

From: Vermont Planners Association <VPA@list.uvm.edu> on behalf of Alex Weinhagen <aweinhagen@HINESBURG.ORG>
Sent: Monday, April 8, 2024 7:51 AM
To: VPA@LIST.UVM.EDU
Subject: [VPA] VPA Legislative Summary - S.213 - 4/8/24
Attachments: S-0213 As Passed by the Senate Unofficial.pdf

VPA Members,

See below for summary of another significant bill in the VT Legislature – S.213. Many thanks to Sharon Murray (VPA Legislative Committee member) for putting together this summary. This bill passed the Senate and is now being reviewed by the House Environment & Energy Committee.

NOW is the time to send feedback to the House Environment & Energy Committee! Submit comments via email to the full committee and its assistant. Contact information on the committee [webpage](#). Two suggestions: 1) keep your comments brief; 2) be clear about what provisions of the bill are problematic and why. You don't have to suggest alternative language/solutions, but if you do, keep it brief. I repeat... keep it brief! Lengthy and detailed comments that take on many facets of the bill tend to be less effective. Pick just a few provisions that you are most concerned about or interested in, and focus on those.

S.213 Flood Safety Act – This legislation, covering the proposed state regulation of river corridors, flood hazard areas, wetlands, and dams, passed the Senate a couple weeks ago. As now under consideration in House Environment and Energy, this bill would:

- Establish statewide regulation of development within mapped river corridors, under new rules to go into effect on January 1, 2028--following updated river corridor mapping, education and outreach, and public input on how the permitting process should work. As proposed, base maps would be updated by January 2026 to identify river corridor areas within “existing settlements” (as defined in Act 250) that are appropriate for infill development. State rules must also include a provision for municipal delegation.
- Establish minimum statewide standards for the regulation of development within flood hazard areas, to also go into effect by January 1, 2028. New state standards must be consistent with, but could exceed minimum NFIP requirements, and would be incorporated by reference in Chapter 117 under state planning goals, required plan elements, and for flood hazard area bylaws. At least initially, municipalities would retain the ability to regulate development within flood hazard areas in compliance with the new standards; but the bill also creates a committee to study whether DEC should instead regulate all development within flood hazard areas under the NFIP, including associated costs and benefits.
- Enact a new state policy calling for a net increase in wetlands acreage statewide, implemented through new rules requiring compensation for any development impacting 5,000 SF or more of wetland area -- through wetland restoration, enhancement, or creation -- with provision for a payment an in-lieu fee (ILF) where this is not feasible. The bill would also require annual updates of Vermont Significant Wetlands Inventory (VSWI) maps, more detailed (High Quality Plus) National Wetlands Inventory mapping, annual reports that identify wetland acreage gains and losses, and more detailed 5-year reports on the status of wetlands statewide.
Note (from Alex W.) – restoration required at a 2:1 ration; no reduced restoration formula or fee reduction for projects within existing/planned centers.
- Fully transfer the state regulation of dams, in particular with regard to dam safety, from the Public Utility Commission to the Department of Environmental Conservation by July 1, 2028. A committee would be created to

also study regional emergency action planning for hazards caused by dam failures, to include shifting the responsibility and associated costs for this type of operations planning from the local to the regional level. An initial report would be due by December 15th of this year.

- Amend statutes governing basin planning to require that basin plans also identify opportunities to mitigate the impacts of severe precipitation events on local communities.
- Require that all expanded polystyrene foam used on the water in docks, moorings, etc. be encapsulated with a protective covering.
- Require a report due in December that evaluates whether to enroll floodplain management lands in the state’s Use Value Appraisal program.

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