



**Senate Committee on Natural Resources and Energy**  
**H.676 State Floodplain Rules**  
**March 19, 2014**

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I am Scott Gustin, Senior Planner with the City of Burlington. I am speaking on behalf of the Vermont Planners Association in support of this bill. Thank you for allowing me to speak on House Bill 676.

***This bill closes a long-standing regulatory gap in Vermont land use regulation.*** 24 VSA, Sec. 4413 (a) limits local zoning regulation of a variety of uses, such as state owned and operated institutions, schools, churches, and waste management facilities. Vermont has a wealth of waterways, and as noted in previous testimony, the substantial majority of Vermont municipalities participate in the National Flood Insurance Program. This participation enables the provision of federal flood insurance and disaster assistance. In exchange for these benefits, certain development standards apply for land use within the mapped Special Flood Hazard Area. These standards are aimed at limiting damage during times of flooding. The effect of 24 VSA 4413 (a) as presently written has been to prevent the application of Special Flood Hazard Area standards to these partially exempt uses. *H. 676 closes this gap and specifically enables municipal flood zone regulation of these partially exempt uses, except for state owned and operated facilities. Facilities owned and operated by the state will continue to be partially exempt from local zoning, but they will be subject to the NFIP standards under the administration of the Agency of Natural Resources.*

***Beyond closing the regulatory gap created by 24 VSA Sec. 4413 (a), H. 676 explicitly grants Agency of Natural Resources jurisdiction over “river protection corridors” (buffered fluvial erosion hazard areas).*** While river corridors generally contain flood zones within them, the corridors frequently reach beyond the mapped flood zone. The provision to include the full, buffered, river corridor enables a comprehensive state review of development activities along our waterways that are exempt from local review. This allows the state to set a high bar and lead by example for the activities it regulates and allows for consistency with ANR determinations and recommendations under Act 250 criterion 1D (floodways) and 1E (Streams). In sum, this provision affords greater protection to our waterways and adjoining lands.

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