Agenda
Town of Blue River
Regular Meeting of the Board of Trustees
May 19, 2020
6:00 p.m.

Conferencing Access Information: https://global.gotomeeting.com/join/763683909
Join via phone at 1 877 568 4106, +1 (312) 757-3129 **Access Code:** 763-683-909

The May Meeting will not be open to the public. All citizens wishing to attend are asked to log into the virtual meeting.
If you are wishing to provide Citizen Comments or participate in the public hearings, please email Michelle Eddy, Town Manager at michelle@townofblueriver.org by 4:00 p.m. Monday, May 18th to receive additional information. Please also refer to our website for information on participating in the virtual meeting https://townofblueriver.colorado.gov/town-info/meetings/guidelines-for-public-participation-in-virtual-public-hearings

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

II. **CALL TO ORDER, ROLL CALL**

III. **APPROVAL OF CONSENT AGENDA**

- **MINUTES, April 21, 2020**
- **Approval of Bills**

IV. **COMMUNICATIONS TO TRUSTEES**

This is an opportunity for Citizens to bring comments and questions to the Board of Trustees not being addressed in the Regular Meeting Agenda. Please limit comments to 3 minutes. Citizens are asked to approach the podium state their name and address for the record.
Please use the comments section on the meeting site to speak or ask a questions. You may also text your questions to (970) 406-2430.

- Citizen Comments (Non-Agenda Items Only)
- Citizen Communications (letters & emails)

V. **NEW BUSINESS**

- Scholarship Presentations-6:01 p.m.
- Public Hearing and Plat review/approval Lot 5 Louise Place Subdivision-6:15 p.m.
- Public Hearing/Second Reading Ordinance 2020-01 Subdivision Regulations Adoption
- COVID-19 Updates
    i. Resolution 2020-03 Requiring face masks
- Discussion on home occupations

VI. **REPORTS**

- Mayor
- Trustees
    i. Trails Committee-Trustee Fossett
    ii. Transit Authority-Trustee Pilling
    iii. Wildfire Council-Trustee Dixon
    iv. Planning & Zoning-Trustee Robertson
    v. Citizen Advisory Committee-Trustee Finley
    vi. Other Trustees Reports
- Department/Staff Reports
- Attorney's Report

VII. **OTHER BUSINESS**

VIII. **Next Meeting, Tuesday, June 16, 2020**

*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
April 21, 2020
This will be a virtual meeting and will not be held at Town Hall
6:00 p.m.
Conferencing Access Information: https://global.gotomeeting.com/join/258035477
Join via phone at +1 (872) 240-3212 **Access Code:** 258-035-477

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

II. CALL TO ORDER, ROLL CALL

- Mayor Babich called the Regular Meeting of the Board of Trustees to order at 6:00 p.m. via recorded GoToMeeting.
  - Roll Call
    - Mark Fossett
    - Joel Dixon
    - Dan Cleary
    - Toby Babich
    - Ted Pilling
    - Incoming Trustee Kelly Finley
- Absent Ken Robertson. Also present: Town Manager/Clerk, Michelle Eddy, and Town Attorney Robert Widner.
- Mayor Babich noted that all participants except for the Board of Trustees and staff are muted during the meeting. Members of the public wishing to make comments will have an opportunity during the public comment time. He reviewed remote meeting challenges and guidelines for all moving forward.

III. APPROVAL OF CONSENT AGENDA

- **MINUTES, March 11, 2020**
- **Approval of Bills-$42,607.30**
  - Trustee Fossett moved and Trustee Cleary seconded to approve the consent agenda. Motion passed unanimously.

IV. COMMUNICATIONS TO TRUSTEES

This is an opportunity for Citizens to bring comments and questions to the Board of Trustees not being addressed in the Regular Meeting Agenda. Please use the comments section on the meeting site to speak or ask a questions. You may also text your questions to (970) 406-2430 or email: michelle@townofblueriver.org..

- Citizen Comments (Non-Agenda Items Only)
  - Paul & Martie Semmer Blue Grouse Trail. Congratulated the newly elected Trustees and Mayor and thanked for opportunity to listen to the meeting.
  - Dennis Nattress Lakeshore, questions on the Tarn project and Hwy 9 letter sent. Manager Eddy provided an update on the Tarn and noted no communication has been received from the State concerning Hwy 9.
- Citizen Communications (letters & emails)-none received

V. NEW BUSINESS

- Swearing in /Welcome of new officers
  - It was noted that all newly elected Trustees were sworn in remotely prior to the meeting.
  - Mayor Babich welcomed newly elected Trustee Finley and congratulated everyone. Mayor Babich wished Trustee Brook the best and hope to see him next month.
- Ratification of email votes.

- Emergency Declaration
- Housing Helps Application
    - It was noted that due to the COVID-19 emergency email votes were necessary versus meeting in person. Both items were passed via email vote with Trustee Cleary abstaining from the Housing Helps Application vote.
    - Trustee Fossett moved and Trustee Pilling seconded to ratify the email vote for the Emergency Declaration. Motion passed unanimously.
    - Trustee Dixon moved and Trustee Fossett seconded for approval of the Housing Helps Application. Motion passed with Trustee Cleary and Trustee Finley abstaining from the vote on the Housing Helps Application.

- COVID-19 Operations discussion and update
    - Manager Eddy provided a staff report to the Board of Trustees with projected revenue numbers and expense recommendations. She noted that this is ever changing and as time goes will be able to provide more accurate projections.
    - Discussion to evaluate month to month. Noted that roads will be maintained the same as the previous two years. Events will be looked at as to crowds and funding. Discussion to not set anything in stone for cancellations and review month to month while looking at the potential long term effects.
    - There was discussion on how we reopen the community and the task force that has been formed. Messaging is being developed to help communicate to visitors and second homeowners. Discussion of how to handle trail heads and parking and to include in the messaging.

VI. OLD BUSINESS

VII. REPORTS

- Mayor
    - Mayor Babich reported on the ongoing meetings both locally and nationally and how it will help some of our communities. The Mayor reported on the ongoing Public Health work and testing.
- Trustees
    - Trails Committee-Trustee Fossett
        - Trustee Fossett noted the April meeting was postponed. New member Wiley Asher has been very active in reaching out to residents for possible easements. A phone call is being planned with the residents.
    - Citizen Advisory-Trustee Finley
        - Trustee Finley reported that work was being planned for the events and awarded scholarships. Noted that some of what was being discussed may still be able to move forward virtually. There was not a meeting in April.
    - Transit Authority-Trustee Pilling
        - Trustee Pilling reported they have not met. He noted that he doesn't have any reports due to the office not being open. Currently buses are available on a on call basis.
        - Trustee Pilling noted he was in agreement to review the financials monthly to keep on top of decisions moving forward. He also agrees that once the stay at home orders are rescinded there will be an uptick in second homeowners.
    - Wildfire Council-Trustee Dixon
        - Trustee Dixon report there was not a meeting and nothing new to report.
    - Planning & Zoning-Trustee Robertson
        - Trustee Robertson was not present but Manager Eddy reported there will be a virtual meeting in May with an application for subdivision and two new construction projects.
    - Other Trustees Reports
        - Trustee Cleary asked for talk about handling public hearings.
- Other Committee Reports
- Department/Staff Reports
- Attorney's Report

- Attorney Widner welcomed Trustee Finley. He reported on some of the new funds coming from the Federal Government for the paycheck protection program and assistance for small businesses and tests. Missing from this is the local governments. So far there is no funding for that. He noted that municipalities across the state are seeing significant impacts. Blue River not being dependent on sales tax is allowing for the Town to be fairly protected at this time.
- There is ongoing discussion on remote meetings especially around public hearings. The key is to ensure that hearings are held in the proper format. Many municipalities are postponing some hearings until meetings in person can be held.

III. OTHER BUSINESS

IX. Next Meeting, Tuesday, May 19, 2020

There being no further business before the Board, Trustee Fossett made a motion to adjourn the meeting. Trustee Finley seconded the motion. Mayor Babich adjourned the regular meeting 7:23 p.m..

*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.

Respectfully Submitted:

_____

Michelle Eddy, Town Clerk

Lot Line Adjustment Application

Legal Description: Lot: LOT 5 AMMENDED PLAT OF Subdivision: LOUISE PLACER SUBDIVISION
Physical Address: 116 TEGEMIN LANE, BLUE RIVER, CO 80424

Homeowner Name: MARK MEISER Phone: 303 994-4773
Mailing Address: 3030 SOUTH CORNELL CIRCLE, ENGLEWOOD CO 80113
Email: MMEISER@ROTHSCHILDDOWNS.COM
Property Owner Signature M. L Date 3/10/20

Requirements

Sec. 17-1-30. Partial replatting of approved subdivisions.

The procedure for the amendment or partial replatting of approved subdivisions, including lot line adjustments, lot line vacations and ~~re~~subdivision of single-family lots ~~as duplex lots~~ shall be as follows:

(1) Applications for the amendment or partial replatting of approved subdivisions, including lot line adjustments, lot line vacations and ~~re~~-subdivision of single-family lots ~~as duplex lots~~, shall include the following:

a. An application form, signed by the owner of the property, in a format prescribed by the Town, including a brief description of the purpose of the application, a legal description and the name and address of the property owner, together with evidence of ownership and any liens against the property (such as an informational title commitment).

b. An application deposit in the amount of five hundred dollars ($500.00) for lot line adjustments or two hundred ($200.00) for other applications, which deposit will be used to pay actual review costs, including attorney and engineering costs and any recording, publication or other miscellaneous fees and costs. If such costs are less than the deposit, the difference shall be refunded to the applicant. If the costs are more than the deposit, the applicant shall pay all amounts due in full before approval.

c. A copy of the original plat, or relevant portion thereof, which would be affected by approval of the application and a vicinity map indicating the location of the property.

d. The names and addresses of any property owners within three hundred (300) feet of the property.

e. A plat in recordable form, at a minimum meeting the requirements for plats of the *Summit County Land Use and Development Code*, Section 8700 and Appendix 8-3, Standard Plat Certificates and Notes, subject to the following changes and unless otherwise approved by the Town Attorney:

1. Change "Summit County" or "County of Summit" to "Town of Blue River."
2. "Summit County Clerk and Recorder" – no change.
3. Change "Summit County Planning Commission" to "Town of Blue River Planning and Zoning Commission."
4. Change "Board of County Commissioners" to "Board of Trustees."

Said plat shall contain the following additional certificate:

This plat is approved for recording by the Board of Trustees of the Town of Blue River the _____ day of _____, 20___.

_____
Mayor

ATTEST:

_____
Town Clerk

The plat shall state the name of the original subdivision and show all easements and rights-of-way for roads and utility lines as constructed. The plat shall state the purpose of the resubdivision or partial replatting of the subdivision. In the case of lot line adjustments and lot line vacations, the plat shall also show the existing lot line and, in the case of lot line ~~adjustments~~, the new lot line.

f. Letters of consent from any utility companies identified on the plat as having the right of use of any easements which will be affected by approval of the application.

(2) Any application for a lot ~~line vacation~~ shall also contain a restrictive covenant for recording, in a form prescribed by the Town, wherein the owner agrees for himself or herself and successors and assigns that, if the lot ~~line vacation~~ is approved, there shall be no future resubdivision of the new lot.

(3) Procedure for review of application.

a. The Town Attorney will determine if the application is complete. If the Town Attorney determines that any application may materially affect third parties, a public hearing shall be conducted pursuant to Section 16-2-60 of this Code.

b. Within thirty (30) days of the receipt of a complete application, the Planning and Zoning Commission shall review the application and recommend to the Board of Trustees approval, approval with conditions or denial of the application. An application shall be approved only if:

1. ~~Except~~ In the case of an application for resubdivision of single-family ~~lots as duplex lots~~, no additional lots will be created;

2. No lots will be created which do not comply with zoning requirements;

3. No lots will be created which cannot be built upon under the regulations of the Town;

4. No other lot lines within the subdivision are affected; and

~~5. In the case of resubdivision of a single family lot as a duplex lot, the single family lot was approved as a duplex lot but not originally subdivided as such.~~

c. At its next regular meeting following the receipt of the recommendation of the Planning and Zoning Commission, the Board of Trustees shall consider the recommendation and shall deny the application or approve the plat for recording, with or without conditions. (Prior code 7-1-8; Ord. 05-03 §5, 2005; Ord. 06-01 §1, 2006)

#3 $20.00

1219697
Kathleen Neel—Summit County Recorder

4 Pages
2/3/2020 2:27 PM
DF: $0.00

After Recording Return to:
Mark Meiser
7581 E Academy Blvd. #217
Denver, Colorado. 80230

DEED OF TRUST

THIS DEED OF TRUST is made as of **January 31, 2020** between **HIGHLAND PROPERTIES 5619 LLC,** a Colorado limited liability company ("Borrower"), whose address is 1707 North Main Street, Longmont, Colorado 80501, and the Public Trustee of the County of Summit ("Trustee"), for the benefit of Mark Meiser ("Lender") whose address is **7581 E Academy Blvd. #217, Denver, Colorado 80230.**

Borrower and Lender covenant and agree as follows:

1. **Property in Trust.** Borrower, in consideration of the indebtedness herein recited and the trust herein created, hereby grants and conveys to Trustee in trust, with the power of sale, the following described property located in the County of Summit, State of Colorado (the "Property"):

LOT 5, AN AMENDED PLAT OF LOUISE PLACER SUBDIVISION ACCORDING TO THE PLAT FILED JANUARY 14, 1985 UNDER RECEPTION NO.234678, COUNTY OF SUMMIT, STATE OF COLORADO

which has a street address of: **116 Tesemini Lane, Breckenridge, CO 80424**

2. **Obligations Secured.** This Deed of Trust is given to secure to Lender the repayment of the indebtedness evidenced by Borrower's Promissory Note (the "Note") dated of even date herewith, in the principal sum of **Four Hundred and Five Thousand, Sixteen Dollars and Eighty Cents ($405,016.80),** without recourse, to be repaid as set forth in the Note and subject to the Note.

3. **Title.** Borrower covenants that Borrower owns and has the right to grant and convey the Property, and warrants title to the same, subject to general real estate taxes for the current year, easements of record or in existence, and recorded declarations, restrictions, reservations and covenants, if any, as of this date.

4. **Non-Recourse.** The sole and exclusive remedy of Lender for any breach or default under the Note or this Deed of Trust shall be to cause the sale of the Property and Borrower shall not be subject to any suit or action or have any personal liability under the Note or this Deed of Trust and no property or assets of Borrower shall be subject to attachment, levy or other process on account of any breach or default by Borrower under the Note or this Deed of Trust.

5. **Payment of Principal.** Borrower shall promptly pay when due the indebtedness evidenced by the Note and shall perform all of Borrower's other covenants contained in the Note.

6. **Application of Payments.** All payments received by Lender under the terms hereof shall be applied by Lender in accordance with the terms and conditions of the Note.

7. **Liens.** Lender shall pay all taxes, assessments and other charges, fines and impositions attributable to the Property which may have or attain a priority over this Deed of Trust and leasehold payments or ground rents, if any, by Lender making payment when due, directly to the payee thereof.

8. **Property Insurance.** Lender shall keep the improvements now existing or hereafter erected on the Property insured against loss in an amount at least equal to the lesser of the insurable value of the Property or an amount sufficient to pay the sums secured by this Deed of Trust as well as any senior encumbrances on the Property. Any insurance carrier providing such insurance shall be qualified to write such property insurance in the State of Colorado. Insurance proceeds shall be applied to restoration or repair of the Property damaged, provided such restoration or repair is economically feasible and the security of this Deed of Trust is not thereby impaired. If such restoration or repair is not economically feasible or if the security of this Deed of Trust would be impaired, the insurance proceeds shall be applied to the sums secured by this Deed of Trust, with the excess, if any, paid to Lender.

9. **Preservation and Maintenance of Property.** Lender shall keep the Property in good repair and shall not commit waste or permit impairment or deterioration of the Property and shall comply with the provisions of any lease if this Deed of Trust is on a leasehold. Lender shall perform all of Lender's obligations under any declarations, covenants, by-laws, rules, or other documents governing the use, ownership or occupancy of the Property.

10. **Protection of Lender's Security.** If any action or proceeding is commenced which materially affects Lender's interest in the Property, then Lender shall make such appearances, disburse such sums and take such action as is necessary to protect Lender's interest, including, but not limited to: (a) any general or special taxes or ditch or water assessments levied or accruing against the Property; (b) the premiums on any insurance necessary to protect any improvements comprising a part of the Property; (c) sums due on any prior lien or encumbrance on the Property; (d) if the Property is a leasehold or is subject to a lease, all sums due under such lease; (e) the reasonable costs and expenses of defending, protecting, and maintaining the Property and Lender's interest in the Property, including repair and maintenance costs and expenses, costs and expenses of protecting and securing the Property, receiver's fees and expenses, inspection fees, appraisal fees, court costs, attorney fees and costs, and fees and costs of an attorney in the employment of the Lender or holder of the certificate of purchase; (f) all other costs and expenses allowable by the evidence of debt or this Deed of Trust, and (g) such other costs and expenses which may be authorized by a court of competent jurisdiction.

11. **Forbearance by Lender Not a Waiver.** Any forbearance by Lender in exercising any right or remedy hereunder, or otherwise afforded by law, shall not be a waiver or preclude the exercise of any such right or remedy.

12. **Remedies Cumulative.** Each remedy provided in the Note and this Deed of Trust is distinct from and cumulative to all other rights or remedies under the Note and this Deed of Trust or afforded by law or equity, and may be exercised concurrently, independently or successively.

13. **Successors and Assigns Bound; Captions.** The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Lender and Borrower, subject to the provisions herein. The captions and headings of the paragraphs in this Deed of Trust are for convenience only and are not to be used to interpret or define the provisions hereof.

14. **Notice.** Except for any notice required by law to be given in another manner, (a) any notice to Borrower provided for in this Deed of Trust shall be in writing and shall be given and be effective upon (1) delivery to Borrower or (2) mailing such notice by first-class U.S. mail, addressed to Borrower at Borrower's address stated herein or at such other address as Borrower may designate by notice to Lender as provided herein, and (b) any notice to Lender shall be in writing and shall be given and be effective upon (1) delivery to Lender or (2) mailing such notice by first-class U.S. mail, to Lender's address stated herein or to such other address as Lender may designate by notice to Borrower as provided herein. Any notice provided for in this Deed of Trust shall be deemed to have been given to Borrower or Lender when given in any manner designated herein.

15. **Governing Law; Severability.** The Note and this Deed of Trust shall be governed by the law of Colorado. In the event that any provision or clause of this Deed of Trust or the Note conflicts with the law, such conflict shall not affect other provisions of this Deed of Trust or the Note which can be given effect without the conflicting provision, and to this end the provisions of the Deed of Trust and Note are declared to be severable.

16. **Acceleration; Foreclosure; Other Remedies.** Upon Borrower's breach of any covenant or agreement of Borrower in this Deed of Trust, at Lender's option, all of the sums secured by this Deed of Trust shall be immediately due and payable. To exercise this option, Lender may invoke the power of sale and any other remedies permitted by law. If Lender invokes the power of sale, Lender shall give written notice to Trustee of such election. Trustee shall give such notice to Borrower of Borrower's rights as is provided by law. Trustee shall record a copy of such notice as required by law. Trustee shall advertise the time and place of the sale of the Property, for not less than four (4) weeks in a newspaper of general circulation in each county in which the Property is situated, and shall mail copies of such notice of sale to Borrower and other persons as prescribed by law. After the lapse of such time as may be required by law, Trustee, without demand on Borrower, shall sell the Property at public auction to the highest bidder for cash at the time and place (which may be on the Property or any part thereof as permitted by law) in one or more parcel as Trustee may think best and in such order as Trustee may determine. Lender or Lender's designate may purchase the Property at any sale. It shall not be obligatory upon the purchaser at any such sale to see to the application of the purchase money. Notwithstanding anything to the contrary set forth herein, the Note is non-recourse to Borrower

and the sole and exclusive remedy of Lender for any breach or default under the Note or this Deed of Trust shall be to foreclose its interest in the Property as set forth herein.

17. **Release.** Upon payment of all sums secured by this Deed of Trust, Lender shall cause Trustee to release this Deed of Trust and shall produce for Trustee the Note. Lender shall pay all costs of recordation and shall pay the statutory Trustee's fees. If Lender shall not produce the Note as aforesaid, then Lender, upon notice as provided for herein, shall obtain, at Lender's expense, and file any lost instrument bond required by Trustee or pay the cost thereof to effect the release of this Deed of Trust.

18. **Waiver of Exemption.** Borrower hereby waives all right of homestead and any other exemption in the Property under applicable law.

19. **Borrower's Copy.** Borrower acknowledges receipt of a copy of the Note and this Deed of Trust.

BORROWER:

HIGHLAND PROPERTIES 5619 LLC,
a Colorado limited liability company

By: _____
Savannah Ansel
Its: Operating Manager

STATE OF COLORADO)
) ss.
COUNTY OF Boulder)

The foregoing instrument was acknowledged before me this 31st day of January, 2020, by Savannah Ansel as Operating manager of Highland Properties 5619, LLC, a Colorado limited liability company.

WITNESS my hand and official seal.

My commission expires 11/25/2023

_____
Notary Public

[SEAL]

MELISSA TRACY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20154045906
MY COMMISSION EXPIRES 11/25/2023

March 10, 2020

To whom it may concern,

I, Mark Meiser, am the sole owner of 116 Tesemini Lane, Blue River, CO 80424. There are no lienholders for the property.

Sincerely,

Mark Meiser

Explanation of Subdivision Application for 116 Tesemini Lane

03.10.2020

This application is for a subdivision of a 4.1 acre parcel of land in a single family residential subdivision at 116 Tesemini Ln. Blue River Colorado. The legal description is Lot 5 - An Amended Plat of Louise Placer Subdivision. The applicant and property owner, Mark Meiser, wishes to divide the subject property into two single family residential lots of approximately 2.05 acres each, which is allowable under Blue River's current zoning code.

A drawing has been prepared meeting the requirements of chapter 17-2-30 (7) with the following explanations and notations:

Section 17-2-30 (7)

a. Done
b. Done
c. Done
    i. Done
    ii. Done
    iii. Included in plan and survey
    iv. There are no watercourses on the property, and no part of the property is in the 100 -yr floodplain.
    v. The property is on a ridgeline and was largely tree covered with no significant rock features. The previous Owner cleared many of the existing trees from the ridge recently and due to heavy snow we have not been able to get new survey information about the size and number of the remaining trees. Photos of the site are included with this application. It is the current Owner's intention to save as many significant existing trees as possible. The trees shown on the current attached survey are not accurate as many of those shown have been removed.
    vi. No existing structures, roadways or trails.
    vii. None
    viii. None
    ix. There are two above-ground utility poles on the Tesemini Ln. side of the property providing electric utilities. Utility easements exist as shown on plat. The current site has service from Xcel energy for electric as well as Comcast Cable and Century Link. Other utilities will be provided onsite including onsite wastewater treatment, well, and propane gas.
    x. Shown on the survey.
    xi. Shown on proposed plat.
    xii. A soils report has been provided. That report along with an assessment of the site by Theobald Engineering and Construction Services has found no potential hazards including soils conditions, flooding, landslide or avalanche.

xiii. Existing zoning is R-1

xiv. All areas with slopes over 40% have been shown on the proposed plat

xv. See attached correspondence.

xvi. There are no roadways planned as part of this subdivision into two lots. Driveway designs and residences for both properties have not yet been designed.

xvii. There is currently no plan to remove additional trees. It is the current Owner's plan to add or relocate trees as possible if additional trees need to be removed for the development of a home on each site.

xviii. NA

xix. NA. No restrictive covenants are planned as part of this subdivision, other than covenants that would prohibit future subdivisions of the sites.

d.

i. NA

ii. NA

iii. Done

iv. Proposed Plat shows Lots 5A & 5B. We request that the Town rename the Lots as they deem best, but otherwise, Lot 5A and 5B Louise Placer Sub..

v. Done

vi. All areas of both lots will be for private use as single family residential lots.

vii. Phased recording will not be used

viii. Water will be provided by onsite wells. One lot will use existing water right for one domestic use well as part of original Louise Placer Subdivision. Second well will be with rights to be purchased from Vidler Water Company

ix. Sewage disposal will be via individual Onsite Wastewater Treatment Systems (OWTS) in accordance with Summit County OWTS regulations. Due to hydrology no flood control is needed. Site area allows for stormwater to percolate onsite thereby maintaining current hydrology and water quality.

x. Telephone, electrical and cable service will remain as existing in existing easements platted as part of Louise Placer Subdivision. There is no existing gas service and LPG will be used.

(8)

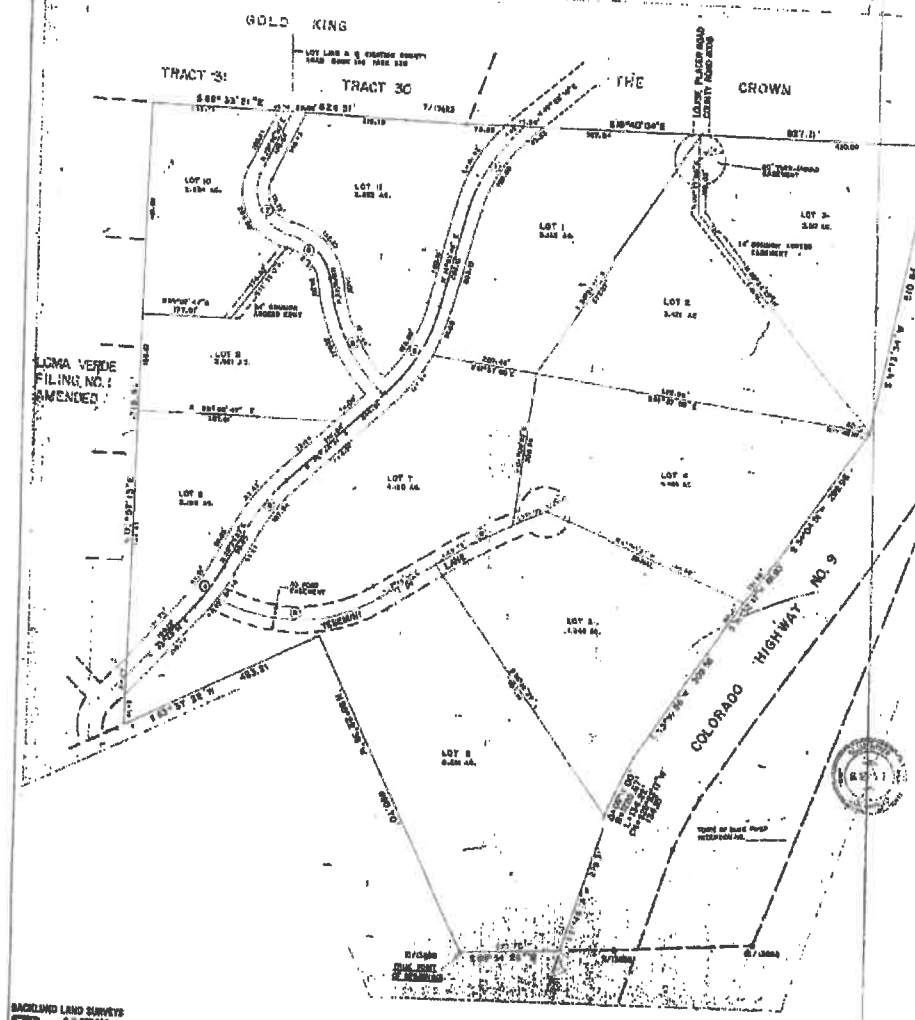
a. See Engineers Statement from Theobald Engineering and Construction Services

b. See Engineers Statement from Theobald Engineering and Construction Services

c. See Engineers Statement from Theobald Engineering and Construction Services

d. NA Private improvements will not be phased.

