

TOWN OF JOHNSON, VERMONT  
FLOOD PLAIN ZONING REGULATIONS

*Adopted by vote  
on Town meeting  
day 3/3/98*

I. Lands to Which These Regulations Apply

These regulations shall apply in all areas in the Town of Johnson identified as areas of special flood hazard on the National Flood Insurance Program maps which are hereby adopted by reference and declared to be part of these regulations.

II. Development Permit Required

Conditional use approval by the board of adjustment is required for construction of new buildings, the substantial improvement of existing buildings or floodway development.

III. Procedures

1. Prior to issuing a permit a copy of the application shall be submitted to the Flood Plain Management Section of the Vermont Department of Environmental Conservation in accordance with 24 V.S.A. 4409. A permit may be issued only following receipt of comments from the Department or the expiration of 30 days from the date the application was mailed to the Department, whichever is sooner.

2. Adjacent communities and the Vermont Department of Environmental Conservation shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.

3. Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal, State or Municipal law.

IV. Base Flood Elevations and Floodway Limits

1. Where available (i.e., Zones AI-A30, AE and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program and the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.

2. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program (i.e., Zone A) base flood elevations and floodway information available from State or Federal agencies or other sources, shall be obtained and reasonably utilized to administer and enforce these regulations.

V. Development Standards

A. Floodway Areas

1. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.

2. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

B. Fringe Areas (i.e., flooded areas outside of the floodway)

1. All development shall be designed (i) to minimize flood damage to the proposed development and to the public facilities and utilities, and (ii) to provide adequate drainage to reduce exposure to flood hazards.

2. Structures shall be (i) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damage, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

4. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

5. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

6. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.

7. The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation.

8. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of subsection 7.

9. Existing buildings to be substantially improved for non-residential purposes shall either (1) meet the requirements of subsection 8, or (2) be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

10. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

11. Recreational Vehicles placed on sites within Zones A1-A30, AH and AE shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and elevation and anchoring requirements for "manufactured homes" of Section 60.3(c)(6).

#### VI. Duties and Responsibilities of the Administrative Officer

The Administrative Officer shall maintain a record of

- (1) all permits issued for development in areas of special flood hazard.
- (2) the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings.
- (3) the elevation, in relation to mean sea level, to which buildings have been floodproofed.
- (4) all floodproofing certifications required under this regulation.
- (5) all variance actions, including justification for their issuance.

#### VII. Variances to the Development Standards

Variances shall be granted by the Board of Adjustment only

- (1) in accordance with 24 V.S.A. Section 4468 and Section 4412(h) and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.
- (2) upon a determination that during the base flood discharge the variance will not result in increased flood levels.
- (3) upon a determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

#### VIII. Definitions

The National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations.

**TOWN OF JOHNSON, VERMONT FLOOD PLAIN ZONING PERMIT APPLICATION**

Hearing Before the Zoning Board of Adjustment  
(Currently Designated as the Johnson Planning Commission)

Property Tax Map Number: _____	Permit Number: _____
Received (Date): _____	<b>For Administrative Use Only</b>

All questions **MUST** be completed in full or the application will be **DENIED**. (Please print or type.)

1. E911 Locatable Address and Road Name: _____	
2. Property Owner: _____	3. Applicant: _____
Mailing Address: _____	Mailing Address: _____
Telephone (work): _____	Telephone (work): _____
Telephone (home): _____	Telephone (home): _____

4. Existing use of property: \_\_\_\_\_

5. Nature of Request: Conditional Use: \_\_\_\_\_ Variance: \_\_\_\_\_ Determination: \_\_\_\_\_

6. Based on the FIRM maps, does the proposal include any development within the flood hazard area (100 year flood plain)? Yes: \_\_\_\_\_ No: \_\_\_\_\_ Panel number: \_\_\_\_\_  
If you answered 'Yes' then please answer the following questions.

6A. Does the proposal include any alteration or relocation of a watercourse? Yes: \_\_\_\_\_ No: \_\_\_\_\_  
If you answered 'Yes' then the proposal must meet the standards of section (V), subsection (B) of the Town of Johnson Flood Hazard By-law including standards number (1) and (3).

