



Building People, Places & Community

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: February 13, 2022
Subject: Moratorium Extension Discussion

BACKGROUND:

On January 21, 2021, the Board of Trustees approved an emergency ordinance imposing an ordinance prohibiting the Town from accepting all development permit applications except for single-family homes and accessory buildings thereto. The original moratorium (Ord. #2021-01-21-410) is set to expire on March 31, 2022.

With further clarity and interpretation since the adoption of the ordinance, this moratorium does apply to any deviation of standards (waiver or variance), extension of public infrastructure (water, sewer, roadway, etc.), and annexation even when the development is for a single-family home.

The 2021 moratorium identified five projects that were being pursued to assist in evaluating the impact of development and growth in Hot Sulphur Springs. Those projects were:

1. Solicit and retain an on-call engineering firm: *Element Engineering was retained through a public solicitation. This project has been completed.*
2. Update zoning map and application guides and forms: *These documents have been completed and provided to the Town for daily reference and use. This project has been completed.*
3. Adopt construction standards: *The Town has adopted the Grand County Road and Bridge Standards by reference. It was determined, with guidance from the Town Attorney, that this solution is allowed and is enforceable through the current Town Code regulations. This project has been completed.*
4. Complete a comprehensive assessment of the Zoning and Subdivision Regulations and other ancillary code sections which impact development in the town: *This assessment was completed by CPS and concluded that many of the concerns with the current regulations should be supported through a Comprehensive Plan update which included community visioning and public engagement. This project has been completed.*
5. Pursue update to the Town's Comprehensive Plan: *The Town has been successful in obtaining a DOLA grant to support a comprehensive plan update and an update to the Town Code following immediately after. This project has not been completed.*

In addition to these initial projects, additional projects have been identified as the next level of analysis and have begun over the past year:

1. Vacant property inventory: *This was completed at a high level to help inform and guide the water and sewer capacity assessment. This inventory can be refined and updated based on the findings of the water and sewer capacity assessment.*

2. *Water and Sewer Capacity Assessment: The Town was successful in receiving a \$10,000 planning grant from DOLA to fund half of this assessment. The Assessment is being completed by Element Engineering and will be presented to the Board in the next month or two.*

At their regularly scheduled meeting on January 20, 2022, the Board of Trustees discussed the extension of the moratorium and directed staff to put the ordinance on the agenda for their February 17th meeting for further public discussion and action by the Board.

RECOMMENDATION:

Because there are evaluations and assessments on-going, we would recommend that the moratorium be extended for a period of twelve additional months to expire on March 31, 2023.

Through this period of time, the Town will continue to work towards lifting the moratorium by completing the following tasks:

1. Finalize the Water and Sewer Capacity Assessment being worked on by Element Engineering.
2. Retain a qualified firm to complete the Comprehensive Plan update and subsequent updates to the Zoning and Subdivision Regulations.

Therefore, staff is supportive of the extension of the moratorium because of the two projects that have not been able to be completed during the last 12 months yet are vitally important to ensuring town can support future growth within Hot Sulphur Springs and that future growth is in line with community desires, goals, and character.

Attachments

- A. Extension of Moratorium Ordinance 2022



**TOWN OF HOT SULPHUR SPRINGS,
COUNTY OF GRAND, COLORADO**

ORDINANCE NO. 2022-02-17-

**AN ORDINANCE EXTENDING A MORATORIUM IMPOSED BY
ORDINANCE NO. 2021-01-21-410 ON THE ACCEPTANCE, PROCESSING
AND GRANTING OF APPLICATIONS, PERMITS, AND APPROVALS
FOR THE SUBDIVISION OF LAND, REZONING, SPECIAL USE
REVIEW, AND ANY NEW DEVELOPMENT EXCEPT FOR THE
CONSTRUCTION OF A SINGLE-FAMILY DWELLING UNIT AND
ACCESSORY STRUCTURES RELATED THERETO**

