



Agenda
Town of Blue River
Regular Meeting of the Board of Trustees
March 16, 2021
5:00 p.m.
VIRTUAL Via Zoom Link

Register in advance for this meeting:

<https://zoom.us/join/zoom/register/tJElduGvpjlvGNyJlkbq9rO8sAOriMYs4Xu8>

After registering, you will receive a confirmation email containing information about joining the meeting.

****The Trustees Meeting will be hosted live but will the public will NOT be permitted to attend the meeting in person due to COVID-19 concerns. If you are interested, please join the meeting via the Zoom below and on our website at <https://townofblueriver.colorado.gov/town-info/meetings>. Questions and comments may be submitted prior to the meeting to: michelle@townofblueriver.org or during the meeting using the Chat feature.**

5:00 p.m. WORK SESSION

- Annexations/Subdivision of Lots

6:00 p.m. REGULAR MEETING OF THE BOARD OF TRUSTEES

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF CONSENT AGENDA

- MINUTES, February 16, 2021
- Approval of Bills

III. COMMUNICATIONS TO TRUSTEES

- Citizen Comments (Non-Agenda Items Only; 3-minute limit please). Any written communications are included in the packet.

IV. NEW BUSINESS

A. Introductions

- Introduction of Ordinance New Chapter 15-Annexation

B. Public Hearings

- A Public Hearing is set for Ordinance 2021-06 Pertaining to Regulations for Areas and Activities of State Interest for Thursday, April 29, 2021

C. Upper Blue Planning Commission Appointment

D. CDOT Chain-up Station Update

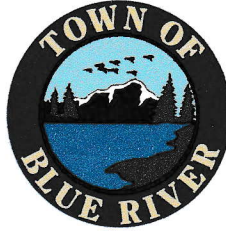
V. REPORTS

- Mayor
- Trustees
 - Trails Committee-Trustee Fossett
 - Transit Authority-Trustee Pilling
 - Wildfire Council-Trustee Dixon
 - Planning & Zoning-Trustee Robertson
 - Citizen Advisory Committee-Trustee Finley
- Attorney's Report

VI. OTHER BUSINESS

Next Meeting, Thursday April 29, 2021

Reports from the Town Administrator, Mayor and Trustees; Scheduled Meetings and other matters are topics listed on the Regular Trustees Agenda. If time permits at the work session, the Mayor and Trustees may discuss these items. The Board of Trustees may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.



**Minutes
Town of Blue River
Regular Meeting of the Board of Trustees
February 16, 2021
5:00 p.m.**

VIRTUAL Via Zoom Link

****The Trustees Meeting will be hosted live but will the public will NOT be permitted to attend the meeting in person due to COVID-19 concerns. If you are interested, please join the meeting via the Zoom below and on our website at <https://townofblueriver.colorado.gov/town-info/meetings>. Questions and comments may be submitted prior to the meeting to: michelle@townofblueriver.org or during the meeting using the Chat feature.**

5:00 p.m. EXECUTIVE SESSION

Executive session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice on planning commission authority, decisions, appeals, and emergency ordinance purposes.

- Mayor Babich opened the meeting at 5:00 p.m.
- Trustee Finley moved and Trustee Fossett seconded to adjourn into Executive session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice on planning commission authority, decisions, appeals, and emergency ordinance purposes at 5:06 p.m.
- Trustee Dixon moved and Trustee Cleary seconded to adjourn out of Executive session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice on planning commission authority, decisions, appeals, and emergency ordinance purposes with no action taken at 5:45 p.m.

5:30 p.m. WORK SESSION

- Mayor Babich began the work session at 5:46 p.m.
- CDOT/Hwy 9 Discussion
 - Town Manager Eddy gave the background of the project and where it stands today. Information is in the packet. Trustee Fossett provided additional information.
 - It is noted that this is a chain up station but there is no “chain down” and it’s one of three stations between Breckenridge and Hwy 285.
 - A list of comments, questions and concerns will be drafted to submit to CDOT by June. CDOT is planning construction in 2022.
 - Discussion of concern over lighting, size of the project, noise and the impact on the community. In addition it will promote truck traffic over Hoosier Pass.
 - CDOT stated the reason for the chosen location was to keep noise and impact on the town i.e. Breckenridge.
 - Discussion of environmental concerns in that it is the headwaters for the river as well as wildlife.
 - Discussion to reach out to Colorado Representative Neguse.

- CDOT Access Control IGA is being reviewed and comments are being submitted for adjustment to the agreement.
- Noted that the CDOT Access Plan would have no bearing on the chain up station.
- Next steps will be to begin community education and gather feedback to provide to CDOT.
- Future Work Sessions and Meeting Dates
 - Mayor Babich asked for input on future work session topics.
 - Code review and discussion for areas of review and suggestion.
 - Broadband and cell service expansion.
 - A list was provided in the packet.
 - April Trustee Meeting-discussion to send out a Doodle for an alternate date due to spring break.

6:00 p.m. REGULAR MEETING OF THE BOARD OF TRUSTEES

I. CALL TO ORDER, ROLL CALL

Mayor Babich opened the regular meeting of the Board of Trustees at 6:15 p.m.

Roll Call

Mayor Toby Babich
 Trustee Dan Cleary
 Trustee Joel Dixon
 Trustee Kelly Finley
 Trustee Mark Fossett
 Trustee Ted Pilling
 Trustee Ken Robertson

Also present: Town Attorney, Bob Widner; and Town Manager/Clerk, Michelle Eddy

II. APPROVAL OF CONSENT AGENDA

- **MINUTES, January 19, 2020**
- **Approval of Bills-\$45,650.063**
- Trustee Cleary moved and Trustee Fossett seconded to approve the consent agenda with comments made. Motion passed unanimously.

III. COMMUNICATIONS TO TRUSTEES

- Citizen Comments (Non-Agenda Items Only; 3-minute limit please). Any written communications are included in the packet.
 - Michelle Tonti-Whispering Pines-expressed concerns over CDOT's plan for the chain up station and important to reach out to other entities to have this re-evaluated.
 - Jonathon Heckman-Hwy 9-Comment about resident Christopher Waker who suffered an injury requiring modification of his home to accommodate handicap access. He asked to have the fees donated.

