

TOWN OF WILLISTON APPLICATION FOR GROWTH CENTER DESIGNATION

Formal Approval Growth Center Designation

**Expanded Downtown Board
October 22, 2007**

Introduction

During the months of July, August and September of 2007, the Planning Coordination Group (PCG) worked directly with the Town of Williston to complete the application materials for Growth Center Designation. In order to prepare a recommendation on Williston's application for the Expanded Downtown Board, the PCG met on August 14th, August 30th and September 26th of this year to review, discuss and deliberate on Williston's application.

Based upon a review of the application materials and the PCG's recommendations, the Expanded Board voted 8-2 to formally approve Williston's application with conditions set forth below, and award growth center designation at a warned public meeting on October 22, 2007. Expanded Board members voting to affirm: Kevin Dorn, Steve Sease, Peter Young, John Hall, Mel Adams, Michael McDonough, Tim Halverson, and Bill Fraser. Expanded Board Members voting not to affirm: Peter Gregory and Michael Munson.

In doing so, the Board also voted to expand the area of the growth center to include the Southwest Section, part of the original application which had been removed by the Town prior to bringing the final application package to the Expanded Downtown Board. This Board action resulted in the re-inclusion of Tax Parcels 7:106:34, 12:106:32, 13:106:27, 13:106:28, and 13:106:30, an area of approximately 50 acres that had been included in the original application, but was removed prior in the town's final application. This action resulted in no change in the number of residential units that will be accommodated within the growth center, but added 160,000 square feet of potential commercial development to the growth center, resulting in an increase from just 60% to 65% of the anticipated nonresidential growth through 2027.

The Expanded Board voted to enlarge the proposed growth center to include the lots in

the Southwest Section since those lots currently contain over 300,000 square feet of existing commercial/retail space and have potential for new development and redevelopment in a manner that will promote a mixture of uses and other land use elements, making this area consistent with the statutory definition of a growth center. Inclusion of these lots will facilitate the generation of potential Tax Incremental Financing (T.I.F.) revenues from development in this area in order to help pay for infrastructure improvements that will become necessary in the future. Furthermore, the Board believes that Interstate 89 forms the natural, logical southern boundary to Williston's Growth Center as the CIRC Highway right of way forms the natural, logical eastern boundary.

Based upon a review of the statutory designation criteria (24 V.S.A. Section 2791), the Expanded Board hereby approves Williston's application, based upon the following findings and conclusions with attached conditions. In making this designation, the Board finds:

(A) that the growth center proposal meets the definition of a growth center established in 24 V.S.A. § 2791(12);

(B) that the applicant has identified important natural resources and historic resources within the proposed growth center and the anticipated impacts on those resources, and has proposed mitigation;

(C) that the approved municipal plan and the regional plan both have been updated during any five-year plan readoption that has taken place since the date the secretary of agriculture, food and markets has developed guidelines in compliance with 6 V.S.A. § 8, and such guidelines have been used to identify areas proposed for agriculture, and have been designed so as to avoid the conversion of primary agricultural soils, wherever possible;

(D)(i) that the applicant has a regionally confirmed planning process and an approved municipal plan, pursuant to 24 V.S.A. § 4350;

(ii) that the approved plan contains provisions that are appropriate to implement the designated growth center proposal;

(iii) that 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;

(iv) that 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, and provide reasonable protection for important natural resources and historic resources located outside the proposed growth center;

(E) that the applicant has adopted a capital budget and program in accordance with 24 V.S.A. § 4426, and that existing and planned infrastructure is adequate to implement the growth center;

(F) that the growth center is of an appropriate size sufficient to accommodate a majority of the projected population and development over a 20-year planning period in a manner that is consistent with the definition under 24 V.S.A. § 2791(12), and that the 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 planning period;

(G)(i) that the 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;

(ii) that 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.

These findings are discussed in greater detail below, in the format provided by the *Growth Center Planning Manual* approved by the Board in February 2007.

