

TOWN OF BLUE RIVER, COLORADO

ORDINANCE NO. 2025-08

**AN ORDINANCE AMENDING SUBSECTION (n) OF SECTION 22-5-50
OF CHAPTER 22 OF THE BLUE RIVER MUNICIPAL CODE (*TOWN OF
BLUE RIVER AREAS AND ACTIVITIES OF STATE INTEREST*)**

WHEREAS, the Town of Blue River is authorized to regulate the use and development of land under Colorado Revised Statutes Sections 31-23-101 *et seq.* and 29-20-101 *et seq.*; and

WHEREAS, the Town of Blue River, Colorado is authorized pursuant to the Areas and Activities of State Interest Act, Colorado Revised Statutes Sections 24-65.1-101, *et seq.* ("AASIA") to establish and designate certain areas and activities of state interest; and

WHEREAS, the AASIA authorizes the Town to adopt guidelines and regulations for administration of areas and activities of state interest, to establish and designate permit procedures, receive applications for development in or conduct of matters of state interest and to exercise other powers in connection therewith; and

WHEREAS, the AASIA expressly authorizes the Town to designate "site selection" of arterials and collector highways as an activity subject to the local regulation; and

WHEREAS, the Town prepared regulations entitled "The Town of Blue River Areas and Activities of State Interest" dated March 26, 2021 (the "Regulations") to govern the designation, permitting, regulation, and administration of matters of state interest; and

WHEREAS, the Board of Trustees adopted by reference the Regulations as Chapter 22 of the Blue River Municipal Code following proper notice and hearing(s); and

WHEREAS, the Board of Trustees desires to clarify that an expansion of, or modification to, an existing highway that requires the acquisition of property outside of the exiting highway right-of-way should be properly interpreted as "site selection" because the expanded or modified highway will occupy property not previously selected or used for the highway; and

WHEREAS, the Town published public notice of the date, time, place, and purpose of a hearing to consider adoption of this Ordinance, and conducted a hearing, all in accordance with the AASIA; and

WHEREAS, Colorado Revised Statutes Section 24-65.1-402(2) explicitly authorizes the Town to adopt additional regulations interpreting and applying the Town's adopted Regulations.

BE IT ORDAINED, BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO:

Section 1. Amendment of Section 22-5-50(n). The Board of Trustees hereby amends Section 22-5-50(n) of the Blue River Municipal Code to read in full as follows:

(n) "Site selection" means the determination, through a corridor location study, memorandum, letter determination, request for proposal, construction contract, or other document, of a specific corridor or facility location that proposes:

(1) Construction of an arterial highway or interchange or collector highway; or

(2) Expansion or modification of an existing arterial highway, interchange or collector highway that would result in:

a. an increase in highway capacity by at least one lane through widening or alternative lane configurations, or an equivalent increase in capacity produced by access controls, technological or other types of highway improvements; or

b. the elimination of direct, at grade access from a public road or street within the Town to such existing arterial or collector highway; or

c. the addition of parking, stopping, maintenance, or other facilities, including rest areas, scenic viewpoints, or chain-up stations, for highway users adjacent to, near, or accessible from an existing arterial or collector highway; or

(3) Expansion or modification of an existing highway which would result in a change in classification to "collector highway" or "arterial highway" as defined in this Chapter; or.

(4) Expansion or modification of an existing highway (including the addition, expansion, or modification for highway-related facilities such as but not limited to areas for parking, stopping, maintenance, rest areas, scenic viewpoints, or chain-up stations), which will include or necessitate the purchase or acquisition, including through the use of eminent domain, of private or publicly owned property, property interests, or property rights located outside of the platted or legally recognized right of way for the existing highway.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 4. 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 provision heretofore repealed or superseded.

Section 5. Minor Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 6. Effective Date. The provisions of this Ordinance shall become effective thirty (30) days after publication following the final passage.

PROPERLY NOTICED PUBLIC HEARING HELD, ORDINANCE PASSED, ADOPTED, AND ORDERED PUBLISHED at a meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the 15th day of July, 2021.


NICK DECICCA (Jul 24, 2025 15:42:07 MDT)

Mayor

ATTEST:


Town Clerk or Deputy Town Clerk

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