AN AMENDED PLAT OF
LOUISE PLACER SUBDIVISION
BEING A PORTION OF THE LOUISE PLACER, U.S.M.S. NO. 13698
TOWN OF BLUE RIVER, SUMMIT COUNTY, COLORADO



TOWN BOARD APPROVAL

KNOW ALL MEN BY THESE PRESENTS THAT THE BOARD OF TRUSTEES OF BLUE RIVER, COLORADO, ACKNOWLEDGES AND APPROVES THIS PLAT OF THE ABOVE SUBDIVISION IN ADOPTING RESOLUTION #1, PERTAINING THERETO AND THAT SAME IS KNOWN AS LOUISE PLACER PLAT, NOTED IN SAID RESOLUTION ON THIS 14 DAY OF December, 19 81.

Richard A. Hall
MAYOR

ATTEST: Nancy J. Cummings
TOWN CLERK

CENTERLINE CURVE DATA				
CURVE NO.	DELTA	RADIUS	ARC LENGTH	TANGENT
1	24°48'10"	400.00'	180.11'	91.71'
2	29°51'40"	370.00'	192.82'	98.59'
3	23°30'00"	370.00'	151.80'	77.30'
4	19°47'54"	370.00'	127.81'	64.57'
5	24°30'00"	370.00'	158.23'	80.16'
6	60°00'00"	150.00'	157.08'	86.60'
7	60°00'00"	85.64'	89.66'	49.42'
8	17°30'00"	370.00'	113.04'	56.88'
9	30°00'00"	400.00'	209.44'	107.33'
10	30°00'00"	1432.11'	750.00'	383.97'

BACKLUND LAND SURVEYS
P.O. BOX 210
FRISCO, COLORADO 80443

SURVEYOR'S CERTIFICATE

I, RICHARD L. BACKLUND, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME AND UNDER MY SUPERVISION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 31st DAY OF December, 19 81.

Richard L. Backlund
RICHARD L. BACKLUND
COLORADO L.S. #10,661

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: THAT, PAUL T. JAMESON, BEING THE OWNER OF THE FOLLOWING DESCRIBED REAL PROPERTY:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, AND 11,
LOUISE PLACER SUBDIVISION
TOWN OF BLUE RIVER
SUMMIT COUNTY, COLORADO

AND

R.E. ARNOLD AND ANN RUSSELL, BEING THE OWNERS OF THE FOLLOWING DESCRIBED REAL PROPERTY:

LOT 3
LOUISE PLACER SUBDIVISION
TOWN OF BLUE RIVER
SUMMIT COUNTY, COLORADO

SAID LOUISE PLACER SUBDIVISION AS FILED FOR RECORD UNDER RECEPTION NO. 229234, TOGETHER WITH PROTECTIVE COVENANTS FILED UNDER RECEPTION NO. 304136, OF THE SUMMIT COUNTY, COLORADO RECORDS;

HAVE LAID OUT, PLATTED AND AMENDED SAID SUBDIVISION, AS SHOWN ON THIS PLAT, AND BY THESE PRESENTS HAVE CONVEY TO THE OWNERS OF PROPERTY IN THE TOWN OF BLUE RIVER (OLD KING'S WAY). THE USE OF WHICH IS DEDICATED TO THE PUBLIC. THE UNDERSIGNED GRANTS TO EVERY PURCHASER HIS DUPLICATE PROPERTY, THE FOLLOWING EASEMENTS:

FIVE (5) FOOT EASEMENTS ON EACH SIDE OF ALL SIDE LOT LINES;

EIGHT (8) FOOT EASEMENTS ON EACH SIDE OF ALL REAR LOT LINES;

TEN (10) FOOT EASEMENTS ALONG ALL EXISTING ROAD LOT LINES ADJACENT TO SUBDIVISION PROPERTY;

FIFTEEN (15) FOOT EASEMENTS ALONG BOTH THE SOUTHERLY AND TOWNERLY BOUNDS OF TELEPHONE LANE.

Paul T. Jameson
PAUL T. JAMESON

R.E. Arnold
R.E. ARNOLD

Ann Russell
ANN RUSSELL

ACKNOWLEDGEMENTS

STATE OF COLORADO } ss.
COUNTY OF SUMMIT }

THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 6TH DAY OF JANUARY, 19 82, AT FORT D. JAMESON.

WITNESS MY HAND AND OFFICIAL SEAL.

Robert M. Lavery IV
NOTARY PUBLIC
Box 608
BRECKENRIDGE CO 80424
ADDRESS

MY COMMISSION EXPIRES: 1/4/83

STATE OF COLORADO } ss.
COUNTY OF SUMMIT }

THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 10TH DAY OF JANUARY, 19 82, AT R.E. ARNOLD AND ANN RUSSELL.

WITNESS MY HAND AND OFFICIAL SEAL.

Robert M. Lavery IV
NOTARY PUBLIC
Box 608
BRECKENRIDGE CO 80424
ADDRESS

MY COMMISSION EXPIRES: 1/4/83

TITLE COMPANY CERTIFICATE

TRANSAMERICA TITLE INSURANCE COMPANY, DOES HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO ALL LANDS SHOWN HEREON AND TITLE TO SUCH LANDS IS IN THE PERSONS(S) THAT ARE CLEAR OF ALL LIENS, AND ENCUMBRANCES, EXCEPT AS FOLLOWS: T.C. of Rec. No. 251442.

DATED THIS 31 DAY OF Dec., 19 81.

Summit County Title Co.
TITLE

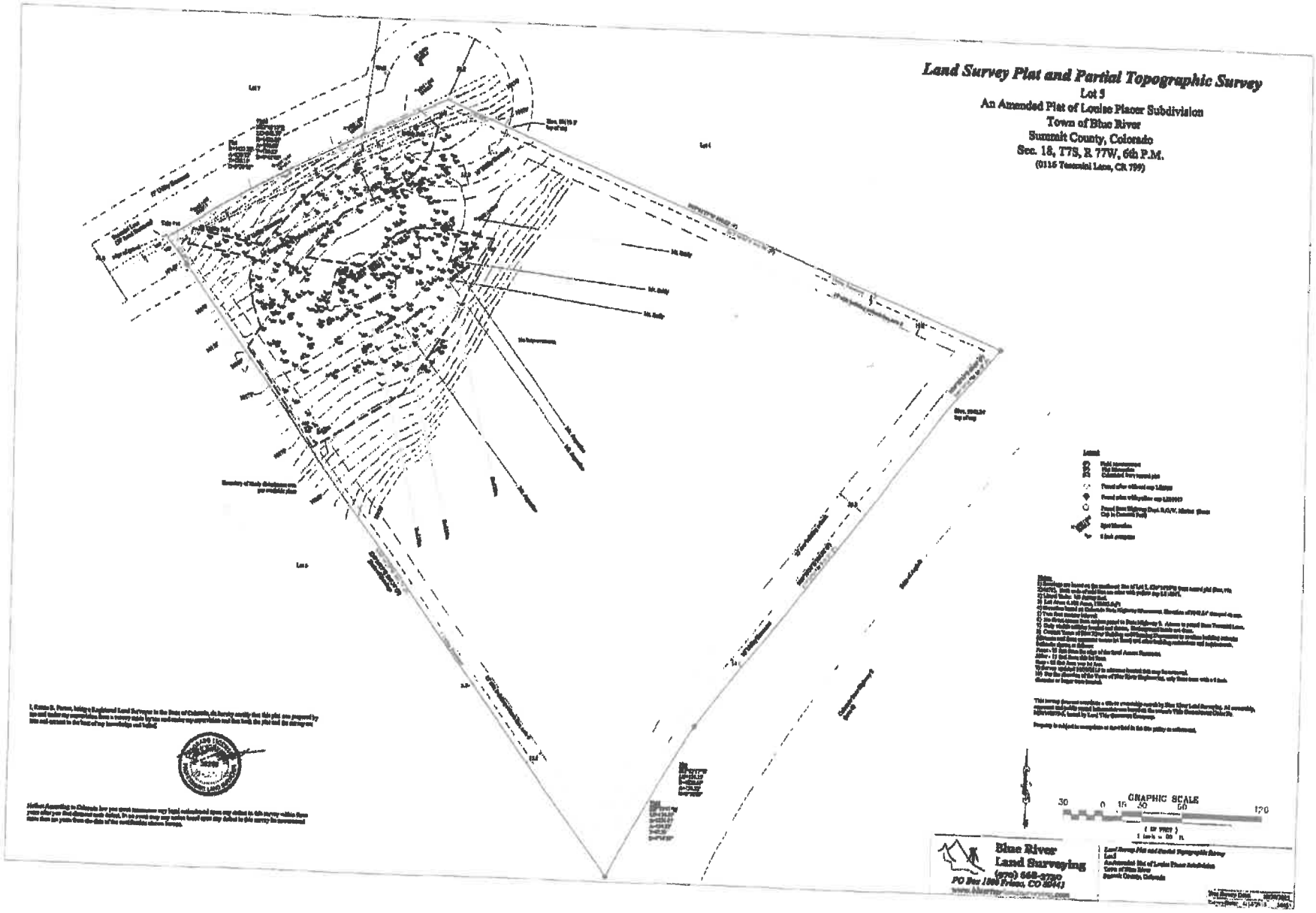
BY: Janet Cummings
AUTH. SIGN.

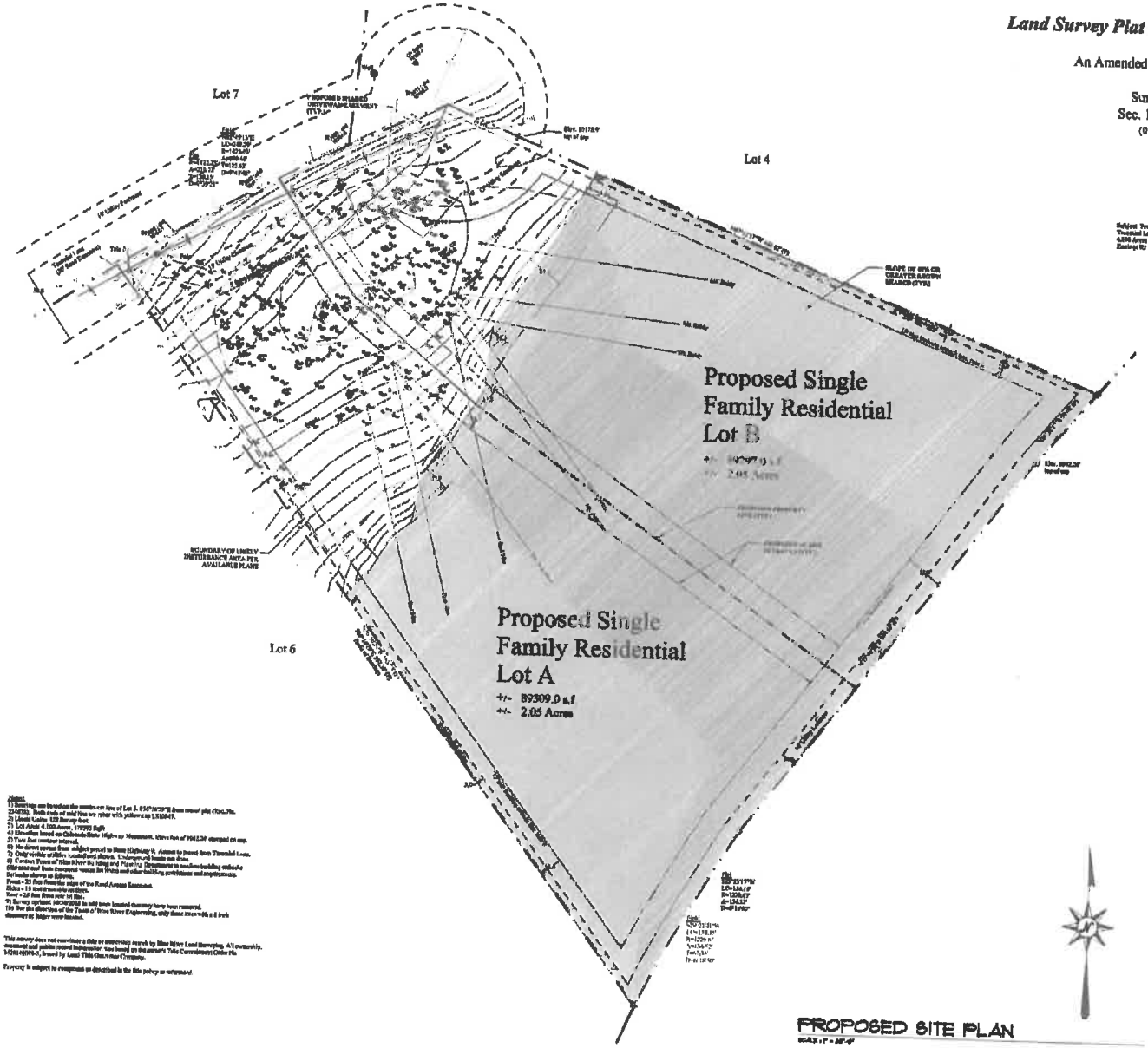
RECORDER'S ACCEPTANCE

THIS PLAT HAS BEEN ACCEPTED FOR FILING IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER ON THIS 14th DAY OF January, 19 82, AT 1:50 P.M., AND WAS FILED UNDER RECEPTION NO. 304136.

Gilbert M. Wolf
COUNTY CLERK AND EX-OFFICIO RECORDER

Joanne P. Akerman
DEPUTY

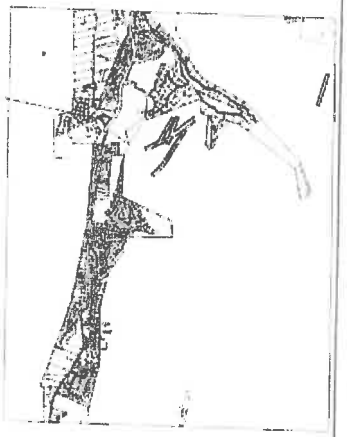

Land Survey Plat and Partial Topographic Survey
Lot 5
An Amended Plat of Louise Placer Subdivision
Town of Blue River
Summit County, Colorado
Sec. 18, T7S, R 77W, 6th P.M.
(0115 Tenmile Lane, CR 799)
Lot 7
Lot 4
Lot 6
Legend
Note
GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.
Blue River
Land Surveying
(970) 668-9750
PO Box 1868 Frisco, CO 80443



PROPOSED SITE PLAN

Land Survey Plat and Partial Topographic Survey

Lot 5
An Amended Plat of Louise Placer Subdivision
Town of Blue River
Summit County, Colorado
Sec. 18, T7S, R 77W, 6th P.M.
(0116 Teesmini Lane, CR 799)



Applicant:
Mark Meiser
3030 Cornell Cir.
Englewood, CO 80113

Theobald Engineering & Construction Services
Rob Theobald
1000 Airport Rd.
Breckenridge, CO 80424

Blue River Land Surveying
Renee Parent
(970) 668-3730
PO Box 1800 Frisco, CO 80443
www.blueriverlandsurveying.com

GRAPHIC SCALE

Land Survey Plat and Partial Topographic Survey
Lot 5
An Amended Plat of Louise Placer Subdivision
Town of Blue River
Summit County, Colorado

Date Survey Date: 10/30/2015
Drawing Date: 07/07/2015 | 14431

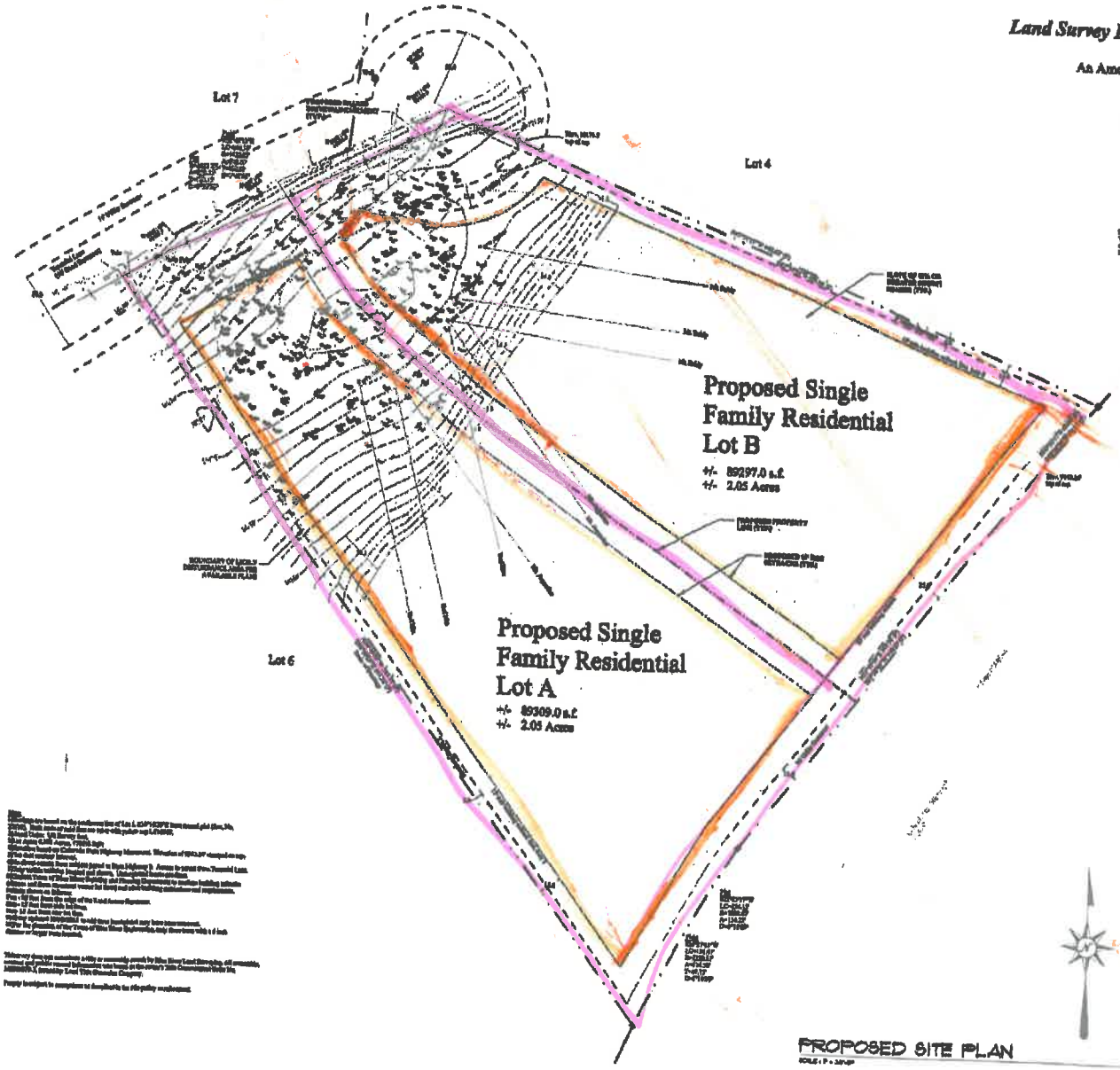
tkp ARCHITECTS

Meiser Subdivision
116 Teesmini Ln.
Blue River, CO
Lot 5, Louise Placer Subdivision
Summit County, Colorado

issued | changes
drawn by
checked

re-issued

A0
sheet number



PROPOSED SITE PLAN

Land Survey Plat and Partial Topographic Survey

Lot 5
An Amended Plat of Louise Placer Subdivision
Town of Blue River
Summit County, Colorado
Sec. 18, T7S, R 77W, 6th P.M.
(0116 Tenmile Lane, CR 799)

Applicant:
Mark Meiser
3630 Carnell Cir.
Englewood, CO 80113

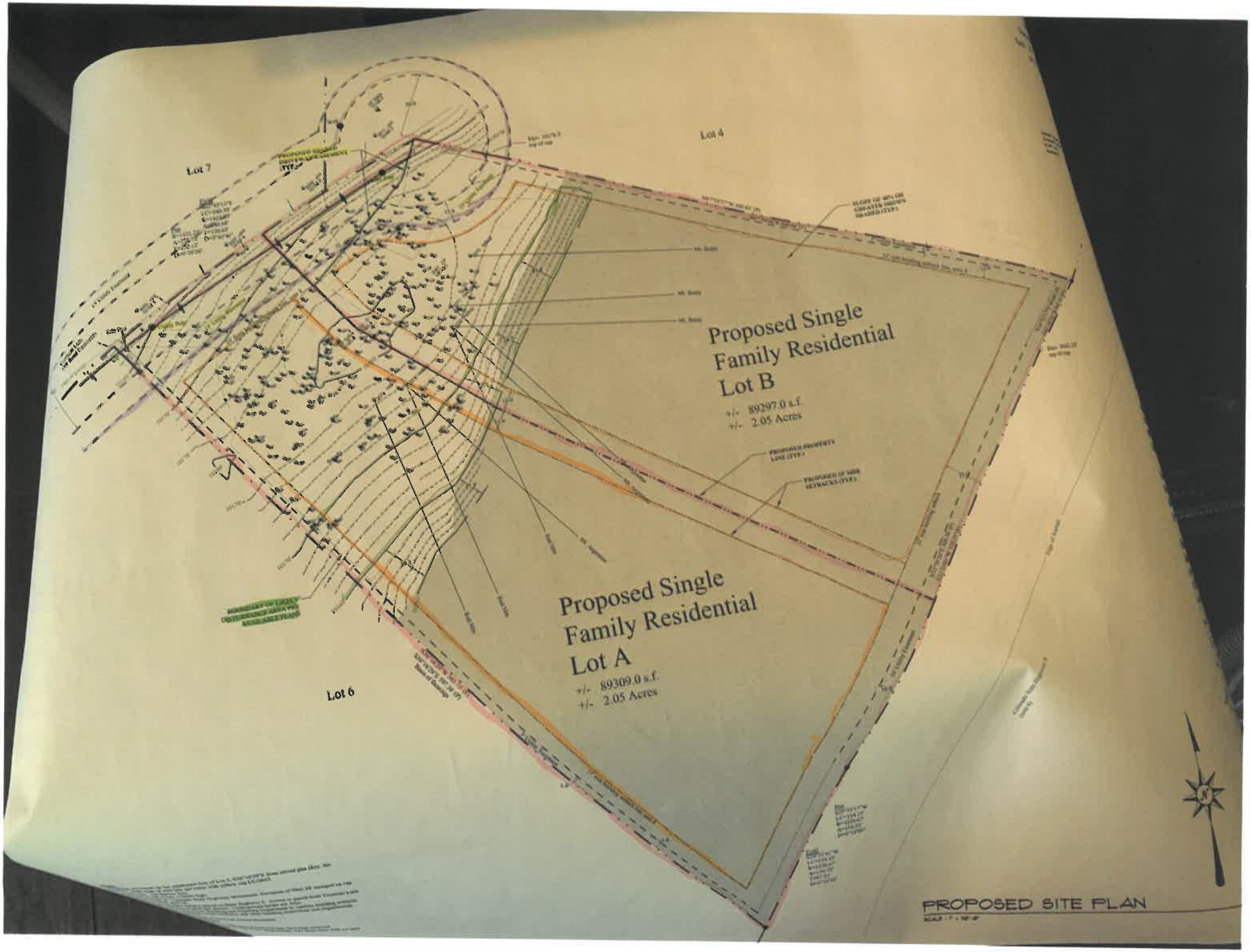
Theobald Engineering & Construction Services
Rob Theobald
1909 Airport Rd.
Breckenridge, CO 80424

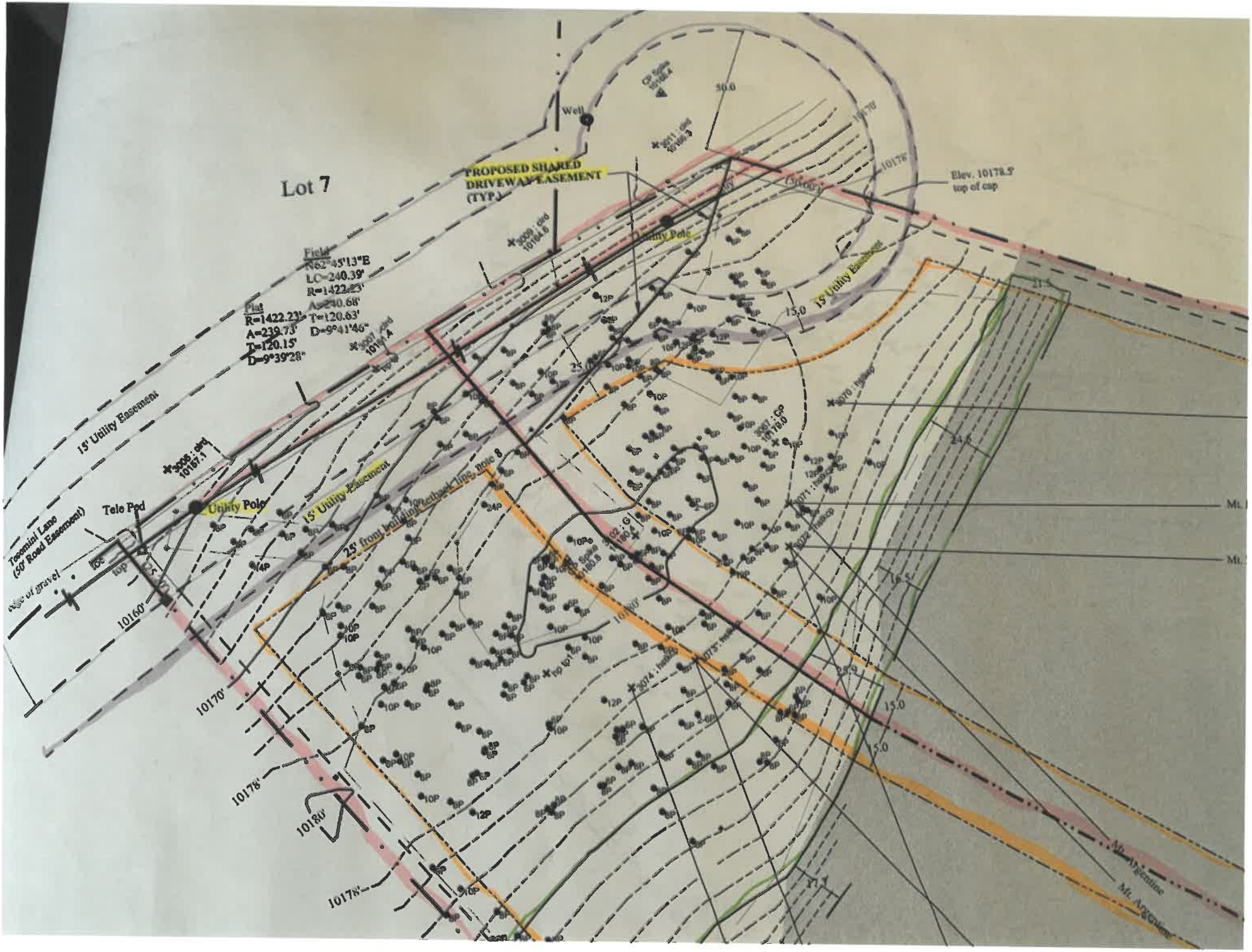
Blue River Land Surveying
Renee Parent
(970) 668-3788
PO Box 1800 Frisco, CO 80443
www.blueriverlandsurveying.com