Whether the Growth Center Proposal meets the definition of a growth center established in 24 VSA Section 2791(12)

Prior to submitting the final application package to the Expanded Board, the original application was amended by the Town of Williston to remove the Southwest Section (discussed above) and approximately 100 acres of land (to the east of the growth center including the CIRC Highway right-of-way) that had previously formed a physical connection with the Village of Williston. In addition, a portion of the future park and open space lands north and northwest of Allen Brook School were deleted. The conserved lands of the Mahan farm were deleted. With the redrawn boundary, Williston's proposed growth center and its designated village center are no longer contiguous to each other and thus the Board found it necessary to address the "adjacency" requirement in 24 V.S.A. § 2791(12)(A)(ii). The statute allows for a growth center to be noncontiguous with a designated village center, "where contiguity is precluded by natural or physical constraints." *Id.* When this is the case, the village center must be "close to and not widely separated from the majority of the lands within the designated growth center." *Id.* In addition, the statute requires that "noncontiguous land included as part of a growth center . . . exhibit strong land use, economic, infrastructure, and transportation relationships to the designated . . . village center;" that it "be planned to function as a single, integrated growth center; and be essential to accommodate a majority of growth anticipated by the municipality . . . over a 20-year period." *Id.*

The applicant has demonstrated that there are natural and physical constraints separating the village and the proposed growth center. These include (1) a stream corridor and associated floodplain and wetlands, (2) conserved lands, and (3) the R.O.W. reserved for the Circumferential Highway. Thus, contiguity is precluded by natural and physical constraints. The Board, with one dissenting member as noted below, also finds that the village center is "close to and not widely separated from the majority of the lands within the growth center."

One Board member, Michael Munson, dissents on this point, and would not find that the proposed Growth Center meets the adjacency requirement. This Board member finds that the growth center is widely separated from the village center and that it does not meet the statutory requirement that "adjacent areas may include lands lying close to and not widely separated from the majority of the lands within the designated growth center." In addition, this Board member believes that the statutory language does not authorize a growth center that is entirely separate from its associated downtown, village center, or new town center, which is what Williston has proposed. In his opinion, determining that this requirement has been met sets a bad precedent.

The Board recognizes that Williston's proposed a growth center includes an area that has already been subject to intense development pressure outside of its historic village. Much of this development occurred in its present location due to the proximity of Interstate 89 and the extension of municipal water and sewer a number of years ago. In order to render a positive determination under the "adjacency" requirement in the statutory definition of "growth center," we have relied on the following information and analysis.

MAP 1 IN THE APPLICATION HIGHLIGHTS THE OPEN SPACE THAT OCCUPIES MORE THAN 70% OF THE CORRIDOR BETWEEN THE VILLAGE AND TAFTS CORNER. IT ALSO SHOWS THE CIRC HIGHWAY R.O.W. MAP 5 PROVIDES MORE DETAIL OF THE RIPARIAN AND WETLAND RESOURCES THAT LIMIT DEVELOPMENT WITHIN THIS CORRIDOR.

There is strong connectivity between Williston's growth center and its historic village through transportation, infrastructure, economic and land use links. There are multi-modal transportation links and the transportation relationship between the two centers will be made stronger with the completion of the proposed trail system and the establishment of transit service between the two.

MAP 10 IN THE APPLICATION SHOWS THE EXISTING BIKE PATH, AS WELL AS ADDITIONAL PROPOSED TRAIL CONNECTIONS BETWEEN THE VILLAGE AND TAFTS CORNER. MAP 11 SHOWS THE EXISTING BUS ROUTE THAT SERVES WILLISTON.

The Chittenden County Transportation Association (CCTA) is considering adding a new route and the Town of Williston has been encouraged to pursue this with CCTA.

Williston Village and the approved growth center are already fully served by the same infrastructure systems, including water, sewer, fire and rescue, police, roads, and schools. The application has demonstrated that the economic, political and social relationships be-

tween the two centers are quite strong. Residents of the village shop and seek entertainment in the proposed growth center and those who live or do business at Tafts Corner find themselves going to the Village for school, library and other civic functions.

The proposed land uses in the proposed growth center and Williston Village have a strong, complementary relationship. It is also clear from the application materials that the form and function of the two centers are complementary, and at the same time, they do not compete. Activities between the two centers, which are less than a mile apart, are well integrated and will become more integrated over time.

