

TOWN OF RICHMOND

SELECTBOARD

EMERGENCY ORDER NO. 2024-01

**TEMPORARY SUSPENSION OF CERTAIN ZONING APPROVAL
REQUIREMENTS IN THE FLOOD HAZARD OVERLAY ZONING DISTRICT**

WHEREAS, on July 10-11, 2024, the State of Vermont, and the Town of Richmond (the “Town”) in particular, experienced excessive rain combined with water runoff, flooding, erosion and resulting damages (the “July 2024 Severe Storm”), which caused widespread damage to public and private properties in the Town; and

WHEREAS, there is an emergent need for the Town and its residents to conduct recovery, repair and restoration work to remedy damage from the July 2024 Severe Storm; and

WHEREAS, on July 13, 2024, Governor Philip B. Scott issued Addendum 1 to Amended and Restated Executive Order 03-23 (“Addendum 1”), originally issued in response to storms in July 2023, which Addendum 1 continued a declared State of Emergency for the State of Vermont and implemented certain emergency measures to assist with recovery from the July 2024 Severe Storm, including authorizing the wavier of certain State permitting requirements; and

WHEREAS, the Selectboard believes that the health, safety and welfare of the inhabitants of the Town necessitates the suspension of certain approval and permitting requirements of the Town’s Zoning Regulations (effective May 28, 2024) (the “Zoning Regulations”) to assist with recovery, reconstruction and repair efforts associated with the emergency damage from the July 2024 Severe Storm.

NOW THEREFORE, pursuant to the authority and emergency powers vested in the Selectboard of the Town of Richmond by 20 V.S.A. § 16, Addendum 1, the Town Charter, and such other laws that may be applicable, the Selectboard hereby issues this Emergency Order No. 2024-01 temporarily suspending certain zoning approval requirements.

IT IS HEREBY ORDERED:

1. The requirements to obtain a zoning permit or approval from the Development Review Board in Section 6.8 of the Zoning Regulations, applicable to the Flood Hazard Overlay District, are hereby suspended for the following activities:
 - a. The construction of Temporary Structures.

- b. Alterations to streams, including bank stabilization, channel management, or drainage swales.
 - c. Widening, realigning, or changing existing roads, provided that:
 - i. Prior to commencement of such road work, plans are submitted to the Zoning Administrator for review and written approval; and
 - ii. Such widening, realigning or changes do not exceed the standards noted in Section 800.1.2 of the Town's Subdivision Regulations (dated April 27, 2009).
 - d. New bridges and culverts, provided that:
 - i. Plans for said new bridges and culverts are designed and stamped by a licensed engineer with a certification that the culvert or bridge complies with the Town's Public Works Specifications, and if applicable, Vermont Agency of Transportation B71 Standards; and
 - ii. Prior to commencement of construction of the new bridge or culvert, plans are submitted to the Zoning Administrator for review and written approval.
 - e. Grading and excavation for the purpose of an activity that is not specifically listed in Zoning Regulations Figure 6.8-1.
 - f. Improvements to structures that are not substantial, provided that the plans for such improvements are submitted to the Zoning Administrator for a written determination that the improvements are not substantial prior to commencement of construction of the improvements.
 - g. Repairs to principal structures that are not substantially damaged, provided that the repairs do not increase the structure's footprint or increase the degree of a structure's nonconformity with dimensional standards in the Zoning Regulations, including but not limited to height and setback requirements.
 - h. Temporary repairs to a structure that return it to habitability, pending a determination by the Zoning Administrator of whether the structure was substantially damaged or in need of substantial improvement, provided that:
 - i. The owner or occupant of all structures with residential dwelling units or used for residential purposes shall notify the Zoning Administrator in writing of the exact scope of the temporary repairs so a substantial damage or substantial improvement determination can be made pending the expiration of the Governor's emergency declaration for the July 2024 Severe Storm.
2. In any case where the approval of the Zoning Administrator is required hereunder, such approval shall be in writing but not be construed or interpreted to be a zoning permit issued under the Zoning Regulations, and the procedural requirements for posting or providing notice of any zoning approval under the Zoning Regulations and 24 V.S.A. Chapter 117 shall not

apply while this Emergency Order 2024-01 or an amendment hereto is in effect.

3. In light of the exigent circumstances resulting from the July 2024 Severe Storm, the written approval of the Zoning Administrator hereunder shall be final and unappealable.
4. The Assistant Zoning Administrator is authorized to enforce or otherwise act as the Zoning Administrator under this Emergency Order No. 2024-01 if the Zoning Administrator is absent or otherwise unavailable.
5. This Emergency Order No. 2024-01 shall take effect upon approval by a majority of the Selectboard and shall continue in full force and effect until **noon (12:00 p.m.) on December 31, 2024**, unless extended by the Selectboard's issuance of another emergency order in its sole and complete discretion.

DATED this 5th day of August, 2024.

TOWN OF RICHMOND SELECTBOARD:

David Sander, Chair

Lisa Miller, Vice Chair

Jay Furr

Adam Wood

Bard Hill