GRAPHIC SCALE

Meiser Subdivision
116 Tenmile Ln.
Blue River, CO
Lot 5, Louise Placer Subdivision
Summit County, Colorado

A0


Lot 7
Lot 4
Lot 6
Proposed Single
Family Residential
Lot B
+/- 89297.0 s.f.
+/- 2.05 Acres
Proposed Single
Family Residential
Lot A
+/- 89309.0 s.f.
+/- 2.05 Acres
PROPOSED SITE PLAN


Lot 7
PROPOSED SHARED DRIVEWAY EASEMENT (TYP.)
Well
Utility Pole
Utility Pole
Tele Pod
15' Utility Easement
15' Utility Easement
15' Utility Easement
25' front building setback line, Typ.
Tacoma Lane (50' Road Easement)
Edge of gravel
Field
N62°45'13"E
LC=240.39'
R=1422.23'
A=240.68'
T=120.63'
D=9°41'46"
Plat
R=1422.23'
A=239.73'
T=120.15'
D=9°39'28"
Elev. 10178.5' top of cap
10160'
10170'
10178'
10180'
10178'
15.0
15.0
15.0
50.0
Mt. Argentine
Mt. Argentine

116 Tesemini Subdivision

Adjacent Property Owners Contact info:

143 Tesemini Ln. – Lot 4

Bill Hart Family Trust

Bill Hart Trust

1011 Fox Hollow Ln

Oak Point, TX 75068-3051

0062 Tesemini Ln. – Lot 6

Thomas A Spratt

Thomas A. Spratt

881 Turnbridge Cir.

Naperville, Il. 60540-8342

0071 Tesemini Ln. – Lot 7

Gryphon Ventures LLC

Gryphon Ventures LLC

30 Tamarade Dr.

Littleton, CO 80127-3514

Theobald Engineering & Construction Services
Civil Engineering - Excavation - Contracting

PO Box

March 8, 2020

Re: Subdivision of Lot 5 Louise Placer Subdivision

This letter is to provide statements relating to water supply, wastewater treatment, stormwater management and water quality related to the request for subdivision of Lot 5 Louise Placer Subdivision as required by the Municipal Code of the Town of Blue River Sec. 17-2-30 (c) (8).

a. Adequacy and source of water supply: District Court Water Division Number 5 Case Number 88-CW-111 grants Lot 5 Louise Placer Subdivision the right to one domestic household use only well. This well is anticipated to provide 350 gallons per day to fulfill the domestic uses of one single family residence. Subject property is in the service are for the Vidler Water Company well augmentation program. Additional water rights may be purchased likely using the "Vidler Rights," W-217 to provide for an additional domestic household use well and additional water rights as deemed necessary by the developer.
b. Sewage disposal for both proposed lots will be by means of individual Onsite Wastewater Treatment Systems (OWTS). Preliminary testing and design work has been completed to ensure that OWTS can be constructed on the proposed lots in compliance with "Onsite Wastewater Treatment System Regulations of Summit County Colorado" as well as State of Colorado "Regulation 43."
c. Community water quality will be protected by disposing of all stormwater through percolation and evaporation on-site. The relatively large site area and limited disturbance areas allows for all stormwater due to development at the time of build out to percolate or evaporate on the undisturbed and/or revegetated portions of the site. During construction erosion control and stormwater management using best management practices and in compliance with all local, State and Federal regulations will be provided by the construction contractor.

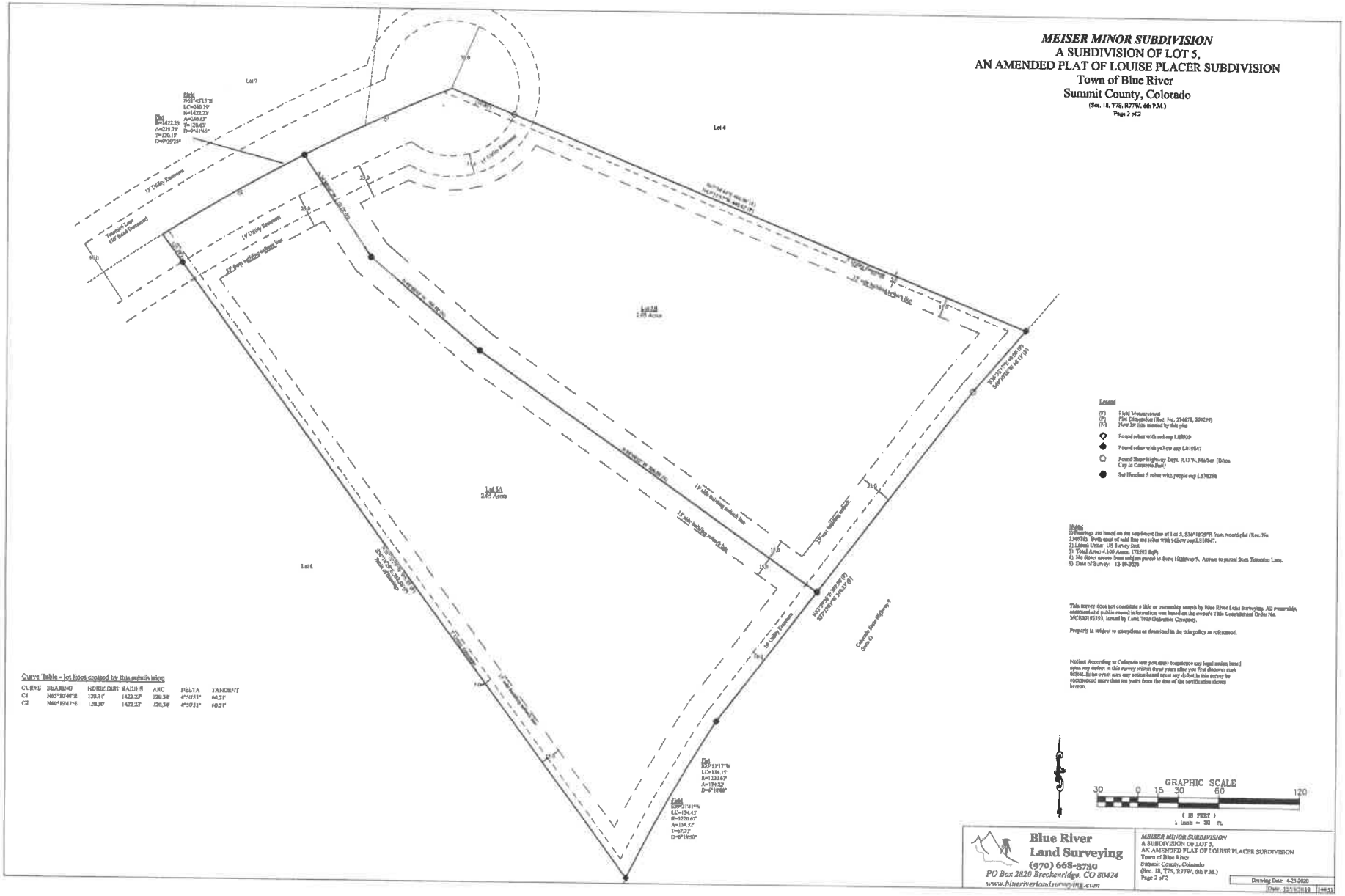
If you have any additional questions, please feel free to contact me.

Sincerely,

Robert Theobald P.E.
Principal

COLORADO LICENSED
ROBERT FOOTE THEOBALD
22243
3/8/20
PROFESSIONAL ENGINEER

PHONE 970.453.7978
MOBILE 970.409.7978
E-MAIL robtheobald@yahoo.com



MEISER MINOR SUBDIVISION
A SUBDIVISION OF LOT 5,
AN AMENDED PLAT OF LOUISE PLACER SUBDIVISION
Town of Blue River
Summit County, Colorado
(Sec. 18, T7S, R77W, 6th P.M.)

Legend

(F) Field Measurement
(P) Plat Dimension (Rec. No. 234078, 309259)
(M) New 30" iron monument set this plat
Found rebar with red cap LS9939
Found rebar with yellow cap LS10647
Found Blue Highway Dept. R.O.W. Marker (Brass Cap in Concrete Post)
Set Number 5 rebar with purple cap LS38266

Notes:
1) Bearings are based on the southwest line of Lot 5, S36°16'29"E from record plat (Rec. No. 234078). Both ends of said line are rebar with yellow cap LS10647.
2) Lineal Units: US Survey feet.
3) Total Area: 4.100 Acres, 178592 SqFt
4) No direct access from subject parcel to State Highway 9. Access to parcel from Tennant Lane.
5) Date of Survey: 12-19-2020

This survey does not constitute a title or ownership search by Blue River Land Surveying. All ownership, easement and public record information was based on the owner's Title Commitment Order No. MC82012193, issued by Land Title Guarantee Company.

Property is subject to exceptions as described in the title policy as referenced.

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

Blue River Land Surveying
(970) 668-3730
PO Box 2820 Breckenridge, CO 80424
www.blueriverlandsurveying.com

MEISER MINOR SUBDIVISION
A SUBDIVISION OF LOT 5,
AN AMENDED PLAT OF LOUISE PLACER SUBDIVISION
Town of Blue River
Summit County, Colorado
(Sec. 18, T7S, R77W, 6th P.M.)
Page 2 of 2

Drawing Date: 4-23-2020
Date: 12/19/2019 | 44451

WILLIS & CONNELLY, P.C.

ATTORNEYS AT LAW

Kent B. Willis

Michael P. Connelly

Mark D. Cribbet

111 Lincoln Ave, Suite C
P.O. Box 1639
Breckenridge, CO 80424
(970) 453-0950
FAX (970) 453-2622

April 24, 2020

Michelle Eddy
Town Manager
Town of Blue River, Colorado
P.O. Box 1784
Breckenridge, CO 80424

Re: Lot Line Adjustment – Lot 5, Louise Placer Subdivision, Blue River, CO (the "Property")

Dear Ms. Eddy,

This firm represents H.L. "Skip" and Janet Bilhartz, trustees of the Bilhartz Family Trust (the "Bilhartz"), owner of Lot 4, Louise Placer Subdivision, known by street address as 143 Tesemini Lane, Blue River, CO 80424. On or about April 9, 2020, the Bilhartz received a letter (the "Letter") and a Land Survey Plat and Partial Topographic Survey (the "Survey Map") for the Property from Mark Meiser, owner of the Property. The Letter and Survey Map indicate that Meiser proposes to adjust a lot line to divide the Property into two (2) buildable lots of approximately 2.05 acres, more or less (the "Parcels"). From the Survey Map, it appears that the only buildable sites on both Parcels directly abut Tesemini Lane due to the slope of the Property as it runs east to Highway 9. This letter is hereby entered into record on Meiser's Application for Lot Line Adjustment at the public hearing for the same for the Town of Blue River, Colorado on May 5, 2020 at 6:00pm MST.

The Bilhartz strongly oppose Meiser's Application for Lot Line Adjustment. The Property's subdivision will

(1) decrease the other Louise Placer owners' property values;
(2) destroy the character of Louise Placer; and
(3) overburden fire and rescue services

by decreasing free space between buildings in contravention of the Town of Blue River's Municipal Code (the "Town Code") and the Protective Covenants, dated July 19, 1980, recorded July 23, 1980 at Reception No. 209258 in the Records of Summit County, Colorado (the "Covenants", enclosed) to which the Property is subject.

Louise Placer was established in the 1980s providing potential homebuilders with an opportunity to purchase large lots on which to build a single-family residence. The seclusion offered by Louise Placer's lot size is central to the character of the subdivision and why owners decided to build their homes there in the first place. A lot line adjustment dividing the Property destroys the adequate free spaces and seclusion that characterize the neighborhood, thereby damaging all owners' property values.

The Code states that maintaining sufficient open space is one of its goals (*see* the Town Code, §17-1-10(a)) and that protecting and conserving the value of land throughout the municipality and the value of buildings and improvements on the land is one of its specific purposes (*see* Town Code, §17-1-10(c)(3)). Similarly, the Covenants were established to protect lot owners against improper use of surrounding building sites that depreciates the value of their property and to secure and maintain adequate free spaces between structures, among other purposes (*see* the Covenants at Clause II A.).

As mentioned above, the Survey Map provided with Meiser's letter shows that any suitable building sites on the Property would directly abut Tesemini Lane due to the slope of the Property as it runs east to Highway 9. By rough approximation, the Property only has 0.50 acres of buildable area abutting Tesemini Lane. This necessarily would mean that each Parcel would have approximately 0.250 acres, or 10,890 sq. ft., on which to build a structure. Building on such a small area contravenes the express purpose of the Town Code and the Covenants because there will be insufficient open space as prescribed by the Town Code and/or inadequate free space as prescribed by the Covenants. Further, since the adequate free space between structures is at the heart of an owners' decision to purchase a lot in Louise Placer, all lot owners' property values will diminish because the character of Louise Placer will be forever changed.

The subdivision of, and potential addition of two dwellings on, the Property will overburden valuable municipal resources. Moreover, Red, White and Blue Fire Protection District will have to serve an additional lot in Louise Placer. Due to the size of the buildable areas on the Property, it appears that two structures built thereon would necessarily be in close proximity to one another. Any fire at one structure may spread quickly to the adjacent structure and then jump to adjacent lots and structures built thereon. Maintaining adequate free space among structures is part and parcel of the Town Code and the Covenants because of the risk of fire among structures and the burden to the Town of Blue River and Summit County's valuable public emergency services. Further, the survey plat indicates that the parcels will be served by a shared driveway. A shared driveway may inhibit emergency service access to either Parcel causing significant damage to structures built thereon, or surrounding lots and structures, in the event of a fire.

The Town of Blue River should deny Meiser's application for Lot Line Adjustment. The Property's subdivision will decrease other Louise Placer owners' property values, destroy the character of Louise Placer by decreasing free space between buildings and overburden valuable fire and rescue services.

Sincerely,

Mark D. Cribbet

Enclosures

PROTECTIVE COVENANTS (Louise Placer)

Conditions, Covenants, Restrictions, Reservations and Easements affecting property of Paul D. Sampson.

DESCRIPTION OF PROPERTY

THIS DECLARATION, made this 19th day of July, 1980, by Paul D. Sampson, hereinafter referred to as Grantor.

WITNESSETH

WHEREAS, the GRANTOR is the owner of the real property described in Clause I of this declaration, and is desirous of subjecting the real property described in Clause I to the conditions, covenants, restrictions, reservations and easements hereinafter set forth, each and all of which is and are for the benefit of said property and for each owner thereof, and shall inure to the benefit of and pass with said property, and each and every parcel thereof, and shall apply to and bind the successors in interest, and any owner thereof;

NOW THEREFORE, Paul D. Sampson, hereby declares that the real property described in and referred to in Clause I, is and shall be held, transferred, sold, conveyed and occupied subject to the conditions, covenants, restrictions, reservations and easements hereinafter set forth.

CLAUSE I

PROPERTY SUBJECT TO THIS DECLARATION

The real property which is, and shall be, conveyed, transferred, occupied and sold subject to the conditions, covenants, restrictions, reservations and easements, as set forth in the various clauses and covenants of this declaration, is located in the Town of Blue River, County of Summit, State of Colorado, and is more particularly described as follows, to-wit:

A TRACT OF LAND BEING A PORTION OF THE LOUISE PLACER, U.S. MINERAL SURVEY NO. 13898, LOCATED IN THE TOWN OF BLUE RIVER, COUNTY OF SUMMIT, STATE OF COLORADO. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 10 OF SAID LOUISE PLACER, BEING THE TRUE POINT OF BEGINNING, THENCE N 26°22'38" W A DISTANCE OF 680.70 FEET; THENCE S 63°37'22" W A DISTANCE OF 423.21 FEET TO THE SOUTHEASTERLY CORNER OF LOMA VERDE FILING NO. 1 AMENDED, A SUBDIVISION AS FILED FOR RECORD IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER; THENCE N 00°57'13" E A DISTANCE OF 1218.62 FEET TO THE NORTHEASTERLY CORNER OF SAID LOMA VERDE FILING NO. 1 AMENDED; THENCE S 88°33'21" E A DISTANCE OF 624.51 FEET TO CORNER NO. 7 OF THE CROWN PLACER, ALSO BEING THE SOUTHWESTERLY CORNER OF THE CROWN, A SUBDIVISION IN SAID TOWN OF BLUE RIVER AND FILED FOR RECORD IN SAID OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER; THENCE S 89°40'04" E ALONG THE SOUTHERLY LINE OF SAID CROWN SUBDIVISION A DISTANCE OF 927.11 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 9; THENCE ALONG SAID WESTERLY HIGHWAY RIGHT-OF-WAY LINE FOR THE FOLLOWING SEVEN COURSES:

1) S 02°55'28" W A DISTANCE OF 70.13 FEET;
2) S 11°13'34" W A DISTANCE OF 510.84 FEET;
3) S 34°04'51" W A DISTANCE OF 289.96 FEET;
4) S 36°32'17" W A DISTANCE OF 191.80 FEET;
5) S 33°59'56" W A DISTANCE OF 309.58 FEET;
6) 134.22 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 06°18'00", A RADIUS OF 1220.67 FEET AND A CHORD WHICH BEARS S 25°53'17" W 134.15 FEET DISTANT;
7) S 17°46'38" W A DISTANCE OF 279.31 FEET TO A POINT ON THE 10-11 LINE OF SAID LOUISE PLACER;

THENCE S 86°54'28" W ALONG SAID 10-11 LINE OF THE LOUISE PLACER A DISTANCE OF 193.75 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 1762700 SQUARE FEET OR 40.466 ACRES, MORE OR LESS.

No property other than that described above shall be subject to this declaration.

CHARLES H. WARD
CLERK AND RECORDER
SUMMIT COUNTY
'80 AUG 25 PM 2
209258

CLAUSE II

GENERAL PURPOSES OF CONDITIONS

A. The real property described in Clause I hereof is subject to the conditions, covenants, restrictions, reservations and easements hereby declared to insure the best use and the most appropriate development and improvement of each building site thereof; to protect the owners of building sites against such improper use of surrounding building sites as will depreciate the value of their property; to guard against the erection thereon of poorly designed or proportioned structures, and structures built of improper or unsuitable materials; to insure the highest and best development of said property; to encourage and secure the erection of attractive dwellings thereon, with appropriate locations thereof on sites; to secure and maintain adequate free spaces between structures; and in general, to provide adequately for a high type and quality of improvement in said property.

B. LAND USE AND BUILDING TYPE. No building site shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any homesite other than one detached single family dwelling, a private garage, and outbuildings incidental to residential use of the premises. No roadway shall be cut or driveway used except as approved by the Architectural Committee hereinafter provided.

C. TEMPORARY STRUCTURES. No structures of a temporary character, basement, tent, shack, garage, barn or other outbuilding, shall be used on any building site at any time as residence, either temporarily or permanently, except that trailers and structures of a temporary nature may be maintained by the owner of the homesite on the homesite during the period of permanent construction, but in any event for the maximum of one year. The exterior of all approved structures must be completed within one year from date of commencement of construction.

D. ARCHITECTURAL CONTROL. In lieu of restrictions commonly used governing minimum cost or square foot area of dwellings, both of which have proven inadequate in protecting existing or future property owners, these covenants shall and do hereby provide that no detached single-family dwelling or other improvement, as herein defined, shall be erected, placed or altered on any premises on said property until (1) a plot plan showing the location of such dwelling or improvement, has been approved in writing; (2) and until building plans and specifications, including conformity and harmony of external design with existing structures and planned structures on the property, and with respect to topography and finished ground elevation, has been approved in writing by the Architectural Committee appointed by the Grantor of the real property described herein. Each site shall have an individual water supply system and individual sewage disposal system. No individual water supply system shall be constructed, developed or altered nor any sewage disposal system commenced on any building site until plans and specifications for same have been approved in writing by the aforesaid Architectural Committee.

In any event said committee fails to approve or disapprove any submitted plan, design or location within thirty (30) days after said plans and specifications have been submitted to it, or in any event if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required and this covenant will be deemed to have been fully complied with.

E. USE OF EASEMENTS. No dwelling or improvement shall be placed on nor shall any material, equipment or refuse be placed on any homesite within the area of the easements reserved as indicated on the record plat of the real property described herein.

F. NUISANCES. No noxious or offensive activity shall be carried on upon any building site, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

G. LIVESTOCK AND POULTRY. No animal, livestock or poultry of any kind shall be raised, bred or kept on any building site, except that dogs, cats or other household pets may be kept, provided they are not kept, bred, or maintained for any commercial purpose.

H. GARBAGE AND REFUSE DISPOSAL. No building site shall be used or maintained as a dumping ground for rubbish, trash, slash, garbage, debris or other waste, except when kept in sanitary containers which shall be disposed of promptly. All incinerators or other equipment for disposal of such material shall be kept in a sanitary condition and reasonable precautions shall be taken against fire hazards.

I. SIGNS. No signs of any kind shall be displayed to the public view on the building site, except one sign of not more than two square feet designating the owner of the building site, one sign of not more than five square feet advertising the property for sale or rent, or signs used by the Grantor to advertise the property during the sales period.

J. OIL AND MINING OPERATIONS. No oil drilling, oil development operations, oil refining, quarrying, gravel operations or mining operations of any kind shall be permitted upon or in any building site, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any building site.

K. EASEMENTS. Easements are reserved along property boundaries and along roadways where required for the installation and maintenance of utilities on, over and under the property herein described. Road easements are reserved as indicated upon the record plat of said real property.

L. DISCHARGE OF FIREARMS. No firearms, fireworks, explosives, arrows, air rifles, BB guns, or similar devices, shall be discharged on the premises.

M. CHANGE OF SURFACE No surface area shall be changed or altered until written application for such change or alteration is made to the Architectural Committee and written approval for such change or alteration is given by said committee.

N. LANDSCAPING AND GARDENING. All surface areas disturbed by construction shall be returned promptly to their natural condition and replanted in native grasses, except where such areas are to be improved by the construction of gardens, lawns, and exterior living areas, which will be permitted only after the plans therefor shall have been approved by the said Architectural Committee.

O. TREES. No trees shall be cut, trimmed or removed except with prior written approval from said Architectural Committee.

P. ROAD APPROACHES AND PARKING. Prior to commencing construction on any site, a proper approach from the roadway to the site shall be built by the site owner, and sufficient parking on the site provided to accommodate the cars of the owner and guests, keeping in mind a location for snow removal during winter months.

Q. TERMS OF COVENANTS. Except as provided in Section R, each of the conditions, covenants, restrictions, and reservations set forth above shall continue to be binding upon the Grantor, his successors and assigns and upon each of them and all parties and all persons claiming under them for a period of twenty-five years from the date first written above and automatically shall be continued thereafter for successive periods of ten (10) years each; provided, however, that eighty percent (80 %) of the property owners of the building sites herein subject to this declaration which are hereby restricted, may release all of the land so restricted from any one or more of said restrictions or may change or modify any one or more of said restrictions or may change or modify any one or more of said restrictions at the end of the first twenty-five (25) year period or any successive ten (10) year period thereafter, by executing and acknowledging an appropriate agreement or agreements in writing for such purposes and filing the same for record in the office of the County Clerk and Recorder of Summit County, Colorado, at least one (1) year prior to the expiration of this first twenty-five (25) year period or of any successive ten (10) year period thereafter.

R. ENFORCING OF COVENANTS. The covenants herein set forth shall run with the land and bind the present owner, his successors and assigns, and all parties claiming by, through or under it shall be taken to hold, agree and covenant with the owner of said building sites, their heirs, successors or assigns, and with each of them, to conform to and observe said restrictions as to the use of building sites, and the construction of improvements thereon, but no restrictions herein set forth, shall be personally binding on any corporation, person or persons, except in respect to breaches committed during its, his or their seisen of, or title to said land, and the corporation or the owner or owners of any of the above land shall have the right to sue for and obtain an injunction prohibitive or mandatory, to prevent the breach of or to enforce the observance of the restrictions above set forth. In addition to ordinary legal action for damages, and the failure of Grantor and the owner of any other lot or building sites hereby restricted to enforce any of the restrictions herein set forth at the time of its violation, shall in no event be deemed to be a waiver of the right to do so thereafter. The Architectural Committee, by appropriate agreement, assign or convey to any person, persons, or corporation, all of the rights and privileges hereby reserved by it, including but not limited to, its beneficial interest in said restrictions and its right to enforce the same, and upon such agreement, assignment or conveyance being made, its assigns or grantees may, at their option, exercise, transfer or assign those rights or any one or more of them, at any time or times, in the same way and manner as though directly reserved by them, or it, in this instrument.

At any time after the effective date of these covenants, if at least seventy-five percent (75 %) of all building sites covered by these protective covenants have been sold, the Architectural Committee may then assign to a Home Owners Association of the real described property, all of its authority to pass on plans and specifications of dwellings and other improvements to be constructed on any building site subject to this instrument, together with any or all of its other interest in said protective covenants, including its right to enforce, transfer or assign those rights or any one or more of them at any time and upon such assignment being made by Grantor to such new Grantor and such new Grantor may, at its sole option and at any time thereafter, exercise, transfer or assign such rights or any one or more of them.

S. SEVERABILITY. Invalidation of any one of these covenants or any part thereof by judgements or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, Paul D. Sampson, has caused this instrument to be executed by his Attorney in Fact, this 19th day of July, 1980.

Paul D. Sampson

By Richard A. Backlund, Attorney in Fact

Richard A. Backlund

Richard A. Backlund
Attorney in Fact

JACQUELYN M. ANDERSON NOTARY PUBLIC STATE OF COLORADO

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

On this 19th day of July, 1980, before me appeared Richard A. Backlund personally known to me, who being duly sworn, did prove that he has been duly appointed by Paul D. Sampson as Attorney in Fact, and that this instrument has been signed on behalf of Paul D. Sampson and for the benefit of the real property described herein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year as written above.