On this basis, the Expanded Board (with the one dissent noted above) finds that Williston's Growth Center meets the "adjacency" requirement (to a designated village center), as defined in the statute since there are significant natural barriers and the approved growth center exhibits very strong relationships to the designated village center.

SEE PAGE 3 OF WILLISTON'S ADDITIONAL SUPPLEMENTAL MATERIALS DATED SEPTEMBER 26, 2007 FOR A COMPLETE LISTING OF CONNECTIONS BETWEEN THE VILLAGE AND THE GROWTH CENTER.

Rationale for Growth Center

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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Based on the municipality's 20-year projections for population, housing and commercial growth (SEE DETAILS IN APPENDIX A IN THE APPLICATION), it is clear that the majority of the projected growth cannot reasonably occur within the existing designated village center within the municipality. The applicant demonstrated that the town plan and regulations allow for less than 3% of the anticipated growth over the next 20 years, in order to maintain the desired character of the historic village. Furthermore, there is very little vacant land left in the village.

Size and Configuration of Growth Center

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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)(I)(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)(I)(v)).

The application has provided a table and a map that summarizes the amount of land within the proposed growth center, which consists of 724 acres. This was prior to the inclusion of the Southwest section discussed above in the Introduction of this document. The applicant has been asked to submit a new map and revised statistics about the revised area.

SEE THE ADDITIONAL SUPPLEMENTAL MATERIALS SUBMITTED SEPTEMBER 26, 2007.

According to the applicant, the growth center with the new boundary will accommodate 70% of anticipated residential growth and about 60% of the anticipated commercial and industrial growth within the twenty year planning period. 25% of the land is undeveloped, and half of that is not available or un-suitable for development. While the proposed area is only 18 acres larger than the minimum land area needed to accommodate the anticipated growth over twenty years, the “excess” land is not in parcels that can be easily eliminated from the boundaries of the growth center. The character of the development will consist predominately of infill at a higher density than the area of town outside the boundary. As stated above, the town is allowing increased development and redevelopment in an already developed area.

Williston shares the sewage treatment plant capacity of the Tri-Town plant located in Essex Junction. The Town’s wastewater is pumped across the Winooski River to the plant. According to the Sewer and Water Hook-Up Fees (Report) conducted for the Town of Williston (completed on March 5, 2007):

The Town’s current treatment plant capacity, including the most recent plant ex-

pansion, is 980,000 gpd. Some of this is currently committed but not yet used. Not including reserve capacity, it is estimated that approximately 400,000 gpd of new treatment capacity will be needed within the build-out period [50 years]. Report at p. 4

Existing water and sewer lines extend throughout Williston's growth center. According to the Report, the most recent "twelve month average flow rate" for wastewater in Williston was 705,264 gpd in January of 2007. The average annual sewage allotment in the Town of Williston is 2,029 gpd for new commercial and industrial development. There is sewage capacity that has been awarded to Taft Corners Park and to Maple Tree Place which has not been used and which will be available to support future development in these areas. Existing sewage treatment capacity is available through 2015 with the phased approval of 80 residential dwelling units per year and phased commercial and industrial development.

The Town concedes that more capacity will be needed for continuing development beyond 2015 and through 2027 (which includes the 20 year span for growth center designation). The Town, however, is in the process of planning for the necessary increase in capacity. The Town expects to adopt a plan, including financing mechanisms, for the expansion of its treatment capacity before the first five-year review after growth center designation.

The Board specifically finds that designation of the proposed growth center will not result in the installation of scattered separate water and sewage systems. The Board will require that a specific plan for increased capacity be in place within five years following designation.

Appropriateness of Growth Center

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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)(B)).

The proposed growth center and existing designated village center are complementary to each other, one exists as a regional commercial center and the serves as the seat of government. A bus service between the growth center and the village center will strengthen that linkage. There have been discussions between town officials and CCTA for the town to join the transit authority. CCTA is also considering the addition of a route that connects Williston Village with Taft Corners and Burlington. The town expects these events to happen within five years. The town is also planning some bike/pedestrian infrastructure improvements along Route 2 between the two centers, as well as a primitive path that parallels I-89. In terms of cultural connections, the Town is gradually integrating civic life into the Tafts Corner area. The Board will require that the Town make every effort to join CCTA and to work with CCTA on developing a new route that connects the two centers within two years of designation.