IV. NEW BUSINESS

- **Ordinance No. 2021-05 to adopt an appeal process for final decisions of the Planning & Zoning Commission and declaring an emergency**
 - Town Attorney Widner provided background and reason for the ordinance.
 - Trustee Cleary asked clarifying questions on the ordinance of the Town Attorney.
 - Barrie Stimson-Spruce Creek Rd asked if it applied to the annexation ordinance. Answer was no.
 - Trustee Cleary moved and Trustee Robertson seconded to approve Ordinance No. 2021-05 to adopt an appeal process for final decisions of the Planning & Zoning Commission and declaring an emergency. Motion passed unanimously.
- **Other Hearings: Planning & Zoning Application Appeal-0112 & 0116 Tesemini**
 - Mayor Babich reviewed the process for the hearing.
 - Mayor Babich opened the public hearing at 6:47 p.m.
 - Town Manager Eddy presented the application noting the minutes, approval from SAFEBuilt.
 - Mark Painter, Attorney with Holland & Hart representing the applicant, Mark Meiser presented the reason for the appeal.
 - Karen Keating presented the project. The application and project drawings are included in the packet. She noted reasons for the lower roof pitch.
 - Attorney Painter followed the presentation with comments noting the compliance with the guidelines and language interpretation allowing for lower roof pitches and personal preference comments during the Planning & Zoning meeting. He noted that there is not a process to pre-review plans.
 - Mayor Babich asked for any public comment.
 - Jonathon Heckman-Hwy 9 member of a Planning & Zoning speaking as a citizen. Spoke against the project and the project goes against the character and spirit of the town. Noting items he felt went against the guidelines.
 - Applicants provided a follow up to comments made.
 - Mayor Babich closed the public hearing at 7:47 p.m.
 - Trustee Robertson stated he is generally supportive of the application and spoke to the Board of items to consider on the roof including the span of the roof. He spoke to the intent of the guidelines.
 - Trustee Finley asked clarifying question on different roof pitches and the need to have the intention made clear and language clear and defined.
 - Mayor Babich asked for clarification of language from the Town Attorney. Attorney Widner noted language allows for lower roof pitches.
 - Trustee Cleary stated he didn't feel they met the requirements and noted need to clean up the language of the guidelines to reflect the pitch. He also asked how the applicant it's list of other projects was developed. Noted the applicant took the photos and verified approvals with the Town Manager. He reviewed several points on the application.
 - Trustee Robertson moved and Trustee Cleary seconded to approve the new construction projects at 0112 & 0116 Tesemini with a request to have applicant consider breaking up of large roof line/plain.

- Mayor Babich asked for clarification on request and if that requires follow up. Attorney Widner stated no it is just to be considered.
- Trustee Robertson noted the issue is to break up the roof plain and the request is to consider making a changed.
- Trustee Robertson restated his motion to approve the project as presented requiring the applicant to break up roof plain, even slightly to adhere to section B3 in the Architectural Guidelines. Trustee Cleary seconded the motion.
- Discussion on whether or not the requirement is necessary based on the plans submitted and clarification on the roof presented.
- Trustee Fossett noted two homes that are single plain and their approval. Trustee Dixon agreed there is not a need to ask the applicant to change the design.
- Vote on the first motion.
- Roll Call
 - Babich-No
 - Cleary-Yes
 - Dixon-No
 - Finley-No
 - Fossett-No
 - Pilling-No
 - Robertson-Yes
- Motion failed
- Trustee Finley to approve project as presented. Trustee Pilling seconded.
- Roll Call
 - Babich-Yes
 - Cleary-No
 - Dixon-Yes
 - Finley-Yes
 - Fossett-Yes
 - Pilling-Yes
 - Robertson-No
- Motion passed.

- **Annexation & Zoning Public Hearings- Lot 28A Gold King Placer Annexation & Zoning**

- Mayor Babich provided information on the process and the Board of Trustees role.
- Attorney Widner reviewed the process and noted that while the Town has conducted the proper notice for zoning the Board is being asked to postpone the decision on the zoning in a future meeting to allow for additional comments and notice. There will be another hearing on the zoning if the Board wishes.

- Mayor Babich opened the public hearing for annexation and zoning for Lot 28A Gold King Placer at 8:36p.m.
- Noah Turner presented their reason for applying on behalf of his family. He read a letter from the family.
- Mayor Babich noted conversation of annexation that has been conducted by the Board of Trustees including being open to potential opportunities. He noted that the discussion of subdivision of existing lots within town was prohibited but open to any property annexing into town for consideration.
- Mayor Babich opened it up for public comment. It is noted that comments were presented in writing and included in the packet. Mayor Babich reminded everyone to identify themselves and limit their comments to three minutes.
 - Public Comments:
 - April Kroner with the County noted letter and no further comment.
 - Doug O'Brien-Crown Drive, noted he has a concern of the potential for the subdivision of the lot. He is in favor of the annexation but not the subdivision. He noted concern of the 300' notification and felt that not everyone was given proper notification based on his measurements.
 - Barbara Gaines-Crown Drive, noted that she has had a change of thoughts since the Planning and Zoning. She noted she is ok with the R1 zoning. She is also ok with town growth. Her opposition is against the subdivision of the property. She noted various points in the staff report. Asked Board of Trustees deny the annexation and subdivision
 - Jodie Willey-Crown Drive, noted letter submitted. She voiced against annexation and subdivision due to potential impacts on the wells and the environments. Concern there is not a cost benefit to the town and environmental studies needing to be conducted. Agreed with comments made by the Gaines.
 - Barrie Stimson-Spruce Creek Drive, he noted email letter submitted and referred to the letter. He noted not an issue with the Turners but opposition to the process of the annexation and lack of public process. He noted that annexation goes against the Town mission statement. He noted a concern of setting a precedent and a concern of increased maintenance of roads. He stated a need for a land planner to review these impacts.
 - Mike Koons-Crown Drive, noted he submitted letter. Noted there are well water challenges and many additional vacant lots with building potential. Noted the benefit of subdivision of lots annexed is not afforded to other residents. Asked the Trustees to consider the impact on the community if annexed.
 - Kent Willis-Attorney represented Jim and Barbara Gaines, thanked Mayor for comments made. Agreed with comments from Mr. Stimson and the potential future impacts. He also asked the Town to consider comments in the Joint Upper Blue Master Plan and density transfers. As a Summit County resident, feels this is a negative impact on the surrounding area noting the R1 Zoning is appropriate. Noted concerns

of road and width of right of way in proportion to where home currently sits. Noting this should be resolved prior to annexation and zoning.