6B. Are the water supply and/or sanitary sewage systems located within the flood hazard area (100 year flood plain)? Yes: \_\_\_\_\_ No: \_\_\_\_\_

6C. Will there be a new replacement manufactured home, an existing building to be improved, or a new building within the special flood hazard (100 year flood plain)? Yes: \_\_\_\_\_ No: \_\_\_\_\_  
If you answered "Yes" then the proposal must meet the standards of section (V), subsection (B) of the Town of Johnson Flood Hazard By-Law including standards number (2) and (6) through (10) inclusive. Contact the Administrative Officer of the Flood Plain Management Section, VTDEC (802-241-3770) for assistance.

7. Based on the FIRM maps, does the proposal include any development (including fill) or alteration of the floodway? Yes: \_\_\_\_\_ No: \_\_\_\_\_  
If you answered 'Yes' then please attach certification from a professional civil engineer or hydrologist that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.



# **Instructions for the Town of Johnson Flood Plain Permit Application**

## **Why do we have flood plain zoning in Johnson?**

The floodplain zoning by-laws in Johnson were passed to protect us (the residents) from damage due to flooding and to qualify the town for FEMA (Federal Emergency Management Agency) programs in the future. The by-laws were most recently updated on March 3, 1998. These by-laws were passed in response to floods that reached “500 year” stage in 1927, 1973, and most recently 1995. The 500-year flood is defined as a flood event that has a likelihood of happening once every 500 years. These floods resulted in great social, environmental, and economic costs. In Lamoille County during August 1995, propane tanks floated down stream, home heating oil tanks tore off houses and floated away dumping their contents. The Grand Union was inundated in several feet of water. Homes were flooded and many roads were impassable.

This by-law was designed to regulate activities within the “flood plain” and to prevent all development within the “floodway”. This permit only extends to matters relating to the flood plain. For instance, if a proposal is to put a septic system in a flood plain, then the applicant will need both a flood plain permit and an on-site septic permit (Town of Johnson).

When filling out this application, pay careful attention to certain terms. One key point is “floodway” and “flood plain”. These are very different terms and will be explained in the instructions. These and other terms have been defined in language that we hope is easy to understand.

## **What you will need before you leave the Johnson Municipal Building:**

1. A copy of these instructions.  
This will define terms and guide you as you fill out the application. It will help you to fill out the application correctly the first time.
2. A copy of the permit application.
3. A photocopy of the tax/floodplain map.  
The Town Clerk can help you make some copies of your parcel. You will need this later to diagram your plans for the Johnson Planning Commission to review.
4. A record of the FIRM map panel number.  
The Vermont Department of Environmental Conservation needs this number to find the appropriate map. They begin with 500063 or 500232 and are printed in the legend of the map your parcel is located on.
5. A copy of the Flood Plain By-laws.  
This will be needed for the specifics required to meet the regulations.

## **Filling out the application.**

1. E-911 locatable address: Please enter the address of the parcel which you plan to develop.
2. Name, address, and phone number of property owner.

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3. Name, address, and phone number of applicant: Please enter the information on the applicant if different than the owner of the property. For example, if a developer, engineering firm, or relative of the owner is filing the permit application.

4. The existing use of property: Some examples are vacant lot, pasture, crop land, or residential.

5. Nature of request: Why are you filing this permit application?

Conditional Use: This means you plan to develop in the flood plain and you will meet all guidelines. This is the most common form of request. For example, you plan to put a septic field in the flood plain and you will meet all the requirements to do so.

Variance: A variance permits you to do something not allowed by the flood plain regulations. For example, you want to put a mobile in the flood plain and not flood proof the structure. The planning commission and Vermont DEC will require a compelling argument why you should be exempt from the regulation. (No variance has ever been issued in Johnson.)

