

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS, COLORADO**

ORDINANCE NO. 2020- 653

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE,
COLORADO ESTABLISHING A TEMPORARY MORATORIUM ON THE
ACCEPTANCE OR PROCESSING OF NEW APPLICATIONS FOR MOTOR VEHICLE
FUELING/GAS STATIONS OR TRUCK STOPS AND DECLARING AN EMERGENCY**

WHEREAS, the Town of Lochbuie is a statutory municipality, governed by its elected Board of Trustees; and

WHEREAS, as authorized by state law, including, but not limited to, Sections 31-15-401 and 31-23-301 of the Colorado Revised Statutes, the Town of Lochbuie has broad authority to exercise its police powers to promote and protect the health, safety, and welfare of the community and its citizens; and

WHEREAS, pursuant to Section 31-23-301 of the Colorado Revised Statutes, such police powers include the power to regulate the location and use of land within the community; and

WHEREAS, the Board of Trustees adopted comprehensive zoning and development regulations codified in Chapter 19 of the Lochbuie Municipal Code which regulations are known as the Town's Land Development Code ("LDC"); and

WHEREAS, the LDC (Section 19-2-230) currently regulates the establishment of "Motor Vehicle Fueling/Gas Station" and "Truck stop" uses within the Town; and

WHEREAS, Motor Vehicle Fueling/Gas Station is defined pursuant to 19-7-520, "Words and terms" – of the LDC as:

"Motor vehicle fueling/gasoline station means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning may be conducted. Gasoline station shall not include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting and body fender work are conducted;" and

WHEREAS, "Truck stop" is not further defined in the LDC; and

WHEREAS, the Town is undertaking large roadway improvement projects; and

WHEREAS, the Town has limited commercial property available generally within the boundaries of the Town; and

WHEREAS, the Board desires to review the LDC and its standards for Truck stops and Motor Vehicle Fueling/Gas Stations to ensure that the Town's limited commercial space is not filled with or dominated by only one use-type; and

WHEREAS, based on the Town's more recent processing of an application for a Motor Vehicle Fueling/Gas Station and the reported experience in other communities with the impacts of Motor Vehicle Fueling/Gas Stations and/or Truck stops, it is the opinion of the Town Board of Trustees that the current provisions of the LDC may not sufficiently address both the actual and potential impacts of Motor Vehicle Fueling/Gas Stations and Truck stop uses in terms of, but not limited to access, building quality and aesthetics, lighting and noise control, available and appropriate locations, use saturation (the number of same uses in a given area), and diversity of land uses within the Town; and

WHEREAS, the Town possesses the power and authority to impose a temporary delay or moratorium on the acceptance or processing of applications for specific land uses and to temporarily limit the issuance of approvals and permits for specific land uses in order to review and consider how such land use may be accommodated and approved to best advance the health, safety, and welfare of the Town; and

WHEREAS, the Board of Trustees finds and determines that a moratorium on the acceptance or processing of applications that will authorize Motor Vehicle Fueling/Gas Station and Truck stop uses within the Town will allow Town staff and the Board of Trustees the time to consider revision or amendment to regulations as directed by the Town Board of Trustees; and

WHEREAS, the Board of Trustees hereby legislatively determines that temporarily suspending the acceptance or processing of applications for Motor Vehicle Fueling/Gas Station and Truck stop uses and the issuance of permits to establish new Motor Vehicle Fueling/Gas Station and Truck stop uses is in the best interests of the health, safety and welfare of the community and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO, AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Board of Trustees.

Section 2. Temporary Suspension and Delay Enacted. The Town of Lochbuie hereby imposes a temporary suspension and delay (moratorium) on the acceptance or processing of any form of application or approval, including building permits, which would authorize a Motor Vehicle Fueling/Gas Station or Truck stop use. This temporary suspension and delay shall automatically terminate at midnight on **July 21, 2020**, unless terminated earlier by the Board of Trustees or extended in its duration by the enactment of another ordinance. This Ordinance and the temporary suspension and delay imposed hereby shall be self-executing without further action by the Town or its Board of Trustees.

Section 3. Exclusions from Moratorium. This Ordinance and the temporary suspension and delay imposed by this Ordinance shall not apply to any application to authorize a

Motor Vehicle Fueling/Gas Station or Truck stop use which: (i) has been formally submitted to the Town in accordance with the Land Development Code on or before **January 21, 2020**; (ii) is determined in writing by the Town Administrator Department as complete in its form, content, and information; and (iii) is subject to a Town review process pursuant to the LDC which will eventually culminate in a formal decision by the Town as to the application's conformance with specific criteria or standards. An application for a pre-submittal meeting shall not constitute an "application" for purposes of this Section 3 because a pre-submittal meeting is an opportunity for owners or developers to informally discuss with the Town staff and consultants any preliminary concepts for potential development and to learn of the applicability of various land use processes that may be followed in the eventual submission of a formal application pursuant to the LDC.

Section 4. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

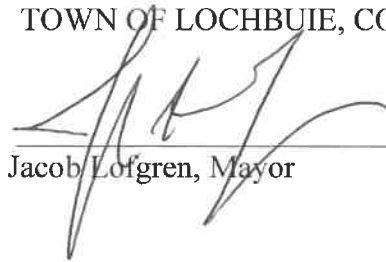
Section 5. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 6. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board of Trustees further determines that this Ordinance bears a rational relation to the proper legislative objective sought to be obtained.

Section 7. Emergency Declared; Effective Date. The Town Board of Trustees hereby legislatively declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. Absent passage of this Ordinance as an Emergency Ordinance, the Town risks the submission of applications for Motor Vehicle Fueling/Gas Station and Truck stop uses and the processing of such proposed uses with the existing regulations do not likely address the potential impacts of Motor Vehicle Fueling/Gas Station and Truck stop uses in a comprehensive or fully reasoned manner. The Board finds that an emergency exists in that the immediate preservation of the public health and safety requires that the regulations adopted herein go into immediate effect. This Ordinance shall take effect immediately upon its adoption as provided by C.R.S. § 31-16-105.

ADOPTED by a vote 3/4th of the members of the Town Board of Trustees, 6 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 21st day of January, 2020.

TOWN OF LOCHBUIE, COLORADO



Jacob Lofgren, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of JANUARY 21, 2020, and ordered published by title only one time by *The Brighton Blade* newspaper on JANUARY 29, 2020.

[SEAL]



Linda Blackston, Town Clerk