- Jim Gaines-Crown Drive, stated the Turners knew the rules when they applied for annexation and noted they wish to be excluded. He noted the Turners should be required to follow the rules as they exist.
- Jonathon Heckman-Hwy 9, concern that road where the property is located would create a greater impact on maintenance and plowing of the road. Feels project should not be considered.
- Mayor Babich closed the public hearing at 9:29 p.m.
- Trustee Pilling noted concerns he has heard in the community of the potential subdivision.
- Trustee Finley asked for clarification on the subdivision code. Attorney Widner noted no if it was existing in Blue River.
- Trustee Cleary requested to have a process on how residents are notified in the future. He noted that 80% of those notified were in opposition of the project. He agrees with the concerns of the traffic comments. He isn't opposed to annexation but he is opposed to subdivision. He noted a strong public opposition and concern in the accessory dwelling unit. He does not see a public benefit to the Town. He noted a concern of annexation petitions with subdivision requests. He noted a need to improve the JUBMP and support it. He noted it is necessary to grow through annexation with subdivision. Trustee Cleary read letter he wrote.
- Trustee Dixon support Trustee Cleary's remarks. He noted comments in JUBMP as it pertains to density and feels the annexation with the subdivision goes against the JUBMP and the mission statement.
- Mayor Babich noted the JUBMP needs to be updated to reflect current climate. He noted the item is on the agenda to make a decision and no decision has been made.
- Trustee Robertson noted that the JUBMP was not respected by the Town when it was adopted and there is a need to update the plan. Noted there have been good points made. He noted that he didn't feel one more house would make a difference. He noted he needs more time to review.
- Trustee Fossett disagreed with Trustee Cleary's comments regarding greed by the Town. He noted needing more time to review.
- Trustee Finley agreed with the need for more time to review as there are three issues to consider and items are being mixed together and not separately.
- Trustee Pilling reflected on Ms. Gaines' letter and shared her concerns however, he also noted concerns with other homeowners on environment and growth for growth sake.
- Trustee Cleary clarified comments on "greed" and need to be mindful of sprawl.
- Discussion from Trustee Fossett and Robertson on benefits of annexation is control of the property within the Town rules versus in the County.

- Discussion of the need for further discussion on annexation, TDRs, and an update to the JUBMP.
- **Annexation Motions**
 - Resolution 2021-05 A Resolution Setting Forth Certain Findings of Fact and Conclusions as to the Annexation of Certain Property Known as the Turner Annexation.
 - Ordinance 2021-02 Annexing Certain Territory to the Town Known as the Turner Annexation
 - Ordinance 2021-03 Ordinance Approving the 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.
 - Ordinance 2021-04 Ordinance Approving an Annexation Agreement for the Turner Annexation
 - Trustee Cleary moved to deny Resolution 2021-05; and Ordinances 2021-02 through 2021-05 under current terms. Trustee Pilling seconded the motion.
 - Roll Call
 - Babich-Yes
 - Cleary-Yes
 - Dixon-Yes
 - Finley-No
 - Fossett-Yes
 - Pilling-Yes
 - Robertson-No
 - Motion passed.
- Mayor Babich thanked the Turners and noted this doesn't reflect negatively on them.

V. REPORTS-All reports were postponed until March.

- Mayor
- Trustees
 - Trails Committee-Trustee Fossett
 - Transit Authority-Trustee Pilling
 - Wildfire Council-Trustee Dixon
 - Planning & Zoning-Trustee Robertson
 - Citizen Advisory Committee-Trustee Finley
- Other
 - Trustee Fossett asked about the waiving of the permits fees. Attorney Widner noted that if there is a public benefit, the Trustees could do so. The other option would be to enact an ordinance.
 - Trustee Finley noted a benefit would be community morale.

- Attorney Widner noted an ordinance would be necessary for a future process.
- Trustee Finley moved and Trustee Dixon seconded to waive the fees for the Waker project. Motion passed unanimously.
- Attorney's Report-No report

VI. OTHER BUSINESS

There being no further business before the Board of Trustees, Trustee Robertson moved and Trustee Fossett seconded to adjourn the meeting at 10:23 p.m. Motion passed unanimously.

Next Meeting, Tuesday, March 16, 2021

Respectfully Submitted:

Michelle Eddy, MMC Town Clerk

TOWN OF BLUE RIVER, COLORADO

MEMORANDUM

TO: Mayor Babich & Members of the Board of Trustees
THROUGH: Michelle Eddy, Town Manager
FROM: Bob Widner, Town Attorney
DATE: March 3, 2021
SUBJECT: DRAFT – New Chapter 15 Concerning Annexations

The attached draft ordinance is proposed in order to repeal and reenact Chapter 15 of the Blue River Municipal Code. The ordinance would bring the Chapter into full compliance with state law and would implement the common annexation practices of other communities.

This particular draft was derived from an ordinance my law firm prepared for the City of Central. Because we were able to use a working ordinance that we drafted from another community which is suitable for use in a smaller municipality, there is very little cost incurred by the Town in the preparation of this draft for Blue River.

Not much of this ordinance should be controversial. The provisions track state law and the common practices of other municipalities. However, the following additional Issues are raised for consideration by the Town Board.

- A. P&Z Role. State law (and the local regulations of many municipalities) do not allocate a role or responsibility to the local planning commission in the consideration of an annexation. Annexations are deemed legislative and fully discretionary decisions by the municipal governing body only. Annexations exclude the local planning commission from the process because the concept of annexation is a legislative and political question centered on whether the municipality should grow its borders and extend its general influence and services. Subsequent to annexation, however, the local planning commission does under state law have a defined and direct role in the zoning of the property.

Question: The draft ordinance does not allocate a mandatory role to the P&Z on all annexations. Instead, the draft ordinance authorizes the Board of Trustees to refer any annexation petition to the P&Z for comment and recommendation. Is this referral approach acceptable to the Board?

- B. Fees and Charges- Imposition. State law is silent as to the imposition of fees for the processing of an annexation petition. The issue of fees is left to the municipality to decide how they would structure the fee payment amount. Most municipalities charge some fee amount for the processing of a petition. The draft ordinance authorizes a fee of \$2,000 for each legally described lot or parcel within the area to be annexed. The Town Manager may adjust this fee based on the scope of the annexation and the amount of anticipated legal and consultant work to be performed.

Question: Is this fee *imposition* provision acceptable to the Town Board?

- C. Fees and Charges – Waiver. The draft ordinance authorizes the Town Board to waive all or a portion of the annexation fees for an annexation. This is a common provision used as a means of encouraging landowners to petition for annexation when the Town may request.

Question: Is this fee *waiver* provision acceptable to the Town Board?

