



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Bill Almquist - Community Development Director	April 2, 2024

ITEM

Ordinance 2024-06: An Emergency Ordinance of the City Council for the City of Salida, Colorado Imposing a Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of Certain Land Use Applications, and Declaring an Emergency

BACKGROUND

Staff is requesting that Council impose a temporary (6-month) moratorium on certain land use application types in order to complete the ongoing land use code (LUC) rewrite, comprehensive zoning conversion process, relevant public engagement, and other related administrative measures. This code rewrite is imperative to address outdated regulations, and difficult to navigate and sometimes confusing and potentially conflicting text that serves as the instruction manual to development in the community.

The LUC rewrite process was begun in 2019 but was soon paused due to a variety of factors including, but not limited to: the COVID pandemic, department personnel changes, and the large influx of development activity seen city-wide in recent years. As an example, the number of processed land use application types covered by this proposed temporary moratorium approximately tripled between the years 2019 – 2022, and the annual number of building permits are 20% - 25% higher today than they were in 2019. Such growth and activity have had significant impacts on the ability of a 3- to 4-person department to focus on a project of this magnitude (and we are currently in the process of hiring a Senior Planner to replace Kristi Jefferson who recently moved into the City Clerk position). Though we employ a consultant to assist with the rewrite, the process is actually administered by staff and requires literally thousands of hours to ensure that hundreds of pages of code are as clear as possible and reflect the intent of the comprehensive plan and the will of the community, Planning Commission, and City Council.

The land use application types proposed to be covered by this temporary moratorium (mostly limited impact reviews and major impact reviews) are some of the most time-intensive and include the following (as defined in Chapter 16 of the Municipal Code):

- Nonresidential or mixed-use with over twenty thousand square feet (not already approved via a planned development)
- Large alterations
- Any and all Planned Developments and substantial modifications to Planned Developments
- Major subdivisions



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(cont.)

- Minor subdivisions that include dedication of land to the City
- Conditional use permits
- Multi-family residential with twenty or more units in project
- Rezoning not connected with an annexation petition or a City-initiated comprehensive rezone application
- Right-of-way vacations
- Amendments to the City’s Official Zoning Map or text of Code not initiated by the City;
- Designation of historic districts or landmarks;

For context, the proposed temporary moratorium does *not* include the following land use application types:

- Permitted-by-right construction permits
- Administrative reviews
- Subdivision exemptions
- Other minor application types
- Annexation requests (these are statutorily required to be processed within a certain timeline)
- Applications that have already begun their official review processes in front of Planning Commission and/or Council, including those that have had their conceptual reviews in the last six months

This temporary moratorium is slated to last through October 1 and is not anticipated to impede the construction of sorely needed housing (and especially affordable housing), or general commerce. Between the larger development projects processed over the last few years and those already in the review process or being initiated by the City, there are around 1100 housing units that have already been approved but have yet to begin construction or are in the process of completion. And over one-third of those units will be legally-restricted as affordable housing. The moratorium should have no bearing on those units.

It is also worth noting that we have approximately \$20,000 of grant funding/work from DOLA that must be expensed towards the LUC rewrite process by this summer. Barring unforeseen circumstances, staff believes that 6 months should be an adequate timeframe to complete the process. For additional context, Chaffee County has been under a similar moratorium since June of 2022—however, that began at the beginning of their rewrite process. City staff, attorney, and



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consultants, by comparison, are approximately two-thirds through the LUC rewrite process. Over the next six months, staff will be focused on a variety of public engagement opportunities, code refinement, and eventual hearings to review the proposed new code. Staff will also be advising and overseeing a recommended comprehensive zoning conversion process to make sure that the new zoning map lines up with the intent of the future land use map (approved in 2023) and the new zoning districts being proposed for approval via the new code. Any processing of additional large land use applications would only further delay that timeframe— possibly up to another year or more.

SUGGESTED MOTION

A council person should make the motion to “approve Ordinance 2024-06: An Emergency Ordinance of the City Council for the City of Salida, Colorado Imposing a Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of Certain Land Use Applications, and Declaring an Emergency.”

Attachments:

Ordinance 2024-06