Determination: In light of recent court decisions, a request can be made to determine that you are NOT required to need a flood plain permit. This is helpful in cases where the proposed development is close to but not in the flood plain. At a future date, a seller of the property may be asked to provide proof of compliance with regulations and this will give official recognition that the property is outside of the scope of regulation. This determination may also prevent costly mistakes as a result misinterpretation of FIRM maps.

6. Does the proposal include any development within the flood hazard area (100 year flood plain)? In order to answer this question, you need to check the FIRM maps for the 100 year flood plain. Note that these regulations do not apply to the 500-year flood plain. Although a permit is not required for activity in the 500-year flood plain, the Johnson Planning Commission asks that you act responsibly in light of the periodic occurrence of this level of flood. Enter the panel number from the FIRM map in the box provided. It should be something like '500063 0015 C'. If you are applying for a determination then check 'no' and go on to number 8.

There are three categories of activities which you can get a conditional use permit in the flood plain: (6A) relocation of the watercourse, (6B) water supply and/or septic systems, and (6C) structures. You may apply for more than one category on an application. A permit is required for any and all development in the flood area so if your proposal does not fit any of these categories you will still need to apply (although you will not check any of the boxes 6A-6C).

6A. Does the proposal include any alteration of the watercourse? The watercourse is defined as the streambed from bank to bank. This would not apply to large rivers like the Lamoille River because that would fall within the "floodway" (see number 7). This regulation does apply to straightening smaller streams and brooks as they pass through the flood plain.

6B. Are the water supply and/or sanitary sewage systems located the flood hazard area? If the property is hooked to Village and/or sewer, then no permit is required. Please note that this permit is not an onsite septic permit and you will still be required to obtain an onsite septic permit separate from this application.

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6C. Will there be a new or replacement manufactured home, existing building to be substantially improved, or new construction within the special flood hazard area? In simple language, are you building something in the floodplain? Generally, any building in the flood

plain will need to be flood-proofed. Existing structures will not need a permit unless they are improved, in which case they will need to be brought up to code.

7. Does the proposal include any development or alteration of the floodway? In order to answer this question; you will need to check the FIRM maps located in the Johnson Municipal Building. The Lamoille County Planning Commission (LCPC) has compiled a map which overlays the tax map and the FIRM map and has placed it in the Johnson Municipal Building. By finding your parcel, you can see how much, if any, of your property is within the floodway. The floodway region is defined on the FIRM maps (cross hatched area) and is the area covered when a base flood occurs. This region is strictly regulated and there are no conditional uses. Although the by-law states that development is permitted if “the proposed development will not result in an increase in flood levels”, state regulations are stricter than the town and completely prohibit development in this area.

8. Proposed use of property (written description and cost estimate): Give a written description of the proposal. Attach a photocopy of the tax/floodplain map from the Johnson Municipal Building that shows the parcel to be developed. Draw on the map footprints of all the structures, driveway(s) location, parking area(s), septic system, roads, etc...., existing and proposed. Show the dimensions of the features and their distance from an existing point of reference (for example a road or existing building). We will need enough information to be able to locate the proposed feature when we visit the site. The more information you include, the easier it is for the planning commission to evaluate. If they do not have sufficient information to review the proposal, it will be denied and returned to you. For existing structures, you will also need to include the current fair market value, which can be provided by the Town Clerks Office.

9. and 10. Base flood elevation and lowest floor elevation. If you plan to build structures you are required to provide information regarding the elevation of the base flood and lowest floor (including basement).

11. Pre-existing variance actions on the property: At this time (June 2000) there have been no variances issued so you will likely answer “none”.

12. Sign and date the form.

When you have completed the application, make a copy for yourself and mail the application and all attachments (supporting certifications and the site map) to the Flood Plain Zoning Administrator, c/o Johnson Town Clerk, P.O. Box 383, Johnson, VT 05656.

If your application is denied, you will have the right to appeal. You will be given information concerning this option upon request.

This document was designed to explain the important terms and guide you through the permit process. No one enjoys filling out applications, but this permit is necessary to protect the residents of Johnson from ill-advised development. It is hoped that this instruction sheet has been helpful to you and made the process a little less painful. Let us know if you have any questions, comments, or recommendations.

June 12, 2000