

MEMORANDUM

To: DHCD, CVRPC & Adjoining Communities
From: Mike Miller, Director of Planning & Community Development
Re: RHA Required Report
Date: November 5, 2021

The Montpelier Planning Commission has herein prepared a report that meets the requirements of state statute with respect to filing a Municipal Bylaw Adoption Report (24 V.S.A. §4441(c)). Please forward any questions and comments to Mike Miller, Director of Planning & Community Development for the City of Montpelier (mmiller@montpelier-vt.org) or attend any of the public hearings on the adoption of the proposed zoning bylaw revisions.

- ❖ *Brief explanation of the proposed bylaw amendment including a statement of purpose.*

This amendment will make minor changes to the existing River Hazard Area regulations. First, it will permanently adopt the interim changes adopted on January 8, 2020. Those changes added additional clarification and changes to the rules applying to accessory structures in the river corridor (Section 711.D). The 2020 changes also made minor adjustments to the River Corridor map in the area of Cummings Street. Second, a new reference is added to section 811.A directing readers to the new language in 711.D.

These changes to Section 711.D are the result of a lack of clarity on where accessory structures are allowed in the River Corridor. The map change on Cummings Street was found because a project brought to light the fact that the river corridor crossed the road on the map. In all other cases in the River Corridor, the boundary was terminated any time it encountered a road. The change was therefore made to be consistent with the rules used to generate river corridors in Montpelier. The final change was the addition of reference language in 811.B. That section says no development is allowed in the river corridor unless expressly allowed elsewhere in these regulations. The primary place for rules allowing development is in Section 711 and administrators and the public were having difficulty finding where the allowances adopted in 2020 were inserted.

- ❖ *Findings regarding how the proposal 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 Master Plan Montpelier, Vermont (adopted December 20, 2017) identifies goals and policies for the future growth and development of the City. The plan has many goals and policies that apply to flood hazards and river corridors. Most of these are found in section 3.3 Goal A (Water Resources). For example:

#4. By 2017, Montpelier enhances floodplain management so that the capacity of our flood storage and mitigation areas has expanded by 25% of their 2010 levels.

4a. Conform and comply with existing National Flood Insurance Program (NFIP) requirements by analyzing and updating our existing floodplain regulations as per the NFIP Community Floodplain Management Regulations Review Checklist and Agency of Natural Resources suggests.

4b. Articulate a pattern of safe and flood resilient growth by designating zones of uses and densities in flood hazard areas.

4c. Develop higher standards of review and/or regulatory requirements in the floodplain, such as:

- Requiring lowest floors of residences to be higher than the base flood elevations;
- Protecting foundations to reduce damage resulting from scour and settling;
- Prohibit fill or by requiring compensatory storage;
- Requiring full compliance with floodplain management regulations when repairs are less than 50% of the buildings value;
- Protecting critical facilities to a higher level;
- Identifying and regulating areas subject to special flood hazard;
- Changing the zoning to maintain a low density of floodplain development.

4d. Consider policies that provide density bonuses for development that avoids the floodplain.

River Hazard Area regulations will prevent the creation of unsafe housing conditions by preventing the development of new units in the river corridor. Development within the flood hazard area will be required to be elevated including improvements to dwelling units that area substantially improved.

- ❖ *Findings regarding how the proposal is compatible with future land uses and densities of the municipal plan.*

The River Hazard Area regulations have been in place in Montpelier since at least 1973

when the City started enforcing flood hazard area regulations within the zoning bylaws. The river corridor requirements were added in 2018. These changes are compatible with past and future land uses and densities of the municipal plan. The amendments narrowly apply to accessory structures in the River Corridor and to a small area of land near Cumming Street.

- ❖ *Findings regarding how the proposal carries out any specific proposals for any planned community facilities.*

There are no applicable planned community facilities relevant to the amendment.

MCM