

**CHAFFEE COUNTY COLORADO
RESOLUTION 2022—26**

**A RESOLUTION EXTENDING A TEMPORARY MORATORIUM ON THE SUBMISSION,
ACCEPTANCE OR PROCESSING OF APPLICATIONS FOR ROAD AND ALLEY
VACATIONS IN THE TOWNSITE OF NATHROP PENDING CONSIDERATION OF A
COMPREHENSIVE TRANSPORTATION PLAN**

FINDINGS AND CONCLUSIONS:

- A. The Land Use Act (C.R.S. § 29-20-101 *et seq.*) and the County Planning Code (C.R.S. § 30-28-101, *et seq.*) and other authorities listed in Section 1.1.2 of the Chaffee County Land Use Code authorize county regulation of land use in the unincorporated areas of the county.
- B. The current Chaffee County Land Use Code (“LUC”) was adopted pursuant to Ordinance 2014-01 and became effective in February 2014. Following its adoption, the Chaffee County Board of County Commissioners (“Board”) approved minor amendments and corrections to the LUC and on September 9, 2014, June 9, 2015, January 19, 2016, and February 9, 2016 pursuant to Resolutions 2014-38, 2014-51, 2015-24, 2016-04, 2016-13 and 2016-24, 2016-42, 2016-49, 2016-51, 2016-52, 2017-01, 2017-22, 2017-29, 2017-42, 2017-51, 2017-54, 2017-55, 2017-67, 2017-72, 2017-73, 2018-02, 2018-25, 2018-34, 2019-51, 2020-25, 2020-26, 2020-61, 2021-31, 2021-33, 2021-60, 2021-80 AND 2022-24, respectively.
- C. Pursuant to Resolution 2021-34, a moratorium is hereby imposed from April 6, 2021 and until such date as the Board duly adopt regulations or October 4, 2021, (180 days) whichever is earlier, on the submission, acceptance, or processing of applications for road and alley vacations under LUC § 5.2.3. H within the Townsite of Nathrop.
- D. At a public meeting on September 21, 2021, the moratorium issued in Resolution 2021-34 was extended by the Board to April 30, 2022.
- E. LUC § 5.2.3 H establishes that vacation of a roads or alleys are subdivision exemptions. The LUC also establishes the procedures and requirements for a road and alley vacation.
- F. C.R.S. § 43-2-301, *et seq.* vests the power to vacate roads and alleys with the board of county commissioners of the county and requires a vacation through a county resolution.
- G. Due to growth in the County and surrounding municipalities, the Townsite of Nathrop is seeing unprecedented growth and development. As such, property owners in the Townsite of Nathrop are increasingly requesting the vacation of roads and alleys to increase lots sizes and decrease non-conformity of lots.
- H. Currently staff reviews road and alley vacation according to the requirements of the LUC and Colorado statute to ensure notice to adjacent property owners, that the vacation shall not result in a parcel of land no longer having access and provision for right-of-way and easements for utilities. With the population growth in the Townsite of Nathrop the need for County infrastructure has grown, including the need for long range transportation planning.

