

1 2. Establish new fluvial erosion hazard area overlay districts within which new development will be
2 limited as necessary to:
3

- 4 ▪ implement adopted municipal and hazard mitigation plans,
- 5 ▪ protect mapped fluvial erosion hazard areas that are highly sensitive to erosion due to naturally
6 occurring stream channel migration and adjustment,
- 7 ▪ limit new development within these areas to protect public health, safety welfare, and to
8 minimize property losses and damage and extraordinary public expenditures resulting from
9 fluvial erosion, and to
- 10 ▪ allow rivers and streams to re-establish and maintain their natural equilibrium, and thereby
11 avoid the need for costly and environmentally degrading stream channelization and bank
12 stabilization measures.

13
14 As proposed, new development – including new residential and nonresidential structures – will continue
15 to be allowed within Special Flood Hazard Areas (outside of floodways) in the Waitsfield Village Business
16 and Village Residential Zoning Districts, but must be designed to be reasonably safe from flooding and
17 to meet related program requirements for anchoring, elevation, construction and floodproofing.
18

19 Proposed changes to current flood hazard area regulations that exceed minimum National Flood
20 Insurance Program requirements, as recommended by the state, include the following:
21

- 22 ▪ New principal structures, including new dwellings and commercial buildings, are prohibited
23 within Special Flood Hazard Areas outside of the Village Residential and Village Business zoning
24 districts, and within Fluvial Erosion Hazard Areas, as recommended to further minimize risks to
25 life and property.
- 26
27 ▪ Certain development currently only prohibited in floodway areas, including salvage yards and
28 the storage of hazardous materials, would also be prohibited within more broadly mapped
29 Special Flood Hazard Areas (the 100-year floodplain).
- 30
31 ▪ Currently, the first (ground) floor of all new structures, and substantial improvements to existing
32 residential structures within Special Flood Hazard Areas must be elevated above the base flood
33 elevation (100-yr flood level). As proposed, all such structures (except for small accessory
34 structures) will have to be elevated at least **one foot** above the base flood elevation, to provide
35 additional "freeboard" -- an added margin of safety from flooding -- which may also reduce the
36 cost of flood insurance.
- 37
38 ▪ Substantial improvements to existing nonresidential structures within Special Flood Hazard
39 Areas must also either 1) be elevated an additional foot above the base flood level, or 2) [be](#)
40 floodproofed so that the structure is watertight at least **two feet** above the base flood elevation
41 -- again to provide an added margin of safety from flooding.
- 42
43 ▪ "Substantial improvement," is currently defined as an improvement that represents 50% or
44 more of the market value of the structure. As proposed, this would include the cumulative value
45 of all existing or proposed improvements made over a three-year period (as documented in
46 application materials) or under a "common plan of development" approved by the town.
- 47
48 ▪ Documentation [from the applicant](#) that all required state and federal permits have been
49 obtained will be required [to comply with as-necessary-to-administer](#) an existing federal program
50 requirement that the town ensure ~~that~~ all permits have been obtained for development within
51 Special Flood Hazard Areas.

1
2 The Waitsfield Planning Commission finds that the proposed amendments:
3

4 1. ***Conform with or further the goals and policies contained in the municipal plan, including the effect***
5 ***of the proposal on the availability of safe and affordable housing.***
6

7 As specified in the 2005 Waitsfield Town Plan, flood plain areas “serve as a safety-valve by
8 temporarily carrying and retaining bank overflow from stream runoff and heavy storms, and are vital
9 to the health of the river and the safety of the community” (p.36). The town plan includes
10 recommendations for additional mapping to more clearly identify hazard areas associated with
11 more dynamic segments of the Mad River. Since then, both updated flood and fluvial hazard area
12 maps have been prepared for the community. The plan also includes a recommendation that the
13 town continue to enforce and update flood hazard area regulations “to strictly limit – or preferably
14 prohibit – development on these lands” (p. 37).
15

