

Ordinance No. 315

Town of Rico

AN ORDINANCE ENACTING A TEMPORARY DEVELOPMENT RESTRICTION ON (1) THE FINAL PLATTING OF ANY SUBDIVISIONS, (2) EXCAVATIONS ON STREET RIGHTS-OF-WAY AND OTHER PROPERTY OF THE TOWN OF RICO, (3) THE ISSUANCE OF BUILDING PERMITS IN THE DEVELOPMENT ZONE DISTRICT, (4) THE ISSUANCE OF BUILDING PERMITS IN THE C-1 COMMERCIAL HISTORIC ZONE DISTRICT AND C-2 COMMERCIAL ZONE DISTRICT, AND (5) THE EXTENSION OR CONSTRUCTION OF NEW ROADS.

WHEREAS, Colorado Revised Statutes Article 20, Title 29, authorizes statutory towns to regulate the use of land within their jurisdiction;

WHEREAS, the Town of Rico's general police powers authorize the Town of Rico to regulate the use of land and the granting of permits therefor for the purpose of preserving and promoting the health, safety, and general welfare of the Rico community;

WHEREAS, the Board of Trustees has received the WASTER WATER EVALUATION & ANALYSIS, dated December 1995, prepared by Goff Engineering & Surveying, Inc., which summarizes and concludes that the Rico area is not acceptable for the design and construction of additional on-site individual sewage treatment systems and sets forth preliminary plans for the construction of a central waste water treatment facility;

WHEREAS, the Town of Rico does not currently own any site which is suitable for the construction of a waste water treatment facility and does not currently have the financial resources to construct a waste water treatment facility or the financial authority to increase its indebtedness to finance a waste water treatment facility;

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WHEREAS, the Board of Trustees has received the TOWN OF RICO - WATER SUPPLY PROJECT - ENGINEERING REPORT, dated February, 1996, prepared by Harris Water Engineering, Inc., which identifies that the current bag filtration treatment system can only serve about 400 people during the peak summer usage and that the Town does not currently have sufficient water rights with sufficient priority to serve additional growth;

WHEREAS, the Town of Rico has currently issued more than 150 water taps;

WHEREAS, the Town of Rico does not currently have the financial resources to construct the recommended water treatment and supply facilities (as indicated in the TOWN OF RICO - WATER SUPPLY PROJECT - ENGINEERING REPORT), or the financial authority to increase its indebtedness to finance the recommended water treatment and supply facilities, nor does the Town possess the necessary easements to install and construct the recommended water treatment and supply facilities;

WHEREAS, the Board of Trustees finds that the existing water system infrastructure can not serve the existing platted and subdivided part of Town;

WHEREAS, the Board of Trustees is diligently working towards identifying and applying for potential sources of financing to construct waste water and water treatment facilities as well as other necessary capital improvements;

WHEREAS, Ordinance No. 310 AN INTERMIM ORDINANCE ESTABLISHING A TEMPORARY DEVELOPMENT RESTRICTION WITHIN THE TOWN OF RICO, expires on the last day of April, 1996;

WHEREAS, the Town is currently considering a comprehensive land use code and other regulations which would regulate excavations in Town rights-of-way; enact design regulations for construction in the C-1 Commercial Historic Zone District and the C-2 Commercial Zone District; enact zoning, subdivision, planned unit development regulations in the area currently zoned D Development Area Zone District; and enact regulations and fees regarding the construction new roads or extension of existing roads in Town;

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WHEREAS, the Board of Trustees finds that the maintenance, oversight, and regulation of the placement of utilities lines in Town rights-of-way directly affects the ability and cost of the Town to plan for and install future utility lines in Town rights-of-way and that such control over the Town rights-of-way is essential to preserving and promoting the health, safety and general welfare of the Rico community;

WHEREAS, the Board of Trustees finds that the orderly and planned growth of the Town of Rico and Rico Regional 3-mile planning area will promote the health, safety, and general welfare of the Rico community and will promote the ability of the Town to provide essential services and infrastructure to serve additional development; and