Due to absence of regional forecasts of the demand for type and scale of anticipated retail activity, it is difficult to assess how proposed growth in Williston compares to potential regional demand and what the impact will be on neighboring growth areas, designated downtowns, and village centers. The application has adequately demonstrated that the major retail stores in Williston are of a different nature than the local businesses in Essex Junction and the specialty stores in Burlington. It is recognized, also, that economic impacts related to large development projects are often reviewed in Act 250 under the economic impact criteria. 10 V.S.A. subdivisions 6086(a) 7, 9(A) and 9(K).

No information was submitted to suggest that the designation of Williston's Growth Center will have deleterious effect on the existing designated village center in Williston or any designated village center, downtown or new town center located in an adjacent municipality.

Development Pattern

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)(l)(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)).

Residential densities within the growth center are higher than other parts of the town, except in the older residential subdivisions west of Route 2A. They range from 1.17 to almost 10 units per acre. The new mixed-use development in the Tafts Corner area will be built out at 7-10 units per acre. SEE MAP 5 IN THE APPLICATION.

In terms of the areas outside the growth center, 75% of the Town is considered rural. The town has in place regulations that protect the character and resources of the area outside the growth center. Provisions include confining development to 25% or less of the site on parcels larger than 10 acres (encouraging the undeveloped portions to include habitat areas, visually significant lands, trails, etc.) and requiring comprehensive performance standards for cluster size and spacing, and design guidelines to minimize the visual impact of rural development. Williston also has funded a purchase of development rights program that has been used to conserve more than 1,200 acres of farmland and wildlife habitat. MAP 3 SHOWS THESE AND OTHER CONSERVED LANDS. As stated above, water and sewer lines are confined mainly to the village center and to the growth center so that designation of the proposed growth center will not result in the installation of separate or scattered water and sewage systems. Permitting new development is constrained by sewage treatment capacity (80 residential units/year and limited commercial growth), resulting in a growth management phasing system built into the town's bylaws. This system, which is currently embodied in interim amendments to the town's subdivision regulations, encourages development within the growth center.

Williston is in the process of rewriting its bylaws, and will fully commence the adoption process in three separate initiatives this fall. The Town expects that some of the changes should be effective by early 2008, with the remaining changes effective by the spring of 2008. It has been demonstrated by the Town that the current bylaws have been effective in providing for mixed use in the proposed growth center consistent with the type of development that would be expected in a designated growth center. However, the proposed bylaws will accomplish growth center objectives in a more comprehensive manner. The Board will require that Williston adopt the proposed new unified development bylaw that will more comprehensively implement and promote the growth center characteristics of

24 V.S.A. § 2791(12)(B) within one year of obtaining designation and that the impacts on development will be evaluated at the time of the first five year review. The Board is comfortable with designation prior to the adoption of the new bylaw, because of the “pending ordinance rule” which was codified by the Vermont Legislature in 2001.

Under 24 V.S.A. Section 4449(d) [formerly 4443(d)], if a public hearing concerning the adoption or amendment of a bylaw has been noticed, the administrative officer is required to review any new application filed after the date of the notice under the proposed bylaw or amendment for a period of 150 days following the notice. If the new bylaw or amendment has not been adopted by the conclusion of the 150-day period (approximately five months), or if the proposed bylaw or amendment is rejected, then the permit shall be reviewed under existing bylaws and ordinances.

The Board relies on the fact that the proposed amendments to the applicable Williston ordinances will be binding on current applicants during the adoption process and fully expects that these amendments will be formally adopted in advance of the one year deadline that will be set by condition.

Diversity of Development

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)).

The application demonstrates that there is and will continue to be a variety of uses located within the growth center, including residential, commercial, industrial, institutional, and parks and other open space. SEE MAP 6 IN THE APPLICATION. There is also vacant land available, most of which will be developed with mixed uses. While some of the areas within the growth center are currently zoned mixed-use, the proposed bylaw changes will extend the mixed-use zoning to all parts of the growth center except existing residential neighborhoods. The bylaws also protect natural and historic resources within the growth center

Williston has tools in place that will encourage the provision of more housing choices, including housing that is more affordable for residents and the workforce. Housing choices range from conventional single-family houses and duplex condominiums to rental apartments in large buildings and flats above commercial uses. More than 50 affordable dwelling units are at some stage in the approval process and, the town is working with the Champlain Housing Trust to study the feasibility of putting approximate 16 affordable units on a parcel it owns.

