

Commissioner _____ moved adoption
of the following Resolution:

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EAGLE, STATE OF COLORADO**

RESOLUTION NO. 2020 _____

**AUTHORIZING THE ADOPTION OF A TEMPORARY MORATORIUM ON THE
FILING OF ALL APPLICATIONS FOR LAND USE DEVELOPMENT PERMITS AND
ON THE SCHEDULING OF ANY PUBLIC HEARINGS OR WORKSESSIONS DURING
THE MONTH OF APRIL 2020**

WHEREAS, Eagle County, Colorado (the “County”) is a political subdivision of the State of Colorado (the “State”), duly organized and existing pursuant to the laws and the Constitution of the State; and

WHEREAS, the Local Government Land Use Enabling Act, 29-20-101, et seq., C.R.S. (“Land Use Act”), and the County Planning Code, 30-28-101 et seq., C.R.S. (“Planning Code”) expressly delegate paramount authority to counties to implement land use planning and zoning on unincorporated territory within their boundaries; and

WHEREAS, on March 6, 2020, Eagle County declared a Local Disaster Emergency related to COVID-19. On March 10, 2020, the Governor of Colorado declared a State of Emergency related to the presence of COVID-19 in the State. The Colorado Department of Public Health and Environment has confirmed that COVID-19 continues to spread through the State of Colorado, and community transmission of the illness has been confirmed in Eagle County; and

WHEREAS, on March 13, 2020, Eagle County Public Health issued a Public Health Order, setting forth guidance and requirements for, as well as a prohibition on, events of more than 50 people to slow the spread of the COVID-19 virus (the “Public Health Order”); and

WHEREAS, due to the spread of the COVID-19 virus and the potential impact on Eagle County Community Development Department staff and its ability to process new applications for land use development permits, the County has determined that a moratorium on the filing and processing of applications for new land use development permits is necessary; and

WHEREAS, although some public hearings may not attract 50 people or more, the County has determined that additional precautions are necessary to reduce the spread of COVID-19; accordingly, regardless of the number of participants, no public hearings or work

sessions shall be held during the remainder of the month of March or in the month of April 2020; and

WHEREAS, the County finds it essential to protect and preserve the public, health, safety and welfare of the County and its citizenry, and that it is in the County's best interest, consistent with the Land Use Act and the County Planning Code, and the Public Health Order to impose a temporary moratorium on the filing and processing of land use development permit applications and on the scheduling of public hearings and work sessions; and

WHEREAS, the Board of County Commissioners ("Board") held a public hearing on March 17, 2020, and based on the evidence and testimony received, and comments from all interested parties, the Board hereby determines that a temporary moratorium on the filing and processing of land use development permit applications and on the scheduling of public hearings and work sessions is necessary and proper for the protection of the health, safety, welfare and best interests of the inhabitants of the County of Eagle, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Eagle, State of Colorado:

THAT, from and after the adoption date of this Resolution:

(1) For a period of forty-four (44) days, ending at 11:59 p.m. on April 30, 2020, no application for any land use development permit for any property located in unincorporated Eagle County shall be filed, accepted, or processed by Eagle County. For purposes of this Resolution, "land use development permit" shall include, but not be limited to, the following: any application for a sketch or preliminary plan for subdivision; Minor A or Minor B subdivision; Subdivision Exemption; sketch or preliminary plan for planned unit development ("PUD"); PUD Amendment; 1041 permit review; special use permit; rezoning; final plat; amended final plat; requests for variances from the ECLUR; requests for Finding of No Significant Impact; requests for limited review; and requests for exceptions to the Eagle County Comprehensive Plan.

(2) For a period of forty-four (44) days, ending at 11:59 p.m. on April 30, 2020, no application for a land use development permit received prior to the adoption date of this Resolution shall be scheduled for any public hearing.

(3) For a period of forty-four (44) days, ending at 11:59 p.m. on April 30, 2020, no public hearings or work sessions shall take place before the Board, planning commissions or any other County authority, commission, committee or board.

(4) The imposition of this moratorium is not intended to otherwise affect the review and processing of any application for a land use development permit that has undergone a

completeness check by the Eagle County Community Development Department as of March 16, 2020, subject to staff capacity and availability.

THAT, public hearings and work sessions shall not be scheduled with applicants or noticed for hearing until the Board determines that the additional precautions described herein are no longer necessary.

THAT, it is not the purpose of this Resolution to deny building permits for uses that are permitted by-right and which otherwise comply with all applicable codes, regulations and policies of the County.

THAT, the imposition of this moratorium is not intended to affect the regular or special meetings of the Board.

THAT, the Board hereby finds, determines and declares that this Resolution is necessary for the health, safety and welfare of the citizens of Eagle County.

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 17th day of March, 2020.

COUNTY OF EAGLE, STATE OF
COLORADO, By and Through Its BOARD
OF COUNTY COMMISSIONERS

ATTEST:

By:
Regina O'Brien
Clerk to the Board of
County Commissioners

By:
Kathy Chandler-Henry, Chair

By:

Jeanne McQueeney, Commissioner

By:

Matt Scherr, Commissioner

Commissioner _____ seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:

Commissioner Kathy Chandler-Henry

Commissioner Jeanne McQueeney _____

Commissioner Matt Scherr _____

This Resolution passed by
County of Eagle, State of Colorado.

vote of the Board of County Commissioner of the