

TOWN OF BLUE RIVER, COLORADO

ORDINANCE NO. 2021-03

**AN ORDINANCE OF THE TOWN OF BLUE RIVER, COLORADO
APPROVING INITIAL ZONING OF PROPERTY KNOWN AS THE
TURNER ANNEXATION FROM SUMMIT COUNTY A-1 TO TOWN OF
BLUE RIVER R-1 LOW DENSITY RESIDENTIAL UNDER THE TOWN
CODE AND AMENDING THE OFFICIAL ZONING MAP**

WHEREAS, a property owner has filed a petition for annexation with the Town of Blue River (the “Petition”) requesting the annexation of certain property known as the Turner Annexation, which property is described with particularity in **Exhibit A** attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, on February 16, 2021, following the conclusion of a duly noticed public hearing, the Board of Trustees adopted Ordinance No. 2021-02 (the “Annexation Ordinance”) annexing the Property into the Town of Blue River; and

WHEREAS, as required by C.R.S. § 31-12-115(2), property annexed to the Town must be zoned pursuant to the Town’s zoning regulations within ninety (90) days after the effective date of the Annexation Ordinance; and

WHEREAS, at the same public hearing concluded on February 16, 2021, the Board of Trustees considered establishing the initial zoning district for the Property under the Town Code; and

WHEREAS, the Town Planning and Zoning Commission considered the proposed initial zoning of the Property at a duly noticed public hearing held on February 2, 2021, and subsequently forwarded its recommendation concerning initial zoning to the Board of Trustees; and

WHEREAS, public notice has been properly given of such proposed initial zoning of the Property by publication, in the *Summit County Journal*, a newspaper of general circulation within the Town of Blue River, and by mail notification of adjacent property owners in accordance with the applicable provisions of the Town Code; and

WHEREAS, in accordance with the Town Code, a public hearing was held before the Board of Trustees virtually using the internet at which time evidence and testimony were presented to the Board of Trustees concerning the initial zoning proposal; and

WHEREAS, the record for this case includes, but is not limited to, the Town Code, the Town Comprehensive Plan, and all other applicable laws, ordinances, resolutions and regulations, together with all Town policies that relate to the subject matter of the public hearing, reports, studies and all other submittals of the property owner, any evidence or correspondence submitted by members of the public at the public hearing, and the staff files and reports pertaining to this application; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, the Board of Trustees has determined that the proposed zoning of the Property, subject to the conditions set forth herein,

further the public health, safety, convenience and general welfare of the community; generally conforms with the Comprehensive Plan; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the Code.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO, ORDAINS:

Section 1. **Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. **Initial Zoning of Property Approved.** The Board of Trustees hereby grants and approves zoning of the Property from Summit County A-1 to Town of Blue River R-1 Low Density Residential.

Section 3. **Amendment of Zoning Map.** The Official Zoning Map of the Town shall be amended to conform to and reflect the Property's R-1 zoning as specifically approved by this Ordinance. The Town Manager is directed to change the zoning of the Property on the Town's Official Zoning Map and to make any technical corrections to the Official Zoning Map necessitated by the initial zoning of the Property established by this Ordinance.

Section 4. **Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. **Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 6. **Effective Date.** Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED IN THE OFFICIAL NEWSPAPER OF GENERAL CIRCULATION BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING AND PUBLIC HEARING

HELD ON THE ____ DAY OF _____, 2021, BY A VOTE OF ____ IN FAVOR
AND ____ AGAINST.

TOWN OF BLUE RIVER

By: _____
Mayor

ATTEST:

By: _____
Town Clerk

Exhibit A

(Legal description of Property – Turner Annexation)

(AREA TO BE ANNEXED TO TOWN OF BLUE RIVER)

Gold King Placer and Gold King No. 1 Placer, M.S 13658 Lot 28A, Summit County, Colorado