The town provides direct incentives for affordable housing in the growth center by granting bonus points in the residential phasing allocation system to developers that include affordable units in their projects. This works because only a limited number of units are allowed each year, so the permitting is competitive. CHAPTER 5 OF THE TOWN PLAN PROVIDES A USEFUL, BRIEF EXPLANATION OF WILLISTON'S GROWTH MANAGEMENT SYSTEM. Housing affordability and diversity account for half of the score in the growth center, and residential development in the growth center takes priority over residential development in other areas. The result is that new projects in the growth center will be proposing 20-30% affordable units.

The Board finds that Williston's growth center is well designed with implementing ordinances to promote a diversity of land uses consistent with the legislative intent of Act 183 and with the specific language of 24 V.S.A. § 2791(12)(B)(i).

Capital Budget and Program

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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)).

The application includes a Capital Budget and Program that indicates the town is planning in the short term for facilities that will support the growth center, including a local road network, water and sewer improvements, and fire and police facilities. Much of this will be paid for by local impact fees. For the longer term, the town is actively pursuing studies that will develop the information needed to include in future Capital Budgets and Programs. These studies supplement the detailed direction provided in the town plan and current Program. For example, the town will be embarking on a study in the coming fiscal year that will look at the best way to acquire or build more sewage treatment capacity.

The town just completed two studies on impact fees, one specific to transportation impact fees. The town selectboard will start reviewing these studies with plans to adopt a new impact fee schedule. The new fees will be able to generate a lot more revenues that can be used for necessary infrastructure improvements, and thus are important to the success of the growth center.

The Board will require, as a condition of growth center approval, that Williston adopt a revised impact fee schedule, as recommended in the consultant report, within one year of formal designation.

Public Spaces

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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Most of the town's civic buildings are located in the Village Center, which complements the functions of the growth center. However, there are other public spaces in the growth center including parks, Vermont Technical College, the post office, and one of the town's schools. The Green at Maple Tree Place and the circulation around it is privately owned and maintained, and thus serves as quasi-public space. Three other proposed greens will be developed within the approved growth center under the new bylaw and will be "privately maintained public spaces."

The street system will consist of private and public ownership. Currently many of the internal streets within the developments are private while others will be public. The proposed grid street network will be public.

Spatial Pattern

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)(I)(v)).

Focal points in the growth center include several greens, Vermont Technical College, the U.S. Post Office, and the Allen Brook School.

ALL OF THESE FOCAL POINTS ARE IDENTIFIED ON MAP 9 IN THE APPLICATION, SHOWING AN APPROXIMATELY 10 MINUTE WALKING DISTANCE AROUND EACH FOCAL POINT.

The Board discussed the appropriateness of multiple focal points, and whether this compromises the character and definition of a growth center. The statute requires that the growth center should be organized around “one or more central places or focal points.”

The Board finds that, through the implementation of Williston’s growth center, multiple focal points will evolve over time to serve various public needs. In the interim, Williston’s historic village can be considered a primary focal point for the growth center.

Transportation and Other Infrastructure

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)(I)(ii)).

There was some debate as to whether the infrastructure will be adequate to support the growth center, both in terms of wastewater and transportation (including transit). Funding for needed improvements still needs to be worked out and there was a discussion as to

whether Tax Incremental Financing (TIF) revenue would be sufficient to fund the necessary improvements.

The Town of Williston has indicated an interest in joining the Chittenden County Transportation Authority (CCTA) and working with the Chittenden County Metropolitan Planning Organization (CCMPO) and the Vermont Agency of Transportation (VTrans) for the purpose of identifying necessary traffic improvements and to seek funding for those improvements, including improvements at Exit 12 on Interstate 89. Williston will continue to monitor and collect data on traffic and wastewater demand. The Town will also report on the effectiveness of the new zoning ordinance to promote infill in the Taft Corners area of the growth center, as well as the mixed use commercial district. It will become increasingly important to control the timing of future growth to infrastructure improvements. Since most of the development within Williston's growth center is subject to the jurisdiction of Act 250, those infrastructure requirements will be closely scrutinized in that process.

