

TOWN OF BLUE RIVER, COLORADO

STAFF REPORT

TO: Mayor & Members of the Board of Trustees
THROUGH: Michelle Eddy, Town Manager
FROM: Bob Widner, Town Attorney
DATE: November 13, 2024
SUBJECT: Public Hearing & **Ratification** of Ordinance No. 2024-03
Temporary Moratorium for Development Pending Town Study

The Board of Trustees will recall that, on September 13, 2024, following proper notice and a public hearing, the Board adopted Ordinance No. 2024-03 and an Emergency Ordinance. That Ordinance imposed a temporary delay or moratorium on development of certain sized properties in order for the Town to study whether all or a portion of the Town should be established and an Area of State Interest for purposes of the Colorado Areas and Activities of State Interest Act (a/k/a 1041 Regulations).

In order to enhance the opportunities for public input, the Town Staff decided to again submit Ordinance No. 2024-03 to additional public hearings and, additionally, to submit the Ordinance to a public hearing before the Town Planning & Zoning Commission ("P&Z"). Public notices of the public hearings were published in the Summit Daily (Summit County Journal) well ahead of the dates of the P&Z public hearing on November 12, 2024, and a public hearing before the Board of Trustees on November 19, 2024.

The P&Z unanimously recommended the Board's approval/ratification of Ordinance No. 2024. Some comments by the P&Z and the public in attendance raised concerns that the Town, as the study contemplated by the Ordinance proceeded, that the Board consider increasing the size of the properties subject to the moratorium if such increase was warranted based on preliminary data and findings of the study.

A revision/addition to Ordinance No. 2024-03 was recommended to be made to the Ordinance during the Board's reconsideration of the Ordinance. That revision/addition reads in double underlining:

Section 2. Temporary Suspension and Delay Enacted. The Town of Blue River Board of Trustees hereby legislatively imposes a temporary suspension and delay (moratorium) on the following:

- A. Development of an area of land within the Town greater than one (1) acre in size, Two or more individually described or platted properties held in identical ownership which are proposed for unified or coordinated development shall be considered as a single property when determining the total size of development; and
- B. Development on any portion of any property, regardless of size, located within a currently recognized or mapped floodway, floodplain, or wetland area.

The purpose of this revision was to address any properties that, although smaller than 1 acre in size, may be developed together with other property under the same ownership.

The Board is again asked to consider Ordinance No. 2024-03 and, with the unanimous recommendation of the P&Z and following additional public hearings, to re-approve (ratify) the Ordinance.

If the Board remains supportive of the Ordinance as revised, the proper motion would be:

“I move to ratify the Board’s prior approval of Ordinance No. 2024-03 which would continue the effect of a temporary delay or moratorium on certain property within the Town. The purpose of the Ordinance is to allow time to prepare studies necessary to determining if all, or a portion of the Town, should be declared to be an Area of State Interest as natural or natural hazard areas.”

If you have questions or concerns in advance of the November 19, 2024, public hearing, please contact either Michelle Eddy or me at any time.