My commission expires; April 12, 1983.

Jacquelyn M. Anderson

Notary Public

michelle

From:	Evan Williams <ew@austin.rr.com>
Sent:	Friday, May 1, 2020 9:50 AM
To:	michelle
Cc:	Evan M. Williams
Subject:	Lot Line Adjustment Hearing for Lot 5, Louise Placer

Dear Ms Eddy,
My name is Evan Williams and my wife Margaret and I are owners of Lot 8, Louise Placer Sub (482 Spruce Creek Road, blue River CO).

It is my understanding that a public hearing is scheduled to consider an applicant's (Meiser) request to subdivide Lot 5 into two lots.
We are OPPOSED to the granting of the lot line adjustment. Our opposition is based primarily on the prospect of the ridiculously small building footprints on each lot (given the slopes to Hwy 9) that would result from the lot line adjustment.
We believe the resulting structures would be inconsistent with and harm the character of the overall subdivision as well as harm our property values.

Please dont hesitate to email me if you have any questions.

Sincerely,
Evan M and Margaret B Williams
482 Spruce Creek

Evan Williams
1114 West 7th St. #107
Austin, TX 78703
ew@austin.rr.com

michelle

From: JAMES QUIGLEY <jquigley1@mac.com>
Sent: Monday, May 4, 2020 1:57 PM
To: michelle
Subject: Lot line adjustment, Lot 5, Louise Placer

Hi, Michelle,

Last week I heard about the request by the new owner of Lot 5 of Louise Placer for subdivision of this lot. I purchased my home in Blue River based on my desire to have a large lot with plenty of space between my neighbors, as I imagine did the other property owners in Louise Placer. My heart breaks for the owners of Lot 4, who have such a beautiful home, but now face the possibility of two over-sized homes in close proximity to their house, which will almost certainly devalue their property, and possibly mine as well. Lot 5 is out of sight of my land, but most likely not out of noise range, but that is yet to be determined.

Other than esthetics, my main concern is that the two lots resulting from subdivision of Lot 5 may not have sufficient usable land space for adequate waste water handling and well head spacing to comply with Colorado Department of Health and Environment regulations and to prevent an adverse environmental impact on neighboring properties. Lot 5 is at 160 feet greater elevation than my property. I believe this should be considered before the land is subdivided, and certainly before any building permits are issued.

Finally, although I don't have a working familiarity with the Covenants and Restrictions of Louise Placer Subdivision, I feel that once they are violated with impunity, then there are no enforceable covenants and restrictions, a prospect to which I adamantly object. I oppose the granting of any variance to the filed Louise Placer Covenants and Restrictions without the written consensus of those bound by them.

Respectfully,

James C. Quigley, Trustee
179 Louise Placer Rd., Lot 3, Louise Placer Subdivision, Blue River, CO

May 4, 2020

MICHELLE EDDY

Town Manager, Town of Blue River, Colorado

Blue River Planning and Zoning Commission

MARK AND JEAN ORTON
54 LOUISE PLACER RD. BLUE RIVER
LOT 510 CROWN SUBDIVISION

181 LOUISE PLACER RD. BLUE RIVER
LOT 2 LOUISE PLACER SUBDIVISION

Dear Ms. Eddy,

Jean and I are stating our significant concerns with the proposed application from Mark Meiser to adjust the lot line of lot 5 of the Louise Placer Subdivision (116 Tesemini Lane). We own two properties that are very close to lot 5 of the Louise Placer Subdivision and have significant concerns with the subdividing of this lot.

1. We purchased both our lots/home with the knowledge that the lots in are area were already predefined and would not be subdivided to add more density, water usage, septic discharge, traffic and density to our area. We already have several VRBO homes very close to us and we are quickly losing the neighborhood to short term renters. Having more properties that probably will turn into rentals is completely against our values.
2. Mr. Mark Meiser built a home back in 2009 on White Cloud Dr. in the Warriors Mark Neighborhood and changed the lot line offsets for the side of the lot to 7.5 ft. even though 8 neighbors protested this adjustment. Mr. Meiser stated in the planning meeting in 2009 that this house would not be more than 3500 s.f. and that he was going to be using this

home as his personal residence. The house that was constructed is over 4500 s.f. and looks WAY too big for the lot and encroaches on all three of the neighbors. In two areas the home is within 20 ft. of a neighbor. Oh, did I mention that this home is for sale again and this isn't the primary residence of Mr. Meiser.

3. Allowing Lots to subdivide decreases the value of my two properties and completely destroys the character of the Louise Placer subdivision. This also puts undue burden on the Red White and Blue fire district and our precious natural resources.

Thank you for taking our opinion and concerns with this requested lot line adjustment and we are aligned with most of the neighbors of the Louise Placer Subdivision in opposing this request. We need to restore Blue River to is original family and neighborhood look and feel and oppose builders and developers that continue to subdivide and build homes for short term rentals. As some point we need to take a stand to gain our town back for our permanent residents.

SINCERELY,

MARK G. ORTON

JEAN L. ORTON

michelle

From: Steve Swinney <steve.swinney@kodiakbp.com>
Sent: Tuesday, May 5, 2020 3:49 PM
To: michelle
Subject: Lot Line Adjustment - Lot 5, Louise Placer

Michelle

I do plan to be on the virtual town hall meeting tonight but wanted to drop a short note in advance just to express my concern and opposition to the above.

Like other homeowners in the community, we are very concerned about the risks and concerns that allowing this adjustment could bring. Allowing this change will damage the character of our community, place undue burden on already limited fire and rescue services, decrease the property values of the neighborhood, and set a dangerous precedent for potential future requests.

Allowing this adjustment would encourage other changes like this to existing properties which would lead to further damage on all of the aforementioned concerns to the community.

Louise Placer was established as a wonderful community of large lot homes and allowing this lot subdivision will irreparably damage that intent.

Thank you for your consideration and attention to this and I look forward to participating on the call tonight.

Sincerely,

Steve Swinney
71 Tesemini Lane

RED, WHITE & BLUE

FIRE PROTECTION DISTRICT

COURAGE, COMMITMENT, CARING

April 30, 2020

SENT VIA EMAIL

Town of Blue River
Attn: Michelle Eddy
PO Box 1784
Breckenridge, Colorado 80424

RE: Lot 5 Louise Placer

Dear Mrs. Eddy:

Thank you for reaching out to me regarding the subdividing of Lot 5, Louise Placer. This lot falls within the service area of the Red, White and Blue Fire Protection District (District). As the Fire Marshal for the District, I am required to take an objective view on planning documents to ensure compliance with the 2018 International Fire Code (Code), as amended and find that this request falls within the requirements of the Code. I have no known conflicts of interest related to this review.

I would suggest that the owners (developers) of the lot contact our office for information on the wildfire mitigation requirements that they will be required to follow as outlined in the Code prior to constructing any structures on these lots.

If you have any questions, you can contact me by email at jnelson@rwbfire.org or by phone at (970) 453-2474.

Sincerely,

RED, WHITE & BLUE FIRE PROTECTION DISTRICT

Jay T. Nelson
Deputy Fire Chief

Michelle,

Sorry I haven't gotten back with you. We have been conducting virtual interviews this week and I am know just getting caught up! We have no concerns with this subdivision of Lot 5.

Thanks,

Jay T. Nelson, MPA, CFEI, CFPS
Deputy Chief
Red, White and Blue Fire District
(970) 453-2474 office
(970) 453-1350 fax
www.rwbfire.org

Town of Blue River

Staff Report for Board of Trustees
Subdivision Lot 5 Louise Placer
May 19, 2020
Submitted By: Michelle Eddy, Town Manager

Application Submittal
The application was received March 9, 2020. The application is complete and notices were sent to surrounding homeowners via certified mail. Copies of the receipts are on file.

Findings
With input and direction from the Planning and Zoning Commission, the Board of Trustees have been working to update and revise the current Chapter 17 Subdivision code. At the March 11, 2020, the Board of Trustees voted to allow for the application to move forward under the current Chapter 17 Subdivision Code.

- Application is for subdivision of Lot 5 Louise Placer Subdivision.
- Application deposit has been received.
- Owner has provided title information showing clear title.
- The lot is currently 4.10 acres. The proposal is to divide the lot into two 2.05 acre lots.
- Current R-1 Zoning Code places the minimum lot size at 1.86 acres. The application meets this criteria.
- A narrative is included with the application.
    - The proposed lots will have onsite well and septic systems. Additional water rights will be obtained from Vidler Water.
    - There are no existing structures on the property.
    - A soils report has been included. The majority of the land is located on a steep hillside. The proposed building area will be on the top boarding the road, Tesemini Lane. The engineers report is included.
    - No new roadways are planned and no additional trees are proposed to be removed.
- Notices were sent via certified mail to adjacent homeowners.
- Public Notice was placed outside Town Hall, published in the Summit Daily and Summit County Journal, Friday, May 1st as well as on the Town website.
- Notice for comments has been sent to Red, White and Blue Fire District as well as Xcel Energy and the Town Attorney.

Preliminary Plat Review
- The Planning & Zoning Commission held a public hearing on Tuesday, May 5, 2020. The application was reviewed and Citizen Comments were received and are included in this packet. The Commission voted four in favor and two abstentions to approve the preliminary plat as submitted.
- Letters are included from Red, White and Blue showing no objection and ability to serve the area.

Zoning

- Louise Placer is Zoned R-1 with a minimum lot size of 80,000 square feet (1.86 acres). The proposed new subdivision of the lots would be 2.05 acres each.

Comprehensive Plan

- The Town of Blue River Comprehensive Plan was adopted in 2014. Under section 4.1 "Future Land Use Plan Designations" it is stated: "This critical component of the Comprehensive Plan is a physical planning tool to help the community arrive at a future of its own making. It is advisory in nature, laying the foundation for making changes to the zoning in the future, but it is neither zoning nor a zoning map. The future land use plan does not restrict existing or vested uses."
- The proposed new subdivision of Lot 5 Louise Placer is consistent with the zoning and developed lots within the Town.

The application is found to be complete and meeting the requirements as outlined in Chapter 17 Subdivision of the Blue River Municipal Code and staff recommends approval of the Preliminary Plat of Lot 5 Louise Placer. The Final Plat review will be conducted by the Planning & Zoning Commission.

BLUE RIVER, COLORADO

ORDINANCE NO. 2020-01

AN ORDINANCE ADOPTING BY REFERENCE SUBDIVISION REGULATIONS PUBLISHED BY THE TOWN OF BLUE RIVER AND ESTABLISHING PENALTIES FOR VIOLATIONS

WHEREAS, the Town of Blue River promulgated and published regulations known as the *Subdivision Regulations* to govern all persons who at any time subdivide real property or otherwise change, alter, or modify real property boundaries; and

WHEREAS, in furtherance of the public health, safety and welfare of the inhabitants of the Town of Blue River, the Town Board of Trustees desires to formally adopt the *Subdivision Regulations* by ordinance so that the *Subdivision Regulations* are enforceable against owners and developers of property within the Town; and

WHEREAS, Section 31-16-201, et seq., C.R.S., permits the adoption by reference of such published regulations upon notice and hearing as provided in Section 31-16-203, C.R.S.; and

WHEREAS, notice was properly published in accordance with Section 31-16-203, C.R.S.; and

WHEREAS, the Town introduced this Ordinance on February 18, 2020, at a regular Town Board meeting and, upon introduction, scheduled a public hearing to be held on the date shown below, and held such scheduled public hearing, with proper notice provided, to consider adoption of the *Subdivision Regulations*; and

WHEREAS, at least one certified copy of the *Subdivision Regulations* were, and are, available at the Blue River Town Hall, 0110 Whispering Pines Circle, Blue River, Colorado, 80424, for review and inspection by the public during normal business hours in accordance with Section 31-16-206, C.R.S.

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

Section 1. Adoption by Reference of Subdivision Regulations. The Blue River Town Code is hereby amended by the addition of a new Chapter 17, titled Subdivision Regulations, which Chapter shall codify the Subdivision Regulations hereby adopted by reference by this Ordinance.

Section 2. Penalties for Violation. The following penalties for violation of the Blue River Subdivision Regulations are included within the Subdivision Regulations and are set forth below in accordance with Section 31-16-203, C.R.S.:

Sec. 17-1-70. Violation and enforcement.

(a) General Violation. It is unlawful for any person to subdivide land in violation of this Chapter.

(b) False Information. It is unlawful for any person to intentionally or knowingly submit a false statement as part of any application authorized by this Chapter.

(c) Unlawful Sale of Land. Pursuant to C.R.S. § 31-23-216, no owner or agent of the owner of any land located within a subdivision may transfer or sell, agree to sell or negotiate to sell any land by reference to or exhibition of or by use of a plat of a subdivision before said plat has been approved as a final plat by the Town and recorded or filed in the office of the Summit County clerk and recorder. Any violation of this restriction shall be accompanied by a penalty of one hundred dollars ($100.00) or such other greater amount as may be permitted by law, payable to the Town for each lot or parcel so transferred or sold, or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not except the transaction from such penalties or from the remedies provided in this Chapter. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction.

(d) Prohibited Construction. No structure shall be constructed, and no building permit issued for a structure, on any parcel of land except where such structure is to be constructed upon a parcel which meets the requirements of this Chapter.

(e) Violation of Express Condition of Subdivision Approval. It shall be unlawful and a violation of these Subdivision Regulations for any person to fail to substantially satisfy or to breach a condition or requirement expressly imposed upon any approval of any application pursuant to this Chapter.

(f) Violation of Subdivision Agreement. It shall be unlawful and a violation of these Subdivision Regulations for any person to fail to substantially satisfy or to breach a condition or requirement expressly imposed upon any approval by any written contract or agreement associated with a subdivision between the Town and the person.

(g) Continuing Offense. A violation of these Subdivision Regulations shall be deemed a violation for each and every day or portion thereof during which any violation of the provisions of this Chapter are committed, continued, or permitted.

(h) Enforcement. The provisions of these Subdivision Regulations may be enforced at the direction of the Town Manager or Board of Trustees by use of any of the following methods either individually or in combination:

(1) Judicial proceeding including but not limited to actions for declaratory judgment, abatement, damages;

(2) Withholding of construction or building permit(s) for all or any improvement within the subdivision or improvement proposed to serve the subdivision;

(3) Refuse to accept, continue to process, or to approve, any application pertaining to the property subject to an enforcement action;

(4) Withholding or revoking certificate(s) of occupancy for any structure within the subdivision;

(5) To the greatest extent permitted by law, revocation or suspension of any license, permit, or certificate issued to any property or applicant;

(6) Inspection and ordering the removal or abatement of violations;

(7) Issuance of a stop work order mandating the temporary suspension of any development activity within or associated with the subdivision;

(8) Assessment of costs and expenses (including but not limited to costs and expenses for administrative actions, publication, attorneys fees and court costs) incurred by the Town in enforcement of these Subdivision Regulations and the imposition of a lien for such costs and expenses against all or any portion of the property within the subdivision; and

(9) Demand for payment and the receipt and use of funds held by any person or financial institution which were deposited to secure the performance of the obligation or duty imposed by these Subdivision Regulations or a written contract or an agreement associated with a subdivision between the Town and the person.

(i) Entry Upon Property for Enforcement Authorized. Whenever necessary to perform an inspection to enforce any provision contained within this Chapter or any condition or requirement of a permit or other land use approval issued pursuant to this Chapter, or whenever there is reasonable cause to believe that a violation of this Chapter or any permit or any other land use approval issued pursuant to this Chapter exists in any building or upon any real property within the jurisdiction of the Town, the Town Manager or designee, or a police officer may, upon presentation of proper credentials, enter such building or real property at all reasonable times to inspect the same or to perform any duty imposed upon him or her by the Blue River Municipal Code; provided, that if such building or real property is unoccupied, the authorized official shall first make a reasonable effort to locate the owner or other persons who have charge or control of the building or of the real property and request entry. If the entry is refused, or the owner cannot be located, the Town

Manager, the Manager's designee, or any police officer, is authorized to obtain a search warrant pursuant to Rule 241(b)(2) of the Colorado Municipal Court Rules of Procedure in order to conduct and complete the inspection.

(j) Costs and Fees. The Town is authorized to collect its costs or fees and enforcement of this Chapter against any person violating any provision of this Chapter. Assessment of costs or fees shall be made by notice and demand letter signed by the Town Manager which letter shall identify the reasons for the assessment, the amount of such costs and fees, and a demand to pay the costs and fees by a date certain not less than ten (10) days following the person's receipt of the letter. In the event the costs or fees are not timely paid, the Town may certify such costs and fees to the County Treasurer for collection against the property subject to the Chapter in the same manner as taxes under C.R.S. §§ 31-20-105 and 106.

(k) Remedies Not Exclusive. The remedies provided by this Chapter shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Section 3. 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 4. Repeal. The subdivision regulations enacted by Town of Blue River Ordinance No. 15-04 shall remain effective for the limited and sole purpose of processing pending subdivision applications submitted in accordance with Section 17-1-30.1(b). Upon processing of all exempted applications, if any, Ordinance No. 15-04 shall be deemed repealed in its entirety. Any and all other 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 5. Minor Non-Substantive Amendments Authorized. As a published code of the Town of Blue River, the *Subdivision Regulations* may be amended without approval or action by the Board of Trustees in order to correct minor, grammatical, or typographical errors where such amendment will not modify, alter, or change the meaning, purpose, or application of the *Subdivision Regulations*.

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

INTRODUCED AND READ at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the 11th day of March, 2020.

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 19th day of May, 2020.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Published in the Summit County Journal _____, 20_____.

TOWN OF BLUE RIVER, COLORADO

CHAPTER 17 Subdivision Regulations

ARTICLE I General Provisions

Sec. 17-1-10. Title.
Sec. 17-1-20. Authority.
Sec. 17-1-30. Purpose.
Sec. 17-1-30.1 Temporary suspension of subdivisions that create new lots.
Sec. 17-1-40. Applicability, exemptions, limitations, and repeal.
Sec. 17-1-50. Interpretation.
Sec. 17-1-60. Administrative interpretations.
Sec. 17-1-70. Violation and enforcement.
Sec. 17-1-80. Severability and savings clause.
Sec. 17-1-90. Major activity notice.
Sec. 17-1-100. Approval required for recordation.
Sec. 17-1-110. Application and consultant review fees.
Sec. 17-1-120. Private covenants and Subdivision Regulations.
Sec. 17-1-130. Reserved.
Sec. 17-1-140. Reserved.
Sec. 17-1-150. Definitions.

Sec. 17-1-10. Title.

Title 17 of the Blue River Municipal Code shall be referred to as the "Town of Blue River Subdivision Regulations" or "Subdivision Regulations."

Sec. 17-1-20. Authority.

The Town of Blue River Subdivision Regulations are enacted in accordance with the authority conferred by Articles 16 and 23 of Title 31, Article 20 of Title 29, and Article 67 of Title 24 of the Colorado Revised Statutes, as amended.

Sec. 17-1-30. Purpose.

(a) Intent and Goals. These regulations are generally intended to: (1) protect the environment: (2) to ensure efficient traffic circulation, adequate improvements, sufficient open space and to assist the orderly, efficient and integrated development of the Town; (3) provide for the proper arrangement of streets and ensure proper distribution of population; (4) coordinate the need for public services with governmental improvements and programs (5) ensure adequate and convenient utilities, emergency access, drainage, recreation and light and air; (6) safeguard the interests of the public and subdivider and provide consumer protection for the purchaser; and to (7) regulate other matters as the Town may deem necessary in order to protect the best interests of the public.

(b) Special Character Considered. These Subdivision Regulations were prepared with reasonable consideration, among other things, of the largely residential and environmentally sensitive characteristics of the Town and with a regard for the preservation of these characteristics when authorizing and permitting the subdivision and use of property.

(c) Specific Purposes. These regulations are further intended to serve the following specific purposes:

(1) To inform each subdivider of the standards and criteria by which development proposals will be evaluated, and to provide information as to the type and extent of improvements required.

(2) To provide for the subdivision of property in the future without conflict with development on adjacent land.

(3) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements on the land.

(4) To ensure that subdivision of property is in compliance with the Town's zoning ordinances, to achieve a harmonious, convenient, workable relationship among land uses, consistent with town development objectives.

(5) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities and generally to provide that public facilities will have sufficient capacity to serve the proposed subdivision.

(6) To provide for accurate legal descriptions of newly subdivided land and to establish reasonable and desirable construction design standards and procedures.

(7) To prevent the pollution of air, streams and ponds, to assure adequacy of drainage facilities, to safeguard the water table and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community and the value of the land.

Sec. 17-1-30.1. Temporary suspension of subdivisions that create new lots.

(a) Temporary Suspension of Subdivision that Create New Lot(s). Upon the effective date of these Subdivision Regulations and until the date of any future repeal of this Section 17-1-30-1, no previously subdivided tract, parcel, or lot (see definition of *Subdivision* at Section 17-1-50) that is described in any form of plat or map recorded and effective with the Summit County clerk and recorder's office may be further subdivided to create a new lot or new lots notwithstanding any provision of this Chapter 17 or any declared minimum lot size for any zone district recognized by Chapter 16. The Town Manager shall decline to accept applications for subdivision that propose to create a new lot or lots.

(b) Limited Exemption. Applications for new subdivision deemed complete and submitted to the Town on or prior to April 15, 2020, shall be exempt from the temporary suspension of subdivisions provided by subsection (a) above. It is the intent of this limited exemption to recognize that one or more applicants were informed prior to April 15, 2020, that

applications would be accepted and processed under both the then-existing and any new subdivision regulations and such applicants relied on such information in the preparation of applications. Applicants entitled to an exemption may choose to process their completed application in accordance with the subdivision regulations approved by Ordinance 15-04 or in accordance with these Subdivision Regulations.

(c) Other Subdivision Applications Accepted. Lawfully recognized tracts, parcels, and lots described in a plat or map recorded and effective with the Summit County clerk and recorder's office may be amended or consolidated (see Article V), and the subdivision vacated or corrected (see Articles VI and IX) provided that such amendment, consolidation, vacation, or correction does not increase the number of tracts, parcels, or lots within the subdivision.

Sec. 17-1-40. Applicability, exemptions, limitations, and repeal.

(a) Applicability. These regulations are applicable to the following described property:

(1) Property located within the legal boundaries of the Town of Blue River;

(2) Property proposed for annexation to the Town of Blue River except to the extent specifically provided by any annexation agreement enacted by ordinance; and

(3) Property located outside of the legal boundaries of the Town of Blue River and described in a Town-adopted intergovernmental agreement that requires application of these Subdivision Regulations to the subdivision of property.

(b) Exemptions. These Subdivision Regulations shall not apply to the following:

(1) A division of land to heirs through an estate proceeding conducted in accordance with law provided that any resulting division of the property shall be subject to minimum lot size and other limitations imposed by Chapter 16 which may render all or a portion of the divided property undevelopable;

(2) A division of land by virtue of the foreclosure of a deed of trust in accordance with law provided that any resulting division of the property shall be subject to minimum lot size and other limitations imposed by Chapter 16 which may render all or a portion of the divided property undevelopable ;

(3) The division of land which creates an interest or interests in oil, gas or minerals which are presently or hereafter severed from the surface ownership of real property.

(4) Any property owned by or leased to the Town of Blue River where the Town is an applicant for subdivision approval, unless the Board of Trustees voluntarily elects to subdivide the property in accordance with all or any portion of this Chapter; and

(5) A division of land solely for purposes of enabling right-of-way dedication or the creation of a public trail to be owned or controlled by the Town.

(c) Limitations. This Chapter is not intended to modify, abrogate, amend or annul the following:

(1) Any currently valid subdivision approvals or permits related to the use of land issued by the Town of Blue River prior to the effective date of these Subdivision Regulations;

(2) Any currently valid subdivision approvals or permits related to the use of land issued by Summit County while the property was subject to the County's subdivision jurisdiction;

(3) Any lawfully created easement;

(4) Any rights granted to an owner or person by a privately imposed covenant, condition, or restriction on the use of property; or

(5) Any vested property right lawfully established in accordance with federal or state law prior to the effective date of these Subdivision Regulations subject to the terms and conditions of any agreement or approval pertaining to such vested right.

(d) Repeal. The subdivision regulations enacted by Town of Blue River Ordinance No. 15-04 shall remain effective for the limited and sole purpose of processing pending subdivision applications submitted in accordance with Section 17-1-30.1(b). Upon the completion of processing of all exempted applications, Ordinance No. 15-04 shall be deemed repealed in its entirety.

Sec. 17-1-50. Interpretation.

In the interpretation and application of the provisions of these regulations, the following criteria shall govern:

(a) The interpretation and application of the provisions of these Subdivision Regulations shall be regarded as minimum requirements for the protection of the public health, safety and welfare.

(b) The use of "may" or "should" means permissive, recommended or advised but is not mandatory; the use of "shall," "must," or "will" means compliance is mandatory and not voluntary or permissive.

(c) If a term or phrase is subject to more than one reasonable interpretation, the more stringent or restrictive interpretation is intended.

(d) If two or more provisions of these Subdivision Regulations or other applicable law conflict, the more stringent or restrictive provision shall govern or control.

(e) Words in the present tense include the future, unless the context clearly indicates the future tense.

(f) Words used in the singular number include the plural and words using the plural number include the singular unless the context clearly indicates the contrary.

(g) Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules regulations or ordinances, the more restrictive, or that imposing the higher standard, shall govern.

(h) If any section, subsection, paragraph, clause, phrase or provision of this Chapter shall be adjudged invalid or held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected in whole or in part, other than the provision adjudged to be invalid or unconstitutional.

Sec. 17-1-60. Administrative interpretations.

(a) In consultation with the Planning Commission and Town Attorney, the Town Manager is authorized to issue written administrative interpretations applicable to one or more properties or similarly situated properties concerning the requirements and application of these Subdivision Regulations. An administrative interpretation shall not grant any form of subdivision approval and shall not modify, waive, or amend a non-ambiguous provision of these Subdivision Regulations. Such interpretation shall be limited to clarifying, restating, or assisting in identifying the proper application of these Subdivision Regulations in order to enable an applicant or applicants to conform to the requirements of these Regulations. All general administrative interpretations shall be collected and retained by the Town Manager and made available for public inspection. Following issuance of an administrative interpretation, the Town Manager shall provide a copy of the interpretation to both the Planning Commission and the Town Board of Trustees.

(b) Any person aggrieved by a written administrative interpretation of the Town Manager may appeal such interpretation to the Board of Trustees. Prior to scheduling an appeal before the Board, the aggrieved party shall contact the Town Manager to schedule an opportunity to appear before the Planning Commission and present argument and evidence as to why the Manager's administrative interpretation fails to reasonably conform with the purpose, language, or intent of these Subdivision Regulations. The Town Manager shall also provide to the Planning Commission argument and evidence supporting the Manager's interpretation. The Planning Commission shall render a decision based solely upon the argument and evidence presented whether the interpretation reasonably conforms with the purpose, language, or intent of these Subdivision Regulations. The Planning Commission's decision shall be presented to the Board of Trustees, together with the record made before the Planning Commission, and the Board shall administratively consider and render a decision to uphold, amend, or nullify the Town Manager's administrative interpretation. All actions to appeal an administrative decision shall be administrative in nature and decisions of the Board of Trustees shall be final and not subject to further appeal.

