

# Planning Commission Reporting Form for Municipal Bylaw Amendments

December 3, 2009 and January 14, 2010

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 and ...include a statement of purpose as required for notice under §4444 of this title,*

*(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:*
- 2. Is compatible with the proposed future land uses and densities of the municipal plan:*
- 3. Carries out, as applicable, any specific proposals for any planned community facilities.”*

## **Brief explanation of the proposed bylaw amendment.**

The Planning Commission has prepared amendments to the Floodplain and Watercourse Overlay District to insure that the Town’s flood regulations are to be consistent with Federal requirements and local property owners remain eligible for Federal Flood Insurance programs.

## **Purpose**

The provisions of this Floodplain and Watercourse Overlay District are adopted to effect the purposes of V.S.A. Chapter 32 in accordance with the provisions of 24 V.S.A., Section 4424. These regulations shall apply to areas depicted in National Flood Insurance Program (NFIP) maps and the Floodplain and Watercourse Overlay District map.

It is the goal of the regulations to minimize adverse impacts of development upon the sensitive natural areas adjacent to Shelburne's various watercourses and to minimize public and private loss caused by periodic flooding conditions. More specifically, these regulations seek to preserve water quality, prevent pollution, avoid erosion, and protect the ecology of stream beds and lands adjacent to watercourses.

It also is purpose of the regulations to promote the public health, safety and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods.

**Findings regarding how the proposal conforms with or furthers the goals and policies contained in the municipal plan**

The Planning Commission finds, as follows, that the proposed amendments conforms with and furthers the following selected goals in the Comprehensive Plan. The Commission finds that the proposal is neutral with respect to other goals.

**TO PRESERVE AND MAINTAIN THE AGRICULTURAL, ECONOMIC, ENVIRONMENTAL, RECREATIONAL, AND AESTHETIC BENEFITS PROVIDED BY SHELBURNE'S RURAL LANDS.**

- The Planning Commission finds the bylaws conform with or further the goal.

**TO IDENTIFY, MONITOR, MANAGE AND CONSERVE SHELBURNE'S NATURAL AND SCENIC RESOURCES SO THAT THEY MAY BE APPROPRIATELY USED AND ENJOYED NOW AND IN THE FUTURE.**

- The Planning Commission finds the bylaws conform with or further the goal.

**TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF SHELBURNE'S ECONOMY IN A MANNER THAT ENHANCES THE GENERAL WELL-BEING OF THE COMMUNITY, AND WHICH DOES NOT DETRACT FROM THE OVERALL CHARACTER OF THE COMMUNITY.**

- The Planning Commission finds the bylaws conform with or further the goal.

**TO ENCOURAGE THE RETENTION OF EXISTING OUTDOOR RECREATIONAL OPPORTUNITIES ON PRIVATE LANDS**

- The Planning Commission finds the bylaws conform with or further the goal.

**TO HAVE AN ADEQUATE SUPPLY OF HOUSING TO ACCOMMODATE A DIVERSE ARRAY OF RESIDENTS, BUT WHICH DOES NOT ADVERSELY IMPACT ON THE TOWN'S SCENIC AND NATURAL RESOURCES OR THE ABILITY TO PROVIDE PUBLIC FACILITIES AND SERVICES.**

- The Planning Commission finds the bylaws conform with or further the goal.

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

The Comprehensive Plan, which was adopted by the Selectboard in January of 2007, encourages the protection of sensitive resources and urges respect for areas with development constraints. According to the Plan,

The degree to which development constraints affect development depends on their extent and severity. The development of areas with significant development constraints is possible. However, there may be significant risks, liabilities, and/or impacts associated with these activities. In other words, while development constraints can (by proper design) sometimes be overcome, they can never be ignored.

The amendments proposed would continue the Town policy of prohibiting construction of new residential or commercial buildings in areas prone to flooding. However, they would authorize applications for minor accessory structures such as docks, fences, and waterfront stairs as well as erosion control structures. One stated objective of the Plan is to “Identify and exclude from development locations that present constraints or hazards to sound development, including wet or unstable soils, flood hazard areas, and steep slopes.” The Planning Commission finds that the current proposal is consistent with this objective.

**Findings regarding how the proposal carries out, as applicable, any specific proposals for any planned community facilities.**

The proposed amendments do not directly carry out specific proposals for any planned community facilities.