

Planning Commission Reporting Form for Municipal Bylaw Amendments

The following amendment to the Town of Lyndon Zoning Bylaws (Bylaws) was originally developed by a ‘Flood Hazard Regulations Working Group’ that was appointed by the Lyndon Selectboard on March 16, 2020. The ‘Working Group’ was made up of seven Lyndon residents (Ken Mason, Sylvia Dodge, Curtis Carpenter, David Stahler, Marty Feltus, Sue Mills, Craig Weston). The Working Group submitted a draft amendment to the Town of Lyndon Selectboard on September 3, 2020, which immediately referred the document to the Lyndon Planning Commission for consideration. The Planning Commission completed its revisions and review process on January 13, 2021. The amendment is intended to replace the existing Article XI Flood Hazard Regulations in the Bylaws (enacted in 2016). This report was developed in accordance with 24 V.S.A. §4441(c) and *does recommend* the proposed amendment to the Town Zoning Bylaws (Bylaws).

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. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. The report shall provide(:)

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

The proposed amendment to the current Town of Lyndon Zoning Bylaw Article XI Flood Hazard Regulations would allow responsible and regulated development, redevelopment, and protection of properties in Lyndon’s flood hazard areas.

Specifically, the amendment would:

- allow the use of fill more generally within those portions of the Special Flood Hazard area that are outside the floodway limits, provided that specific development standards are met.
- allow for new structures within those portions of the Special Flood Hazard area that are outside the floodway limits, provided that such proposed structures meet certain development standards.
- allow compensatory storage as a development standard when new structures and/or fill are proposed in those portions of the Special Flood Hazard area that are outside the floodway limits.
- allow for Administrative approval without conditional-use review of non-substantial improvements to existing structures and accessory structures that are proposed in those portions of the Special Flood Hazard area that are outside the floodway limits.
- correct minor technical errors such as statutory citations, terminology, definitions, redundancies, and inconsistencies between Article XI tables and text.

(A)nd shall include 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 Bylaw amendment conforms with and furthers the goals and policies of the 2020 Lyndon Municipal Plan (The Plan) for the following reasons:

- Policy 9.3 (p. 75) of the Plan states that the Town should “ensure that any development within the Special Flood Hazard Area fully conforms to the minimum requirements of the National Flood Insurance Program” and Action 9.1 (p. 75) specifically calls for the Town to “maintain eligibility and continue to participate in the National Flood Insurance Program and continue to qualify for enhanced funding level through the Emergency Relief and Assistance Fund (ERAF)”.

The Article XI Flood Hazard Regulations amendment approved by the Lyndon Planning Commission on January 13, 2021 has been reviewed for the NFIP compliance (Sacha Pealer, VT Agency of Natural Resources) to ensure that Lyndon’s residential and commercial property owners can continue to purchase affordable flood insurance through the NFIP, which enhances the affordability of housing located within the FEMA-mapped 100-year floodplain (Special Flood Hazard Area).

- Policy 9.3 (p. 75) states that the Town should “ensure that any development within the Special Flood Hazard “supports protection of the community from increased flood and fluvial erosion risk” and Objective 9.1 calls for the careful evaluation of “proposed new development in the Special Flood Hazard Area and River Corridor and ensure that redevelopment in such areas does not exacerbate flooding” (p. 75). River Corridor protection was purposefully included in the amendment to the Article XI Flood Hazard Regulations to better address these flooding and fluvial erosion risks. The Article XI Flood Hazard Regulations amendment includes adequate standards to ensure that development in the Special Flood Hazard Area or River Corridor do not unduly increase flood hazard or fluvial erosion risks. This is accomplished by requiring that proposed development is evaluated by a licensed professional engineer before the project is reviewed by the Lyndon Development Review Board. Additional project review may also be required by State and Federal agencies.
- Action 9.1 (p. 75) calls for the Town to “continue to qualify for enhanced funding level through the Emergency Relief and Assistance Fund (ERAF)”. The inclusion of River Corridor protections, based on VT Agency of Natural Resources’ 2018 Model Bylaws, in the Article XI Flood Hazard Regulations amendment enables the Town to continue to qualify for the highest level of ERAF funding possible.
- The Article XI Flood Hazard Regulations amendment complies with 24 V.S.A. § 4424, which states that no permit for new construction or substantial improvement shall be granted for a project within a flood hazard area until a copy of the application is delivered to the Agency of Natural Resources and either 30 days have elapsed following the delivery or the Agency delivers comments on the application.

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

The amendment to the Article XI Flood Hazard Regulations is compatible with the proposed future land uses and densities of the Plan as it will effectively protect existing and future development in areas threatened by flooding, while enhancing opportunities for economic growth in Lyndon's existing commerce areas along VT State Routes 5, 114, and 122 and other local roadways. The amendment ensures thoughtful, regulated development, in conjunction with protection of existing structures through the use of development standards in both River Corridors and Special Flood Hazard Areas. The amendment codifies development standards in these areas to aid in the evaluation of the potential impacts that development or redevelopment projects will have.

Additionally, the amendment to the Article XI Flood Hazard Regulations confirms the importance of:

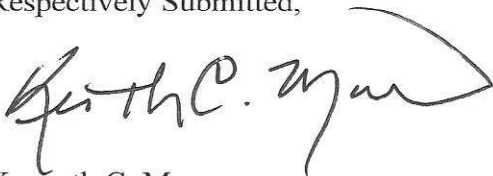
- Protecting Lyndon's wetland and riparian habitats by requiring vegetated buffers (p. 20)
- Enhancing economic growth in a regulated manner to ensure protections to existing and proposed structures, as well as the nearby waterways (Objective 1.1, Policy 1.1, p.24)

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

Not applicable.

The Planning Commission finds the proposed amendment to be consistent with the goals and policies contained in the Municipal Plan and **recommends adoption** of the proposed amendment.

Respectively Submitted,



Kenneth C. Mason
Chairman, Lyndon Planning Commission

Amended: April 7, 2021

Please Note:

- ❖ The planning commission shall hold at least one public hearing within the municipality after public notice on any proposed bylaw, amendment or repeal and;
- ❖ At least **15** days prior to the first hearing, a copy of the proposed plan or amendment and the written report shall be delivered with proof of the receipt, or mailed by certified mail, return receipt requested, to each of the following:
 1. the chairperson of the planning commission of each abutting municipality, or in the absence of any planning commission in an abutting municipality, to the clerk of that abutting municipality;
 2. the executive director of the regional planning commission of the area in which the municipality is located;
 3. the Department of Economic, Housing and Community Development within the Agency of Commerce and Community Development.
- ❖ The planning commission may make revisions to the proposed bylaw, amendment, or repeal and to the written report, and shall then submit the proposed bylaw, amendment or repeal and the written report to the legislative body of the municipality. If requested by the legislative body or supported by petition the planning commission shall promptly submit the amendment with changes only to correct technical deficiencies, together with any recommendations.
- ❖ Simultaneously, with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed bylaw, amendment, or repeal, and the written report for public review.