Sec. 17-1-70. Violation and enforcement.

(a) General Violation. It is unlawful for any person to subdivide land in violation of this Chapter.

(b) False Information. It is unlawful for any person to intentionally or knowingly submit a false statement as part of any application authorized by this Chapter.

(c) Unlawful Sale of Land. Pursuant to C.R.S. § 31-23-216, no owner or agent of the owner of any land located within a subdivision may transfer or sell, agree to sell or negotiate to sell any land by reference to or exhibition of or by use of a plat of a subdivision before said plat has been approved as a final plat by the Town and recorded or filed in the office of the Summit County clerk and recorder. Any violation of this restriction shall be accompanied by a penalty of one hundred dollars ($100.00) or such other greater amount as may be permitted by law, payable to the Town for each lot or parcel so transferred or sold, or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not except the transaction from such penalties or from the remedies provided in this Chapter. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction.

(d) Prohibited Construction. No structure shall be constructed, and no building permit issued for a structure, on any parcel of land except where such structure is to be constructed upon a parcel which meets the requirements of this Chapter.

(e) Violation of Express Condition of Subdivision Approval. It shall be unlawful and a violation of these Subdivision Regulations for any person to fail to substantially satisfy or to breach a condition or requirement expressly imposed upon any approval of any application pursuant to this Chapter.

(f) Violation of Subdivision Agreement. It shall be unlawful and a violation of these Subdivision Regulations for any person to fail to substantially satisfy or to breach a condition or requirement expressly imposed upon any approval by any written contract or agreement associated with a subdivision between the Town and the person.

(g) Continuing Offense. A violation of these Subdivision Regulations shall be deemed a violation for each and every day or portion thereof during which any violation of the provisions of this Chapter are committed, continued, or permitted.

(h) Enforcement. The provisions of these Subdivision Regulations may be enforced at the direction of the Town Manager or Board of Trustees by use of any of the following methods either individually or in combination:

(1) Judicial proceeding including but not limited to actions for declaratory judgment, abatement, damages;

(2) Withholding of construction or building permit(s) for all or any improvement within the subdivision or improvement proposed to serve the subdivision;

(3) Refuse to accept, continue to process, or to approve, any application pertaining to the property subject to an enforcement action;

(4) Withholding or revoking certificate(s) of occupancy for any structure within the subdivision;

(5) To the greatest extent permitted by law, revocation or suspension of any license, permit, or certificate issued to any property or applicant;

(6) Inspection and ordering the removal or abatement of violations;

(7) Issuance of a stop work order mandating the temporary suspension of any development activity within or associated with the subdivision;

(8) Assessment of costs and expenses (including but not limited to costs and expenses for administrative actions, publication, attorneys fees and court costs) incurred by the Town in enforcement of these Subdivision Regulations and the imposition of a lien for such costs and expenses against all or any portion of the property within the subdivision; and

(9) Demand for payment and the receipt and use of funds held by any person or financial institution which were deposited to secure the performance of the obligation or duty imposed by these Subdivision Regulations or a written contract or an agreement associated with a subdivision between the Town and the person.

(i) Entry Upon Property for Enforcement Authorized. Whenever necessary to perform an inspection to enforce any provision contained within this Chapter or any condition or requirement of a permit or other land use approval issued pursuant to this Chapter, or whenever there is reasonable cause to believe that a violation of this Chapter or any permit or any other land use approval issued pursuant to this Chapter exists in any building or upon any real property within the jurisdiction of the Town, the Town Manager or designee, or a police officer may, upon presentation of proper credentials, enter such building or real property at all reasonable times to inspect the same or to perform any duty imposed upon him or her by the Blue River Municipal Code; provided, that if such building or real property is unoccupied, the authorized official shall first make a reasonable effort to locate the owner or other persons who have charge or control of the building or of the real property and request entry. If the entry is refused, or the owner cannot be located, the Town Manager, the Manager's designee, or any police officer, is authorized to obtain a search warrant pursuant to the Colorado Municipal Court Rules of Procedure in order to conduct and complete the inspection.

(j) Costs and Fees. The Town is authorized to collect its costs or fees and enforcement of this Chapter against any person violating any provision of this Chapter. Assessment of costs or fees shall be made by notice and demand letter signed by the Town Manager which letter shall identify the reasons for the assessment, the amount of such costs and fees, and a demand to pay the costs and fees by a date certain not less than ten (10) days following the person's receipt of the letter. In the event the costs or fees are not timely paid, the Town may certify such costs and fees to the County Treasurer for collection against the property subject to the Chapter in the same manner as taxes under C.R.S. §§ 31-20-105 and 106.

(k) Remedies Not Exclusive. The remedies provided by this Chapter shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Sec. 17-1-80. Severability and savings clause.

(a) Severability. If any section or Article of these Subdivision Regulations is found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, only such unconstitutional, illegal or invalid section or Article will cease to be effective and any such finding shall have no bearing on the effectiveness of the remaining portions of these Subdivision Regulations.

(b) Savings Clause. The amendment or repeal of any ordinance or part thereof by these Subdivision Regulations shall not release, extinguish or modify in whole or in part, any penalty or liability or any right of the Town, incurred or obtained under the amended or repealed ordinance or part thereof. These Subdivision Regulations, so amended or repealed, shall be treated and held as remaining in force or effect for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of any penalty, liability or any right of the Town, for the purpose of sustaining any judgment, decree or order which may be rendered in such proceedings, actions, acts, decisions, hearings and appeals pending before the Town, its Town Board, Planning Commission, any other decision-making body or officer, and any court

Sec. 17-1-90. Major activity notice.

Pursuant to C.R.S. § 31-23-225, as amended, when a subdivision or commercial or industrial activity is proposed which will cover five (5) or more acres of land, the Town shall send notice to the Colorado Land Use Commission, the state geologist and the Summit County board of county commissioners of the proposal prior to approval of any zoning change, subdivision or building permit application associated with such proposed activity.

Sec. 17-1-100. Approval required for recordation.

All plats of a subdivision of land within the Town shall be filed and recorded only after having been approved and signed by the authorized official or representative of the Town. Any plat purporting to subdivide property, including any plat lot line adjustment, lot consolidation, subdivision vacation, which is recorded without approval of the Board shall be unlawful and deemed void.

Sec. 17-1-110. Application and consultant review fees.

(a) Application Fees. Application fees for Town administrative staff's processing of the application, including but not limited to providing required notices, setting public hearing(s), coordination with consultants, shall be paid directly to the Town in amounts set forth by resolution in a fee schedule adopted by the Town Board.

(b) Consultant Review Fees. In addition to an application fee, an applicant shall pay one hundred (100) percent of the costs of review incurred by the Town's consultants that are directly related to the review, inspection, drafting of documents, and consideration of the application. Consultants retained by the Town may include planning, engineering, legal, water and other land use professionals.

(e) Procedure for Payment of Consultant Review Fees. At the time a subdivision application is first submitted to the Town, and prior to any review by the Town staff, the applicant shall

pay to the Town both the application fee required by subsection (a) of this section and an initial deposit ("Initial Deposit") to be applied to the Town's consultant review fees in an amount set forth in the Town's fee schedule. As consultant review fees are incurred and billed to the Town, the Town shall draw upon the Initial Deposit for payments to the appropriate consultants. At such time that the fees charged against the Initial Deposit exceed eighty (80) percent or more of the Initial Deposit, and within ten (10) days of the applicant's receipt of notice by the Town, the applicant shall supplement the Initial Deposit by making an additional deposit with the Town of an amount equal to at least fifty (50) percent of the amount of the Initial Deposit.

(f) Authority to Modify Payment of Fees. The Town Manager may alter the timing of payment or deposit of any fees, reduce the amount of fees or deposit, or may waive fees and the applicant's deposit when either: (i) instructed by the Mayor or Town Board to advance policies and objective of the Town; or (ii) upon a determination by the Town Manager that the estimated or anticipated additional costs of review can be reasonably paid prior to final consideration of the application or that the fees will not likely exceed the remaining balance held in the initial deposit. Upon the Town's final determination of the application, the Town shall refund any unused deposit amount.

(d) Full Payment a Condition for Approval. Notwithstanding the absence of any express condition of approval of an application for subdivision approval, the payment in full of all fees and charges associated with an application shall be a standard condition for the effectiveness of any subdivision application.

(e) Application Termination. The Town shall terminate review and processing of an application when any required fees are unpaid or when the Initial Deposit falls below the required minimum deposit amount. The Town will recommence processing and review only upon receipt of the required additional fee amounts.

Sec. 17-1-120. Private covenants and Subdivision Regulations.

The application and applicability of these Subdivision Regulations shall not be affected or altered in any way by privately imposed covenants or contracts that may seek to govern or control the use of property. Rights afforded to private parties by private covenants and contracts shall remain private rights subject to enforcement by the parties to the covenants or contracts according to their terms.

Sec. 17-1-130. Reserved.

Sec. 17-1-140. Reserved.

Sec. 17-1-150. Definitions.

The definitions contained in Section 16-1-10 of Zoning are hereby adopted by reference. The following additional definitions apply to the application of these Subdivision Regulations:

Accepted, roads and streets: When used in regard to roads and streets, shall mean written acceptance of the road or street by the Town.

Adjacent: When used with respect to a lot or property ownership, shall mean all properties with a common point or line to the subject property and the property which would have a common

point or line with the subject property if a public vehicular right-of-way separating the properties were not there.

Applicant: A person, partnership, joint venture, association, corporation, person in a representative or agent capacity, or other legal entity or legal representative seeking approval of an application submitted to the Town in accordance with these Subdivision Regulations. An "applicant" is synonymous with "subdivider" and may include the owner, subdivider, developer, builder, or other person or entity engaged in the subdivision or development of property.

As built plan: The final development plan that reflects the constructed subdivision.

Bike path: A corridor for use by bicycles and pedestrians, prohibited for use by motorized vehicles.

Block: An area of land within a subdivision which is entirely bounded by streets, highways, natural boundaries or the exterior boundary or boundaries of the subdivision.

Board: The Board of Trustees of the Town of Blue River, Colorado.

Building: Any structure having a roof supported by columns or walls, or any other enclosed structure, for the housing or enclosure of persons, animals or property.

Bylaws: Shall refer to the Bylaws of the unit owners' association or corporation.

Contractor: The individual, partnership, corporation, joint venture, or other legal entity performing the work. In the case of work being performed under permit issued by the Town, the permittee shall be construed to be the contractor.

Culvert: A ditch, drain or conduit, not incorporated in a closed system that carries drainage water under a driveway, roadway, railroad, pedestrian walk or public way, or other type of overhead structure.

Days: Consecutive calendar days, unless otherwise specified.

Dedication: A grant by the owner of a right to use land to the public in general, involving a legally recorded transfer of property rights, and an acceptance of the dedicated property by the Town.

Documentation of ownership, liens, and encumbrances: Documentary evidence acceptable to the Town reasonably establishing: (1) that the applicant(s) is/are either the fee owner(s) of the entire property proposed for subdivision or that the applicant possesses the legal authority to subdivide the property on behalf of the fee owner(s); and (2) the full names and mailing addresses of all other interest holders in the property. Documentation of ownership, liens and encumbrances shall include all of the following:

(a) A written ownership and encumbrances report or title commitment prepared by a title company and dated not more than sixty (60) days from the date of the application submission to the Town;

(b) Written authorization by the owner, acceptable to the Town Attorney, that establishes the applicant's full authority to perform all actions required by these subdivision regulations and to subdivide the property on behalf of an owner;

(c) A listing of the owners of any surface, subsurface, or above surface rights, easements or other interests in the land including the names and addresses of such owners, together with the book or film, page and reception number of each owner as recorded in the office of the county clerk and recorder; and

(d) A listing of all liens and encumbrances against the subject property with the book or film, page and reception number of each lien or encumbrance as recorded in the office of the Summit County clerk and recorder including the names and addresses of all such lienholders.

Drainage: Surface water runoff or the removal of surface water or ground water from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

Easement: A grant of land by the owner for the specified use of the land.

Final approval: Approval by the Board or Planning Commission of the final plat.

Inspector: An authorized representative of the Town, assigned by the Town Manager to make any or all necessary inspections of materials furnished and work performed by the contractor.

Lot: A described and identifiable unit of land illustrated or depicted on a subdivision plat for the purpose of transfer of ownership or for building development. Lot may also mean parcel, site, property, or any similar term. A lot is not an outlot.

Manager or Town Manager: The Town Manager of the Town of Blue River or the Manager's designee identified in writing.

Outlot: A described and identified unit of land illustrated or depicted as an "outlot" on a Town-approved plat. Except to the extent expressly and specifically stated on the plat, an outlot is not a lot or building site, is not approved for any use whatsoever by the plat. Use and development of an outlot requires approval of a minor subdivision plat, final plat, or plat amendment, as applicable.

Owner: A person holding or vested with ownership of a fee simple interest in real property and, by virtue of such ownership, possesses the legal right to convey, grant or dedicate such property, or to otherwise bind future owners of such property through execution of a subdivision plat or other instrument affecting the property. Such term shall include a person acting on behalf of the owner by virtue of a fully executed and effective written power-of-attorney or other Town-approved authorization.

Person: Any individual, partnership, corporation, joint stock association, trustee, receiver, assignee, any other recognized entity, or personal representative thereof. Person also includes any municipality, or state, special district, or any political subdivision thereof to the extent that the Town of Blue River has jurisdiction over their activities that are within the scope of these Subdivision Regulations.

Planning Commission: The officially appointed Planning and Zoning Commission for the Town of Blue River.

Plans: The drawings, profiles, cross sections, working drawings, and supplemental drawings, or reproductions thereof, approved by the Town or building official, which show the location, character, dimensions, or details of the work.

Plat, final: A map, drawing or chart upon which the subdivider presents proposals for the physical development of subdivision, and which he/she submits for approval and intends to record in final form.

Preliminary plan: The preliminary drawings described in these regulations indicating the proposed manner or layout of the subdivision to be submitted to the Board for approval.

Project documents: Defined in accordance with the statutes of the State.

Right-of-way: The width between property lines of a street.

Service connection: All or any portion of the conduit, cable, or duct, including meter, between a utility distribution line and an individual consumer.

Sewer: Any conduit intended for the reception and transmission of sewage and fluid industrial waste.

Soil stability analysis: A study conducted to determine the status of the soil on a property.

Special provisions: Any written provisions, which supplement or modify these specifications.

Specifications: Standard specifications, reference specifications, special provisions, and specifications in supplemental agreements between the contractor and the Town.

Standard plans: Details of standard structures, devices, or instructions referred to on the plans or in specifications by title or number.

Storm sewer: Any conduit and appurtenances intended for the reception and transfer of stormwater.

Street, private: Any street maintained by the town for purposes of vehicular or pedestrian use.

Street, public: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Subdivider: Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a "subdivision" as defined herein, including any agent of the subdivider.

Subdivision or *subdivided land:*

(a) A tract of land which is or was divided into two (2) or more lots, tracts, parcels, sites, separate interests, or other division for the purpose, whether immediate or future, of

transfer of ownership, or for building or other development, and is referenced by a subdivision plat or map recorded with the Summit County clerk and recorder's office; or

(b) A tract of land including land to be used for condominiums; or

(c) A house, condominium, apartment or other dwelling unit which is divided into two (2) or more separate interests through division of the fee or title thereto, whether by conveyance, license, lease, contract for sale or any other method of disposition.

Supervision: Where used to indicate supervision by the Town, shall mean the performance of obligations, and the exercise of rights, specifically imposed upon and granted to the Town in becoming a party to the contract except as specifically stated herein, supervision by the Town shall not mean active and direct superintendence of details of the work.

Surety: Any individual, firm or corporation, bound with and for the contractor for the acceptable performance, execution, and completion of the work, and for the satisfaction of all obligations incurred.

Town: The Town of Blue River, County of Summit, State of Colorado.

Utility: Tracks, overhead or underground wires, pipelines, conduits, ditches, ducts or structures, sewers or storm drains owned, operated, or maintained in or across a public right-of-way or private easement.

ARTICLE II Subdivision Processes

Sec. 17-2-10. Forms of subdivision approvals.

Sec. 17-2-10. Forms of subdivision approvals.

The Town of Blue River authorizes the following forms of subdivision approvals:

- Minor Subdivision (Article III)
- Major Subdivision (Article IV)
- Plat Amendment (Article V)
- Plat Vacation (Article VI)
- Plat Correction (Article IX)

ARTICLE III Minor Subdivision

Sec. 17-3-10. Definition of minor subdivision.
Sec. 17-3-20. Minor subdivision review procedures.
Sec. 17-3-30. Sufficiency of application.
Sec. 17-3-40. Contents of minor plat application.
Sec. 17-3-50. Number of copies of plat application materials.
Sec. 17-3-60. Standard for approval.
Sec. 17-3-70. Conditions for approval.
Sec. 17-3-80. Effect of approval of minor plat.

Sec. 17-3-10. Definition of minor subdivision.

"Minor subdivision" means the division of land including replat, that:

(a) Results in no more than five lots or outlots;

(b) Does not create or result in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard including, but not limited to, lot area, minimum frontage, building height, setback(s), street or private drive width, parking or access; and

(c) Does not propose a major subdivision, plat amendment, or plat vacation as defined by these Subdivision Regulations.

Sec. 17-3-20. Minor subdivision review procedures.

The procedures applicable to the processing of an application of a minor subdivision are provided in the Table of Subdivision Processes set forth in Section 17-10-20 of these Subdivision Regulations.

Sec. 17-3-30. Sufficiency of application.

All plans, reports, maps and other information required for any plan or plat must be complete, legible, and must be submitted by the deadlines established by these Subdivision Regulations or deadlines established during the review process. A failure of the application to meet the requirements of these Subdivision Regulations or any applicable deadline shall delay the processing of the application until the application is sufficient and complete. The Town shall not process or schedule the processing of any application which is found to be incomplete.

Sec. 17-3-40. Contents of minor plat application.

All minor plat applications shall meet all submittals, materials, and information requirements of a final plat contained in Section 17-4-70(b), except that the applicant shall provide or satisfy the following:

(a) The title of the subdivision plat shall prominently identify the proposed name of the subdivision together with the phrase "Minor Plat."

(b) Documentation of ownership, liens and encumbrances or, in the alternative where no dedication of property to the public is proposed by the plat, all of the following:

1. A copy of a recorded deed for all of the property described in the application evidencing that the applicant is the fee owner of the property;

2. A written, executed, and notarized statement of the applicant representing to the Town that he or she is the fee owner of the property; and

3. A certified copy of documentation from the Summit County assessor or clerk and recorder evidencing that the applicant is the owner of record of the property.

(c) List of all mineral owners and lessees of mineral owners for all the property described in the application; and evidence of notice to such mineral owners and lessees of the public hearing to consider such plat.

Sec. 17-3-50. Number of copies of plat application materials.

Except where the Town Manager approves the submission of electronic copies, the applicant shall submit to the Town twenty (20) copies of all application materials. The Town Manager may request additional copies of documents larger than eight and one-half by eleven (8 1/2 × 11) inches where necessary to provide sufficient documentation for unanticipated referrals.

Sec. 17-3-60. Standard for approval.

Recommendation of approval or conditional approval of any minor plat by the Planning Commission, and any approval or conditional approval by the Town Board shall require a finding that the applicant and the evidence presented to the commission or the Town established the following by competent and sufficient evidence:

(a) The proposed subdivision meets or satisfies all applicable requirements of these Subdivision Regulations;

(b) The proposed subdivision conforms to all applicable requirements for the zone district(s) in which the property is located, including, but not limited to, requirements for setbacks, height, floor and lot areas, and minimum lot sizes;

(c) The proposed subdivision substantially conforms to all other applicable requirements of this code, ordinances, and resolutions of the Town of Blue River;

(d) The proposed subdivision substantially conforms to the goals and policies of the Blue River Comprehensive Plan to the extent that such goals and policies do not conflict with provisions or requirements of the Municipal Code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or Town Board to decide that such application or subdivision meets or fails to meet such goal or policy; and

(e) The proposed subdivision (both during and following construction and development) will not result in an unreasonable increase in the peak rate of discharge, or result in a decrease in the quality of discharge, or result in any significant change in the direction or location of

the point of discharge, of storm water or surface water flows upon any adjacent or neighboring property.

Sec. 17-3-70. Conditions for approval.

The Town Board may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval, this code, or which are necessary to protect the health, safety, and welfare of the Town and its residents. Any proposed condition for approval shall be reviewed and approved by the Town Attorney.

Sec. 17-3-80. Effect of approval of minor plat.

(a) Recording of Final Plat. As soon as practicable following approval by the Town, the applicant shall submit to the Town a fully executed original minor plat in material and form suitable for recordation with the Summit County clerk and recorder and any applicable subdivision improvements agreement. Upon confirmation that the applicant has received final approval of the minor plat and all supporting documents and paid all outstanding fees and charges, the Town shall cause to be filed and recorded such plat and documents in the office of the Summit County clerk and recorder at the applicant's expense.

(b) No approval or conditional approval of a minor plat and any applicable subdivision improvements agreement shall be deemed effective or finally approved until the minor plat is recorded with the county clerk and recorder.

ARTICLE IV Major Subdivision

Sec. 17-4-10. Definition of major subdivision.
Sec. 17-4-20. Major subdivision process generally.
Sec. 17-4-30. Major subdivision review procedures.
Sec. 17-4-40. Sufficiency of applications.
Sec. 17-4-50. Reserved.
Sec. 17-4-60. Preliminary plan– Contents of application.
Sec. 17-4-70. Final plat– Contents of application.
Sec. 17-4-80. Standards for approval of a major subdivision.
Sec. 17-4-90. Conditions for approval.
Sec. 17-4-100. Reserved.
Sec. 17-4-110. Effect of approval of preliminary plan.
Sec. 17-4-120. Effect of approval of final plat.

Sec. 17-4-10. Definition of major subdivision.

A "major subdivision" is any division of land that is not defined as a "minor subdivision," a "plat amendment," a "plat vacation," or a "plat correction" as these phrases are defined by these Subdivision Regulations.

Sec. 17-4-20. Major subdivision process generally.

A major subdivision requires the processing and approval of two separate plans or plats: preliminary plan and final plat. Full processing and approval by the Town Board of all three phases in accordance with this title constitutes approval of a "major subdivision."

(a) Preliminary Plan. The preliminary plan is the first step of the two-step major subdivision approval process. Preliminary plan approval requires public hearings held before the Planning Commission and the Town Board. The preliminary plan process will review the feasibility and design characteristics of the proposal based on the standards set forth in these Subdivision Regulations, the Zoning Ordinance, and this Municipal Code. The preliminary plan process will also evaluate preliminary engineering design. The applicant must receive preliminary plan approval or conditional approval in order to proceed with the final plat application.

(b) Final Plat. The final plat is the last step in the two-step subdivision approval process. An applicant must have received preliminary plan approval or conditional approval and the approval must be valid at the time of submission of the final plat application in order to proceed with the final plat process. Final plat review requires public hearings before both the Planning Commission and the Town Board. No major subdivision shall be deemed finally approved until the Town Board approves or conditionally approves the final plat and the final plat is properly recorded in the office of the Summit County clerk and recorder. The final plat process will review the final engineering plans, the development agreement, homeowners' association covenants, the final plat itself, and any other documents, reports or studies as may be necessary to ensure conformance with these Subdivision Regulations, the Zoning Ordinance, and the Municipal Code.

Sec. 17-4-30. Major subdivision review procedures.

The procedures applicable to the processing of an application of a major subdivision are provided in Article 10 of these Subdivision Regulations.

Sec. 17-4-40. Sufficiency of applications.

All plans, reports, maps and other information required for any plan or plat must be complete, legible, and submitted by the deadlines established by these Subdivision Regulations or deadlines established during the review process. A failure of the application to meet the requirements of these Subdivision Regulations or any applicable deadline shall delay the processing of the application until the application is sufficient and complete. The Town shall not process or schedule the processing of any application which is found to be incomplete.

Sec. 17-4-50. Reserved.

Sec. 17-4-60. Preliminary plan– Contents of application.

Except where the Town Manager approves the submission of electronic copies, the applicant shall submit to the Town twenty-five (25) copies of all preliminary plan application materials. The Town Manager may request additional copies of documents larger than eight and one-half by eleven (8 1/2 x 11) inches where necessary to provide sufficient documentation for

unanticipated referrals. The following submittals, materials, and information shall comprise a complete application for preliminary plan review:

(a) A completed application in the form approved by the Town;

(b) Payment of all required application fees and any review fee deposit;

(c) Documentation of ownership, liens and encumbrances;

(d) A legal description of the property proposed to be subdivided prepared by a licensed registered Colorado land surveyor;

(e) A list of the names and mailing addresses, as this information appears of record with the Summit County assessor's office, of all owners of adjacent property to the property proposed for subdivision; and

(g) Preliminary Plan. The preliminary plan shall be prepared at a scale of one-inch equals one twenty (20) feet and shall be prepared, drawn, signed and stamped by a currently registered Colorado land surveyor. The size of the map sheet shall be twenty-four by thirty-six (24 × 36) inches. Other scales may be authorized in writing by the Town Manager for larger, lower-density developments provided that the necessary data can be clearly and accurately shown. Where the required data cannot be clearly shown on one plan sheet, additional plan sheets of the same size may be used with easily identifiable match lines. The preliminary plan shall include or illustrate:

1. A general vicinity map of the subdivision illustrating the subdivision's location within the Town and showing major streets;

2. A title that prominently identifies the proposed name of the subdivision together with the phrase "preliminary plan;"

3. Topography at vertical intervals of five feet where the average cross-slope of the subdivision is more than ten (10) percent and at vertical intervals of two feet where the average cross-slope of the subdivision is less than ten (10) percent. Elevation data shall be based on current United States Geological Survey datum and, the benchmarks used shall be identified on the plan;

4. Date of preparation, map scale, north arrow and revision box;

5. Name, address and telephone number of the applicant, land owner(s), planner, engineer and surveyor;

6. Subdivision names and lot owners' names for property within any adjacent subdivision(s), unsubdivided tracts with owner's names, and all public lands with the agency name. The approximate location of lot lines within adjacent subdivision for lots adjacent to the proposed subdivision;

7. Zoning classifications of property adjacent to the property proposed for subdivision;

8. Proposed names of any new streets;

9. Location and principal dimensions of all existing streets, pedestrian ways, alleys, easements, irrigation ditches and laterals, both of record and apparent from inspection of the property within or adjacent to the proposed subdivision;

10. Location and size of existing utilities within or adjacent to the tract to be subdivided, including water, sewer, electric, gas and phone lines (utilities may be illustrated on a separate map at a matching scale as used for the preliminary plan);

11. Locations of streams, ditches, ponds, and other water features, including direction of flow, high water elevations, and the location and extent of those areas subject to inundation by the one hundred (100)-year frequency storm;

12. Location and description of significant existing and proposed vegetation and landscaping;

13. Location and dimensions of all proposed lots, blocks, and outlots. Lots and blocks shall be numbered. All outlots shall be lettered in alphabetical order;

14. Location, dimensions, and areas expressed in acres and as a percent of the total project area of all proposed streets, off-street parking areas, pedestrian ways, bike paths and equestrian ways, alleys, easements and other public ways, and building setback lines;

15. Location and dimensions in acreage and as a percent of the total of all property proposed to be set aside for park and/or open space purposes, or other private reservations;

16. Location and types of any existing structures;

17. Location, alignment, profiles, and cut and fill slope intercepts for streets and driveways for subdivisions with any slope area(s) of ten (10) percent or greater; and

18. Location of proposed or required exterior lighting (streetlights, parking lots) and signs, including subdivision monument or entry signs.