- D. Fees and Charges – Refunding. The draft ordinance authorizes the Town Board to refund fees paid for an annexation petition if the petition is denied by the Town or the petition is withdrawn by the landowner. The Board retains the full discretion to grant a request for a refund. The refund by the Town is only allowed if there are *unexpended* portions of the original fee payment remaining with the Town and the Town has not incurred any unpaid or unaccounted for expenses. Refunding is largely a question of fairness and it will likely be a rare circumstance where a refund will be justified. Refunding will likely be justified when an annexation petition is quickly denied by the Town or is withdrawn by the petitioner before the Town begins any significant processing of the petition. A refunding provision is not common to many municipalities in my experience, but the question of refunding does arise and is sometimes granted in some municipalities even without a specific ordinance authorizing the refund (which is not a legally recommended practice).

Question: Is this fee *refunding* provision acceptable to the Town Board?

Please contact me if you have any questions regarding this proposed ordinance.

DRAFT FOR BOARD DISCUSSION ONLY

TOWN OF BLUE RIVER, COLORADO

ORDINANCE NO. 2021-__

AN ORDINANCE REPEALING AND REPLACING CHAPTER 15 OF THE BLUE RIVER MUNICIPAL CODE ENTITLED ANNEXATION

WHEREAS, pursuant to the Colorado Constitution and Part 1, Article 12, Title 31 of the Colorado Revised Statutes, the Town of Blue River ("Town") has authority to annex property into the corporate limits of the Town; and

WHEREAS, annexation is recognized by the Colorado courts as a legislative and discretionary act by the municipality and that a municipality may deny or reject an annexation for no reason. *City of Colorado Springs v. Kitty Hawk Development Co.*, 392 P.2d 467 (Colo. 1964); and

WHEREAS, the Town of Blue River ("Town") is authorized under Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of governmental administration and the City's police powers and to reasonably implement the powers provided by state law; and

WHEREAS, the Town Board of Trustees desires to adopt policies and procedures related to annexation petitions submitted pursuant to the Colorado Municipal Annexation Act of 1965; and

WHEREAS, it is the intent of the Board of Trustees in the enactment and adoption of this Ordinance to exercise the Town's legislative authority to the greatest degree possible to best advance the health, safety, and welfare of the Town.

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

Section 1. Chapter 15 of the Blue River Municipal Code is hereby repealed in its entirety and replaced with the following:

CHAPTER 15 Annexation

Article 1 – Annexation Policies and Procedures

- Sec. 15-1-10. Title.
- Sec. 15-1-20. Authority.
- Sec. 15-1-30. Annexation a legislative decision.
- Sec. 15-1-40. Acknowledgment, purpose and interpretation.
- Sec. 15-1-50. Definitions.
- Sec. 15-1-60. Three-Mile Limitation and Three-Mile Plan.

Sec. 15-1-70. Petition fee and charges for processing annexation petitions.

Sec. 15-1-80. Annexation process; ordinance.

Sec. 15-1-90. Optional referral to Planning and Zoning Commission.

Sec. 15-1-100. Annexed property subject to all laws.

Sec. 15-1-110. Annexation agreements.

Sec. 15-1-10. Title.

The provisions of this Article shall be known and cited as the “Blue River Annexation Policies and Procedures.”

Sec. 15-1-20. Authority.

This Chapter is authorized pursuant to the powers conferred by the Colorado Municipal Annexation Act of 1965.

Sec. 15-1-30. Annexation a legislative decision.

No landowner shall be entitled to a right to the annexation of land and such decision to annex property shall be a legislative and discretionary decision of the Town.

Sec. 15-1-40. Acknowledgement, purpose and interpretation.

The Town acknowledges the applicability of the Colorado Municipal Annexation Act of 1965, Sections 31-12-101, et seq., C.R.S. for annexations to the Town of Blue River. This Article is intended to implement and supplement the Colorado Municipal Annexation Act of 1965 and shall be liberally construed for the following purposes:

- (1) To encourage a natural and well-ordered development of the Town;
- (2) To distribute fairly and equitably the costs of municipal services among those persons who benefit from such services;
- (3) To extend municipality, services, and facilities to eligible areas which form a part of the whole community;
- (4) To simplify governmental structure;
- (5) To provide an orderly system for extending municipal regulations to newly annexed areas;
- (6) To reduce potential friction among contiguous or neighboring municipalities;
- (7) To increase the ability of the Town to provide their citizens with the services they require; and

- (8) To exercise to the greatest extent possible the Town's authority and powers conferred by state law and applicable judicial precedent.

Sec. 15-1-50. Definitions.

The meaning of words and phrases contained in this Chapter 15 shall have the meanings ascribed to them by Section 31-12-103, C.R.S. unless the context clearly indicates a different meaning.

Sec. 15-1-60. Three-Mile Limitation and Three-Mile Plan.

- (a) Except as otherwise provided in this section, no annexation may take place that would have the effect of extending the Town's municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year. Within the three-mile area, the contiguity required by Section 31-12-104(1)(a), C.R.S., may be achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership provided that at least fifty percent of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one (1) year without regard to such mileage limitation.
- (b) The Town's Three Mile Plan and its Comprehensive Plan, as amended, shall serve as and shall constitute the "plan in place" referenced in Section 31-12-105(1)(e), C.R.S., unless a different plan, supplement, or revision is expressly adopted to serve as a plan in place. The plan in place may also be commonly referred to as the "Three-Mile Plan" and such plan shall be deemed automatically updated annually on January 1 of each year without further action by the Town unless a change or modification is necessary and is adopted by resolution or ordinance by the Town Board of Trustees. The absence of a specific reference in such plan to a particular parcel of land proposed for annexation shall not be interpreted as a statement of intent to not annex such parcel of land; it is the plan and intent of the Town Board to evaluate and to consider for potential annexation all property within three miles of the Town's then existing municipal boundaries upon submission of a petition or as otherwise permitted by this Article and the Colorado Municipal Annexation Act of 1965. The absence in the plan of a specific reference to any character or extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town and the proposed land uses for the area shall not be interpreted as a failure to comply with Section 31-12-105(1)(e), C.R.S., but shall be interpreted as a plan by the Town to determine the appropriate character or extent of land uses and services through the Town's applicable processes of annexation, planning, and development approvals on a case by case basis. The plan in place may also be amended or modified to more specifically identify the character or extent of land uses and services at any time or contemporaneously with any annexation.

Sec. 15-1-70. Petition fee and charges for processing annexation petitions.

