

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2019-05**

**AN EMERGENCY ORDINANCE OF THE TOWN OF PALISADE,
COLORADO ESTABLISHING A TEMPORARY MORATORIUM ON
THE ACCEPTANCE OF APPLICATIONS FOR NEW DEVELOPMENT;
AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Section 31-15-401 and 31-23-301, C.R.S., the Town of Palisade has broad authority to exercise its police powers to promote the health, safety and welfare of the community and its residents, and

WHEREAS, the Town of Palisade has the authority to assess transportation impact fees pursuant to Title 29, Article 20, Section 104.5 of the Colorado Revised Statutes; and

WHEREAS, in 2002 the Town of Palisade, in conjunction with the City of Grand Junction, the City of Fruita, and Mesa County conducted a Transportation Impact Fee Study known as the Transportation Impact Fee Study by Duncan Associates (Transportation Impact Fee Study); and

WHEREAS, the Transportation Impact Fee Study set forth reasonable methodologies and analysis for determining the impacts of various types of development on the Road System; and

WHEREAS, the Town of Palisade Board of Trustees adopted Transportation Impact Fees in 2004 based on the Transportation Impact Fee Study through enactment of Ordinance No. 921, ; and

WHEREAS, the ordinance created a system by which transportation impact fees paid by traffic impact-generating development is used to expand the Town's street system, so that the development that pays each fee will receive a benefit within a reasonable period of time after the fee is paid; and

WHEREAS, because the road costs have more than doubled and the travel demand data is over 20 years old since the 2002 Transportation Impact Fee Study was completed, an updated Transportation Impact Fee Study was required; and

WHEREAS, an updated Transportation Impact Fee Study for the Town of Palisade, City of Fruita, City of Grand Junction and Mesa County was completed in 2018 by Duncan Associates (Updated Transportation Impact Fee Study) which recommended new fees; and

WHEREAS, in order to protect the public health, safety and general welfare of the inhabitants of the Town of Palisade, and in order to ensure that new development pays a reasonable fee based on the Updated Transportation Impact Fee Study, the Board of Trustees of the Town of Palisade, Colorado, hereby finds and determines that it is necessary and appropriate to institute a temporary moratorium on the acceptance of any applications for new development during which time the Town shall consider and amendment to the Palisade Land Development Code concerning the adoption of new Transportation Impact Fees.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO:

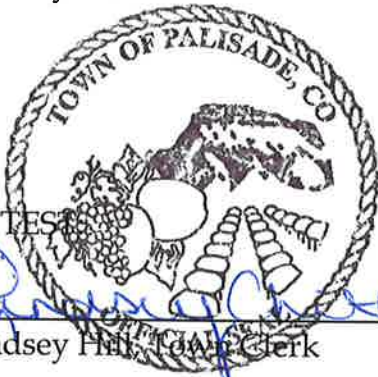
Section 1. Temporary Moratorium and Delay Enacted. upon the effective date of this Ordinance, the Town of Palisade hereby imposes a temporary moratorium and delay on the acceptance, processing and approval of all applications for any Town of Palisade permit, license or other application pertaining to new development that impacts the Town's street system. This temporary moratorium and delay shall automatically terminate at midnight on February 28th, 2019 unless terminated earlier by the Board of Trustees or extended in its duration by enactment of another Ordinance.

Section 2. Declaration of Emergency. In accordance with Section 31-16-105, C.R.S. and Section 1-55 of the Palisade Municipal Code, the Board of Trustees finds and determines that this Ordinance is immediately necessary for the preservation of the public peace, health, or safety because the current Transportation Impact Fees are based on outdated methodologies and analysis for determining the impacts of various types of development on the Road System. Therefore, pursuant to Section 31-16-105 C.R.S., and Section 1-55 of the Palisade Municipal Code, this Ordinance shall be in full force and effect immediately upon adoption of this Ordinance if approved by an affirmative vote of three-fourths (3/4) of the members of the Board of Trustees of the Town of Palisade. In the event this ordinance is approved, but not by an affirmative vote ¾ of the members of the Board of Trustees, this ordinance shall become effective 30 days following publication as required by law.

Section 3. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or application of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined to be inoperable. The Board of Trustees declares that it would have adopted this Ordinance and each section, sentence, clause, phrase or

portion thereof, despite the fact that any one or more section sentence, clause, phrase or portion would be declared invalid or unconstitutional.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of the Trustees of the Town of Palisade, Colorado, held on January 22, 2019.



ATTEST

Lindsey Hill
Town Clerk

TOWN OF PALISADE, COLORADO

By: Roger L. Granat
Roger L. Granat, Mayor

Publication Date:

January 26, 2019

Trustee Granat introduced, read and moved the adoption of the ordinance titled,

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and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee Mikolai seconded the motion. On roll call, the following Trustees voted "Aye":

Granat, Mikolai
Chase, L'Hommedieu
Sundermeier, Somerville

Trustees voted "Nay":
