

Warren Planning Commission Report

Proposed New Overlay District—Fluvial Erosion Hazard Overlay

This report is presented for public review in accordance with 24 V.S.A §4441 (c).

Description & Purpose of the proposed bylaw amendment:

The purpose of this amendment is to create a new Fluvial Erosion Hazard Overlay District. The purposes of this overlay district (FEH) are to: 1) Implement related goals, policies, and recommendations of the current municipal plan, hazard mitigation plan, and supporting river corridor management plans; 2) Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures that result from flood-related erosion; 3) Avoid and minimize the undue adverse effect on public services and events; 4) Protect mapped fluvial erosion hazard areas that are highly subject to erosion due to naturally occurring stream channel migration and adjustment; 5) Limit new development within fluvial erosion hazard areas to protect public safety and to minimize property loss and damage due to fluvial erosion; and 6) Allow rivers and streams to maintain or re-establish their natural equilibrium, thereby avoid the need for costly and environmentally degrading stream channelization and bank stabilization measures. These revisions will also bring Warren’s regulations into compliance with advanced state regulations related to stream hazard mitigation, including fluvial erosion hazards.

The Warren Planning Commission has determined that the proposed amendment:

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 amendment furthers the goals and policies contained in the Town Plan, including the following:

- o [Page 3-23] Objective 3.2, Implementation Strategy f: Limit development in designated floodplains (except that which is related to the maintenance and continued use of existing structures) to recreation and other non-commercial and non-residential uses.
- o [Page 10-16] Other safety considerations could be included in the Special Flood Hazard Overlay District standards, including review of fluvial erosion standards.
- o [Page 10-16] Consider establishing Fluvial Erosion Hazard Zones restricting development adjacent to the Mad River.

- o [Page 10-23] Objective 10.6, Implementation Strategy a)i.: Strengthen standards, as necessary, related to erosion control and stormwater management.
- 2. 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:
 - o The proposed amendment encourages protection of life, safety and property in the overlay district zone. It does not encourage or permit development of safe or affordable housing in the mapped areas of the district where such development would be subject to destruction by river erosion.
- 3. Is compatible with the proposed future land uses and densities of the municipal plan:
 - o The proposed amendment does not substantially alter the allowed uses and densities of development as set forth in the currently adopted regulations, which are compatible with the proposed future land uses and densities of the Town Plan. It does, however, deny development in mapped areas which are subject to destruction by river erosion.
- 4. Carries out, as applicable, any specific proposals for any planned community facilities.
 - o The proposed amendment does not carry out any specific proposal for any planned community facilities.

We therefore approve the proposed amendments to the Town of Warren Land Use and Development Regulations, amended and adopted on October 8, 2010, and to be warned for Planning Commission public hearing on Monday, November 12, 2012 at 7:30 PM in the Municipal Building and subsequent transmittal to the Warren Select Board.

Dated this 8th day of October 2012.

By the Warren Planning Commission:

Craig Klofach, Chair
Mike Ketchel, Vice Chair
Jim Sanford
Don LaHaye
Lisa Miserendino
Dan Raddock
Randy Graves