- (a) It is the Town's intent that petitioners for annexation bear the costs of processing a petition subject to any waiver of costs as permitted by this section. The minimum petition fee for annexation shall be two thousand dollars (\$2,000.00) for each legally described lot or parcel of land within the area proposed for annexation; provided, however, that the Town Manager may administratively establish and modify as needed a different petition fee together with additional consultant fees for the processing of an annexation petition. In setting such fees, the Town Manager shall consider the anticipated or estimated costs to be incurred by the Town in reviewing and processing the annexation and obtaining necessary data, studies, and reports. The Town Manager shall administratively advise the Town Board of the petition fee and consultant reimbursement fees for each petition. No petition shall be processed unless accompanied by the applicable petition and consultant reimbursement fees and such petition shall be deemed incomplete until such fees are paid in full.
- (b) The Town Manager, in consultation with the Town Board, may require as a condition of annexation the payment of additional amounts by the petitioners or others deemed necessary, beneficial, or advantageous by the Town, including but not limited to payments to offset anticipated costs or expenses of providing services to the annexed property or residents of the annexed area, mitigate anticipated impacts to the annexed area or to surrounding lands, to upgrade infrastructure within the Town, and/or to defray any costs or expenses of the Town.
- (c) The Town may waive all or any portion of a fee or charge for annexation where the Town Board administratively finds in its sole discretion that the proposed annexation may provide substantial benefits or advance important economic or other goals and objectives of the Town.
- (d) The Town may refund all or any portion of fees paid by a petitioner that were not applied to the processing of the annexation petition. Such refund shall require that the Town Board administratively find in its sole discretion that the petitioner has demonstrated sufficient cause or reason for a refund following a denial of a petition by the Town or following the voluntary withdrawal of a petition by the petitioner. No refund shall be issued where the unexpended fees total less than three hundred dollars, the annexation was subject to an election, or the Town incurred unpaid costs and expenses in administrative staff time, attorney fees, or consultant fees that were not anticipated or estimated in the setting of the petition fee paid by the petitioner.

Sec. 15-1-80. Annexation process; ordinance.

All annexations shall be accomplished in general accordance with the procedures set forth in the Colorado Municipal Annexation Act, as amended, through an ordinance duly adopted by the Town Board. Any petitions for annexation or petitions for annexation election shall contain the information required by the Municipal Annexation Act of 1965, as the same may be amended from time to time. The Town may institute the procedure to zone land proposed for annexation on or

after the submittal of an annexation petition, provided that the proposed zoning ordinance shall not be passed prior to the date when the annexation ordinance is adopted.

Sec. 15-1-90. Optional referral to Planning and Zoning Commission.

The Blue River Planning and Zoning Commission shall not be required to consider or recommend action on a petition for annexation. The Board of Trustees may, at its discretion, refer such petition to the Commission for a recommendation or for comment as to any aspect of a proposed annexation. Following a referral, the Town Board may revoke a request for recommendation or comment, disregard such recommendation or comment, or deem a recommendation or comment untimely if not submitted to the Town Board prior to the hearing required by Section 31-12-109, C.R.S.

Sec. 15-1-100. Annexed property subject to all laws.

- (a) Unless otherwise provided by an agreement or by ordinance governing the annexation of property into the Town, the ordinances, resolutions, rules, and regulations of the Town shall remain fully valid and effective as to any property annexed into the Town.
- (b) The Town Board may require the annexing owner to agree to bring the annexed property into conformance with Town ordinances, resolutions, rules, and regulations either at the time of annexation or within a time period stated in an agreement.

Sec. 15-1-110. Annexation agreements.

- (a) The Town is authorized to enter into one or more agreements with property owner(s) memorializing understandings of the property owner(s) and the Town and/or imposing terms, conditions, obligations, and rights upon annexation mutually acceptable to the parties. An annexation agreement is not required as a condition of an annexation except upon demand by the Board of Trustees. An annexation agreement may suspend, supersede, or waive the applicability or application of a provision of the Town Code or any ordinance, resolution, rule, or regulation of the Town when deemed in the Town's best interests by the Board of Trustees; provided, however, that nothing contained in such agreement shall suspend, supersede, or waive any provision of any ordinance, resolution, rule, or regulation of the Town unless:
 - (1) such agreement explicitly identifies a provision of an ordinance, resolution, rule or regulation of the Town that is intended to be superseded by the agreement; or
 - (2) a provision of such agreement directly and irreconcilably conflicts with obligations and rights of the parties otherwise made applicable by a provision of an ordinance, resolution, rule, or regulation of the Town.
- (b) Annexation agreements shall be deemed legislative decisions of the Town and approved by ordinance.

Section 2. 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 3. 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 4. 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 5. Effective Date. The provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the ____ day of _____, 2021.

Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

Published in the Summit County Journal _____, 2021.

From: noreply@civicplus.com
To: [Dorothy Martinez](#)
Subject: Online Form Submittal: Planning Commission Application Form
Date: Monday, January 25, 2021 10:18:52 PM

If you are having problems viewing this HTML email, click to view a [Text version](#).

Planning Commission Application Form

The Summit County Planning Department is currently accepting applications from citizens who are interested in serving on the Lower Blue, Tenmile, Snake River and Countywide planning commissions and the Board of Adjustment. Please complete the form below to apply. Alternatively, you may submit a letter of interest, including your background and qualifications, to Dorothy.Martinez@summitcountyco.gov.

The application deadline is 5 p.m., Friday, January 29, 2021.

Name (Last, First, Middle Initial)*

Physical Address*

Mailing Address*

I certify that my primary residence is located in Summit County, Colorado, and that I have been a full-time Summit County resident for at least the past 12 months.*

Yes

No

Phone Number*

Email Address*

I am interested in serving on any of the following:*

Lower Blue Planning Commission

Upper Blue Planning Commission

SNAKE RIVER Planning Commission

Countywide Planning Commission

Tenmile Planning Commission

Board of Adjustment

Please tell us why you are interested in serving.*

Briefly describe your relevant background, skills and experiences.*

* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:
<http://www.summitcountyco.gov/Admin/FormHistory.aspx?SID=1633>

The following form was submitted via your website: Planning Commission Application Form

Name (Last, First, Middle Initial): McGinnis, Gillian

Physical Address: 114 Royal Dr. Blue River, CO 80424

Mailing Address: 34353 Highway 6 Unit R-204, Edwards, CO 81632

I certify that my primary residence is located in Summit County, Colorado, and that I have been a full-time Summit County resident for at least the past 12 months.: Yes

Phone Number: 3035645674

Email Address: mcginnig@gmail.com

I am interested in serving on any of the following:: Upper Blue Planning Commission,Countywide Planning Commission

Please tell us why you are interested in serving.: For the last two years my husband I have lived in Blue River. We moved here because he is a full time Paramedic for Summit Fire and EMS. Since moving here, I have been looking for ways to become more engaged in our community in a positive way. COVID made it more difficult to do this, but when I saw there was a need where I believe my skills are valuable, I have decided to apply for a place on the planning commission.

