

RESOLUTION NUMBER 2018- 22

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY AMENDING THE 2016 RIO BLANCO COUNTY LAND USE RESOLUTION BY THE DELETION OF ARTICLE VI, SECTION 119 REGARDING IMPACT FEES FOR CAPITAL FACILITIES MADE NECESSARY BY NEW DEVELOPMENT IN RIO BLANCO COUNTY, COLORADO

WHEREAS, the Board of County Commissioners of Rio Blanco County, State of Colorado (hereinafter the "Board"), is authorized, pursuant to state enabling legislation including, but not limited to, C.R.S. Sections 30-28-101, *et seq.*, to plan for and regulate the use and development of land in the unincorporated area of the County of Rio Blanco, State of Colorado (hereinafter the "County"), for the purpose of promoting the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of the County; and

WHEREAS, the County has broad authority to regulate growth and development under the Local Government Land Use Control Enabling Act of 1974, C.R.S. Sections 29-20-101, *et seq.*, and other applicable law; and

WHEREAS, the County believes the Impact Fee, established by Resolution 2008-11, is no longer appropriate as applied to new development in Rio Blanco County; and

WHEREAS, the factors that existed in June of 2008 do not currently exist in Rio Blanco County and funds required to accommodate new development are available to the County from Severance Taxes, Mineral Leases and Ad Valorem Tax Revenues; and

WHEREAS, in 2008, substantial money was needed to fund capital projects such as a new Justice Center and Renovation of the Historic Rio Blanco County Courthouse, both of which have now been completed; and

WHEREAS, the assumptions and predictions regarding large scale development in the oil and gas industry in Rio Blanco County, which formed the basis for the studies, which supported the Impact Fee structure, adopted by Resolution 2008-11, have not occurred and are no longer justification for continuation of the Impact Fee structure; and

WHEREAS, the current outlook for economic development in Rio Blanco County would be substantially supported by a cancellation of the Impact Fee adopted by Resolution 2008-11; and

WHEREAS, the Rio Blanco County Planning Commission conducted a public hearing on the proposed amendment of the 2016 Rio Blanco County Land Use Resolution on April 26, 2018 upon notice duly given; and

WHEREAS, the Planning Commission voted, 4 for and 0 against, to recommend to the Board approval of this Resolution amending the 2016 Rio Blanco County Land Use Resolution by deletion of Article VI, Section 119; and

WHEREAS, the Board commenced a public hearing at Meeker, Colorado on May 14, 2018, upon notice duly given; and

WHEREAS, the Board has reviewed the proposed amendment to the 2016 Rio Blanco County Land Use Resolution, the Rio Blanco County Master Plan and other documents and materials submitted by members of the public at the various hearings, the Planning Commission recommendations, and has conducted its own hearing on the submittal on May 14, 2018; and

WHEREAS, the Board closed the hearing, deemed the record complete; and

On the basis of the evidence produced at the aforementioned hearing the Board makes the following **LEGISLATIVE FINDINGS**:

1. Substantial new growth and development in the County is not occurring and there is not an increased demand upon the County's Administrative Capital Facilities, Law Enforcement Capital Facilities, and Transportation Capital Facilities.
2. The protection of the health, safety, and general welfare of the citizens of the County does not currently require that these Capital Facilities be expanded to accommodate and serve any continuing growth within the County.
3. Ad Valorem Taxes, Severance Taxes, Mineral Leasing Revenues and other revenues, currently available to the County generate sufficient funds to provide the necessary Administrative Capital Facilities, Law Enforcement Capital Facilities, or Transportation Capital Facilities necessary to serve the citizens of Rio Blanco County.
4. The Board is authorized by the provisions of C.R.S. Section 30-28-116, as amended, to approve amendments to the Rio Blanco County Land Use Resolution.
5. This proposed Amendment is in the best interests of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Rio Blanco County.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO, COLORADO:

- 1) The 2016 Rio Blanco County Land Use Resolution shall be and is hereby amended by the deletion of Article VI, Section 119, Impact Fees except as provided in paragraph 2 below.

2) All Impact Fees previously collected pursuant to Article VI, Section 119, shall continue to be held in a designated Impact Fee fund, and expended for Transportation Capital Facilities, as provided in Article VI, Section 119.1 (22) and 119.6 (C) and 119.6 (D) or refunded pursuant to Article VI, Section 119.7.

3) If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board declares that it would have adopted this Resolution and each section, subsection, sentence, clause, or portion herein despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions, would be declared invalid or unconstitutional.

**DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR
AND 0 AGAINST, THIS 11th DAY OF JUNE, 2018.**

The Board of County Commissioners of
Rio Blanco County, Colorado

ATTEST:


Clerk & Recorder

By:


Shawn J. Bolton, Chairman


Jeff Rector, Commissioner


Si Woodruff, Commissioner

