

TOWN OF RICO ORDINANCE NO. 2024-04
ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO,
COLORADO ADOPTING TOWN SOILS OVERLAY ZONE REGULATIONS
AND ADOPTING BY REFERENCE APPENDIX D OF THE RICO LAND USE
CODE (LEAD SOILS MANAGEMENT REGULATIONS)

WHEREAS, the Town of Rico, Colorado (the “Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rico Home Rule Charter (the “Charter”); and

WHEREAS, pursuant to C.R.S. §§ 29-20-101 et seq., 31-15-101 et seq., and 31-23-101 et seq., the Town has broad authority to ensure the health, safety and welfare of the community and its residents; and

WHEREAS, the Board of Trustees (the “Board”) is authorized to act on behalf of the Town pursuant to and in accordance with the Charter to adopt such regulations as are necessary to protect the health, welfare and safety of residents and visitors of the Town; and

WHEREAS, the Board recognizes that soil located within the Town and the surrounding areas may contain elevated levels of lead from past mining activities, as well as local geologic conditions that may lead to naturally-occurring elevated lead levels, which has been documented in the Rico Townsite Soils Voluntary Cleanup Program (“VCUP”) application submitted by the Town and Atlantic Richfield Company (“AR”) and approved by the Colorado Department of Public Health and Environment (“CDPHE”) on May 16, 2023 (the “VCUP Application”), pursuant to the Colorado Voluntary Cleanup and Redevelopment Act, C.R.S. § 25-16-301; and

WHEREAS, the Rico Land Use Code (“RLUC”) establishes the regulations and standards governing the use and development of land within the Town for the purpose of promoting the public health, safety and general welfare of the citizens of the Town; and

WHEREAS, adoption of the RLUC amendments contained in Appendix D of the RLUC, attached as Exhibit A and incorporated by this reference, will create two overlay zoning districts within the current Town boundaries as defined areas of environmental concern and will provide local land use controls specifying requirements for soil testing, handling, stockpiling, remediation, and disposal to promote the public health, safety and general welfare of the citizens of the Town; and

WHEREAS, adoption of the proposed RLUC amendments is a condition of the VCUP; and

WHEREAS, the Rico Planning Commission may propose changes and amendments to the RLUC which are in the public interest pursuant to RLUC § 412; and

WHEREAS, the Rico Planning Commission may recommend amendment of the RLUC to the Board after the Planning Commission conducts a public hearing on the amendment; and

WHEREAS, the Rico Planning Commission has considered the RLUC amendments contained in this Ordinance, and conducted a duly noticed public hearing regarding the amendments at its June 14, 2023 meeting, and recommended the Board adopt the amendments; and

WHEREAS, the Board has determined that the RLUC amendments contained in this Ordinance meet the standards for review contained in RLUC § 418 as the amendments are compatible with the land uses in the Town; and will serve a community need and promote the public health, safety, or welfare of the Rico community and the public services and infrastructure are adequate to meet the needs of the proposed amendments; and the proposed amendments are consistent with the purposes of the RLUC and the goals and objectives of the Rico Regional Master Plan; and

WHEREAS, the Board has considered the increased administration activities associated with complying with the proposed RLUC amendments and finds that any increased administrative duties are justified by the assurance that the amendments will protect the public health, safety, and welfare of the citizens of the Town; and

WHEREAS, a public hearing was held on September 18, 2024 at a regular meeting of the Board of Trustees of the Town of Rico prior to the adoption of this Ordinance for the purpose of taking public comment on the advisability of adoption of proposed Appendix D of the RLUC.

NOW THEREFORE, the Board of Trustees of the Town of Rico does hereby **ORDAIN** as follows:

1. The recitals above are hereby adopted as findings and incorporated herein.
2. There is hereby adopted for the purposes of providing minimum standards to safeguard life, health, property and public welfare, Appendix D of the RLUC as incorporated in the RLUC. The subject matter of Appendix D is regulations governing management of soil in the Town of Rico to ensure that soil with elevated lead concentrations has been properly removed or capped to protect public health, safety, and welfare.
3. The adopted Appendix D shall be effective beginning January 1, 2025.
4. The adopted Appendix D shall be applied to all areas within the Rico Soils Overlay Zone District and the Environmental Remediation Overlay Zone District, a map of which is attached to this Ordinance in Exhibit A.

5. Any development permit application pending but not issued as of January 1, 2025, shall be issued subject to the requirements of this Ordinance and the adopted Appendix D.
6. It shall be unlawful to commence any development activity covered by Appendix D without an approved Soil Remediation Permit as defined by Appendix D.
7. It shall be unlawful to violate any provision of this Ordinance, or any provision of the adopted Appendix D, or applicable state laws and regulations.
8. Violations of this Ordinance, or any provision of the adopted Appendix D, shall be enforced as provided in Appendix D, as a violation of the RLUC, or as otherwise provided by law.
9. Town staff is directed to take necessary actions to immediately implement this Ordinance, including without limitation, preparing necessary forms and procedures to implement Appendix D.

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY ON September 18, 2024.

TOWN OF RICO, COLORADO



Nicole Pieterse, Mayor

ATTEST:



Anna Wolf, Town Clerk

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ
ON SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE
ONLY TO BE EFFECTIVE IMMEDIATELY THIS 16th DAY OF OCTOBER 2024.

TOWN OF RICO, COLORADO



Nicole Pieterse, Mayor

ATTEST:



Anna Wolf, Town Clerk

Effective Date: October 16, 2024