(h) Written Statement. A written statement addressing the following:

1. Any additional or supplemental information necessary to meet the content requirements of the preliminary plan in subsection (g) of this section that is not thoroughly shown on the preliminary plan;

2. A description of the overall development concept, purpose and function of the proposed subdivision. If the property is or will be residentially zoned, the description shall include representations concerning the proposed quality and styles of residential structures, anticipated sales price ranges, and amenities;

3. Environmental considerations, including but not limited to, unstable slopes/rockfall zones, related geologic factors, flood plains and wetlands, and alignment of

structures and improvements to take into consideration climatic conditions and high groundwater areas;

4. Unique site characteristics not common to other properties, including any natural and man-made features and/or hazards that may affect the development;

5. A phasing plan and development schedule for the construction and/or installation of streets, utilities, buildings and landscaping;

6. A supplement to the drainage plan describing how the applicant proposes to mitigate potential drainage, erosion and water retention or storage problems that may result from development;

7. Statements explaining the nature of all easements and reservations, if any;

8. A parks and open space plan documenting types of space (public, private, common areas), proposed uses, development in sequence with the phasing plan, and administrative and maintenance responsibilities;

9. A general description of the purpose and nature of covenants, homeowners' association, or other contemplated private or contractual restrictions on the use, character and maintenance of the subdivision;

10. If the subdivision will permit commercial, business, or industrial use, a description of the nature of the use, the trade area, and anticipated employment base shall be submitted in sufficient detail to demonstrate the economic viability of the proposed use.

(i) Reports and Studies. The following preliminary reports and studies shall be prepared by a qualified professional at the applicant's cost and submitted with the application:

1. Preliminary Drainage Report and Grading Plan. The drainage plan shall include a contour map marked to show existing drainage basins, flow patterns, concentration points, approximate runoff quantities and velocities and all existing natural and man-made features affecting site drainage and location of on-site and off-site surface water detention facilities and any easements for conveyance of surface water;

2. Preliminary soils report;

3. Preliminary utility plan for delivery of water, sewer and electric services to and throughout the property;

4. Preliminary traffic impact analysis including an evaluation of the vehicular and pedestrian traffic patterns, together with estimated trips per day, for roads within the subdivision and for all routes leading from the subdivision and connecting to highway and arterial roads.

5. Additional Information. The applicant shall provide other information requested by the Planning Commission or Town Board that may be necessary to adequately review the proposal for conformance with the applicable requirements.

Sec. 17-4-70. Final plat - contents of application.

(a) Contents of Application. Except where the Town Manager approves the submission of electronic copies, the applicant shall submit to the Town twenty-five (25) copies of all final plat application materials. The Town Manager may request additional copies of documents larger than eight and one-half by eleven (8 1/2 × 11) inches where necessary to provide sufficient documentation for unanticipated referrals. A final plat application may be submitted for all or any logical portion of property described in an approved and valid preliminary plan. The following submittals, materials and information shall comprise a complete application for final plat review:

1. A completed application in the form approved by the Town;

2. Payment of all required application fees and any review fee deposit;

3. Documentation of ownership, liens and encumbrances;

4. A legal description of the property proposed to be subdivided prepared by a licensed registered Colorado land surveyor;

5. A list of the names and mailing addresses, as this information appears of record with the Summit County assessor's office, of all owners of adjacent property to the property proposed for subdivision;

6. A list of the names and mailing addresses of all mineral owners and lessees of mineral owners as this information appears of record with the Summit County clerk and recorder and assessor's office.

(b) Final Plat. The final plat shall be drafted at a scale of one inch to one twenty (20) feet by the use of permanent ink on a stable reproducible drafting medium with outer dimensions of twenty-four by thirty-six (24 × 36) inches. Maps of two or more sheets shall be referenced to an index map placed on the first sheet. Other scales may be authorized in writing by the Town Manager for larger, lower-density developments provided that the necessary data can be clearly and accurately shown. Where the required data cannot be clearly shown on one plan sheet, additional plan sheets of the same size with easily identifiable match lines may be used.

1. A title that prominently identifies the proposed name of the subdivision together with the phrase "Final Plat";

2. Date of preparation, map scale and north arrow;

3. Name, address and telephone number of the applicant, land owner(s), planner, engineer and surveyor;

4. Total acreage and surveyed description of the area;

5. Primary boundary survey control points with monument descriptions; all parcel lines dimensioned with lengths; curve data including chord lengths and bearings; basis of bearings and relation to true meridian;

6. Tract boundary lines, road right-of-way lines, easements and other sites with accurate bearings and dimensions including chord lengths and bearings, central angles, arc lengths and radii of all curves;

7. Name and right-of-way width of each street. Right-of-way widths are to be shown at each leg of an intersection, at point of curvature and point of tangent, at dead-ends, and at angle points;

8. Locations, dimensions and purposes of all easements;

9. Number or letter to identify each lot, outlot and block. Lots and blocks shall be numbered. All outlots shall be lettered in alphabetical order;

10. An identification of the streets, alleys, easements, parks, open space, and any other public facilities shown on the plat to be dedicated to public use. No areas within the plat may be designated as areas of conditional, planned or future public acquisition. Dedications of public property not made on the final plat shall be made only by general warranty deed unless otherwise approved by the Town Board;

11. Names of all adjoining subdivisions with dotted lines of abutting lots. If the adjoining land is unplatted, it should be shown as such;

12. Signature and seal of the registered land surveyor;

13. A delineation of the extent of the one hundred (100)-year flood plain; and

14. All final plat approval certifications, plat language, and recording information in forms approved by the Town. See Article XIII.

(c) The following final studies and reports, as may be required by the Town, shall be prepared by a qualified professional at the applicant's cost and submitted with the application:

1. Final drainage report and grading plan;

2. Final soils and geology report;

3. Final utility plan for delivery of water, sewer and electric services to and throughout the property;

4. Final traffic impact analysis including an evaluation of the vehicular and pedestrian traffic patterns, together with estimated trips per day, for roads within the subdivision and for all routes leading from the subdivision and connecting to highway and arterial roads.

(d) Additional Information Required:

1. One copy of any agreements, conveyances, restrictions, or private covenants that will govern the use and maintenance of the subdivision and any common private open space or private subdivision amenity; and

2. Complete engineering plans and specifications sufficient to commence construction for all public facilities and improvements to be installed, including but not limited to:

   a. Water and sewer improvements, including all sewer lift stations;

   b. Streets and related improvements;

   c. Bridges; and

   d. Storm drainage, detention and erosion control improvements;

3. One copy of any agreement affecting the subdivision and public or private improvements made with ditch companies, railroad companies, utility providers, and state, county, or local governmental or quasi-governmental agencies;

4. Written description of arrangements and financial institution commitments for providing financial guarantees and sureties for the timely completion of all public improvements;

5. A preliminary or draft subdivision improvements agreement in the form required by these Subdivision Regulations and generally acceptable to both the subdivider and the Town attorney and which is capable of finalizing upon the conclusion of the public hearing and approval or conditional approval of the final plat by the Town Board.

Sec. 17-4-80. Standards for approval of a major subdivision.

Recommendation of approval or conditional approval of any stage of a major plat by the Planning Commission, and any approval or conditional approval by the Town Board, shall require a finding that the applicant and the evidence presented to the Planning Commission or the Town Board established the following by competent and sufficient evidence:

(a) For a final plat, a finding must be made that a preliminary plan for the subdivision was approved or conditionally approved by the Town Board not more than twelve (12) months prior to the date of submission of an application for final plat approval or that the preliminary plan is currently valid and effective as the result of the approval of an extension of the effective date of the preliminary plan.

(b) The proposed subdivision and development conforms to all applicable requirements for the zone district(s) in which the property is located, including but not limited to, requirements for use, setbacks, height, floor and lot areas, and minimum lot sizes.

(c) The proposed subdivision and development substantially conforms to all other applicable requirements of the Town's Municipal Code, ordinances, and resolutions.

(d) The proposed subdivision and development substantially conforms to the goals and policies of the Blue River comprehensive plan to the extent that such goals and policies do not conflict with provisions or requirements of this code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the

Planning Commission or Town Board to decide that such application or subdivision meets or fails to meet such goal or policy.

(e) The application:

1. For preliminary plan approval, meets or satisfies all applicable requirements of the Subdivision Regulations; or

2. For final plat approval, is in substantial conformance with the approved preliminary plan and the final plat meets or satisfies all applicable requirements of the Subdivision Regulations;

(f) Adequate capacity of water and wastewater utilities are currently available for the entire subdivision and development.

Sec. 17-4-90. Conditions for approval.

The Town Board may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval, this code, or which are necessary to protect the health, safety and welfare of the Town and its residents.

Sec. 17-4-100. Reserved.

Sec. 17-4-110. Effect of approval of preliminary plan.

Approval or conditional approval of a preliminary plan shall be valid for twelve (12) months following the date of approval or conditional approval by the Town Board. Such period may be extended by the Town Board for not more than six (6) additional months upon written request of an applicant only where the applicant establishes to the satisfaction of the Board that the applicant is reasonably pursuing completion of a final plat.

Sec. 17-4-120. Effect of approval of final plat.

(a) Recording of Final Plat. As soon as practicable following approval by the Town, the applicant shall submit to the Town a fully executed original final plat in material and form suitable for recordation with the Summit County clerk and recorder and any applicable subdivision improvements agreement. Upon confirmation that the applicant has received final approval of the final plat and all supporting documents and paid all outstanding fees and charges, the Town shall cause to be filed and recorded such plat and documents in the office of the Summit County clerk and recorder at the applicant's expense.

(b) No approval or conditional approval of a final plat and any applicable subdivision improvements agreement shall be deemed effective or finally approved until the final plat is recorded with the county clerk and recorder.

ARTICLE V Plat Amendment

Sec. 17-5-10. Definition of plat amendment.
Sec. 17-5-20. Plat amendment review procedures.
Sec. 17-5-30. Contents of plat amendment application.
Sec. 17-5-40. Number of copies of plat application materials.
Sec. 17-5-50. Standards for approval of plat amendment.
Sec. 17-5-60. Conditions for approval.
Sec. 17-5-70. Effect of approval of plat amendment.

Sec. 17-5-10. Definition of plat amendment.

A "plat amendment" is any form of amendment or modification of an approved and recorded minor plat or a final plat (other than a plat vacation) that:

(a) Does not create any additional lot(s) or outlot(s);

(b) Does not create or result in the creation of a lot or outlot that would violate or fail to conform to any applicable zoning or other standard, including but not limited to, lot area, minimum frontage, building height, setback(s), street or private drive width, parking, or access;

(c) Does not reduce the amount of any dedicated or publicly owned land, and in the opinion of the Town Manager does not significantly alter or affect the subdivision's access, parking, or traffic circulation system;

1. Eliminates one or more lot lines within the subdivision (a lot consolidation);

2. Relocates or reconfigures one or more lot lines within the subdivision; and/or

3. Modifies, amends, adds, or deletes a restriction, limitation, condition, or other obligation, right, or duty stated on the minor plat or final plat; and

(d) Is initiated by the owners of record of all lots and outlots within the area directly affected by the proposed amendment. The "area directly affected by the proposed amendment" means:

(1) The properties that would be physically affected by an amendment to eliminate or relocate of one or more lot lines within the subdivision. Where a single lot line is eliminated or relocated, the "area directly affected by the proposed amendment" would customarily include the lots on each side of the lot line subject to elimination or relocation; and

(2) All properties which are directly benefited by the restriction, limitation, condition, or other obligation, right, or duty stated on the minor plat or final plat. In many instances, all properties within the subdivision are affected by a restriction, limitation, condition, or other obligation, right, or duty stated on the minor plat or final plat.

Sec. 17-5-20. Plat amendment review procedures.

The procedures applicable to the processing of an application of a plat amendment are provided in the Table of Subdivision Processes set forth in Section 17-10-20 of this Chapter.

Sec. 17-5-30. Contents of plat amendment application.

The following submittal, materials, and information shall comprise a complete application for a plat amendment:

(a) A completed application in the form approved by the Town;

(b) Payment of all required application fees and any review fee deposit;

(c) Documentation of ownership, liens and encumbrances;

(d) A legal description of the property proposed for plat amendment prepared by a licensed registered Colorado land surveyor;

(e) A list of the names and mailing addresses, as this information appears of record with the Summit County assessor's office, of all owners of adjacent property to the area directly affected by the proposed amendment.

(f) For a plat amendment that relocates one or more lot lines within a previously approved subdivision or consolidates lots by the elimination of lot line(s), an amended plat shall be submitted with the application.

(1) The amended plat shall be drafted at a scale of one inch to twenty (20) feet by the use of permanent ink on a stable reproducible drafting medium with outer dimensions of twenty-four by thirty-six (24 × 36) inches. Other scales may be authorized in writing by the Town Manager for larger, lower-density developments provided that the necessary data can be clearly and accurately shown. Where the required data cannot be clearly shown on one plan sheet, additional plan sheets of the same size may be used with easily identifiable match lines.

(2) A title that prominently identifies the name of the recorded subdivision together with the phrase "plat amendment" or "lot consolidation" as appropriate for the particular application;

(3) Date of preparation, map scale and north arrow;

(4) Name, address and telephone number of the applicant, land owner(s), planner, engineer and surveyor;

(5) Total acreage and surveyed description of the lots and area subject to the proposed amendment; and

(6) A clear illustration or description of the amendment proposed, using shading, crosshatching, highlighting, or other techniques to accurately illustrate the proposed amendment.

(g) For a plat amendment that modifies, amends, adds or deletes a restriction, limitation, condition, or other obligation, right, or duty stated on the recorded plat, a written description clearly stating the proposed amendment in a form suitable for recordation with the office of the Summit County clerk and recorder. The written description shall be subject to approval of the Town attorney and, at a minimum, the written amendment shall include:

1. A title that prominently identifies the name of the recorded subdivision together with the phrase "Plat Amendment;"

2. The county recording information (book and page or recordation number, as applicable) of the original subdivision plat, and the recording information and titles of any other prior amendments of the original plat; and

3. Date of preparation, name, address, and telephone number of the applicant, land owner(s), and any professionals (planners, engineers, surveyors) assisting in the plat amendment.

(h) For a consolidation of one or more lots, a written agreement in a form approved by the Town Attorney that includes the owner's contractual commitment to not apply for or otherwise seek further subdivision of the consolidated lot(s). Such contractual commitment shall at a minimum: (1) run with the land and bind future owners of the consolidated lot(s); (2) include a provision granting the Town the authority to unilaterally release or void the contractual commitment upon a finding by the Town Board that both: (i) section 17-1-40(a) of these Subdivision Regulations is repealed thereby authorizing subdivisions within the Town; and (ii) the subdivision of the consolidated lot(s) in accordance with the then-effective Subdivision Regulations will be in the best interests of the Town and advance the Town's policies concerning new lot creation and increase in density.

Sec. 17-5-40. Number of copies of plat application materials.

Except where the Town Manager approves the submission of electronic copies, the applicant shall submit to the Town twenty (20) copies of all application materials. The Town Manager may request additional copies of documents larger than eight and one-half by eleven (8 1/2 × 11) inches where necessary to provide sufficient documentation for unanticipated referrals.

Sec. 17-5-50. Standards for approval of plat amendment.

Recommendation of approval or conditional approval of any stage of a plat amendment by the Planning Commission, and any approval or conditional approval by the Town Board, shall require a finding that the applicant and the evidence presented to the commission or the council established the following by competent and sufficient evidence:

(a) The proposed amendment meets or satisfies all applicable requirements of this title.

(b) The proposed amendment conforms to all applicable requirements for the zone district(s) in which the property is located, including but not limited to, requirements for setbacks, height, floor and lot areas, and minimum lot sizes.

(c) The proposed amendment substantially conforms to all other applicable requirements of the code and all regulations promulgated by the Town.

(d) The proposed subdivision substantially conforms to the goals and policies of the Blue River comprehensive plan, to the extent that such goals and policies do not conflict with provisions or requirements of the code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or Town Board to decide that such subdivision meets or fails to meet such goal or policy.

(e) The proposed amendment would not cause significant hardship or inconvenience for adjacent or neighboring landowners or tenants.

(f) The proposed amendment would not be likely to prove detrimental to the public health, safety or welfare of Town residents.

Sec. 17-5-60. Conditions for approval.

The Town Board may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval, this code, or which are necessary to protect the health, safety and welfare of the Town and its residents.

Sec. 17-5-70. Effect of approval of plat amendment.

(a) Recording of Plat Amendment. As soon as practicable following approval by the Town, the applicant shall submit to the Town a fully executed original plat in material and form suitable for recordation with the Summit County clerk and recorder and any applicable subdivision improvements agreement. Upon confirmation that the applicant has received final approval of the plat amendment and all supporting documents and paid all outstanding fees and charges, the Town shall cause to be filed and recorded such plat and documents necessary for recording in the office of the Summit County clerk and recorder at the applicant's expense.

(b) No approval or conditional approval of a plat amendment and any applicable subdivision improvements agreement shall be deemed effective or finally approved until the final plat is recorded with the county clerk and recorder.

ARTICLE VI Plat Vacation

Sec. 17-6-10. Definition of plat vacation.
Sec. 17-6-20. Authority to seek vacation of plat.
Sec. 17-6-30. Plat vacation review procedures.
Sec. 17-6-40. Contents of plat vacation application.
Sec. 17-6-50. Number of copies of plat application materials.
Sec. 17-6-60. Standards for approval of plat vacation.
Sec. 17-6-70. Conditions for approval.
Sec. 17-6-80. Effect of approval of plat vacation.

Sec. 17-6-10. Definition of plat vacation.

A "plat vacation" is any termination, elimination and vacation of a previously approved and recorded minor plat or final plat so as to return all of the previously platted property to an unplatted and unsubdivided condition. A plat vacation is not a vacation of a public street or right-of-way (For vacation of streets and rights-of-way, see C.R.S. § 43-2-301, et seq.)

Sec. 17-6-20. Authority to seek vacation of plat.

An application for plat vacation may be initiated by:

(a) The Town Board, with or without a recommendation by the Planning Commission; or

(b) All owners of record or duly authorized agent of any owner of record of all lots and outlots within the approved and recorded subdivision plat.

Sec. 17-6-30. Plat vacation review procedures.

The procedures applicable to the processing of an application of a plat vacation are provided in 17-10-20 of these Subdivision Regulations.

Sec. 17-6-40. Contents of plat vacation application.

All plat vacation applications shall meet the following submittal, materials, and information requirements:

(a) Application in the form approved by the Town;

(b) Payment of all required application fees and any review fee deposit;

(c) Documentation of ownership, liens and encumbrances;

(d) A legal description of the property proposed for plat vacation prepared by a licensed registered Colorado land surveyor;

(e) A list of the names and mailing addresses, as this information appears on record with the Summit County assessor's office, of all owners of property within the original subdivision plat that is subject to the proposed vacation, including all owners or beneficiaries of easements;

(f) Notice of Plat Vacation. A written description unconditionally stating that the recorded subdivision plat is vacated and voided. The written description shall be in a form suitable for recordation with the office of the Summit County clerk and recorder if the vacation is approved by the Town. The written description shall be subject to approval of the Town attorney and, at a minimum, the written description shall include:

1. A title that prominently identifies the name of the recorded subdivision together with the phrase "Plat Vacation and Termination;"

2. The county recording information (book and page or recordation number as applicable) of the original subdivision plat, and the recording information and titles of any other prior amendments of the original plat;

3. Date of preparation, name, address, and telephone number of the applicant, land owner(s), and any professionals (planners, engineers, surveyors) assisting in the plat vacation application.

Sec. 17-6-50. Number of copies of plat application materials.

Except where the Town Manager approves the submission of electronic copies, the applicant shall submit to the Town twenty (20) copies of all application materials. The Town Manager may request additional copies of documents larger than eight and one-half by eleven (8 1/2 × 11) inches where necessary to provide sufficient documentation for unanticipated referrals.

Sec. 17-6-60. Standards for approval of plat vacation.

Approval or conditional approval of any plat vacation by either the Planning Commission or the Town Board shall require a finding that the applicant and the evidence presented to the commission or the Town Board established the following:

(a) Development of the property in accordance with the recorded subdivision plat will not permit efficient use of the platted property.

(b) Development of the property in accordance with the recorded subdivision plat will not advance the goals and objectives of this code or the Blue River comprehensive plan.

(c) The proposed plat vacation would neither interfere with nor deny access via a public thoroughfare to existing structures within the recorded plat, adjoining properties, utility services or other improvements.

(d) The proposed plat vacation would not cause undue hardship or inconvenience for any utility company, special district, neighboring landowner or tenant and that it would not be detrimental to the public health, safety or welfare of Town residents.

(e) The proposed vacation substantially conforms to the goals and policies of the Blue River comprehensive plan to the extent that such goals and policies do not conflict with provisions or requirements of this code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or Town Board to decide that such subdivision meets or fails to meet such goal or policy.

Sec. 17-6-70. Conditions for approval.

The Town Board may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval, this code, or which are necessary to protect the health, safety and welfare of the Town and its residents.

Sec. 17-6-80. Effect of approval of plat vacation.

(a) Recording of Plat Vacation. As soon as practicable following approval by the Town, the applicant shall submit to the Town a fully executed original plat vacation in material and

form suitable for recordation with the Summit County clerk and recorder and any applicable subdivision improvements agreement. Upon confirmation that the applicant has received final approval of the final plat and all supporting documents and paid all outstanding fees and charges, the Town shall cause to be filed and recorded such plat and documents in the office of the Summit County clerk and recorder at the applicant's expense.

(b) No approval or conditional approval of a final plat and any applicable subdivision improvements agreement shall be deemed effective or finally approved until the final plat is recorded with the county clerk and recorder.

ARTICLE VII Reserved

ARTICLE VIII Reserved

ARTICLE IX Plat Correction

Sec. 17-9-10. Purpose.
Sec. 17-9-20. Definition of plat correction.
Sec. 17-9-30. Contents of plat correction application.
Sec. 17-9-40. Number of copies of application materials.
Sec. 17-9-50. Sufficiency of application.
Sec. 17-9-60. Plat correction review procedures.
Sec. 17-9-70. Standards for approval.
Sec. 17-9-80. Town Manager decision and appeal to Planning Commission.
Sec. 17-9-90. Appeal to Town Board.
Sec. 17-9-100 Conditions for approval.
Sec. 17-9-110. Effect of Approval of Plat Correction.

Sec. 17-9-10. Purpose.

The purpose of this Article is to establish an administrative subdivision process applicable to proposals to correct an error in a previously approved subdivision plat. This Article is intended to provide for the efficient processing of corrections without the need to undertake a formal public hearing process provided that all requirements of this Article are satisfied.

Sec. 17-9-20. Definition of plat correction.

A "plat correction" is any proposal and application that is determined by the Town Manager to meet all of the following criteria:

(a) The proposal seeks to correct an evident or obvious error in an approved and recorded plat (a plat associated with a minor subdivision, major subdivision, plat amendment, or plat vacation) and, by way of examples only, the correction would revise a typographical or grammatical error in plat language, correct an error in a property legal description, delete or add language in a note or other text of a plat to bring the plat into conformance

with these Subdivision Regulations or into conformance with a condition of subdivision approval;

(b) The proposed correction does not relocate or move an existing lot line;

(c) The proposed correction does not create one or more additional lots, outlots, parcels, or tracts; or

(d) The proposed correction does not alter, amend, or change any public or private easement or any right, obligation, intent, or requirement associated with the plat.

Sec. 17-9-30. Contents of plat correction application.

A plat correction application shall be in a form of one of the following:

(a) An eight and one-half by eleven (8 1/2 × 11) inch document suitable for recordation which clearly and concisely explains or details the correction, references the recordation information of the approved and recorded plat to be corrected together with a title of "Plat Correction to [name of plat to be recorded]" and bearing the signature (and stamp, if appropriate) of the individual or business entity that prepared and signed the original plat; or

(b) A reprint of the previously approved and recorded plat which reprinted plat contains the correction together with a new title "Plat Correction to [name of plat to be recorded]." The reprint shall be created by the same individual or business entity that prepared the original plat and all original plat certificates shall be re-signed and re-dated by the appropriate parties. Where parties are unavailable due to passage of time or sale of property within the subdivision, a Plat Amendment shall be the appropriate form of application to evidence a correction to a recorded subdivision plat.

(c) Documentation of ownership, liens and encumbrances or, in the alternative, all of the following:

1. A copy of a recorded deed for all of the property described in the application evidencing that the applicant is the fee owner of the property;

2. A written, executed, and notarized statement of the applicant representing to the Town of Blue River that he or she is, or they are, the fee owner of all property within the plat to be corrected; and

3. A certified copy of documentation from the Summit County assessor or clerk and recorder evidencing that the applicant(s) is the owner of record of the property.

(d) The following certificate of approval shall be substituted for and replace the certificate of approval of the Town Board on any plat or upon any plat correction document submitted with the application:

> APPROVED by the Town of Blue River Planning Commission and approved for recordation with the Summit County Clerk and Recorder's Office pursuant to the Blue River Municipal Code this _____ day of _____, _____.

Sec. 17-9-40. Number of copies of application materials.

Except where the Town Manager approves the submission of electronic copies, the applicant shall submit to the Town Manager fifteen (15) copies of all application materials. The Town Manager may request additional copies of documents larger than eight and one-half by eleven (8 1/2 × 11) inches where necessary to provide sufficient documentation for unanticipated referrals.

Sec. 17-9-50. Sufficiency of application.

All plans, reports, maps and other information required for any plan or plat must be complete, legible, and must be submitted by the deadlines established by these Subdivision Regulations or deadlines established during the review process. A failure of the application to meet the requirements of these Subdivision Regulations or any applicable deadline shall delay the processing of the application until the application is sufficient and complete. The Town shall not process or schedule the processing of any application which is found to be incomplete.

Sec. 17-9-60. Plat correction review procedures.

