

**TOWN OF RED CLIFF, COLORADO
ORDINANCE NO. 2, SERIES 2017**

**AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
RED CLIFF, COLORADO, IMPOSING A MORATORIUM ON THE ACCEPTANCE OF
LAND USE AND DEVELOPMENT APPLICATIONS FOR PROPERTY WITHIN THE
TOWN OF RED CLIFF FOR UP TO 90 DAYS.**

WHEREAS, the Town of Red Cliff, Colorado (“Town”) is a municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law; and

WHEREAS, the Town, by virtue of its status as a statutory town, may adopt ordinances relative to local municipal matters as may be necessary to effectuate the purposes and intents of the powers granted to municipalities, including those necessary to protect the health, safety, and welfare of the Town; and

WHEREAS, Chapters 16 and 17 of the Town of Red Cliff Municipal Code (“Code”) govern and control the planning and zoning process in the Town, establish the methods and criteria by which various land use and development proposals will be reviewed and approved by the Town, and otherwise set forth the standards and requirements applicable to land use and development proposals in the Town; and

WHEREAS, it has come the attention of Town Staff that Chapters 16 and 17 may not adequately address floodplain issues within the Town or protect the environment and other interests that are important to the Town and its citizens; and

WHEREAS, the Town recently retained a land use planner to, among other duties, consult on matters related to the Town Code and to make recommendations regarding the same; and

WHEREAS, the Town Board of Trustees (“Board”) has determined that it would be in the best interests of the Town and its citizens to allow the new Town planner to review, evaluate, and provide recommendations regarding changes, if any, that need to be made to the Code to better protect the Town’s environmental and other interests that may be affected by development within the Town; and

WHEREAS; the Board has further determined that it is important that all new land use and development applications be subject to the revisions suggested by the Town planner if they are approved by the Board; and

WHEREAS, the Board has further determined that it would be appropriate to enact a moratorium on the acceptance, processing, or approval of any new land use or development applications until such time as the Town planner is able to make recommendations regarding necessary changes to the Code and the Board is able to consider enacting the same; and

WHEREAS, failure to enact such a moratorium could result in permanent, negative changes to the Town's environment and character by allowing certain land uses and forms of development to occur under the existing Code; and

WHEREAS, as provided for in Section 2-3-50 of the Code and C.R.S. § 31-16-105, the Board has determined that the foregoing circumstances constitute a special emergency and that immediate passage of this ordinance is necessary for the preservation of the public peace, health, and safety of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, COLORADO, AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town Board.

2. Findings of Necessity. As required under C.R.S. § 31-16-105 and Section 2-3-50 of the Town Code, the Board hereby finds that this Ordinance should be effective immediately upon publication hereof for the following reasons:

- a. The potential adverse effects of accepting and processing land use and development applications before the Board has had the opportunity to review and evaluate possible changes to the Code, such as environmental degradation, drainage problems, problematic floodplain development, and loss of Town character, will increase in proportion to the amount of development that occurs within the Town; and
- b. Waiting thirty (30) days for this Ordinance to go into effect after second reading could result in the Town's receiving applications that would not be subject to any new standards or procedures the Town may adopt following the Town planner's review and evaluation of the Code, which would defeat the purpose of this Ordinance.

3. Moratorium. A moratorium is hereby imposed on the acceptance, processing, and approval of any new land use and/or development applications subject to Chapters 16 or 17 of the Town of Red Cliff Municipal Code for up to 90 days from the date of this Ordinance. Any land use or development applications that were submitted to the Town prior to the passage of this Ordinance may be processed according to the Code. The Town Board may lift the moratorium imposed by this Ordinance at any time by resolution adopted at a public meeting. An extension of the moratorium beyond 90 days must occur by ordinance.

4. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof, and the remainder of this Ordinance shall continue in full force and effect, it being the intent of the Board that this Ordinance would have been adopted even if such invalid or unenforceable matter had not been included therein. It is further declared that if any section, provision or part of this

ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the ordinance and the application thereof to other persons shall not be affected thereby.

5. Effective Date. This Ordinance shall become effective as of the date hereof in accordance with Section 2-3-50 of the Town Code and C.R.S. § 31-16-105.

INTRODUCED, TITLE READ IN FULL, APPROVED, ADOPTED, AND ORDERED PUBLISHED THIS 20TH DAY OF JUNE, 2017, by a vote of 5 to 0 of the members of the Town of Red Cliff Board of Trustees.




BOARD OF TRUSTEES OF TOWN OF
RED CLIFF, COLORADO



Lorenzo Sandeval, Mayor Pro-Tem

ATTEST:



Barb Smith, Town Clerk/Administrator