Briefly describe your relevant background, skills and experiences.: In my previous roles, I have served as a business analyst and as a process engineer. Much of my experience comes as a consultant in trying to understand the needs of a business and how to improve profitability. I am used to having to understand a wide variety of issues and components, in addition to understanding the needs and values of the stakeholders contributing to those values. I am accustomed to working with diverse teams and values, and understanding how to find compromise so that teams are happy and projects can move forward (and be profitable.) With these skills, I am now the director of Portfolio Gallery in downtown Breckenridge. I have a vested interest in our town and community, and I believe these skills and passion are of value to serve on this board. Please let me know if you have any questions. I look forward to speaking with you. Thank you, Gi McGinnis

Additional Information:

Form submitted on: 1/25/2021 10:18:49 PM

Submitted from IP Address: 73.243.238.210

Referrer Page: <https://www.summitcountyco.gov/242/Planning-Commissions>

Form Address: <http://www.summitcountyco.gov/Forms.aspx?FID=113>



Town of Blue River

Staff Report
CDOT Chain-up Station-Update
Submitted By: Michelle Eddy, Town Manager

Update:

- The Communications Plan has been developed.
- A tab dedicated to information on the proposed chain-up station has been created and is available with information on the Town's website. [Proposed CDOT Chain-UP Station | Town of Blue River \(colorado.gov\)](https://www.townofblueriver.com/proposed-cdot-chain-up-station)
- Summit Daily wrote an article on March 3, 2021.
- The Town has been receiving letters of support which will be included in our communications to the Governor, CDOT and our representatives.
- We have reached out to Breckenridge, Summit County, Frisco, Dillon, Silverthorne, Fairplay and Alma for support. We anticipate they are willing to sign on to a letter with the Town. Breckenridge has stated they will. The other municipalities will be discussing this at their council meetings. At the Mayors, Managers and Commissioners Meeting all felt they would support the Town's position.
- A draft letter has been written and is undergoing review. The next steps will be to add anyone wishing to the letter. A one page "Talking Points" is being created and will be shared along with contact information for anyone wishing to send their own letter. This will be sent out via E-news by March 19th.
- In April, the Town will reach out to the local TV news stations as well as submit a letter to the Editor in the Summit Daily.

Blue River officials express concerns over proposed CDOT chain-up station in town

Local [FOLLOW LOCAL](#) | March 3, 2021



Sawyer D'Argonne [FOLLOW](#)
sdargonne@summitdaily.com



The site of a proposed chain-up station is pictured Tuesday, March 2, in Blue River. Town officials are voicing concerns about the station, which is planned across the street from town hall on Colorado Highway 9.

Photo by Sawyer D'Argonne / sdargonne@summitdaily.com

Blue River officials are pushing back against a proposed chain-up station in town, voicing concerns about potential negative impacts to area wildlife, increased truck traffic and other nuisances.

The Colorado Department of Transportation is in the planning phase of bringing a new semitrailer chain-up station to Blue River that would be located on Colorado Highway 9 across the street from town hall. According to CDOT, the move is meant to help improve safety and traffic flow by providing a designated area for truck drivers to mount tire chains prior to heading south over Hoosier Pass.

"We want to make sure our freight community has somewhere safe to put chains on when conditions warrant," said Michelle Peulen, communications manager with CDOT. "The last thing we want to see is someone pulling over a semitruck on the side of the road causing a crash, causing backups. We need to safely provide somewhere for them to put on chains so it encourages them to follow those traction laws."

The proposal calls for a 50-foot expansion on the west side of the highway to create the pullout area, which would accommodate up to 13 trucks at a time or about 26 trucks per hour during chain-up law periods. CDOT is also planning new chain-up stations heading north on Highway 9 in Alma and on U.S. Highway 285 southbound near Grant.

The proposed area of the chain-up station in Blue River is pictured.
Photo from Colorado Department of Transportation

But Blue River officials are concerned that the proposal could mean more trouble than it's worth for residents in the area. Among the bigger issues local officials see with the project are potential impacts to wetlands and wildlife.

"Obviously, as a town, we have a significant number of impacts and concerns," Blue River Town Manager Michelle Eddy said. "Environmental concerns stand first and foremost. That is a wetlands area ... and there's a slew of wildlife that go through there."

The area is a corridor for fox, deer, elk and mountain lion movement and serves as a breeding ground for moose, according to the town. Officials are afraid that a significant new source of noise, pollution and human presence negatively will affect the animals. Officials also are concerned about potential pollution given the project's proximity to the Blue River, which serves as a tributary to the Goose Pasture Tarn and delivers water to Breckenridge and Dillon Reservoir.

Eddy also said the proposed lighting at the site would conflict with the town's lighting codes and that the project was overall incompatible with the town's aesthetics. She noted that the town also didn't have the resources or the desire to enforce any unlawful use of the station or vehicles using it as a rest stop.

Peulen said the project is in the very early stages and that the department is looking into ways to mitigate resident and town concerns. She noted that CDOT intends to do more public outreach before the design of the chain-up station is completed.

An increase in truck traffic is also a major worry for the town.

"While we see the need for trucks to chain up, we don't see the need to encourage additional truck traffic," Eddy said. "... Additional traffic through the town on a narrow, two-lane highway with little-to-no shoulder is not what this community wants, and it would negatively impact the community as a whole."

But an increase in truck traffic is likely regardless of whether a new station is built, according to CDOT. The average daily number of trucks driving south along Highway 9 in the winter increased from 204 in 2016 to 252 in 2019. An average of 23 trucks per hour passed through during peak hours in 2019, and the department expects that number to increase to 34 by 2045.

The number of active chain-law days on the highway has increased in recent years, as well, from 48 in 2016 to 79 in 2019.

"We're seeing an increasing number of freights using that route, whether to avoid I-70 or maybe I-70 closures," Peulen said. "... Colorado is a growing state. And growing means more freights. We want to make sure our freight community can get through those passes safely."

Eddy also expressed frustration that the town found out about the project from private property owners instead of CDOT.

"First and foremost, they didn't contact us," Eddy said. "We found out about it from homeowners whose land is the land that will be impacted if they're successful. ... At that point, I met with their designer, their engineers, who basically said here's what we're want to do. So we weren't included in the stakeholder list at all. We were left in the dark."

Peulen said that it was never CDOT's intention to leave Blue River out of the loop and that the department planned to contact the town after getting in touch with the private land owners.