16 Related natural resource policies (pp.39, 40):
17

- 18 ▪ Priorities for open space protection include...riparian lands and floodplains (#4).
- 19
- 20 ▪ Prohibit land development on slopes of 25% or greater and, outside of the Waitsfield Village
21 Business District, on 100-year floodplains (#9).
22
- 23 ▪ The quality of Waitsfield’s surface waters shall be protected and enhanced through the
24 maintenance of vegetated buffers along all streambanks (#17)
25

26 Related natural resource tasks (p.41):
27

- 28 ▪ Update the town’s zoning and subdivision regulations to incorporate resource protection
29 standards in accordance with aforementioned policies (#1).
30

31 Proposed amendments will further restrict new housing development within flood and fluvial
32 erosion hazard areas – specifically to protect public health, safety and welfare, and to avoid or
33 minimize the loss of life and property associated with such hazards. New housing, however, is
34 allowed within village districts, and on that portion of any parcel located outside of mapped hazard
35 areas, under existing siting and clustering provisions. Very few existing parcels are located entirely
36 within proposed hazard areas, as identified from analyses of all parcels located within proposed
37 flood and fluvial erosion hazard areas.
38

39 Substantial improvements and additions to existing structures, including residential structures, are
40 allowed within all hazard areas, as long as they meet federal and state recommended requirements
41 for elevation, anchoring and construction. These standards are intended specifically to protect
42 public health, safety and welfare in identified hazard areas and may add to the cost of, but do not
43 necessarily preclude, improvements to affordable housing.
44

45 Proposed amendments to existing regulations will not significantly affect the current or future
46 availability of affordable housing in the community, except as necessary to ensure that any housing
47 located within identified hazard areas is safely designed and constructed to minimize attendant
48 hazards.
49

50 2. ***Are compatible with future land uses and densities of the municipal plan.*** Proposed bylaw
51 amendments generally conform to the Waitsfield Town Plan’s natural resource policies and
52 recommendations noted above – including the recommendation to prohibit development in

1 floodplains outside of the Waitsfield Village Business District – and also related regulatory
2 approaches identified under the land use element to protect rural character and resources (p.128):
3

- 4 ▪ Establish one or more “overlay districts” to protect primary agricultural soils, 100-year
5 floodplains, critical habitat, wetlands and other sensitive natural features.
6

7 Fluvial erosion hazard areas had not yet been mapped or defined in 2005 and as such are not
8 specifically addressed in the 2005 Waitsfield Town Plan, but will be included in the updated town
9 plan current under development.
10

- 11 3. **Carry out, as applicable, any specific proposals for any planned community facilities.** Planned
12 community facilities and utilities will continue to be allowed within proposed hazard areas, subject
13 to applicable review and development standards. The Planning Commission recommends that
14 “critical public facilities,” as referenced and defined in the proposed regulations, be prohibited
15 within mapped 100- and 500-year floodplains. Such facilities include public safety and emergency
16 response facilities and services that must function during flood events:
17

18 **Critical Public Facility:** A facility critical to the health and safety of the public and the environment, such
19 as hospitals and nursing homes, emergency operations centers (particularly police, fire, and rescue), vital
20 data storage centers, power generation and other utilities (including related infrastructure such as
21 principal points of utility systems) and any facilities that produce, use or store toxic pollutants as defined
22 under the Clean Water Act and other state and Federal statutes. New critical public facilities are
23 prohibited within floodplains that is subject either to a 1.0 percent or greater annual chance of flooding
24 (the "100-year" floodplain) or a 0.2 percent or greater annual chance of flooding (the "500-year"
25 floodplain).
26

27 The attached bylaw amendments were approved by the Planning Commission for submission to the
28 Waitsfield Selectboard on March 16, 2010, in accordance with the requirements of the Vermont
29 Planning and Development Act 24 V.S.A. §4441.
30

31
32 Steve Shea, Chair
33 Waitsfield Planning Commission