Memo

To: Williston Selectboard
From: Matt Boulanger, Planning Director
Cc: Erik Wells, Town Manager
Date: January 10, 2024
Re: Request to Purchase Sewer Allocation from "Encourage Specific Development" Category in FY2024 Attachment A to the Williston Sewer Allocation Ordinance

OVERVIEW
This is a request by the Snyder Homes to purchase up to 4,230 gallons/day of Sewer Allocation (wastewater treatment capacity) from the "Encourage Specific Development" category of sewer allocation as established in the FY 2024 *Attachment A to the Town of Williston Regulation of Sewer Allocation Ordinance*. For FY 2024, the Selectboard chose to place 10,000 gallons per day (gpd) of treatment capacity in this category.

The purpose of the requested allocation is to facilitate the construction of a new 38-unit apartment building at Finney Crossing. Six of the proposed 38 apartments will be perpetually affordable at 100% of the Area Median Income, in compliance with Williston's recently adopted Inclusionary Zoning. There is not currently enough capacity remaining in the "New Residential" category to support this development. Because the construction of this apartment building at Finney Crossing meets several important goals in the *2016-2024 Williston Comprehensive* Plan (Town Plan), staff recommends the Selectboard consider allowing the sale of capacity from the FY 2024 "Encourage Specific Development" category of sewer capacity to support this development.

PROCESS
When a request to purchase wastewater treatment capacity from the "Encourage Specific Development" category is made, The Selectboard must meet to consider the request and vote on it prior to its sale. This is different from capacity in the other *Attachment A* categories, which, once voted on at the *Attachment A* hearing, can be sold to users administratively throughout the fiscal year

SEWER ALLOCATION ORDINANCE
Section 5.3.2 of the *Town of Williston Regulation of Sewer Allocation Ordinance* calls for the Selectboard to reserve a certain amount of capacity each year to "encourage specific types of development," including (but not limited to) "housing for specific populations and major employers in base and export industries." The ordinance goes on to state that allocation made under this provision must be "to implement a specific goal of the comprehensive plan."

TOWN PLAN GOALS
Staff has identified the following Town Plan goals (called Policies) that are supported by this allocation:

In the Land Use Chapter (Chapter 3):

> *3.1 – Taft Corners and Growth Center. The Town of Williston will encourage and support a design-conscious, pedestrian-friendly, mixed-use development and redevelopment pattern in the Taft Corners area. The town has worked toward this objective by successfully obtaining Growth Center Designation in 2008 and revising the Unified Development Bylaw in 2009. The town envisions the majority of new growth and development activity taking place in the Growth Center. The town will continue to support this objective by encouraging the construction of planned infrastructure in the Growth Center, concentrating new development in the Growth Center, and examining and monitoring the effectiveness of its bylaws*
>
> *3.1.5 Consider Developing and Adopting a Form Based Code. The town's development*

standards in the growth center already contain some form-based elements which are a method of regulating development to achieve a specific physical form, with less focus on use categories and more emphasis on the relationship between buildings and the street, and the form and mass of buildings to one another. The town should consider making greater use of form-based techniques in the Growth Center as a means of refining the town's current development standards. Drafting a form-based code will use a participatory and inclusive public process. In this way, form-based zoning supports equitable public policies, while promoting walkable, human-scaled development that help residents and businesses thrive."

The proposed building will be permitted in compliance with the new Taft Corners Form-Based Code, which includes many architectural and site design requirements that were adopted by the Town to achieve the goals stated above. Supporting new development that is in compliance with the new Form-Based code will particularly include the walkable and human-scale elements discussed in 3.1.5, above.

1Proposed Building G, which the allocation request would support.

In the Community Design Chapter (Chapter 4)

4.2.3 Minimize the Surface Area Devoted to Parking. The town will continue to require adequate parking and to require shared parking where feasible to create "park once" conditions in the growth center. The "park once" concept requires a system that allows people to park their car once and circulate throughout the business district through a network of interconnected walking paths or transit. For both design and water quality reasons, the town will limit the number of spaces to no more than the number required. The town will also consider reducing or eliminating parking minimums.

4.2.4 Continue to Minimize the Visual Impact of Parking. Asphalt and automobiles should not dominate Williston streetscapes. The design guidelines will continue to require that parking be placed behind or beside buildings wherever the site permits. Landscaped buffers around the perimeter to obscure parking areas as well as landscaped island within parking areas will also be required. Solar canopies/pavilions are considered positive aesthetic additions to open parking, especially in conjunction with landscaping.

4.2.5 Avoid Dead Walls. Long walls without doors, windows, or other variations kill pedestrian spaces. The design guidelines will continue to require that any wall along which there is a sidewalk or that faces a parking area have functional ground floor windows, which may be used to admit light or for display.

The parking spaces for the proposed apartments will all be behind or underneath the building and hidden from view from the frontages of Market Street and Holland Lane. Shared Parking compliance with the new Form-Based Code is used to minimize the amount of surface parking area required to support the development. In compliance with the new Form-Based code, the building includes street-facing entrances, balconies, a pitched roof, and private open space.

In the Housing and Growth Management Chapter (Chapter 5)

> *5.1 Expand Housing Opportunities. This objective calls for the town, within the limitations of the residential growth management system, to promote a variety of types of housing, including dwellings that are affordable for a wide range of Williston's residents and its workforce.*
>
> *5.2.2 Consider Using Inclusionary Zoning to Guarantee Provision of Affordable Housing in Appropriate Locations. Past and present town policies encouraging the development of housing affordable to low- and moderate-income people have relied upon incentives to housing developers. Inclusionary zoning policies encourage the building of affordable housing units by requiring housing developers to build a minimum percentage of the housing units within a proposed development at a price point that is affordable to low- or moderate-income residents. There is still debate about whether the incentive for affordable housing described in Policy 5.2.1 will be effective or whether additional policy measures will be required to obtain additional affordable housing units in Williston. This policy provides a basis for the adoption of inclusionary zoning if it is determined that the incentive in the residential growth management system is not strong enough.*

The apartment building will include six affordable apartments in compliance with Williston's newly adopted Inclusionary Zoning, which implements policy 5.2.2, above.

CONCLUSIONS AND SEWER ALLOCATION MATH

The FY 2024 "Encouraging Specific Development" category currently has 10,000 gallons per day of capacity available for allocation. The staff recommendation is for the Selectboard to vote to authorize the sale of up to 4,230 gallons per day of wastewater treatment capacity from the "Encouraging Specific Development" category in the FY 2024 Attachment A to the *Sewer Allocation Ordinance* because doing so will help the town achieve several goals as identified in the Town Plan. This connection to Town Plan Goals is required by the Sewer Allocation Ordinance as discussed above.

As shown by the applicant's calculations, a total of 4,230 gallons per day of capacity is needed to support the development of the 38 apartments. Some capacity, up to 630 gallons per day, may be able to be purchased from the "affordable housing" category however staff's recommendation provides the flexibility for the Town to sell all of the needed capacity from "encouraging specific development."

All allocation amounts will reset on the first day of FY 2025, July 1, 2024. Should the applicant not be able to purchase from the "Specific Development" Category in FY24, they will need to buy up to 4,230 gallons per day of capacity from the "residential" category in FY 2025.