The Town will seek to have the necessary traffic improvements added to the MPO's Transportation Plan within five years and VTrans' Traffic Improvement Plan (TIP) within ten years. Progress on these initiatives will be reviewed by the Extended Board five years after designation.

The Board desires to make it clear that any improvements on the State highway system, proposed by the Town as part of designation approval, cannot be guaranteed by the State of Vermont. Any proposed improvements will need to be prioritized by the MPO and must compete on a statewide basis for available funding. The Expanded Board can require the Town to seek improvements, but cannot obligate the State with ultimate responsibility for completing those improvements.

The Board will require the Town of Williston to work with VTrans and the MPO to explore what improvements can be made to mitigate the traffic conditions within the Route 2A corridor and surrounding area. These improvements may include, but are limited to, improvements at Exit 12, expanded public transit and bicycle & pedestrian improvements. A plan for improvements should be developed that includes monitoring performance standards. The Town, in conjunction with the MPO, will continue to monitor conditions and report back to the Board in five years including what has been accomplished and what is proposed for future action.

In the meantime, VTrans plans to adjust existing project prioritization formulae to reflect legislative intent to give additional consideration and priority to projects located in Designated Downtowns and Designated Growth Centers. Ultimately, the system to be used will compare the ranking of each transportation project based on such factors as safety, cost, condition, impact on the overall network, etc.

One Board member, Peter Gregory, has the opinion that the infrastructure requirements have not been met; he is concerned about the lack of planned infrastructure over the 20

year period, with no specific mechanisms in place to make sure that the infrastructure will keep pace with the growth. He stated he could not support an application that doesn't meet the minimum requirements.

Natural and Historic Resources

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)).

The application identifies both natural resources and historic structures, both within and outside the growth center.

FOR NATURAL RESOURCES, SEE MAPS 3 AND 4 IN THE APPLICATION, AND FOR HISTORIC STRUCTURES, SEE THE ON THE UNNUMBERED MAPS THAT WERE PROVIDED AS A SUPPLEMENT TO THE ORIGINAL APPLICATION).

The Town has both regulatory and non-regulatory tools in place to help protect these resources, including open space development regulations, the town's competitive growth management system, design review, town acquisition (using the town's Environment Reserve Fund), and Planned Residential Development tools (PRD's).

The Town addressed potential impacts on archeological resources. While most of the land proposed for development in the growth center is already under Act 250 jurisdiction (SEE ACT 250 MAP IN THE PACKET SUBMITTED AT THE END OF AUGUST), Chapter 117 of Title 24 does not require towns to address archeological resources in "approved" town plans or implementing ordinances. Therefore, whatever is required for growth centers probably represents the first time towns have been asked to address archeological concerns. Since most of the land in the growth center has already been subject to some level of archeological study through the Act 250 process, a compilation of that data and any restrictions

or conditions imposed through that process should prove to be an excellent way to determine how potential problems could be addressed at the town level.

The Town of Williston has proposed adding a policy calling for the identification and protection of archaeological resources to the town plan and the Board will make this a requirement of growth center approval. Such policy must be added within five years following formal designation to coincide with the first five year review by the Board.

Agriculture

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)).

Williston's growth center has been planned to avoid conflicts with agriculture and impacts on agricultural soils to the maximum extent practicable. However, it is inevitable that much of the new development within the growth center will occur on primary agricultural soils. Act 183 has addressed the potential of undue adverse impacts on primary agricultural soils within designated growth centers and provides for automatic offsite mitigation for those impacts. This mitigation occurs through a mitigation payment to the Vermont Housing and Conservation Board (VHCB) based upon the number of acres of impacted soils and the prevailing cost of purchasing development rights with the geographical area. Since Williston has been granted the interim agricultural benefits under Section 6093 of Title 10 (fixed ratio of 1:1), there are several projects within Williston's proposed growth center that are currently taking advantage of offsite mitigation which will allow the full development of those properties on primary agricultural soils.

