

Planning Commission Reporting Form for Municipal Bylaw Amendments 2/19/2010

Proposed Revisions to Hinesburg's Zoning Regulations (Flood Hazard Regulations) for March 10, 2010 PC Public Hearing

This report is in accordance with 24 V.S.A. §4441 (c) which states:

When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. The report shall provide:

(A) Brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under section §4444 of this title,

The Hinesburg Planning Commission will hold a public hearing at Hinesburg Town Hall on Wednesday, March 10, 2010, at 7:30 p.m. to receive public comment on proposed changes to the Zoning Regulations, adopted November 7, 1972, as amended October 12, 2009. The purpose of these changes is to ensure continued enrollment eligibility for the National Flood Insurance Program (NFIP), and to reduce risks and mitigation costs by minimizing new investments in flood hazard areas. Changes include a complete re-write of Article 6, updated and new definitions in Article 10, and minor related changes to sections 1.4, 2.5.1, 2.5.2, 4.1.1, 8.3, 8.4. The geographic area affected is primarily the mapped flood and fluvial erosion hazard areas along the LaPlatte River, Lewis Creek, and some surrounding tributaries; however, some general changes may affect all of Hinesburg.

Copies of the proposed changes, as well as a report on how the proposed changes comply with the Town Plan, are available for review on the Town web site (www.hinesburg.org) and at the Town Offices located on the corner of Route 116 and the Charlotte Road in Hinesburg, Vermont. The Town Offices are open 8am to 4pm Mon., Tues., Thurs. and Fri., and 11:00 am to 7:00 pm Wednesday. For information please contact the Town Planning/Zoning Office, 482-3619.

Compliance with NFIP minimum standards requires quite a number of changes – both for greater specificity on allowed uses and for additional permitting requirements and review standards for development in the hazard areas. Beyond these required changes, the Planning Commission is proposing 2 substantive policy improvements to the existing regulations:

1. **Recognize Fluvial (i.e., stream/river) Erosion Hazard areas in addition to the currently recognized inundation hazard areas** - Most flood related property damage in Vermont is due to erosion of banks when streams and rivers change course during severe weather events. Traditionally, NFIP flood hazard areas have focused solely on rising water (i.e., inundation areas) and not risk from dynamic water courses that can endanger property that appears “high and dry” until a stream/river changes course. Thanks to work by local watershed groups and the VT Agency of Natural Resources, Hinesburg now has fluvial erosion hazard areas delineated for the LaPlatte River, Lewis Creek, and several related tributaries.

2. **Ensure new structures are not built in these hazard areas** – Hinesburg’s existing regulations allow a wide array of new construction in flood hazard areas if such structures can be elevated above base flood elevations and/or flood proofed. Not only does this put the property in question at risk, but it can have negative consequences both for neighboring landowners and nearby public infrastructure (e.g., roads, culverts, bridges, etc.) due to changes to inundation areas, flooding severity, patterns of stream/river bank erosion, etc. The proposed revisions allow for improvements and additions to existing structures, while prohibiting new structures with an exception for very small new accessory structures (e.g., shed, chicken coop, etc.)

Findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

The proposed changes are largely driven by Federal requirements related to continued enrollment in the National Flood Insurance Program. The Federal Emergency Management Agency is updating Flood Insurance Rate Maps (FIRM) for all of Chittenden County, and these map updates have triggered a more rigorous review of municipal flood hazard regulations.

Enrollment in the NFIP requires local regulations to meet certain minimum standards in order for Hinesburg residents to have access to much more affordable flood insurance. Hinesburg residents have benefitted from our enrollment in this program for many years, and the Town is working with State and Federal FEMA officials to ensure that Hinesburg remains in good standing when the updated maps become effective later this year. The proposed changes do further the goals and policies of the 2005 Town Plan, specifically:

- **Section 1.5, Objective 4.3** – To restrict development in areas that would be detrimental to human health, safety, and the public good.
- **Section 4.6 (1st para.)** – “Because floodplains serve as an integral part of the overall natural resource pattern of the Town it is important to maintain them in an unobstructed state.”

The proposed changes will have little to no affect on the availability of affordable housing; however, the revisions will help ensure that new housing is “safe” by keeping it out of areas prone to flooding or areas likely to be impacted by stream bank erosion.

2. Is compatible with the proposed future land uses and densities of the municipal plan:

The proposed changes are compatible with the proposed future land uses and densities of the existing and proposed Town Plan. The areas impacted generally have little development potential due to being located in existing hazard areas, which often substantial overlap with existing stream setbacks, wetland buffers, etc.

3. Carries out, as applicable, any specific proposals for any planned community facilities.”

Not applicable, except in so far as the revisions properly require most community facilities be located outside of flood hazard areas.