



TOWN COMMISSION MEETING

February 25, 2025, at 6:30 PM

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- AGENDA ITEM TITLE:** Valencia Ridge Reserve Hardship Application
- SUBJECT:** The Town Commission will consider approval of a hardship application for the Valencia Ridge Reserve Subdivision.
- STAFF ANALYSIS:** This is an applicant-initiated request for approval of a hardship application for the Valencia Ridge Reserve Subdivision.
- The Town Commission may authorize exception(s) to the moratorium imposed by Ordinance 24-09 when it finds, based upon competent substantial evidence presented at a duly noticed public meeting, that the deferral of action and/or issuance on an application for a development order and/or development permit for the duration of the moratorium imposes an extraordinary hardship. For purposes of requesting a hardship exception, the owner shall request a determination in the same form and manner provided for in **Section 6** of the Ordinance.
- In reviewing an application for an exception based upon a claim of extraordinary hardship, the Town Commission shall consider all competent substantial evidence and relevant testimony which includes, but is not limited to, the following:
- (i) Prior to July 23, 2024 (date established by pending ordinance doctrine), the extent to which the owner had received permit(s) and/or approvals from the Town.
 - (ii) Prior to July 23, 2024, whether the owner had entered into any contractual commitments in reliance upon the permit(s) and/or approval(s) issued by the Town.
 - (iii) Prior to July 23, 2024, whether the owner has made a substantial expenditure in *good faith* reliance upon the permit(s) and/or approval(s) issued by the Town.
 - (iv) Prior to July 23, 2024, in *good faith* reliance upon the permit(s) and/or approval(s) issued by the Town, the owner has incurred financial obligation(s) to a lending institution which cannot be met unless the subject development proceeds (i.e., owner exhausted all available alternatives).
 - (v) Whether the moratorium exposes the owner to substantial monetary liability to third-parties, results in the owner's inability to earn a reasonable investment-backed expectation on and/or for the subject real property.

FISCAL IMPACT: No Fiscal Impact

STAFF RECOMMENDATION: At the will of the Commission

ATTACHMENTS: Valencia Ridge Reserve Hardship Application
Narrative