



Building People, Places & Community

To: Town of Hot Sulphur Springs Board of Trustees
Cc: Jessie Webb, Town Clerk
Chris Price, Contracted Town Attorney
From: TJ Dlubac, AICP; Contracted Town Planner
Date: March 13, 2023
Subject: Moratorium Extension Discussion

BACKGROUND:

The Town originally adopted a moratorium on January 21, 2021 imposing the prohibition of 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) was set to expire on March 31, 2022. This Ordinance was extended, in its entirety through March 31, 2023 with Ordinance #2022-02-17-411.

On July 21, 2022, the Board of Trustees amended the moratorium to allow the following development:

1. Construction of single-family dwelling units and accessory structures related thereto.
2. Construction of duplex dwelling units and accessory structures relate thereto.
3. Annexations of existing homes, developments, or properties which are already served by the Town's water and/or sewer system which will not require the extension of any publicly owned and maintained infrastructure and which will not increase the amount of water and/or sewer use generated by the area annexed.
4. The redevelopment or reuse of existing commercial buildings which do not expand the building footprint, do not increase the amount of water and/or sewer use generated by the proposed use, and does not require the extension or improvement of publicly owned and maintained infrastructure.

UPDATES:

Since the last update in July of 2022, the Town has been working on completion of an updated Comprehensive Plan with a consultant firm. That firm has gathered community input, drafted community context, and began drafting scenarios for future land use plans. While the project is progressing, it has not reached a point where Town staff and consultants are comfortable amending the current restrictions on the moratorium.

RECOMMENDATION:

Town staff and consultants have been diligently working towards the completion of a variety of identified projects. Since the last ordinance was adopted, no new amendments to the moratorium are recommended. Furthermore, to provide additional time for town staff and consultants to continue progress towards finishing projects.

Attachments

- A. Moratorium Extension Ordinance 2023

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

ORDINANCE NO. 2023-03-16-414

**AN ORDINANCE EXTENDING THE 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 AS AMENDED BY
ORDINANCE NO. 2022-07-21-413**

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 Board of Trustees extended the Moratorium through Ordinance 2022-02-17-411 to terminate on March 31, 2023, 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, the Town amended the Moratorium through Ordinance No. 2022-07-21-413 to allow certain development which would not increase the amount of water or sewer usage on a property, require new water or sewer taps, require the extension or installation of new or expanded public infrastructure, or amend the zoning of any property within the Town of Hot Sulphur Springs

as further described therein (the “Amendment Ordinance”); and

WHEREAS, though the Town has completed some of the Interim Projects, not all of them have been completed and the updates to the Comprehensive Plan, Zoning Code, and Subdivision Regulations remain in process; and

WHEREAS, the Board of Trustees hereby finds and determines that extending the Moratorium as amended to complete that work 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. The foregoing recitals are incorporated herein as findings and determinations of the Town of Hot Sulphur Springs Board of Trustees.

Section 2. Moratorium Period. Except as modified by the Amendment Ordinance, the Moratorium shall continue through March 31, 2024, unless sooner terminated by the Board of Trustees or extended in its duration by the enactment of another ordinance.

Section 3. Direction to Staff. Town staff is hereby directed to refuse to accept for filing, and not to process or review, any new applications for any subdivision under the Subdivision Regulations. Town staff is also hereby directed to refuse to accept for filing, and not to process or review, any application for new development except for the construction of a new single-family dwelling unit, or duplex dwelling unit, and accessory structures related thereto, or annexations or redevelopment as described in the Amendment Ordinance. Staff is also directed to inform the Grand County building department of the extension of the Moratorium.

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 _____, 2023, BY A VOTE OF ____ IN FAVOR, ____ AGAINST, and ____ ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS, COLORADO

By: _____

Ray Tinkum, 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 _____, 2023, and ordered published by title only in the *Sky Hi* newspaper on _____, 2023.

ATTEST:

SEAL

By: _____

Jessie Webb, Clerk

Publication Date: _____, 2023