WHEREAS, the Town of Hot Sulphur Springs, acting through its Board of Trustees, is vested with the authority to enact ordinances and regulations governing zoning and the use of land within the Town; and

WHEREAS, in the exercise of this authority, the Board of Trustees imposed by Ordinance No. 2021-01-21-410 a moratorium on the acceptance, processing and granting of applications, permits, and approvals for the subdivision of land, rezoning, special use review, and any new development except for the construction of a single-family dwelling unit and accessory structures related thereto (the "Moratorium"); and

WHEREAS, the Moratorium is scheduled to terminate on March 31, 2022, unless terminated earlier by the Board of Trustees or extended in its duration by the enactment of another ordinance; and

WHEREAS, the purpose of the Moratorium was to permit the Town time to update the Comprehensive Plan, and determine whether to update the Hot Sulphur Springs Zoning Code ("Zoning Code") and the Town of Hot Sulphur Springs Subdivision Regulations ("Subdivision Regulations") in Titles 9 and 10 of the Hot Sulphur Springs Municipal Code, and

WHEREAS, the Moratorium was also imposed to provide the Town time to conduct other projects so that it can offer clear and consistent guidance to potential applicants which projects include hiring an on-call engineer, updating infrastructure construction standards, conducting an assessment of the Zoning Code and Subdivision Regulations, creating checklists and guides to assist the public with understanding the Zoning Code and Subdivision Regulations, and updating the Town's official zoning map ("Interim Projects"); and

WHEREAS, due to the on-going COVID-19 pandemic and other unexpected issues, the Town will not be able to complete the work contemplated by Ordinance No. 2021-01-21-410 and additional time for such work is needed; and

WHEREAS, the Board of Trustees hereby finds and determines that extending the

Moratorium to and through March 31, 2023 is in the best interests of the health, safety and welfare of the community and its citizens.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS:

Section 1. Recitals. All recitals contained in Ordinance No. 2021-01-21-410 together with the foregoing recitals are incorporated herein as findings and determinations of the Hot Sulphur Springs Board of Trustees.

Section 2. Moratorium Extended. The Town hereby extends the Moratorium and directions to staff included in Ordinance No. 2021-01-21-410 on the acceptance, processing, and granting of applications, permits, and approvals by the Town for any subdivision, rezoning, special use review, new development, except for the construction of a single-family dwelling unit and accessory structures related thereto. The Moratorium does not apply to rehabilitation of existing structures or the construction of an accessory structure on an existing lot so long as such development is consistent with Zoning Code.

Section 3. Moratorium Period. The Moratorium declared by Ordinance No. 2021-01-21-410 shall be extended to and including March 31, 2023, unless sooner terminated by the Board of Trustees or extended in its duration by the enactment of another ordinance.

Section 4. Authority. The Board of Trustees hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); and (iii) Section 31-15-501, C.R.S. (concerning municipal power to regulate businesses).

Section 5. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Hot Sulphur Springs, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town that the provisions of this Ordinance are severable.

Section 7. Effective Date. This Ordinance shall take effect thirty (30) days after the ordinance has been published in accordance with Section 1-5-6(H) of the Hot Sulphur Springs Town Code.

INTRODUCED, READ, ADOPTED, APPROVED AND ORDERED PUBLISHED BY TITLE

ONLY BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE ____ DAY OF _____, 2022, BY A VOTE OF ____ IN FAVOR, ____ AGAINST, and ____ ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS, COLORADO

By: _____
Bob McVay, Mayor

I hereby certify that the above Ordinance was introduced and adopted by the Town Board of Trustees of the Town of Hot Sulphur Springs, Colorado, at its meeting of _____, 2022, and ordered published by title only in the *Sky Hi* newspaper on _____, 2022.

ATTEST:

SEAL

By: _____
Jessie Webb, Clerk

Publication Date: _____, 2022