

1 H.676

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Construction and development; land use; National Flood Insurance
6 Program; State rules

7 Statement of purpose of bill as introduced: This bill proposes to allow the
8 Secretary of Natural Resources to regulate development within flood hazard
9 areas or river corridors that is exempt from municipal regulation or is
10 state-owned and -operated. This bill also allows municipalities to regulate
11 other land uses currently subject to limited municipal regulation to ensure
12 compliance with the National Flood Insurance Program.

13 An act relating to regulation of land uses within flood hazard areas

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 ~~Sec. 1. 10 V.S.A. § 754(a) is amended to read:~~

16 ~~(a) Rulemaking authority.~~

17 ~~(1) On or before ~~March 15, 2014~~ November 1, 2014, the Secretary shall~~
18 ~~adopt rules pursuant to 3 V.S.A. chapter 25 that establish requirements for the~~
19 ~~issuance and enforcement of permits applicable to;~~

1 ~~(i) uses exempt from municipal regulation that are located within a~~
2 flood hazard area or river corridor of a municipality that has adopted a flood
3 hazard bylaw or ordinance under 24 V.S.A. chapter 117; and

4 (ii) State-owned and -operated institutions and facilities that are
5 located within a flood hazard area or river corridor.

6 * * *

7 (f) Permit requirement. Beginning ~~July 1, 2014~~ March 1, 2015, no person
8 shall commence or conduct a use exempt from municipal regulation in a flood
9 hazard area in a municipality that has adopted a flood hazard area bylaw or
10 ordinance under 24 V.S.A. chapter 117 without a permit issued under the rules
11 required under subsection (a) of this section by the Secretary or by a State
12 agency delegated permitting authority under subsection (g) of this section.

13 * * *

14 Sec. 2. 24 V.S.A. § 4413(a) is amended to read:

15 (a) The following uses may be regulated only with respect to location, size,
16 height, building bulk, yards, courts, setbacks, density of buildings, off-street
17 parking, loading facilities, traffic, noise, lighting, landscaping, ~~and~~ screening
18 requirements, and, except for State-owned and -operated institutions and
19 facilities, compliance with the National Flood Insurance Program, and only to
20 the extent that regulations do not have the effect of interfering with the
21 intended functional use:

1 ~~(1) State or community owned and operated institutions and facilities.~~

2 (2) Public and private schools and other educational institutions certified
3 by the ~~state department of education~~ Agency of Education.

4 (3) Churches and other places of worship, convents, and parish houses.

5 (4) Public and private hospitals.

6 (5) Regional solid waste management facilities certified under
7 10 V.S.A. chapter 159.

8 (6) Hazardous waste management facilities for which a notice of intent
9 to construct has been received under 10 V.S.A. § 6606a.

10 Sec. 3. EFFECTIVE DATE

11 ~~This act shall take effect on passage.~~

Sec. 1. 10 V.S.A. § 754 is amended to read:

*§ 754. FLOOD HAZARD AREA RULES; USES EXEMPT FROM
MUNICIPAL REGULATION*

(a) Rulemaking authority.

*(1) On or before ~~March 15, 2014~~ November 1, 2014, the Secretary shall
adopt rules pursuant to 3 V.S.A. chapter 25 that establish requirements for the
issuance and enforcement of permits applicable to:*

*(i) uses exempt from municipal regulation that are located within a
flood hazard area or river corridor of a municipality that has adopted a flood
hazard bylaw or ordinance under 24 V.S.A. chapter 117; and*

(ii) State-owned and -operated institutions and facilities that are located within a flood hazard area or river corridor.

* * *

(f) *Permit requirement. Beginning ~~July 1, 2014~~ March 1, 2015, no person shall commence or conduct a use exempt from municipal regulation in a flood hazard area or river corridor in a municipality that has adopted a flood hazard area bylaw or ordinance under 24 V.S.A. chapter 117 or commence construction of a State-owned and -operated institution or facility located within a flood hazard area or river corridor, without a permit issued under the rules required under subsection (a) of this section by the Secretary or by a State agency delegated permitting authority under subsection (g) of this section.*

* * *

Sec. 2. 24 V.S.A. § 4413(a) is amended to read:

(a)(1) *The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:*

(H)(A) *State- or community-owned and operated institutions and facilities.*

~~(2)(B)~~ *Public and private schools and other educational institutions certified by the ~~state department of education~~ Agency of Education.*

~~(3)(C)~~ *Churches and other places of worship, convents, and parish houses.*

~~(4)(D)~~ *Public and private hospitals.*

~~(5)(E)~~ *Regional solid waste management facilities certified under 10 V.S.A. chapter 159.*

~~(6)(F)~~ *Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.*

(2) Except for State-owned and -operated institutions and facilities, a municipality may regulate each of the land uses listed in subdivision (1) of this subsection for compliance with the National Flood Insurance Program and for compliance with a municipal ordinance or bylaw regulating development in a flood hazard area or river corridor, consistent with the requirements of subdivision 2291(25) and section 4424 of this title. These regulations shall not have the effect of interfering with the intended functional use.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.