WHEREAS, a public hearing was held before the Board of Trustees of the Town of Rico on April 17th, 1996, and the Board of Trustees considered all comments at such public hearing prior to adopting this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1: TEMPORARY DEVELOPMENT RESTRICTION

- A. A temporary development restriction is hereby established by the Town of Rico, Dolores County, Colorado, and the temporary development restriction shall apply to, and prohibit, the following development activities and permit applications until the last day of April, 1997, or until this Ordinance, or part thereof, is repealed by Resolution pursuant to Section 2:
1. subdivision of any land held in contiguous ownership not approved by the Town of Rico which results in parcels of land less than 35 acres;
 2. uses subject to review in the R-1 and R-2 Zone Districts;
 3. building permits in the C-1 Commercial Historic or C-2 Commercial Zone Districts;
 4. building permits in the D Development Area Zone District;
 5. excavations in Town rights-of-way or other Town property, except by the Town of Rico;
 6. building permits in any potential high avalanche hazard area; and,
 7. road building permits for the construction of new roads or extension of existing roads.

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- B. A temporary development restriction is hereby established by the Town of Rico, Dolores County, Colorado, and the temporary development restriction shall apply to, and prohibit, the following development activities and permit applications until such time as the Town has the legal authority to incur indebtedness for both water and sewer improvements, has final approval or 'closed' on loans and grants which are necessary to finance both water and sewer improvements, and has final engineered plans for the construction and installation of both water and sewer improvements, or until this Ordinance, or part thereof, is repealed by Resolution pursuant to Section 2:
1. Final platting of any new subdivisions, including minor subdivisions, lot splits, and creation of condominium ownership interests in property or structures;
 2. Extension of water lines to provide service to any area not currently part of the historic town grid plat (25 x 100 foot lots) or Town approved subdivisions (approved subdivisions include and are limited to: the Atlantic Cable Subdivision, the Upper Atlantic Cable Subdivision, the Silver Gance Subdivision, the Foster Lot Split or Atlantic Cable Addition Subdivision, and the Strammel Lot Split).

SECTION 2: REPEAL BY RESOLUTION

The Board of Trustees may repeal part or all of this Ordinance by Resolution after conducting a public hearing thereon. The repeal of any section, paragraph, or sentence shall not effect the remainder of this Ordinance, unless expressly indicated in the repealing Resolution.

SECTION 3: SAFETY CLAUSE

The passage of this Ordinance is necessary for the immediate preservation of the public health, safety, morals, and welfare of the Town of Rico community.

SECTION 4: EFFECTIVE DATE

This Ordinance shall become effective immediately upon final adoption and posting in accordance with Resolution No. 104.

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SECTION 5: IMMEDIATE PRESERVATION OF THE PUBLIC HEALTH AND SAFETY

This Ordinance shall become effective immediately upon final adoption, rather than 30 days after final adoption and posting, because delay in the effective date of this Ordinance may impair the Town's ability and legal authority to regulate the use of land in the Town of Rico for the purposes of protecting the health, safety, and welfare of the Rico community.

SECTION 6: SEVERABILITY

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

SECTION 7: PUBLICATION

After final adoption, the Town Clerk shall cause a copy of this ordinance to be posted in accordance with Resolution No. 104 of the Town of Rico, Colorado, and shall further cause a copy to be recorded in the office of the Dolores County Clerk and Recorder.

READ, PASSED AND ADOPTED, after conducting a public hearing on the 17th day of April, 1996, and considering all testimony presented, and after posting of the notice 15 days prior to the public hearing date and posting of the Ordinance in full in accordance with Resolution No. 104, 10 days prior to adoption.



BY: ROBERT SMALL, MAYOR



ATTEST: LINDA YELLOWMAN, TOWN CLERK

(Town Seal)



APPROVED AS TO FORM: ERIC JAMES HEIL, ESQ.