All applications for plat correction shall be administratively reviewed by the Town Manager and the Planning Commission without notice or a public hearing and may be finally approved by the Planning Commission in accordance with this Article. Following submission of a plat correction application and supporting documents, the Town Manager shall determine whether the application and plat are complete as required by these Subdivision Regulations. Following a determination that the application and supporting documents are complete, the Town Manager shall endeavor to reach a decision concerning the application's and plat's compliance with the Subdivision Regulations within thirty (30) days of the date of submission of the completed application and plat correction unless such deadline is waived by the applicant. Following review and decision by the Town Manager, the Manager shall present the Manager's decision to the Planning Commission for administrative review and final approval in accordance with this Article.

Sec. 17-9-70. Standards for approval.

An application and plat correction shall be administratively reviewed by both the Town Manager and by the Planning Commission for compliance with the following standards:

(a) The proposed subdivision meets the definition of a "plat correction" contained in this Article;

(b) The proposed plat correction meets all content requirements of these Subdivision Regulations, the Zoning Ordinance, and the Municipal Code; and

(c) The plat correction does not, in the opinion of the Planning Commission, substantially and adversely affect adjacent lots or raise significant issues of policy which are not addressed by the Blue River comprehensive plan or the Blue River Municipal Code.

Sec. 17-9-80. Planning Commission decision and appeal to Town Board.

The Planning Commission shall approve a plat correction application upon a finding that the application meets the requirements of Section 17-8-70 of this Article. The Planning

Commission shall deny a plat correction application for failure to meet the requirements of Section 17-8-70 of this Article. Any decision to deny an application shall be made in writing stating the specific reasons for denial and the decision shall be promptly mailed or hand delivered to the applicant.

Sec. 17-9-90. Appeal to Town Board.

The applicant may appeal a denial by the Planning Commission to the Town Board by requesting an appeal in writing delivered to the Town Manager not more than twenty (20) days following the date of the applicant's receipt of the written notice of denial. The Town Board shall administratively consider an applicant's timely request for an appeal at a regular or special meeting. Following consideration of the application and plat, the Town Board Commission may affirm the Planning Commission's decision or, upon a finding that the application meets all the applicable standards set forth in Section 17-8-70 of this Article, the Town Board may reverse the Planning Commission's decision and order the Planning Commission to approve the plat correction and execute the documents or plat, as applicable, in a manner suitable for recordation. In the event that the Town Board orders the Planning Commission to approve the application and plat, the Town Manager shall process and record the plat correction documents in accordance with Section 17-9-110.

Sec. 17-9-100. Conditions for approval.

The Planning Commission or Town Board, as applicable, may impose reasonable conditions upon any approval of a plat correction that are necessary to ensure continued conformance with the standards of approval or the Blue River Municipal Code or these Subdivision Regulations. Any proposed condition for approval shall be reviewed and approved by the Town Attorney.

Sec. 17-9-110. Effect of approval of plat correction.

(a) Recording of Plat Correction. As soon as practicable following approval by the Town, the applicant shall submit to the Town a fully executed original plat correction in material and form suitable for recordation with the Summit County clerk and recorder and any applicable subdivision improvements agreement. Upon confirmation that the applicant has received final approval of the plat correction and all supporting documents and paid all outstanding fees and charges, the Town shall cause to be filed and recorded such plat and documents in the office of the Summit County clerk and recorder at the applicant's expense.

(b) No approval or conditional approval of a plat correction and any applicable subdivision improvements agreement shall be deemed effective or finally approved until the plat correction is recorded with the county clerk and recorder.

ARTICLE X Application Review Procedures

Sec. 17-10-10. Applicability and purpose.
Sec. 17-10-20. Table of subdivision processes.
Sec. 17-10-30. Reserved.
Sec. 17-10-40. Pre-application meeting.
Sec. 17-10-50. Completeness determination.
Sec. 17-10-60. Reserved.
Sec. 17-10-70. Agency referrals.
Sec. 17-10-80. Notice requirements.
Sec. 17-10-90. Public hearings.
Sec. 17-10-100. Recording of plat and supporting documentation.
Sec. 17-10-110. Variances.

Sec. 17-10-10. Applicability and purpose.

This Article applies to each of the following subdivision processes described in this title and is entitled "Table of Subdivision Processes."

- Minor Subdivision (Article III)
- Major Subdivision (Article IV)
- Plat Amendment (Article V)
- Plat Vacation (Article VI)
- Plat Correction (Article IX)

Sec. 17-10-20. Table of subdivision processes.

R = Required	O = Optional at Subdivider's Request	N/A = Not Applicable

	Pre-App Meeting	**Application Contents**	**Application Completeness Determination**	**Referral Agencies**	**Notice of Hearing**	**Planning Commission/ Town Board**
						Public Hearing
	See Section 17-10-40		See Section 17-10-50	See Section 17-10-70	See Section 17-10-80	
Minor Subdivision	R	See Section 17-3-40	R	Local Agencies	R Publication Mailing	R
Major Subdivision						
Preliminary Plan	R	See Section 17-4-60	R	Local Agencies	R Publication Mailing	R
Final Plat	O	See Section 17-4-70	R	All Agencies	R Publication Mailing	R
Plat Amendment	R	See Section 17-5-30	R	Local Agencies	R Publication Mailing	R

	Pre-App Meeting	Application Contents	Application Completeness Determination	Referral Agencies	Notice of Hearing	Planning Commission/ Town Board
						Public Hearing
	See Section 17-10-40		See Section 17-10-50	See Section 17-10-70	See Section 17-10-80	
Plat Vacation	R	See Section 17-6-40	R	Local Agencies	R Publication Mailing	R
Plat Correction	R	See Section 17-9-30	R	N/A	N/A	N/A Administrative review Applicant may appeal to Town Board
Variance	O	See Section 17-10-110	N/A	N/A	N/A	N/A Administrative review Applicant may appeal to Town Board

Sec. 17-10-30. Reserved.

Sec. 17-10-40. Pre-application meeting.

Where an application requires a pre-application meeting in accordance with Section 17-10-20, the following process shall apply:

(a) Prior to the formal submission of the application, the subdivider shall contact the Town Manager in writing to schedule and request an informal meeting. Following receipt of a request, the pre-application meeting shall be set for a date within fifteen (15) days of the date of the applicant's written request. The Town Manager shall advise the applicant of the date and time of the pre-application meeting.

(b) The applicant shall attend the meeting at the designated date and time. The applicant shall be prepared to discuss the proposed application and the proposed development with the Town Manager. The applicant shall be encouraged to present such plats, plans, diagrams, or other preliminary information sufficient to permit the conceptual review of the proposed application.

(c) The purpose of the pre-application meeting shall be to assist the subdivider in understanding the Town's subdivision processes and to permit the Town Manager to determine the applicable process and regulations for the proposed application. Upon request of the subdivider, the Town Manager shall provide to the subdivider a written determination concerning the appropriate procedure for the processing of the applicant's proposed application.

(d) Where a pre-application meeting is required, no application shall be accepted or processed by the Town unless and until the pre-application meeting is held.

Sec. 17-10-50. Completeness determination.

Where an application requires a completeness determination in accordance with Section 17-10-20, the following process shall apply:

(a) Within twenty (20) days following receipt of an application, the Town Manager shall administratively review the application and determine whether the application complies with the applicable application content requirements and that all required application fees, consultant review fees, and other applicable charges are paid or deposited in accordance with these Subdivision Regulations.

(b) All plans, reports, maps and other information required for any plan or plat must be complete and legible. A failure of the application to meet the requirements of these Subdivision Regulations or any applicable deadline shall delay the processing of the application until the application is sufficient and complete. The Town shall not process or schedule the processing of any application which is found to be incomplete.

(c) In the event that the Town Manager determines that the application complies with the applicable requirements, the Town Manager shall schedule the application for review in accordance with Section 17-10-20 of this Article.

(d) In the event the Town Manager determines that the application is incomplete, the Town Manager shall inform the applicant in writing of the deficiencies in the application. No further processing of an incomplete application shall be undertaken until the Town Manager determines that the applicant has remedied the application's deficiencies.

Sec. 17-10-60. Reserved.

Sec. 17-10-70. Agency referrals.

Where an application requires agency referral in accordance with Section 17-10-20, the following process shall apply:

(a) For purposes of any required agency referral to "local agencies" as required by Section 17-10-20, the phrase "local agencies" shall include:

1. Fire District;
2. Town Police Department;
3. Town Engineer;
4. Town Attorney;
5. Any applicable water and ~~sewer~~ sanitation district;
6. Electricity provider to the area;
7. School district;
8. Telephone service provider;
10. Any other county, regional, state or federal agencies that may be deemed by the Town Manager as specially affected or interested; and
11. For any subdivision action affecting five or more acres of land, notice will also be provided to the Colorado Land Use Commission as required by C.R.S. § 31-23-225.

(b) For purposes of any required agency referral to "all agencies" as required by Section 17-10-20, the phrase "all agencies" shall include:

(1) All agencies identified as a "local agency" in subsection (a) of this section;

(2) Summit County land use department;

(3) Colorado State Department of Transportation; and

(4) Any other county, regional, state or federal agency that may be deemed by the Town Manager as specially affected or interested including but not limited to the Colorado State Engineer, Soil Conservation Service, Colorado Geological Service, Denver Regional Council of Governments, Colorado State Forest Service, and the Colorado Water Conservation Board.

(c) A copy of each application shall be referred by Town staff to the appropriate agencies following a determination of application completeness by the Town Manager. The purpose of all referrals is to define any conflict that the agencies or individuals may have with the proposal, and to allow for the possible resolution of conflicts through the processing of the application. Such agencies shall be expected to make recommendations and comments within twenty-one (21) days from the date of receipt of notification that the preliminary plan is available for review.

(d) The lack of response from a referral agency to a request for referral comment shall be interpreted as "no comment" concerning the proposal and shall not be deemed a finding of acceptance or "no conflict." The absence of a timely agency comment shall not preclude the Planning Commission or Town Board from later seeking agency comment on a specific issue raised during the review process or any hearing. Recommendations or comments

made after the twenty-one-day period may, at the reviewing body's discretion, be considered in the review of the application.

(g) Failure to forward a referral of an application to an agency as required by Section 17-10-20 shall not constitute a material deviation from the subdivision application review process and shall not void or invalidate any action taken by the Planning Commission or Town Board. The requirement of agency referral shall be considered as a preferred, but discretionary, action by the Town.

Sec. 17-10-80. Notice requirements.

All public notices of hearings required by these Subdivision Regulations shall include the date, time, place, and purpose of the hearing, a general description of the property affected, and any other information deemed appropriate by the Town clerk to apprise the public of the general nature of the action proposed. Notice shall be made when required in accordance with the requirements of Section 17-10-20 and may include notice by publication or mailing, or a combination of these methods. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive and material and are found to have reasonably mislead or misinformed the public as to the date, time, place or purpose of the hearing. Notice by mailing shall be deemed a courtesy to owners and a supplementary means of advising the public of the pendency of an application but shall not be deemed a legal requirement for the processing of an application or the conduct of a hearing if notice by publication was properly completed.

(a) Notice by Publication. Where notice by publication is required for any public hearing by Section 17-10-20, notice of the hearing shall be published in the Summit County Daily Newspaper (or other official newspaper designated for publication of the Town of Blue River) at least fifteen (15) days before the date of the hearing. A single notice may combine the notice of the hearing dates of the Planning Commission and the Town Board.

(b) Notice by Mailing.

(1) Where notice by mailing is required for any public hearing by Section 17-10-20, notice shall be deposited in the United States Mail first class postage prepaid or shall be delivered by another comparable service, including hand-delivery to the address. The deposit in the U.S. Mail or delivery by another comparable service shall be made at least seven (7) days before the date of the hearing. Failure of the addressee to receive notice shall not be deemed sufficient cause to require a postponement, re-mailing of notice, or invalidation of the hearing.

(2) Where notice by mailing is required for any public hearing, mailed notice shall be sent by the applicant addressed to owners of property within 300 feet of the property described in the application as their names appear in the real property records of the Summit County assessor. For purposes of determining addressees for mailed notice, the applicant may rely upon the ownership information provided by the Summit County clerk and recorder's office.

(3) The applicant shall deliver to the Town prior to each public hearing a signed, written certification addressed to the Town stating that the applicant or the applicant's representative has provided notice by mailing in accordance with this section. Failure to provide such mailing or such certification may result in a denial of the

application or a continuation of the public hearing in order to ensure that proper mailed notice was completed.

Sec. 17-10-90. Public hearings.

Where an application requires a public hearing before the Planning Commission or the Town Board (the "reviewing body") in accordance with Section 17-10-20, the following process shall apply:

(a) The Town clerk shall set the date and time of a public hearing to be held by the Planning Commission and the Town Board. Notice of the public hearing shall be issued in accordance with Sections 17-10-20 and 17-10-80.

(b) At the public hearing, the reviewing body shall review the application for conformance with the Subdivision Regulations and the applicable review standards for the application.

(c) Any public hearing or other action of the reviewing body may be continued or postponed at any time to a specified date and time in order to permit preparation of additional information for further review by the reviewing body.

(d) Following the conclusion of the public hearing, the Planning Commission shall decide that the application be recommended for approval, conditionally approved or denied. For any preliminary plan or final plat, the date upon which the plat shall be deemed submitted to the Planning Commission for purposes of C.R.S. § 31-23-215(1) shall be the date at which the public hearing is concluded.

(e) Within ten (10) days of taking its action, the Planning Commission shall forward its recommendation to Town Board. Town Board shall conduct a public hearing and shall, at the conclusion of the hearing, approve, approve with conditions, deny the application, or continue the matter to a date certain.

(f) Notwithstanding the imposition by the reviewing body of an express of specific condition of approval, all approvals shall be conditioned upon the applicant's execution of the plat and any applicable agreement accompanying the plat, and payment in full of all fees and charges for the processing and recordation of the plat and agreement(s).

(g) The applicant for any subdivision approval shall bear the burden of presenting sufficient competent evidence at the public hearing to support the standards for approval set forth by these Subdivision Regulations. Any decision by the reviewing body to recommend approval, approve or conditionally approve a subdivision plan, plat or other application shall be based upon a consideration of all evidence presented during the public hearing. Where evidence presented is contradictory, the reviewing body shall weigh such evidence and judge the credibility and sufficiency of the evidence prior to rendering a decision.

Sec. 17-10-100. Recording of plat and supporting documentation.

Where the final decision by the Town Board to approve or conditionally approve any subdivision application must be evidenced by the recordation of a plat or other documentation in accordance with these regulations, the following process shall apply:

(a) Following approval or conditional approval of the application by the Town Board, the applicant shall cause the fully executed plat or other documentation intended for recordation as part of the application approval to be delivered to the Town clerk in a form acceptable for recordation by the Summit County clerk and recorder.

(b) The Town clerk shall review the form of the plat or documentation for completeness of all required signatures and notarizations. Where the plat or other documentation is determined by the Town clerk to be complete and in the proper form for recordation, the Town clerk shall cause the plat or other documentation to be recorded in the office of the Summit County clerk and recorder.

(c) All costs of recordation shall be paid in advance by the applicant.

Sec. 17-10-110. Variances.

(a) An applicant or owner of property may request a variance or waiver of any standard or requirement imposed by these Subdivision Regulations for the owner's lot or property. The Town Board may grant a variance where the owner establishes each of the following:

(1) Literal enforcement of the standard or requirement would place an unnecessary and unreasonable hardship upon the owner for the lot or property;

(2) The granting of the variance will not be materially detrimental to the public welfare or injurious to other property in the neighborhood and surrounding area; and

(3) The proposed variance or waiver will not be adverse to the goals and policies of the Blue River comprehensive plan, to the extent that such goals and policies do not conflict with provisions or requirements of the Municipal Code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or Town Board to decide that the application meets or fails to meet such goal or policy.

(b) Owners seeking a variance or waiver for any standard or requirement shall submit a written request to the Town Manager together with an explanation of justification to support the request. The Town Manager shall review the request and supporting materials and provide a written opinion to the owner that the request will, or will not, be supported by the Town Manager and the reasons for the Manager's opinion. The owner may amend or revise the request and supporting materials within ten (10) days of the Town Manager's opinion. The Town Manager shall forward the request to the Planning Commission for administrative review and the Commission shall render a written recommendation to the Town Board to approve, approve with conditions, or reject the request. The Commission's recommendation shall be forwarded to the Town Board for the Board's administrative review and final administrative determination.

(c) The Town Board may impose reasonable conditions upon any approval of a variance necessary to ensure continued conformance with these Subdivision Regulations, the Municipal Code, or necessary to protect the health, safety and welfare of the Town and its residents.

(d) Variances shall be approved only by written resolution of the Town Board in a form approved by the Town attorney.

(e) Variances approved by resolution of the Board shall remain effective for three (3) years from the date of resolution approval or such other time as the Board may specify in the approving resolution. Extensions of the expiration of a variance may be requested by an owner and administratively approved by the Board (without Town Manager or Planning Commission review) upon a finding by the Board of just cause.

ARTICLE XI Subdivision Improvements and Subdivision Agreements

Sec. 17-11-10. Assurance of completion and maintenance of improvements.
Sec. 17-11-20. As built plans.
Sec. 17-11-30. Failure to install improvements; rights relinquished.
Sec. 17-11-40. Plans and specifications.
Sec. 17-11-50. Open space, trails, and other requirements.
Sec. 17-11-60. Failure to install improvements; rights relinquished.

Sec. 17-11-10. Assurance of completion and maintenance of improvements.

(a) Improvements and performance guarantees:

(1) Completion of Improvements. All subdividers shall be required to complete all the street and other improvements as specified in the subdivision plan or as required by this Chapter, Town adopted ordinance, resolution, policy, or standard and to dedicate all public improvements to the Town or other applicable public agencies, free and clear of all liens and encumbrances. The subdivider shall submit a certificate of title prior to conveying any land to the Town indicating all title restrictions.

(2) Subdivision Improvements Agreement. Subsequent to preliminary plan approval, but prior to recording a final plat, the subdivider shall either install all required improvements or enter into an agreement with the Town which shall obligate the subdivider to install and construct all public (hereafter also includes quasi-public) improvements within and adjacent to the proposed subdivision as may be required under the provisions of this Chapter. If the subdivider chooses to enter into an agreement, it shall specify the following at a minimum:

a. A description of all public improvements required.

b. An estimate of the cost of installing all public improvements.

c. The timing of public improvements in relation to the development of individual sites.

d. A description of all private improvements required by this Chapter, conditions of approval, or other pertinent Town regulations.

e. A performance guarantee that the improvements will be installed in accordance with the approved plans.

(b) Performance guarantees.

(1) If the street and other improvements as specified in the subdivision plan or as required in this Chapter are not installed prior to filing of the plat, the subdivider shall post a performance guarantee consisting of either a surety bond, cash bond or an acceptable irrevocable letter of credit drawn upon a Colorado bank. The performance guarantee shall be posted with the Town prior to the time of recording the plat and shall be in an amount equal to one hundred and twenty (120) percent of the estimated costs of all remaining public improvements not already installed or paid for.

(2) The performance guarantee described in this Section, shall be subject to review by and found satisfactory to the Town Attorney. The period within which required improvements must be completed shall be incorporated in the guarantee. Said guarantee shall remain in full force and effect until released by the Town.

(3) The performance guarantee shall remain in effect and shall be renewed by the subdivider from time to time as necessary to assure continuous coverage until the performance guarantee is released by the Town.

(4). Failure to complete subdivision. Where a performance guarantee has been posted and a subdivision improvements agreement signed, and all improvements required by the Town have not been installed as required by such agreement, the Town may thereupon declare the agreement to be in default and may utilize the funds available from the performance guarantee to complete the improvements required for the subdivision.

(c) Release or reduction of performance guarantees.

(1) The Town will not accept the required improvements and will not release a performance guarantee until the Town has indicated that all required improvements have been satisfactorily completed and until the subdivider's engineer has certified to the Town, through submission of detailed as built plans of the subdivision, that all improvements are in accordance with the approved construction plans for the subdivision and are ready for dedication to the Town.

(2) A performance guarantee may be reduced by the Town upon actual completion of public improvements and then only in the ratio that the public improvements completed bears to the total public improvements of the plan. In no event shall a performance guarantee be reduced below twenty (20) percent of the principal amount until all improvements have been completed and accepted by the Town.

(d) Maintenance of improvements and maintenance bonds.

(1) The subdivider shall be required to maintain public improvements in the subdivision and to provide for snow removal, street cleaning, drainage, and general maintenance on streets and sidewalks prior to acceptance by the Town. In the event the subdivider fails to comply, the Town is authorized to perform the

necessary work, without incurring any liability, and charge such work to the subdivider. Any such charges shall become a first and prior lien on the subdivision.

(2) The subdivider shall be required to file a maintenance bond with the Town in a form acceptable to the Town Attorney, prior to acceptance of any public improvements, in an amount equal to twenty (20) percent of the original cost of the public improvements, in order to assure the satisfactory maintenance of the required improvements for a period of two (2) years after the date of their acceptance by the Town. Such bond shall guarantee all public improvements constructed by the subdivider shall remain free from defect for the required two-year period.

(e) Issuance of permits.

(1) Prior to the issuance of a building permit for any lot within the subdivision, the extent of street improvements shall be adequate for vehicular access by the prospective occupant and by Police and Fire and any other emergency equipment. At a minimum, the street shall be improved with a base course up to that portion of the street that provides direct access onto the lot for which a building permit is requested.

(2) Prior to the issuance of a certificate of occupancy for any structure all public improvements required by the subdivision plan shall be completed. The Town may waive the requirements of this Section if in the opinion of the Town Manager the issuance of a certificate of occupancy will not create significant adverse impacts to the community, and the improvements remaining are satisfactorily guaranteed to be completed in a timely manner.

Sec. 17-11-20. As built plans.

Finished plans of all public improvements as installed will be required before the Town will accept the improvements.

Sec. 17-11-30. Failure to install improvements; rights relinquished.

If one or more improvements required by this Chapter as a condition of subdivision approval are not installed within three (3) years of the date of Town subdivision approval, the plat shall be deemed void without further or additional action by the Town. All right to improve or develop the property on the part of the owner or subdivider shall thereby be relinquished. The Town Manager may, at the Manager's discretion, file with the Summit County Clerk and Recorder such document(s) as may be necessary to alert the public of the invalidity of the plat.

Sec. 17-11-40. Plans and specifications.

(a) Plans and specifications are to be prepared based on appropriate traffic studies, soils reports, planning criteria, applicable standards, and requirements. All design work is to be prepared and signed by a professional engineer registered in the State. Plans are to be completed in sufficient detail to facilitate review.

(b) All preliminary plans and final plats, where applicable, shall be designed in accordance with Chapter 11, Streets, Sidewalks and Public Property of the Municipal Code.

(c) Where no standard exists, the Town may require adherence to professionally accepted standards such as standards and guidance provided by the American Association of State Highway and Transportation Officials (AASHTO).

Sec. 17-11-50. Open space, trails, and other requirements.

New subdivisions may be required to provide open space areas, parks, trails, sidewalks, roadway improvements, and other improvements which are reasonably related and proportionate to the impacts of the proposed subdivision and necessary to mitigate those impacts. It is anticipated that such requirements will be included or previously negotiated during the zoning or rezoning process for the property. The Town may require and rely upon studies and reports to determine the extent of the mitigation necessary to address the impacts.

Sec. 17-11-60. Failure to install improvements; rights relinquished.

If any improvement as outlined in this Chapter, required by subdivision approval, or required by a subdivision improvement agreement is not fully completed within three (3) years of the date of Town approval, of the subdivision, the subdivision approval and any associated plat shall be deemed void and invalidated without further action by the Town. In such case, the Town may file documentation with the Summit County clerk and recorder evidencing the invalidation of the subdivision plat. All right to improve or develop the previously subdivided property shall thereby be relinquished.

ARTICLE XII Reserved.

ARTICLE XIII Plat Certificates

Sec. 17-13-10. Plat certificates.

Sec. 17-13-100. Plat certificates.

The following certificates and notices, properly executed and in substantially the following form, shall be shown on the face of each final subdivision plat before it is recorded with the Summit County clerk and recorder. Any substantive variation from the text of the certificates as shown must be approved by the Town Attorney. Any other certificates or notices that are deemed necessary for the purposes of the particular plat shall also be included at the time of its submission.

Note: The following plat notes must be customized to fit the facts of the particular plat (i.e., if the owner is not an entity, but are two (2) individuals, the reference to the type of the business entity must be deleted; "has laid out" must be changed to "have laid out"; and so forth).

(a) The title format as required on all plats is as follows:

[Name of Type of Plat]

(b) Certificates shall be as follows:

CERTIFICATION OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS that being sole owner(s) in fee simple of all that real property situated at (*insert property location*) in the Town of Blue River, Summit County, Colorado, described as follows: containing (*insert number here*) acres, more or less: have by these presents laid out, platted and subdivided the same into (*insert number here*) lots and (*insert number here*) blocks as shown on this final plat under the name and style of a subdivision in the Town of Blue River, Summit County, Colorado; and does hereby accept the responsibility for the completion of required improvements; and does hereby dedicate and set apart all of the public roads and other public improvements and places as shown on the accompanying plat to the use of the public forever; and does hereby dedicate those portions of said real property which are indicated as easement on the accompanying plat as easements for the purpose shown hereon; and does hereby grant the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established.

Executed this day of (insert date), 20___.

Owner (if individual owner to sign): _____

Corporation name (if corporation to sign): _____

Address: _____

By (signature): _____
(type individual's name)

Title (if applicable): _____

[Insert Notary Certificate Here as Approved by Town]

CERTIFICATION OF DEDICATION FOR MORTGAGE HOLDER OR DEED OF TRUST HOLDER

KNOW ALL MEN BY THESE PRESENTS that being the holder of a mortgage or deed of trust on the real property situated at (insert property location) in the Town of Blue River, Summit County, Colorado, described as follows: containing (insert number here) acres, more or less; as shown on this final plat under the name and style of a subdivision in the Town of Blue River, Summit County, Colorado; agrees to the dedication and setting apart all of the public roads and other public improvements and places to the Town of Blue River as shown on the accompanying plat to the use of the public forever; and does hereby agree to the dedication of these portions of said real property which are indicated as easement

on the accompanying plat as easements for the purpose shown hereon; and does hereby agree to the granting of the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established.

Holder: (if individual owner to sign): _____

Corporation name (if corporation to sign): _____

Address: _____

By (signature): _____
(type individual's name)

Title (if applicable): _____

[Insert Notary Certificate Here as Approved by Town]

SURVEYOR'S CERTIFICATE

(For all plats except condominium maps)

I do hereby certify that I am a registered Land Surveyor licensed under the laws of the State of Colorado, that this plat is true, correct and complete as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements and streets of said subdivision as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land.

In witness thereof I have set my hand and seal this day of (insert date here), 20___.

Name: _____
COLORADO LAND SURVEYOR NO. _____

Corporation name (If corporation): _____

Address: _____

By (signature): _____
(type individual's name)

Title (if applicable): _____

TITLE CERTIFICATE

(*Name of title company*) does hereby certify that the title to all lands shown upon this plat have been examined and is vested in and that title to such lands is free and clear of all liens and encumbrances, except as follows: (*Insert text here*)

Dated this day of (*insert date here*), 20___.

