recommendations within 24 months of this approval. The PCG recommended submission of a plan and implementation timetable for establishing a meaningful public transit system serving the growth center that is interconnected with the regional system.

Another issue that came up was the proposed sidewalks/bike paths. Developers are financially responsible for sections within their developments, but public connections between developments will be covered under the evolving MOU that shares responsibility between the developers and the town. It was noted that the sidewalks and path alignments shown on the map on page 9-3 are conceptual (except those that are part of an approved development project), and the ones shown in state highway ROW (along Route 7 and the Circ) have not yet been agreed to by VTrans, which has recommended that the town to put these paths on developer land, not in state highway ROW. One of the challenges of this application is that the growth center is affiliated with a developing New Town Center and not an already developed downtown. Thus much of the infrastructure is not already in place. The applicant has provided a schedule for implementing these improvements in a 4/7/09 memo.

Because measures to implement the pedestrian and bicycle interconnections are dependent on development occurring in the area, the Board will condition designation approval on submission of an update report on progress in implementing the improvements described in the April 7, 2009 memo on Bike and Pedestrian Improvements. The report shall be submitted within 24 months of this approval.

CURRENT STATUS. Colchester has made progress with regard to planning for transit, and bicycle and pedestrian connections since 2009. The state's decision to abandon

plans for the Circ highway in 2011 has resulted in changes to the envisioned scope, timing and funding of transportation improvements within the growth center.

Colchester signed a three-year agreement with CCTA for a pilot project to provide transit along the Route 7 corridor, which will include service to the Severance Corners Growth Center in 2013. That service will commence on July 1, 2014. The pilot project will provide an opportunity to build ridership and demonstrate the demand for transit service in Colchester.

Since approval of the growth center in 2009, Colchester and VTrans have selected a preferred alternative for the Route 7, Blakely Road and Severance Road intersection. A widening of the intersection with turning lanes was ultimately selected (at the time of the growth center application, a roundabout was being considered). The intersection is now going to be fully funded as a Phase II Circ Alternative project. In FY 2014, \$250,000 will be spent on engineering and right-of-way acquisition. Construction is anticipated to occur in FY 2019.

The development within the New Town Center has built an internal sidewalk network. The sidewalk network has not yet been extended along Route 7, Blakely Road and Severance Road. The plans and MOU for pedestrian and bicycle facilities within the Growth Center remain in place, as do the conceptual plans to link the Growth Center with other areas of Colchester via the town's multi-use path system. It is currently envisioned that work on the sidewalk and path infrastructure around the main roads will commence with work on the intersection. It has not made sense to build sidewalks along Route 7 or Blakely Road before the plans for the intersection were final.

Given that federal and state funding has been secured for the intersection project, Colchester is currently exploring alternative uses for the funding that could be generated from the TIF district. One potential use would be the linkages to the town's bike path system within the Growth Center, along with related public improvements such as landscaping, pedestrian and bicycle amenities, and placemaking elements.

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10. The applicant has identified important natural resources and historic resources within the proposed growth center, anticipated impacts on those resources and has proposed mitigation (24 V.S.A. § 2793c(e)(1)(B)).

The approved plan and the implementing bylaws provide reasonable protection for important natural resources and historic resources located outside the proposed growth center (24 V.S.A. § 2793c(e)(1)(D)(iv)).

The proposed growth center is planned to protect the state's important environmental, natural and historic features, including natural areas, water quality, scenic resources, and historic sites and districts (24 V.S.A. § 2791(13)(D)).

FINDINGS OF FACT. The application identifies natural resources within and outside the growth center. Most of the important resources within the growth center lie in the southwest quadrant, south of the Circ ROW. Responding to PCG concerns and specifically those of the Agency of Natural Resources about these sensitive natural areas within the Growth Center, the town submitted a revised growth center boundary entirely eliminating parcels 29 and 30 and including just a narrow portion at the

northern line of parcel 13 closest to the Sunderland Comers development. By excluding those areas from the growth center, the Board's concerns about impacts on natural resources within the growth center are satisfied.

Colchester has mechanisms in place to help protect resources outside the growth center. Colchester's Open Space Plan includes specific recommendations for natural resource protection. The town's regulations also help protect important resources through applying site plan, conditional use, PUD and subdivision standards as well as through designated sending areas in the new TDR program. Colchester has a Historic Preservation overlay district to help protect historic resources.

CURRENT STATUS. It remains accurate that Colchester has mechanisms in place to protect natural and historic resources outside the Growth Center. These have not changed significantly since 2009. As described above, Colchester has enacted fixed area zoning to maintain working farmland and open space within the Agricultural Mixed Use district.

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11. The most recently adopted guidelines of the Secretary of Agriculture, Food and Markets have been used to identify areas proposed for agriculture and the proposed growth center has been designed to avoid the conversion of primary agricultural soils, wherever possible (24 V.S.A. § 2793c(e)(1)(C)).

The proposed growth center serves to strengthen agricultural and forest industries and is planned to minimize conflicts of development with these industries (24 V.S.A. § 2791(13)(E)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by the fragmentation of farm and forest land (24 V.S.A. § 2791(13)(1)(iii)).

FINDINGS OF FACT. The application identifies 174 acres of primary agricultural soils within the growth center. Fifty of these acres have already been impacted or lie within the Circ ROW. Other portions of prime ag soil lie within lots 13, 29 and 30. The 174 acres represents less than 1.5% of the total acreage of primary agricultural soils in the town.

The application describes how the town plan and bylaws support protection of primary agricultural soils outside the proposed growth center and what primary agricultural soils have already been conserved. Mechanisms that the town employs to conserve agricultural lands include their Open Space Plan, their Agricultural Zoning District (minimum requirement of 25 acres per dwelling unit), their proposed TDR program (where farmland would be the sending areas) and partnering with the Vermont Land Trust. The Agency of Agriculture believes the Colchester application has adequately addressed agricultural soils as a resource.

CURRENT STATUS. It remains accurate that Colchester has mechanisms in place to protect agricultural soils and agricultural activities outside the Growth Center. These have not changed significantly since 2009. As described above, Colchester has enacted fixed area zoning within the Agricultural Mixed Use district to minimize fragmentation of farmland.

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12. The applicant has a regionally confirmed planning process and an approved municipal plan. The approved plan contains provisions that are appropriate to implement the designated growth center proposal. The applicant has adopted bylaws in conformance with the municipal plan that implement the provisions in the plan that pertain to the designated growth center (24 V.S.A. § 2793c(e)(1)(D)).

The proposed growth center is planned to reinforce the purposes of 10 V.S.A. Chapter 151. The proposed growth center is planned in accordance with the planning and development goals under 24 V.S.A. § 4302 (24 V.S.A. § 2791(12)(B)(vii) and (viii)).

FINDINGS OF FACT. The Chittenden County Regional Planning Commission approved Colchester's 2007 municipal plan and planning process on June 25, 2007. The Plan contains provisions that support the growth center. The town's zoning bylaws were last amended in September 2008, and their subdivision regulations were last amended in July 2008 to conform to the Plan's land use policies and further implement the growth center. The town planning process and the growth center support the goals of 10 VSA Chapter 151 and the goals under 24 VSA § 4302.

CURRENT STATUS. Colchester has a currently adopted and regionally approved plan. The town plan was re-adopted in 2011, but that was a re-adoption of the prior plan to provide Colchester with more time to complete a major update of the plan. That new plan is currently moving through the adoption process. The final Selectboard hearing on that plan is scheduled for April 8 and the CCRPC review of the plan is scheduled for April 16. A number of updates, several of which have been described above, have been made to Colchester's zoning and subdivision regulations since 2009.