



July 17, 2020

South Burlington City Council,
575 Dorset Street,
South Burlington, VT 05403

Board of Directors

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Dear Councilors,

In light of the environmentally beneficial goals of Interim Zoning (IZ), and of all the effort expended by volunteer citizen committees and staff during this period, the South Burlington Land Trust (SBLT) was pleased that the Council extended the IZ period to Sept 22nd. We agree with the Council that, even with the IZ extension, it will be a challenge to complete the new LDR's in that time. It is for that reason that we offer a suggestion on a way to accomplish the goals of IZ in a timely manner.

There are municipal planning tools which can effectively accomplish the goals of IZ as well as achieve the vision of our Comprehensive Plan in a relatively short period of time. Fortunately, through a painstaking and scientific process, the members of the IZ Open Space Committee were able to narrow down 190 land parcels to only 25 with the highest conservation values. The hard work of identifying the most valuable natural resource lands in the City has now been done.

Through our research, the SBLT learned that Sewer Allocation is a tool often used by municipalities in Vermont and across the nation to preserve land and shape future development in line with the City's vision. Sewer Allocation can be used to protect our most valuable natural resource lands while the City continues work on re-drafting the Land Development Regulations.



In fact the consultants, Lamoureux & Dickinson, who were retained by the City to prepare the South Burlington Sustainable Agriculture/Food Security Action Plan stated that "Limiting the amount of wastewater capacity used to serve outlying development would also help to direct growth towards City Center and the transit corridors where higher density development is desired."

For example, Williston and Essex have ordinances which assign reserve capacity using zoning districts and land use classifications. Shelburne has a Sewer Service Area. Sewer capacity allocation is restricted to this Sewer Service Area in accordance with the expected lifespan of the sewage treatment facility. South Burlington has an Ordinance Regulating Public and Private Sanitary Sewerage and Stormwater Systems (the ordinance). The ordinance mainly focuses on the procedure for assigning sewer allocation on a first come first served basis. Moreover, the current ordinance gives no guidance for sewer allocation related to types of development (residential, commercial, etc.) or in what areas developments are located. We are suggesting that the ordinance be amended to clarify its purpose and establish criteria for sewer capacity allocation.

Some of the criteria for sewer capacity allocation could include:

- The creation of a Sewer Service Area. This would define where sewer capacity can be allocated.
- The creation of 5-year Sewer Capacity Allocation Plans. These would establish limits on total capacity allocation in each plan period.
- A methodology to reserve and assign sewer capacity to the areas where development is desired.

The City identified City Center and the Transit Overlay District as growth areas for our City. The ordinance should support development in these areas, but it does not. Currently, the ordinance reserves 150,000 GPD (gallons per day) for City Center. Some estimates have shown that a full build out of City Center will require 470,000 GPD. There is no mention in the ordinance of the Transit Overlay District.



To direct development to the desired growth areas of the City, random development in other areas needs to be limited. An amendment to the ordinance could both shape development and preserve natural resources. Uncontrolled assignment of sewer capacity on a first come, first served basis is contributing to sprawl and the degradation of natural resources. Adopting a sewer capacity allocation amendment to the ordinance would be an effective tool to manage development. We have developed some suggestions for an ordinance amendment which we believe will accomplish the City's Interim Zoning goal to preserve our natural lands, help re-balance open spaces with developed spaces and fulfill the vision in South Burlington's Comprehensive Plan.

Our final comment and suggestion addresses the lack of a purpose statement in the ordinance. Most sewer ordinances that we read contain a purpose statement. A purpose statement in a municipal ordinance provides the rationale for which the ordinance is enacted, identifies the key goals of the ordinance, and provides justification for the stipulations in the ordinance. Unfortunately, the ordinance has no purpose statement. This may be a contributing factor to some of the rural sprawl and haphazard developments in South Burlington. The City should be rightly proud of its efforts to be more environmentally responsible regarding sewer treatment. It has expended considerable resources to improve and increase the capacity of the City's sewer treatment and disposal plants. Having a purpose statement in the ordinance could call attention to this and set the tone for why and how the ordinance contributes to these goals.

Therefore, we suggest adding a purpose statement to the ordinance to make clear that the ordinance is in place to protect City assets, regulate usage so as not to exceed capacity, and to contribute to fulfilling the City's goals for growth in alignment with the Comprehensive Plan. For example, the purpose could reflect the current situation in South Burlington and state where we want to direct development. It could also acknowledge that sewer capacity is finite and, that without careful planning of its use, uncontrolled assignment of sewer capacity could cause growth in areas identified for preservation, and away from identified growth areas. This could result in greater demands than City municipal services can sustain (schools, roads, public safety, etc.).



We believe that adopting a sewer capacity allocation amendment to the ordinance would be an effective tool to manage development; and that adding a purpose statement would strengthen the ordinance.

Thank you for considering our suggestions, and we look forward to working with the City on this matter.

The Board of Directors of the South Burlington Land Trust