

To: Town of Hot Sulphur Springs Mayor and Board of Trustees

Cc: Jessie Webb, Town Clerk
Lucas Ackerman, Public Works Director
Chris Price, Contracted Town Attorney

From: TJ Dlubac, AICP; Contracted Town Planner

Date: January 7, 2021

Subject: Moratorium discussion

ISSUE:

There have been an increased land use and development inquiries made to the Town in the past 6 months ranging from large annexations, to multi-family uses, to single-family building permits. The Town does not feel that the land use regulations and comprehensive plan are adequate to effectively guide developers, landowners, residents, town staff and contractors, or Planning Commission and the Board of Trustees in the review and approval of such land use decisions. Without adequate guidance, the Town is unable to make sound planning and public service decisions for the future of the Town. Instrumental in this conclusion are the impacts such decisions will have on:

- 1) The future character and culture of Hot Sulphur Springs
- 2) The ability to provide adequate water and sewer services to the intended level of development over the next 20+ years,
- 3) The planned and methodical expansion of public improvements and facilities including, but not limited to, water utilities, sewer utilities, roadway utilities, public safety services, and general town administration and management.

Therefore, the Board of Trustees wishes to evaluate their options to address the immediate development pressures while ensuring that town staff and consultants have adequate resources to review pertinent application requests and provide sound, professional recommendations to the Planning Commission, Board of Adjustment, and Board of Trustees in their review, consideration, and action on such requests.

OPTIONS:

Town staff and consultants offer the following options for the Board to consider as they

- 1) **Moratorium:** a moratorium is an action the Board may take to cease the acceptance of a certain type of application or applications based on a reasonable actions to be taking in a timely manner by the town. For example, a moratorium could be placed on all new development applications to allow the town sufficient time to evaluate their water treatment capacity and make needed upgrades.
 - a. The moratorium could be focused on impacts of specific types of development. Upon review of the issues and the options, a moratorium limiting land use

applications to only single-family land uses on existing lots upon which such use is an allowed use by right might be appropriate.

- b. Furthermore, limiting any development that requires the extension of or improvements to existing public utilities may be appropriate to ensure that the town has time to develop and adopt construction standards which address the installation and approval standards of public improvements.
- 2) **Address immediate needs** in the Zoning Regulations and Subdivision Regulations, and other pertinent Chapters of the Municipal Code aimed to clarify what is allowed, what is not allowed, and offering clear and consistent guidance to potential applicants early on in the process.
- a. In the 2021 budgeting process, the Board approved multiple projects to further this objective. Those projects are:
 - i. Update of the Official Zoning Map of the Town.
 - ii. Development of application checklists and guides to clearly explain what uses may be allowed or not allowed
 - iii. Complete an assessment of the zoning regulations and subdivision regulations to identify areas or provisions of the regulations which are inconsistent or inadequate.
 - iv. Release an RFP soliciting an On-Call Engineering firm to support the town in development review, water and sewer utility services, roadway maintenance and expansion, and oversee all public improvement construction activities in the Town. This would be an on-call consultant who's services, for the most part, would be reimbursable to the town by developer's or applicants seeking approvals.
 - v. Adoption of construction documents to guide public improvements installed within the Town. This effort ranges from easy (adopt existing regulations by reference) to time consuming and costly (develop standards from scratch unique to the Town).
 - vi. Update the town's Comprehensive Plan. While this is a costly and time consuming project, there are grant funds out there that can assist the town in the financing of such a project. The Board has approved funds to complete a grant application to submit to DOLA to assist with this project. The grant application is due on March 1st and the project would commence in the fall of 2021 and go through most of 2022.
 1. Following the update to the comp plan, the municipal code would be updated. While the most applicable areas of the Code to be updated would be the Zoning and Subdivision regulations, it would be advantageous for the town to include other code elements too.



CONCLUSION AND RECOMMENDATIONS:

Since the Town has budgeted many helpful and useful projects for this fiscal year, those projects should continue. Furthermore, to address the most immediate concerns, the town could adopt a moratorium on all development (including annexations) except for single-family dwellings. The moratorium would be for 12 months to allow the Town to complete the following:

1. Solicit and retain an on-call engineering firm
2. Update the zoning map and application guides and forms
3. Adopt Construction Standards
4. Complete a comprehensive assessment of the Zoning and Subdivision Regulations and other ancillary code sections which impact development in the town.
5. Pursue update to the Town's Comprehensive Plan

