

## **RESOLUTION 18- 2025**

### **A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON WASHINGTON COUNTY'S PROCESSING OF NEW APPLICATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST DESIGNATED BY WASHINGTON COUNTY PENDING CONSIDERATION OF AMENDMENTS TO WASHINGTON COUNTY'S REGULATIONS GOVERNING DESIGNATED AREAS AND ACTIVITIES OF STATE INTEREST**

**WHEREAS**, the County is currently undertaking review and considering possible amendments to its regulations governing areas and activities of state interest designated by the County ("1041 Regulations");

**WHEREAS**, the County, during this review process, desires to impose a moratorium on applications requesting review and approval of designated areas and activities pursuant to its 1041 Regulations;

**WHEREAS**, the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 *et seq.*, provides the County with broad authority to plan for and regulate the use of land to provide for orderly development while balancing the health, safety and welfare of its citizens;

**WHEREAS**, the Local Government Land Use Control Enabling Act authorizes local governments within their respective jurisdictions to plan for and regulate the use of land by, among other actions, regulating development and activities in hazardous areas; protecting land from activities that would cause immediate or foreseeable material danger to significant wildlife habitat; regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and otherwise planning for and regulating the use of land so as to provide for the planned and orderly use of land;

**WHEREAS**, the Board believes it has the responsibility to its residents to plan for and regulate the use of land for the purposes laid out in the Local Government Land Use Control Enabling Act as well as those purposes specified in other applicable state and federal statutes and common law grants of authority, and to promote the health, safety and general welfare of its residents;

**WHEREAS**, C.R.S. § 24-65.1-101 *et seq.* authorizes the County to designate certain areas and activities of state interest and further authorizes the County to impose a moratorium to review and revise its 1041 Regulations on previously designated areas and activities of state interest;

**WHEREAS**, the County needs a reasonable period of time to consider regulating areas and activities of state interest in an orderly manner to protect the public's health, safety and welfare;

**WHEREAS**, the Board estimates that the time needed to perform the appropriate review and to determine appropriate amendments is approximately six (6) months;

**WHEREAS**, if applications requesting review and approval of areas and activities of state interest pursuant to 1041 Regulations are submitted prior to the County having adequate time to conduct the appropriate studies and adopt appropriate amendments, the Board believes irreparable harm will be done to the public health, safety, and welfare;

**WHEREAS**, the U.S. Supreme Court and the Colorado Supreme Court recognize that in the field of land use regulation and regulations of areas and activities of state interest, temporary moratoria

of reasonable duration are often employed to preserve the status quo in a particular area while developing a long-term plan for development;

**WHEREAS**, in countering the incentive of property owners to develop their property quickly to avoid the consequences of an impending land use plan for the jurisdiction, moratoria are a crucial tool for local governments and, therefore, pursuant to express and implied authority granted by the Colorado Revised Statutes and multiple Colorado and federal legal decisions upholding temporary moratoria on land use applications while amendments are considered, the Board has the legal authority to adopt a temporary moratorium in this situation;

**WHEREAS**, in light of the foregoing recitals and findings, after a duly noticed public meeting held on April 15, 2025, the Board desires to adopt this temporary moratorium to protect the public health, safety, and welfare, and to avoid development which, during the County's amendment process, may contravene the results of this review and process put the public at risk.

**NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, COLORADO:**

1. This temporary moratorium shall take effect immediately. The County shall not accept, process, or approve any applications for areas or activities of state interest designated in the County's 1041 Regulations received by the County after the effective date of this moratorium. This moratorium shall not be deemed to vacate the current designation of certain areas or activities of state interest by the County.

2. This temporary moratorium shall remain in place until October 15, 2025, unless terminated or extended.

**DATED** this 15th day of April, 2025.

**BOARD OF COUNTY COMMISSIONERS  
WASHINGTON COUNTY, COLORADO**

*Giiele Jefferson*  
Chairman

*Brandy Ward*  
Commissioner

*Scott H. Remy*  
Commissioner

**ATTEST:**

*Annie Kuntz*  
Annie Kuntz, Clerk to the Board