- I. No transportation plan has been developed for the Townsite of Nathrop. Staff believes that a transportation plan for the Townsite of Nathrop is necessary to minimize congestion, provide quality of life, ensure shorter response times in emergency situation and guide future growth. If approved staff will engage a consultant to conduct a transportation plan for the Townsite of Nathrop.
- J. The County is in the process of substantively updating the LUC. The County's current LUC is not adequately structured to address the recent changes in development patterns, community needs, and population growth trends of Chaffee County's lands and communities. The LUC consultant was asked to review and address transportation needs and land use issue related to vacation of roads and alleys for the Townsite of Nathrop in one of the first modules developed for the LUC update.
- K. The Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 et seq., provides the County with the broad authority to plan for and regulate the use of land to best protect and promote the health, safety, and general welfare of the present and future inhabitants of Chaffee County and to guide future growth, development, and distribution of land uses within Chaffee County.
- L. The following provisions also give the County authority to plan for and regulate the use of land, including the authority to impose temporary moratoriums on development activities:
 - a. C.R.S. § 30-11-107 concerning powers of the Boards of County Commissioners;
 - b. C.R.S. § 30-28-101, et seq. concerning the regulation of the use of structures in various zone districts throughout Chaffee County; and
 - c. C.R.S. § 30-28-115 concerning the promotion of the health, safety, convenience, order and/or welfare of the citizenry through the use of land use regulations.
- M. On, April 5, 2022 the Board of County ("Board") held a public hearing for the purpose of receiving public comments with respect to the proposed moratorium of LUC § 5.2.3. H for the Townsite of Nathrop.
- N. The people of Chaffee County have had an opportunity to review the proposed moratorium to the acceptance of road and alley vacations for the Townsite Nathrop and have had an opportunity to make public comment for or against adoption of the proposed moratorium.
- O. In light of the foregoing, the Board determines that circumstances warrant the immediate enactment of a temporary moratorium (180 days) on processing applications for proposed road and alley vacations in the Townsite of Nathrop to protect and promote the public health, safety, and welfare and to avoid development which may contravene the results and purpose of the proposed comprehensive plan and potential transportation plan.
- P. The duration of the moratorium imposed by this Resolution is reasonable in length and is no longer than required for the County to properly conduct a transportation plan within the Townsite of Nathrop.
- Q. At its meeting held on April 5, 2022 the Board approved the moratorium and directed the County Attorney's Office to prepare a written resolution outlining the findings of the Board and authorized the Chair to sign the resolution.

RESOLUTION:

The Board resolves as follows:

Section 1. The foregoing recitals are incorporated herein and made a part of this Resolution.

Section 2. Except as set out in Section 4, a moratorium is hereby imposed from April 6, 2021 and until such date as the Board duly adopts regulations or October 3, 2022, (180 days) whichever is earlier, on the submission, acceptance, or processing of applications for road and alley vacations under LUC § 5.2.3. H within the Townsite of Nathrop.

Section 3. During the pendency of this moratorium, staff is directed to engage LUC consultant to conduct a transportation study and plan, including community and agency engagement, pertaining to road and alley vacations in the Townsite of Nathrop and to make recommendations on a transportation plan that is sufficient to protect the public health, safety, and welfare and whether amended regulations are necessary to adequately mitigate legitimate land use development in the Townsite of Nathrop. Staff is directed to move expeditiously, such that the Board can end the temporary moratorium sooner if appropriate.

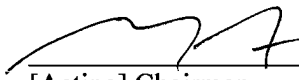
Section 4. This Resolution shall in no way limit application and enforcement of any statutes of the State of Colorado but shall be in addition thereto.

Section 5. All provisions of this Resolution are intended to be severable. If a court or administrative body declares any provision or its application to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision of this Resolution. If a court or administrative body determines a provision or its application to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.

Section 6. This Resolution shall be in full force and effect immediately upon adoption by the Board.

ADOPTED AND APPROVED by the Chaffee County Board of County Commissioners on April 5, 2022.

BOARD OF COUNTY COMMISSIONERS



[Acting] Chairman

The vote on the above Resolution was as follows:

Commissioner Greg Felt Yes

Commissioner Keith Baker Yes

Commissioner Russell Granzella Yes

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Lori A Mitchell

Chaffee County Clerk

STATE OF COLORADO, CHAFFEE COUNTY
ATTEST:

The above is a true and correct record of Resolution 2022-26 duly adopted by the Chaffee County Board of County Commissioners by a 3—0 vote at a regular meeting, properly noticed and held on April 5, 2022.

Lori Mitchell by

Janet L. Luster *Chief Deputy*
Chaffee County Clerk

*Clerk and
Recorder*

