

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Fish, Wildlife and Water Resources to which was
3 referred House Bill No. 676 entitled “An act relating to regulation of land uses
4 within flood hazard areas” respectfully reports that it has considered the same
5 and recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

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

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

10 (a) Rulemaking authority.

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

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

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

19 * * *

20 (f) Permit requirement. Beginning ~~July 1, 2014~~ March 1, 2015, no person
21 shall commence or conduct a use exempt from municipal regulation in a flood

1 hazard area in a municipality that has adopted a flood hazard area bylaw or
2 ordinance under 24 V.S.A. chapter 117 without a permit issued under the rules
3 required under subsection (a) of this section by the Secretary or by a State
4 agency delegated permitting authority under subsection (g) of this section.

5 * * *

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

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

12 ~~(1)~~(A) State- or community-owned and operated institutions and
13 facilities.

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

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

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

19 ~~(5)~~(E) Regional solid waste management facilities certified under
20 10 V.S.A. chapter 159.

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

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

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on passage.

12

13

14

15 (Committee vote: _____)

16

17

Representative [surname]

18

FOR THE COMMITTEE