The town also protects agricultural soils outside the growth center. Almost 90% of Williston's remaining farmland is in the Agricultural/Rural Residential Zoning District, where there is substantial regulatory protection from conversion to non-farm use.

SEE MAP 4 IN THE APPLICATION.

Planning Process

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)).

The Chittenden County Regional Planning Commission approved Williston's municipal plan and planning process on March 27, 2006. The new Town Plan contains provisions that support the approved growth center, and the town's adopted bylaws are in conformance with the plan. The newly proposed bylaws will further implement the town's growth center.

The Board has reviewed the statutory requirements for growth center designation and recognizes that these requirements closely parallel the Act 250 criteria and Act 250's Capability and Development Plan, as well as the goals of 24 V.S.A. § 4302, Vermont's Planning and Development Law.

Thus the Board has determined that Williston's growth center has been planned in accordance with the goals in 24 V.S.A. § 4302 and will reinforce the purposes of Act 250.

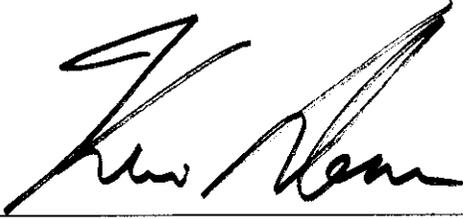
Expanded Board Approval

The Board finds that Williston has successfully demonstrated that its growth center meets the criteria in statute for growth center designation as discussed herein. Williston has demonstrated that it is working hard to concentrate compact development within the growth center and this

center will easily accommodate a majority of the Town's growth over the next 20 years. Williston has also adequately demonstrated that they have the tools in place protect important resource lands outside of the growth center. The Board hereby approves Williston's application on a vote of 8-2, based on these findings and the following conditions:

1. Williston shall prepare and submit the final growth center boundary map reflecting the decision of the Board to include the Southwest section as discussed in the Introduction of this document. This submission shall include supporting materials that provide a revised description of the growth center, including acreage, amount of projected development, and other significant information
2. Williston shall develop a comprehensive plan, including financing mechanisms, for the expansion of the Town's sewage treatment plant capacity before the first five-year review following formal growth center designation. The Town shall also continue to implement its growth management program consistent with maintaining adequate reserve capacities. The Town shall monitor wastewater flows over the next five years and shall report its findings to the Expanded Board and provide a plan for future sewage treatment capacity.
3. Williston shall make every effort to join CCTA (which includes actually applying to join) and work with CCTA on developing a new route that connects the two centers within two years of designation.
4. Williston shall adopt its proposed unified development bylaw that will more comprehensively implement the provisions in the Town Plan that pertain to the designated growth center within one year of obtaining designation. The Town shall evaluate the successful implementation of the unified development bylaw and achieving its purposes and report to the Expanded Board at the time of the first five year review.
5. Williston shall adopt a new traffic impact fee schedule and ordinance consistent with consultant recommendations within one year of obtaining designation in order to generate revenues to address future infrastructure needs.
6. Williston shall continue to work with VTrans and the CCMPO to explore what improvements can be made to mitigate the traffic conditions on the Route 2A corridor and surrounding area. These improvements may include, but are not limited to, improvements at Exit 12, expanded public transit and bicycle & pedestrian improvements. A plan for improvements should be developed that includes performance standards that can be used for monitoring. The Town and MPO should continue to monitor traffic conditions as well as progress in alternative forms of transportation and report back to the Board in five years. They should also report on what has been accomplished and what is proposed in the plan.
7. Williston shall develop a policy, and incorporate it into their Town Plan, calling for the identification and protection of archaeological resources prior to the first five-year review of its growth center designation by the Expanded Board.

NOTE: Growth Center designation is not intended in any way to suggest that the State of Vermont is making any financial commitment to provide funding for any of the improvements required to be made or studied in one or more of the conditions of designation. It should be understood that any condition imposed by the Board applies to the Town of Williston and shall not obligate in any way other planning organizations or State Agencies.



Kevin Dorn, Chair
Expanded Downtown Board

11-16-07

Date