“That was never our intent to not include any of our major stakeholders,” Peulen said. “We do see (Blue River) as partners. But as I mentioned, we’re definitely in the early stages. One of the first things we usually do is talk to property owners who are impacted.”

The project will remain in the design phase through November, according to CDOT. The department expects to begin seeking bids on the project in February 2022 and anticipates beginning construction next summer.

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Now more than ever, your financial support is critical to help us keep our communities informed about the evolving coronavirus pandemic and the impact it is having on our residents and businesses. Every contribution, no matter the size, will make a difference.

Your donation will be used exclusively to support quality, local journalism.

DONATE



Blue River Staff Report
March 2021

Town of Blue River
0110 Whispering Pines Circle
Blue River, CO 80424

970-547-0545
michelle@townofblueriver.org
<https://townofblueriver.colorado.gov>



Communications & Happenings

- **Comprehensive Plan Committee**

- The Comprehensive Plan Committee conducted a survey focused around the recreation chapter. There were 321 responses to the survey. The committee is working on evaluating the information to determine what to include in the plan.
- The Committee has begun the process of discussing land use. A future Zoom Town Hall and additional survey will be conducted in the near future.

- **Roads**

- Snowpack removal was conducted March 8-12th. This year there has been very little pack. Additional clean up may be necessary depending on spring storms.

- **Building**

- The contracts with Summit County and SAFEBuilt are working well. SAFEBuilt is working on establishing an office in the mountains for inspections by spring. SAFEBuilt is hoping to take over inspections for the Town by May.

- **Fire Mitigation**

- This year, the Town is partnering with three contractors to help grow the Defensible Space Program. Beetle Kill Tree Guys, Teague Saves Homes and Ceres Landscaping will all be working with residents to create defensible space around their homes. For homeowners, this means there are more opportunities to have work conducted. The goal is to increase the number of projects conducted. Administratively, the grant will be administered directly by the Town to provide ease for contractors and homeowners.
- Work in the Indiana Creek Area will begin this summer. The work will be to create a buffer area for additional fire protection similar to what was done in the Wilderwest area prior to the Buffalo Peak Fire. This type of project will eventually be conducted north to south around the Town.

- The Citizen Advisory Committee will be hosting community education series Zoom seminars this summer as well as a potential “live” seminar at Town Park to provide education on defensible space.

- **Tarn**

- Work on the Goose Pasture Tarn Dam is set to begin this spring, depending on snow levels. The Town of Breckenridge is working with residents on final construction easement agreements. It is expected that the Tarn will be closed until 2023. At this time, CPW has asked for there not to be any extraction of the fish at the Tarn and understand that the fish will die once the Tarn is drained. Once the dam project is complete, the Town of Breckenridge will do some re-stocking of the Tarn. More information will be provided as the project moves closer to spring.

- **Citizen Advisory Committee**

- The Citizen Advisory Committee met February 23rd. They will be announcing a Blue River Scholarship winner the beginning of April. In addition, they will be working on several community projects and programs. For March, the focus will be to develop a “Bear Resistant Trash Can Program.” The program would possible provide matching grants/incentives for homeowners to purchase bear resistant cans including a Zoom series on living with wildlife.
- Additional future topics will include a new Trunk/Treat event; Clean Up Week; a Weed/Seed program; Town Founders Day and improvement work to Town Park.
- The Committee is looking to support the Town’s communication efforts on the proposed chain-up station.

Town Statistics

Facebook Page Likes

Town-1,072

Police Department-277

Instagram-715 followers

Twitter-55 followers

Residents on Email List-845

Blue River News-993

Business Licenses-226

Lodging Registrations-143

Building Statistics

February

Permits Issued: 12

YTD: 21

Inspections:

Building-27

Summit County: 23

Electrical-4

New Construction 2021: 0

Certificates of Occupancy: 2

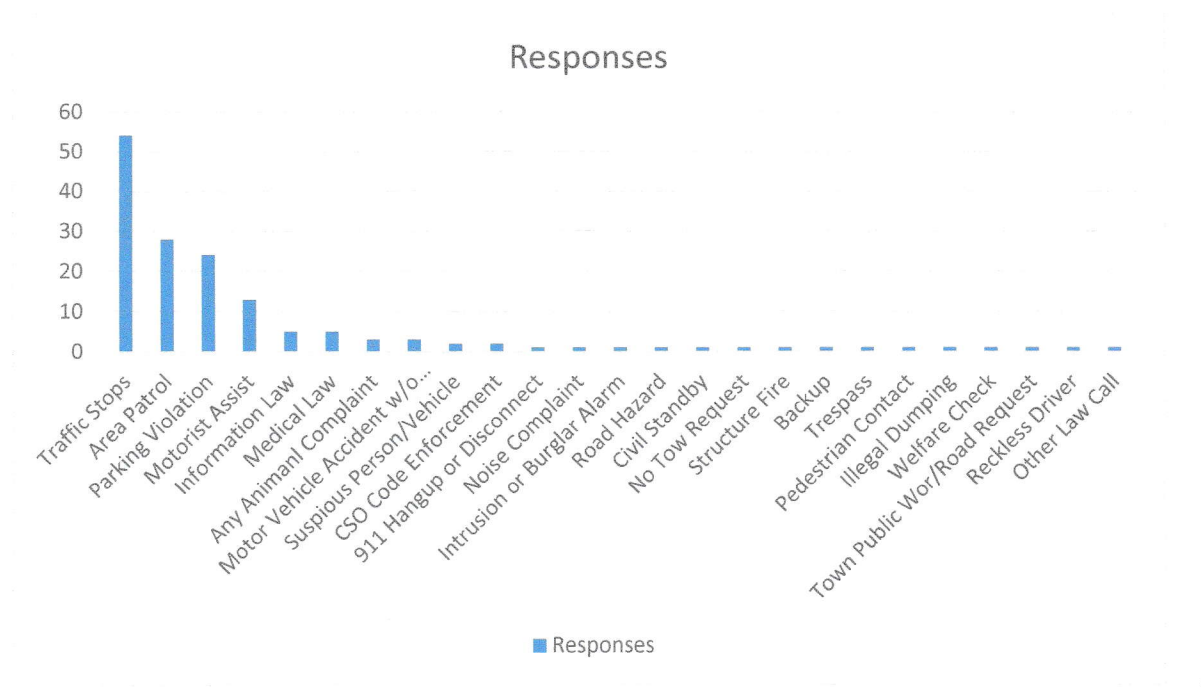
Municipal Court

February/March

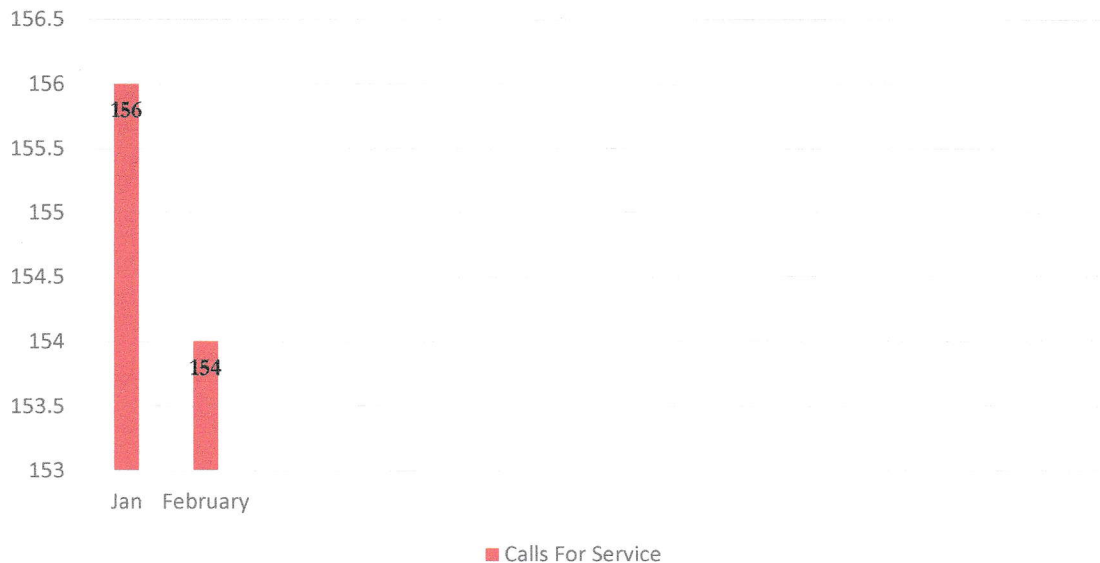
Total tickets written for February	
Court:	29
Total on the March Docket:	15
Total March Failure to appear(s):	3
Total March OJW(s):	0



For the month of February 2021:



Calls For Service



Training

Lexipol policy section was released to all officers for acknowledgment. The final hand- over date for Lexipol is scheduled for March 10th, 2021. In addition, since we have purchased Lexipol technology we have gain access to Police One Academy. This online learning platform is owned by Lexipol and is going to be utilized for departments training. This will make much easier for officers to stay compliant with POST and State mandates and keep the training “in-house”. All officers signed in for Benchmark services. This service is provided through POST for monitoring required training, compliances, new training completed by officers, etc.

As of right now, we are experiencing ammunition shortages. We submitted our ammo order last October, and as of right now we still don’t have our ammo. Numerous calls were made to our ammo manufacturer; however, we still don’t have concrete answer when our ammo is going to be delivered.

Critical Statistics Incident numbers

1. Presentation of Weapons – 0
2. Uses of Force – 0
3. Vehicle Pursuits – 0

Public Safety

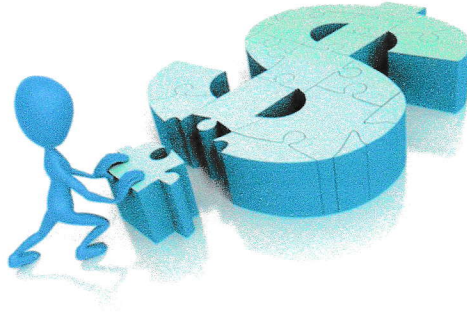
New dash cams and body cams were deployed. As of right now, the new system is performing great. I have submitted request to Digital Ally to add recorded demographics to our new video system. If successful, we are going to be able to add state requirements regarding demographics to our video system. This step will eliminate the need for separate data entry, which will add additional time for officers in the field. We have received new car radios and portable radios from 911 Center. All cars are equipped with new dual band radios and we are waiting for final switch to digital 800Mhz

system. We have only received two portable radios and we need two more. This shortage was addressed with 911 Comm Center, and hopefully we will be getting two more portable radios soon.

In addition, on February 25th we conducted interviews for the position of Police Officer. One candidate was selected to continue in hiring process. He has already completed his physical test, as well as the psychological test. We are still waiting for the results on his physiological test.

When it comes to vehicular traffic, we have seen an increase in number of vehicles through our jurisdiction, especially the amount of Commercial Vehicle traffic. Currently, I am developing new traffic enforcement plan which will target our subdivisions as well as State HWY9. Key point of this plan is to target Timber Creek Estate subdivision, Blue River Rd subdivision, and The Crown subdivision. This plan is calling for more officers on the road during morning and afternoon hours. At least two officers are going to work targeted areas especially on weekends. I am looking into traffic safety grants in attempt to offset cost of this enforcement. If am not able to get any grants, I would probably ask for overtime authorization to compensate officer's time. Again, this plan is in its early stage and all suggestions are welcome.

Respectfully,
Ahmet Susic Chief of Police
Town of Blue River Police Department



Financials Variance Report

Prepared by: Michelle Eddy, Town Manager

February 28, 2021

Revenues:

Revenues through February are slightly ahead of budget.

Expenses

Expenditures are on track with budget.

Reserve Accounts

Reserve accounts Alpine Bank:	\$533,732.17
Reserve account First Bank:	\$100,001.00
CD's Citiwide Bank:	\$207,957.42
Conservation Trust:	\$102,726.34
Colorado Trust:	\$105,977.55
CSAFE:	\$100.00
Petty Cash	\$1,148.16
Illiquid Trust Funds:	\$1,187.42

Total Reserves (Restricted/Unrestricted): \$1,052,830.06



Town of Blue River

Proposed Work Sessions-

Work sessions may be scheduled the week before or at 5:00 p.m. before the regular meeting.

- ❖ CDOT
- ❖ Short Term Rental Regulations
- ❖ Trails/Open Space Land Acquisitions
- ❖ Compensation Committee
- ❖ Road Projects
- ❖ Comprehensive Plan Review
- ❖ Community Development as a "Premier Residential Community"

Upcoming Meetings

- ❖ March 16-Annexation/Subdivision
- ❖ April 20-Blue River Open Space/Trails; Land Acquisition
- ❖ May 18-Road Projects
- ❖ June 15-Short Term Rental Regulations
- ❖ July 20-Compensation Committee
- ❖ August 17-Community Development as a "Premier Residential Community"
- ❖ September 21-Comprehensive Plan Review/2022 Budget
- ❖ October 19
- ❖ November 16
- ❖ December 21