



**Minutes**  
**TOWN OF BLUE RIVER**  
**PLANNING AND ZONING COMMISSION REGULAR MEETING**  
**May 4, 2021**  
**Held via Zoom**

**I. Call to Order**

- Chair Johnson called the regular meeting of the Planning & Zoning Commission to order at 6:00 p.m.

**II. Roll Call**

- Tori Aidala
- Travis Beck
- Tim Johnson
- Doug O'Brien
- Ben Stuckey
- Board Liaison-Trustee Ken Robertson

Also present: Town Attorney Bob Widner; Town Manager/Clerk Michelle Eddy. Dan Farber was excused. Jonathan Heckman was absent.

**III. Approval of Minutes-April 6, 2021**

- O'Brien moved and Beck seconded to approve the minutes of April 6, 2021. Motion passed unanimously.

**IV. Project Reviews**

- **0452 97 Circle-New Construction**
  - The new construction project at 0452 97 Circle was presented. Manager Eddy noted a complete application was received and the review report from SAFEBuilt noted it met zoning and building conditions. Manager Eddy noted the homeowner was on the call for questions.
  - O'Brien moved and Johnson seconded to approve the new construction at 0452 97 Circle as presented. Motion passed unanimously.
- **0595 Whispering Pines**

- The new construction projected at 0595 Whispering Pines was presented. Manager Eddy noted the application was complete and the review from SAFEBuilt noted it met zoning and building conditions. Manager Eddy also noted that the project was originally approved in 2016 but was never built. The architect was available for questions.
- Beck moved and O'Brien seconded to approve the new construction 0595 Whispering Pines as presented. Motion passed unanimously.

**V. Attorney Educational Session: covenants versus town regulations**

- Attorney Widner provided an overview of the difference between town code and covenants. He noted that the law prevails. An HOA cannot permit a use or condition that is not allowed by the municipal law. Covenants are private contracts and not covered by the law. A covenant may be more restrictive than the law but it may not be less restrictive. When considering whether to approve an item, it is important to follow what is allowed by law and not just the HOA covenant.
- Discussion about what happens when HOA approval is not received. Noted its part of the application and the process but it is not relevant to approval and not obligated by municipal law. If building is approved and it goes against the HOA, it is on the HOA to enforce not the town. Discussion of areas in town where subdivision agreements were adopted by law and apply to specific subdivisions.
- Recommended that if there are covenants desired to adopt them into the code.

**VI. Review and discussion of Design Guidelines and proposed preliminary review process**

- Submittal with notes and changes were received from Aidala, Beck and Stuckey.
- Attorney Widner discussed the new land development code. A memo and draft code changes were sent to the Commission for review under a new Chapter 16-A. There will be four new chapters.
  - Chapter 16-Zoning
    - What the property can be used for.
  - Chapter 16A-Land Development and Use
    - How property may be developed. What to do with subdivision. Includes much of the current architectural guidelines.
    - A one-page outline has been provided with all of the different items that will be included.
  - Chapter 17-Subdivision
  - Chapter 17A-Procedures and Processes for Developing Land
- Attorney Widner provided drafts on driveways, walkways, parking and berms for discussion and are based on what already exist. He noted that he will be sending drafts to PZ for review and input.
- Discussion to review and come back with redline items for discussion in June. There will be a review of four to five articles provided each month. There are 25 total with six to eight that are already complete with little to no input needed as they are fairly newly adopted ordinances.

**VII. Other**

- Zone Districts

- Attorney discussed a request from the Board of Trustees to include different zone districts to be included in the Town Code. The districts discussed: river, trails, open space and planned district to allow for annexations.
- Trustee Robertson noted the commission needs to direct the Town Attorney to create these districts. Attorney Widner will be working on these for review by the commission. Input will be received from the Blue River Open Space and Trails Committee. He noted there will be areas with a split zone districts. For example an R-1 lot with a river district on the lot.
- Aidala moved and Beck seconded to direct staff to develop the additional zone districts. Motion passed unanimously.

VIII. Bulk Rail Fencing-McCullough Gulch

- Manager Eddy shared photo and proposal being asked for by the residents in McCullough Gulch Reserve to help protect private land but allow for wildlife.
- Discussion on agreement with the design and asked for homeowners to maintain the fencing.
- O'Brien moved and Beck seconded to approve the bulk rail fencing in the McCullough Gulch Reserve. Motion passed unanimously.

Next meeting scheduled for **Tuesday, June 1, 2021**. It was noted that the June meeting is expected to be in person for the Commission and staff. This will be a hybrid meeting with the public attending virtually. Plexi glass will divide all of the seats. Unless 80% of the Commission and staff are vaccinated, masks will be required except when seated per new Level Green Guidelines in Summit County. Following CDC guidelines, food will not be provided.

There being no further business before the Planning and Zoning Commission, O'Brien moved and Beck seconded to adjourn the meeting at 7:38 p.m. Motion passed unanimously.

Respectfully Submitted:

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Michelle Eddy, Town Clerk