Title Company or Attorney's Name Address: _____

By: (Signature) _____
(printed name and title of officer or attorney)

CLERK AND RECORDER CERTIFICATE

This plat was filed for record in the office of the Clerk and Recorder on this day of (insert date), 20___, at (insert number) o'clock (insert A.M or P.M). Recorded under Reception No. (insert number) in Book (insert text) at Page (insert number).

Clerk and Recorder

Summit County, Colorado

By: (Signature) _____
(printed name)
Title (if applicable): _____

BOARD OF TRUSTEES CERTIFICATE

This plat approved by the Board of Trustees of the Town of Blue River, Colorado this day of (insert date here), 20___, for filing with the Clerk and Recorder of Summit County, Colorado and for the conveyance to and acceptance by the Town of Blue River of the public dedications shown hereon; subject to the provision that approval in no way obligates the Town of Blue River for maintenance of roads dedicated to the public until construction of improvements thereon shall have been completed in accordance with Town of Blue River specifications, and the Board of Trustees of the Town of Blue River has by a subsequent resolution agreed to undertake maintenance of the same. This approval does not guarantee that soil conditions, subsurface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a building permit or any other required permit will be issued. This approval is with the understanding that all expenses involving all improvements required shall be the responsibility of the subdivider and not the Town of Blue River.

Mayor, Town of Blue River

_____
[Print name here]

ATTEST:

_____
Town Clerk

PLANNING AND ZONING COMMISSION CERTIFICATE

This plat was recommended for approval by the Town of Blue River Planning and Zoning Commission this day of (*insert date here*), 20___.

Chairperson

_____

[Print name here]
Blue River Planning & Zoning Commission

ATTEST:

_____

Town Clerk

CERTIFICATE OF TAXES PAID

I, the undersigned, do hereby certify that the entire amount of taxes due and payable as of the day of _____, 20___ upon all parcels of real estate described on this plat are paid in full.

Dated this day of (*insert date here*), 20___.

_____

Treasurer of Summit County

CERTIFICATION OF OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS that being sole owner(s) in fee simple of all that real property situated in the Town of Blue River, Summit County, Colorado, described as follows: containing (insert number) acres, more or less: have by these presents laid out, platted and subdivided the same into lots and blocks as shown on this final plat under the name and style of a subdivision in the Town of Blue River, Summit County, Colorado; and does hereby accept the responsibility for the completion of required improvements.

Executed this day of (insert date), 20___.

Owner (if individual owner to sign): _____

Corporation name (if corporation to sign): _____

Address: _____

By (signature): _____
(type individual's name)

Title (if applicable): _____

[Insert Notary Certificate Here as Approved by Town]

Town of Blue River

Staff Report
COVID-19 Emergency-Update
May 19, 2020
Submitted By: Michelle Eddy, Town Manager

Background

- On March 12, 2020 discussions at the Mayors, Managers and Commissioners meeting began to discuss steps to be taken to address the COVID-19 emergency. At that point there were no known cases in Summit County. Town staff drafted internal policies and guidelines to ensure readiness for the pandemic.
- On Friday, March 13, 2020 it was officially announced that there was a cases of COVID-19 in the County and possibly more. As the emergency evolved quickly, the decision was made to close Town Hall to the public beginning Monday, March 16th. Shortly thereafter the decision that only essential personnel would report to Town Hall for work or work remotely.
- The Town of Blue River operations work via a cloud based system through Verticomm. All operations except for the Police Department were transferred to remote working. Building inspections were cancelled until March 25th to evaluate and work with the County on developing a plan forward. Building inspections resumed by March 26th.
- Short-term rentals were banned in Summit County beginning March 19th until May 1st (extended from April 12th). This was done via Public Health Order issued by Summit County.
- Governor has issued a Statewide Stay at Home Order.
    - It is requested that second homeowners not travel to the mountains to recreate or stay in their second home but not mandated. Gunnison and Chaffee Counties have banned non-local traffic.
- Governor has issued a protective mask order.
- As of April 27, 2020 the State has moved into the "Safer at Home" phase.
- As of May 9, 2020, Summit County has opened up retail businesses with restrictions. Restaurants/bars will be next and then lodging.

Steps Taken

- Town of Blue River Emergency Declaration issued Monday, March 16th.
- Emergency Declaration extended from an email vote until further notice. Vote to be ratified at the April 21st meeting.
- Plans written and in place for guidelines/policies
    - Blue River COVID-19 Response Plan
    - Blue River COVID-19 Building Department Guidelines/Polices

    - Building Site Requirements
    - Blue River COVID-19 Police Department Guidelines/Polices
- Submittals have been made to hold the Towns place with FEMA grants in the case assistance is necessary.
- A financial projections report is included.
- Town Hall opened up for the public May 4th on Tuesdays/Thursdays. Building inspections are being conducted Mondays/Wednesdays.
- Masks are required to enter Town Hall and only one person in the lobby at a time.

Next Steps

- Currently all non-essential expenses for the Town have been frozen including any proposed wage increases.
- Evaluation of the Town events is being conducted as well as an analysis of potential savings. This will be reviewed in June by the Citizen Advisory Committee. Cleanup week was held with modifications for social distancing.
- Committees will begin to meet again in June. Public will be invited to participate in meetings via GoToMeeting limiting in person appearances.
- The Town will, in cooperation with the other municipalities, work to determine when and how the County reopens to the public. It is anticipated this will be a long term process with potential for permanent changes to be placed moving forward.

Financial Projections

Revenue

- Currently the Town of Blue River, through the month of April, has been tracking on or at budget with both expenses and revenue. With the loss of sales tax and lodging tax revenue for the months of March, April, and May it is expected the Town will be slightly behind budget for lodging tax but will most likely finish on budget for sales tax. Please note that this is compared with budget and not 2019 actuals. Other departments are expected to remain on track. See attached for projections.

Expenses

The Town of Blue River does not operate on a "fluff" budget. Therefore when it comes time to cut expenses, there is little that can be adjusted. Below are recommendations for possible cut backs for the remainder of the year.

- Cancel all events and reduce meeting expenses by reducing meals for meetings.
    - While this isn't a big line item, it is one that can be reduced easily. As it is uncertain as to what will become the new norm for public gatherings, it is felt that the Community Education Series can become a virtual one. Videotaped presentations and information can be uploaded to social media and placed on the website all free of charge.
- Training
    - To date, most trainings/conferences have been cancelled and will be held virtually at no costs.
- Road Maintenance
    - Road maintenance will remain as scheduled in alliance with 2019.

If numbers and projections remain true, it is anticipated there will not be a loss due to the strong beginning to 2020 Sales Tax revenue. As requested in April, this continues to be monitored monthly. It is anticipated that while some budgeted revenues will fall short, overall we are expected to finish on track with budget. Some expenditures may be added back in by August.

Project Loss COVID19

Item Lodging		2019 Actual	2020 Budget	2020 Projected Loss	%Projected Down	New Projection Compared to actual 2019
	YTD-April 2020	$ 61,194.62		$ 3,926.77	Actual	$ 44,922.29
	May	$ 9,300.92		$ 9,300.92	100%	$ -
	June	$ 4,418.22		$ 4,418.22	100%	$ -
	July	$ 13,085.08		$ 9,159.56	70%	$ 3,925.52
	August	$ 1,334.61		$ 667.31	50%	$ 667.31
	September	$ 7,980.64		$ 3,990.32	50%	$ 3,990.32
	October	$ 12,720.79		$ 3,816.24	30%	$ 8,904.55
	November	$ 8,433.94		$ 843.39	10%	$ 7,590.55
	December	$ 34,901.21		$ 1,745.06	5%	$ 33,156.15
	Total	**$153,370.03**	**$ 165,000.00**	$ 37,867.78	42%	**$ 103,156.69**

Sales		2019 Actual	2020 Budget	2020 Projected Difference	%Projected Down	New Projection Compared to actual 2019
	YTD-April 2020	$ 107,957.19	$ 62,500.00	$ 121,022.00	Actual	$ 183,522.10
	May	$ 35,626.44	$ 20,833.33	$ 20,833.00	100%	$ -
	June	$ 20,399.91	$ 20,833.33	$ 14,279.94	70%	$ 6,119.97
	July	$ 18,060.08	$ 20,833.33	$ 9,030.04	50%	$ 9,030.04
	August	$ 29,811.40	$ 20,833.33	$ 8,943.42	30%	$ 20,867.98
	September	$ 33,838.19	$ 20,833.33	$ 10,151.46	30%	$ 23,686.73
	October	$ 31,171.56	$ 20,833.33	$ 3,117.16	10%	$ 28,054.40
	November	$ 35,874.59	$ 20,833.33	$ 1,793.73	5%	$ 34,080.86
	December	$ 112,877.36	$ 20,833.33	$ 5,643.87	5%	$ 107,233.49
	Total	**$425,616.72**	**$ 250,000.00**	$ 26,396.39	3%	**$ 412,595.58**

Item Lodging		2019 Actual	2020 Budget	2020 Projected Loss	%Projected Down	New Projection Compared to budget
	January-April	$ 61,194.62	$ 55,000.00	$ 10,077.71	Actual	$ 44,922.29
	May	$ 9,300.92	$ 13,750.00	$ 13,750.00	100%	$ -
	June	$ 4,418.22	$ 13,750.00	$ 13,750.00	100%	$ -
	July	$ 13,085.08	$ 13,750.00	$ 9,159.56	70%	$ 4,590.44
	August	$ 1,334.61	$ 13,750.00	$ 667.31	50%	$ 13,082.70
	September	$ 7,980.64	$ 13,750.00	$ 3,990.32	50%	$ 9,759.68
	October	$ 12,720.79	$ 13,750.00	$ 3,816.24	30%	$ 9,933.76
	November	$ 8,433.94	$ 13,750.00	$ 843.39	10%	$ 12,906.61
	December	$ 34,901.21	$ 13,750.00	$ 1,745.06	5%	$ 12,004.94
	Total	**$153,370.03**	**$ 165,000.00**	$ 57,799.58	35%	**$ 107,200.42**

Sales		2019 Actual	2020 Budget	2020 Projected Difference	%Projected Down	New Projection Compared to budget
	January-March	$ 107,957.19	$ 62,500.00	$ 121,022.00	Actual	$ 183,522.10
	May	$ 35,626.44	$ 20,833.33	$ 20,833.00	100%	$ -
	June	$ 20,399.91	$ 20,833.33	$ 14,583.33	70%	$ 6,250.00
	July	$ 18,060.08	$ 20,833.33	$ 10,416.67	50%	$ 10,416.67
	August	$ 29,811.40	$ 20,833.33	$ 6,250.00	30%	$ 14,583.33
	September	$ 33,838.19	$ 20,833.33	$ 6,250.00	30%	$ 14,583.33
	October	$ 31,171.56	$ 20,833.33	$ 2,083.33	10%	$ 18,750.00
	November	$ 35,874.59	$ 20,833.33	$ 1,041.67	5%	$ 19,791.66
	December	$ 112,877.36	$ 20,833.33	$ 1,041.67	5%	$ 19,791.66
	Total	**$425,616.72**	**$ 250,000.00**	$ 18,560.65	15%	**$ 287,688.75**

TOWN OF BLUE RIVER, COLORADO

RESOLUTION 2020-03

A RESOLUTION REQUIRING FACE COVERINGS DURING THE CORONAVIRUS (COVID-19) PUBLIC HEALTH EMERGENCY

WHEREAS, the Board of Trustees declared that a public health emergency relating to the coronavirus (COVID-19) exists within the Town (the "public health emergency"); and

WHEREAS, an emergency declaration shall remain in effect until declared the emergency has passed; and

WHEREAS, the Board of Trustees reaffirms that protecting public health is the Board's top priority; and

WHEREAS, the Board of Trustees is empowered by Section 31-15-401(1)(b), C.R.S., to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the Governor of the State of Colorado, the Colorado Department of Public Health and Environment, the Summit County Public Health Director have all acknowledged that the wearing of face coverings in public setting is beneficial and helps to prevent the spread of COVID-19; and

WHEREAS, scientific evidence shows that limiting interactions among people slows virus transmission and, as social distancing restrictions are lifted, that the wearing of facial coverings by individuals while in public areas may assist in maintaining reduced virus transmission by reducing the spread of respiratory droplets; and

WHEREAS; this Resolutions is adopted to attempt to limit the health impacts of COVID-19 within the Town of Blue River by establishing requirements for the public to utilize face coverings when inside Town Hall that is open to the public, or when members of the public are unable to maintain safe social distancing (six or more feet separation) from others not of their own household, and to thereby slow the spread of COVID-19 within the Town, all is more fully set forth in this Resolution; and

WHEREAS, the Board of Trustees finds and determines that the adoption of this Resolution is necessary for the promotion of health and the suppression of disease; and

WHEREAS, the Board of Trustees further finds and determines that the adoption of this Resolution is proper under Section 31-15-401(1)(b), C.R.S. and other applicable law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER THAT,

1. Face Covering Order. The Board of Trustees hereby enters the following order:

   a. Except as specifically exempted below, all persons must wear a Face Covering whenever they are inside, or in line to enter, Town Hall which is a public building.

   b. Except as specifically exempted below, all persons must wear a Face Covering whenever they are at the Tarn or the Town Park when they are not able to maintain social distance of at least six feet from any non-household members.

   c. Exemptions: Nothing in this Resolution shall be interpreted or construed to require the wearing of face coverings by the following persons:

      i. Persons under the age of three (3) years because of risk of suffocation; and
      ii. Persons whose health would be inhibited by wearing a Face Covering.

2. "Face Covering" definition. As used in this Resolution, a Face Covering means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made or may be handmade and improvised from ordinary household materials. The Face Covering should fit snugly but comfortably against the side of the face, include multiple layers of fabric, allow for breathing without restriction, and be able to be laundered and machine-dried without damage or change to shape. When worn, Face Coverings shall cover the nose and mouth and should remain in place until taken off safely. A Face Covering should be replaced when it becomes dirty, wet, and/or difficult to breathe through.

   Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a Face Covering under this Order and is not to be used to comply with this Order's requirements. Valves of that type permit droplet release from the mask, putting others nearby at risk.

3. This Resolution shall be automatically repealed as such time as the COVID-19 public health emergency within the Town of Blue River has passed.

4. This Resolution shall be effective immediately upon approval.

ADOPTED at a regular meeting of the Board of Trustees the 19th day of May 2020.

_____
Mayor

ATTEST:

_____
Town Clerk

Town of Blue River

Staff Report for Board of Trustees
Home Occupations Discussion
May 19, 2020
Submitted By: Michelle Eddy, Town Manager

Background
Since March 13, 2020, the State of Colorado, Summit County and the Town of Blue River have been in lockdown mode. Many residents have found themselves working from home during this time. As the Town moves into the next phase of the Coronavirus Pandemic, it is evident that many residents will continue to operate from homes and the environment as we know it will change. The Pandemic, and recent questions regarding home business opportunities, has brought to light a need for discussion about home occupations and businesses.

It is exceedingly commonplace that communities restrict and regulate home occupations (also known as "home based businesses"). Home occupations are often viewed as contrary to the purpose and intent that residentially zoned property should be preserved for residential land uses and that commercial uses be directed to commercial zoned property. The primary concern and reason for regulation of home occupations is to eliminate or greatly restrict the impact these businesses place on adjacent property and the character of the residential neighborhood. In many communities, a significant number of complaints are raised by residents against the adverse impacts caused by home occupations.

Town Code
The majority of the Town of Blue River is zoned R-1 Single Family. Under the R-1 Zoning code:

- Section 16-5-40 Accessory Uses, it states that home occupations are permitted.
- Section 16-5-70 Signs and outdoor advertising is prohibited.

A "home occupation" is defined by the Municipal Code as:

> "… any use customarily performed within a dwelling by the inhabitants thereof, but which is incidental to the residence use. Such home occupation use shall have no external evidence and shall be operated only by persons residing on the premises."

This definition is relatively restrictive because a lawful home occupation must be both: (1) "*customarily performed*" meaning that it is "a usual custom or practice" in an R-1 Single Family district; and (2) "*incidental*" meaning that the amount of space or the extent of the use must not be significant when compared to the primary residential use. Under this definition, the Town should prohibit any use that is not customarily or usually found within a residence. Most

residences do not have home occupations and therefore many occupations are not "customarily performed." Although a simple home office use by the resident is, to some extent, a use that is arguably customary in a single family residence, it is not customary for a residential property to operate a business that presents external impacts, such as a use that stores equipment, supplies, and vehicles at the residential property. This is especially true in Blue River where many owners are part-time or work outside the home.

Current Conditions
Currently, there are several homes with dedicated space for home offices. In addition, some business owners who do not have a store or physical business location use their home as the "base camp" for their business.

The Town of Blue River currently prohibits the marijuana related businesses so such business operations cannot qualify as a home occupations.

Recommendations
It is recommended to revise the Municipal Code to create clearly defined language for "home occupations/business" to comport with the Town Board's policy and direction. These revisions could include:

- Limit occupation/business to online sales or office occupations only.
- Require registration and a home occupation business license for all home-based businesses which registration and license would be personal to the resident. New residents would need to re-apply for a new registration and license.
- Authorize the Town to impose reasonable conditions on a home occupation at the time of license issuance to protect against external impacts that are detrimental to the neighborhood.
- "Base Camp" construction or contractor businesses may not store vehicles or equipment in a manner that would violate the Town's current parking and property use regulations.
- Prohibit use of the home as a "store front." Customers would be prohibited from coming to the location as a store. This restriction would prohibit home occupations that provide services on site such as hairdressers, massage therapists, and other businesses that require visits to the home by customers.
- Continue the current prohibition against employees coming to the home-based business. Such limitation is commonplace due to the impacts that employee visits and employee parking can present to a neighborhood. Businesses with employees should, as a rule, secure property zoned for business activities.
- Continue prohibition of all external signage.
- In situations where products would be sold, businesses would need to obtain a conditional use permit. The storage of products would need to be done as to not to disturb the residential character of the neighborhood or Town which will likely require indoor storage.

Management Report

Town of Blue River
For the period ended April 30, 2020

Prepared by
Shawver & Way CPAs, LLC

Prepared on
May 13, 2020

For management use only

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Statement of Financial Position

As of April 30, 2020

	Total
ASSETS	
Current Assets	
Bank Accounts	
10010 Operating - Alpine Bank	1,414,165.53
10050 Petty Cash	250.00
10100 Credit Card - Alpine	1,148.16
10110 Reserve1 - Alpine Bank	231,259.95
10120 Reserve2 - Alpine Bank	302,427.77
10130 CD's - Citywide Banks	312,717.05
10140 Conservation Trust-Alpine Bank	95,426.78
10150 FirstBank - Reserves	100,001.00
10160 Colorado Trust	1,141.44
10170 CSAFE	100.00
10410 Illiquid Trust Funds	1,187.42
Total Bank Accounts	**2,459,825.10**
Other Current Assets	
10420 Cash with the County Treasurer	2,739.30
10430 Property Taxes Receivable	644,798.00
12005 Prepaid expenses Cebt	8,628.28
Total Other Current Assets	**656,165.58**
Total Current Assets	**3,115,990.68**
TOTAL ASSETS	**$3,115,990.68**
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
20050 Payroll Liabilities	0.00
CCOERA	0.80
CO Income Tax	1,251.00
Federal Taxes (941/944)	-178.40
Total 20050 Payroll Liabilities	**1,073.40**
20300 Deferred Revenue - Property Tax	644,798.00
Direct Deposit Payable	-0.01
Wages Payable	22,998.34
Total Other Current Liabilities	**668,869.73**
Total Current Liabilities	**668,869.73**
Total Liabilities	**668,869.73**
Equity	
30010 Invested in Capital Assets, Net	2,137,720.32
30020 Fund Balance - Amendment 1	46,804.00
30030 Fund Balance - Conservation Trs	54,434.00
30100 General Fund Balance	-842,159.15

	Total
30310 Reserves-Land Acquisition	300,000.00
30320 Reserves-Road Improvements	400,000.00
30330 Reserves-Town Hall Renovations	100,000.00
Net Revenue	250,321.78
Total Equity	**2,447,120.95**
TOTAL LIABILITIES AND EQUITY	**$3,115,990.68**

Monthly:A/P Aging Summary

As of May 13, 2020

	Current	1 - 30	31 - 60	61 - 90	91 and over	Total
Airport Road Carwash	77.35					77.35
CEBT	4,624.00					4,624.00
RR Donnelley	2,333.75					2,333.75
Shawver & Way CPAs LLC	418.75					418.75
Widner Juran LLP	1,374.00					1,374.00
TOTAL	**$8,827.85**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$8,827.85**

NOTE

"No Assurance Provided"

Monthly:Statement of Activity Prior Year

April 2020

	Apr 2020	Apr 2019 (PY)	Change	% Change	Total Jan - Apr, 2020 (YTD)
REVENUE					
40000 Tax Revenue					
40010 General Property Tax	43,807.52	34,901.43	8,906.09	25.52 %	318,814.98
40020 Delinquent Taxes	202.42		202.42		202.42
40030 Lodging Tax	13,701.16	25,846.72	-12,145.56	-46.99 %	44,922.29
40040 Specific Ownership Tax	1,733.19	2,042.99	-309.80	-15.16 %	6,782.86
40050 Motor Vehicle License Fees	548.08	799.32	-251.24	-31.43 %	2,700.02
40060 Sales Tax	50,537.52	30,815.58	19,721.94	64.00 %	183,522.10
40070 Cigarette Tax	33.95	32.92	1.03	3.13 %	167.11
40080 Highway User's Tax	3,342.20	2,910.83	431.37	14.82 %	10,639.27
40090 Road & Bridge	9,107.15	7,328.32	1,778.83	24.27 %	9,222.42
Total 40000 Tax Revenue	**123,013.19**	**104,678.11**	**18,335.08**	**17.52 %**	**576,973.47**
41000 Building Department					
41010 Building Inspection Dept	2,623.00	1,871.40	751.60	40.16 %	8,190.50
41020 Architectural Review Fees	150.00	100.00	50.00	50.00 %	200.00
Total 41000 Building Department	**2,773.00**	**1,971.40**	**801.60**	**40.66 %**	**8,390.50**
42000 Municipal Court Revenue					
42010 Municipal Court Fines	890.00	2,075.00	-1,185.00	-57.11 %	6,856.61
42020 Code Enforcement Surcharge	94.00	220.00	-126.00	-57.27 %	757.00
Total 42000 Municipal Court Revenue	**984.00**	**2,295.00**	**-1,311.00**	**-57.12 %**	**7,613.61**
43000 Tarn Revenue					
43010 Boat Permits		100.00	-100.00	-100.00 %	
Total 43000 Tarn Revenue		**100.00**	**-100.00**	**-100.00 %**	
44000 Other Income					
44010 Conservation Trust Fund					2,271.63
44020 Interest on Investments	6.21	10.14	-3.93	-38.76 %	4,023.51
44025 Interest on Taxes	2.98	7.70	-4.72	-61.30 %	2.98
44030 Natural Gas Franchise	12,047.65	6,067.09	5,980.56	98.57 %	23,901.77
44040 Forestry Income					21,179.25

	Apr 2020	Apr 2019 (PY)	Change	% Change	Total Jan - Apr, 2020 (YTD)
44055 CDOT Marshal Grants	1,749.10		1,749.10		1,749.10
44070 Credit Card Fees	28.69	59.26	-30.57	-51.59 %	224.56
44080 Lodging Tax Registration	607.50	937.50	-330.00	-35.20 %	7,082.50
44090 Business Licenses	450.00	250.00	200.00	80.00 %	2,000.00
44100 Admin Miscellaneous Income	1,045.00		1,045.00		9,486.46
Total 44000 Other Income	**15,937.13**	**7,331.69**	**8,605.44**	**117.37 %**	**71,921.76**
Total Revenue	**142,707.32**	**116,376.20**	**26,331.12**	**22.63 %**	**664,899.34**
GROSS PROFIT	**142,707.32**	**116,376.20**	**26,331.12**	**22.63 %**	**664,899.34**
EXPENDITURES					
71000 Personnel					
71010 Salaries - Elected Officials	1,100.00	1,100.00	0.00	0.00 %	4,850.00
71020 Salary - Town Manager	5,936.54	5,653.84	282.70	5.00 %	26,714.43
71030 Salary - Town Clerk	3,517.50	2,960.00	557.50	18.83 %	16,058.18
71040 Payroll Taxes - All Employees	2,398.11	1,951.32	446.79	22.90 %	10,713.91
71060 Workman's Comp Insurance	661.00	648.00	13.00	2.01 %	1,322.00
71070 Health Insurance	2,724.90	1,660.80	1,064.10	64.07 %	11,152.68
71080 Town Attorney	2,158.00	1,385.55	772.45	55.75 %	8,825.00
71090 Accountant	332.50	313.75	18.75	5.98 %	1,941.75
Total 71000 Personnel	**18,828.55**	**15,673.26**	**3,155.29**	**20.13 %**	**81,577.95**
72000 Administration					
72010 Office Supplies		65.22	-65.22	-100.00 %	5,466.04
72020 Telephone	748.10	658.24	89.86	13.65 %	3,483.39
72040 Printing & Publishing		220.00	-220.00	-100.00 %	2,304.20
72050 Meetings and Events	107.66	129.97	-22.31	-17.17 %	7,338.47
72060 Training & Travel		42.00	-42.00	-100.00 %	2,202.41
72080 Professional Services					236.99
72090 Equipment Repairs & Lease	327.62		327.62		1,407.97
72100 Technology	1,332.63	1,000.00	332.63	33.26 %	6,389.29
72106 Community Fund					4,000.00
72110 Insurance					16,680.05
72120 Codifying					749.57

	Apr 2020	Apr 2019 (PY)	Change	% Change	Total Jan - Apr, 2020 (YTD)
72130 Elections	19.53		19.53		1,045.72
72140 Cnty Treasurer's Fees	880.27	698.11	182.16	26.09 %	6,380.41
72150 NWC of Govt					1,030.00
72160 CML					383.00
72170 CAST					630.00
72180 Credit Card Charges	25.37	55.29	-29.92	-54.11 %	199.72
72195 Charitable Contributions					1,000.00
Total 72000 Administration	**3,441.18**	**2,868.83**	**572.35**	**19.95 %**	**60,927.23**
73000 Town Hall Expense					
73010 Utilities	1,105.86	1,184.82	-78.96	-6.66 %	4,595.98
73020 Trash	123.55	117.00	6.55	5.60 %	815.15
73030 Supplies		223.77	-223.77	-100.00 %	147.56
73060 Repairs & Maintenance	315.00	74.46	240.54	323.05 %	908.86
Total 73000 Town Hall Expense	**1,544.41**	**1,600.05**	**-55.64**	**-3.48 %**	**6,467.55**
74000 Planning & Zoning					
74010 P&Z Commission Salaries	550.00	650.00	-100.00	-15.38 %	2,500.00
Total 74000 Planning & Zoning	**550.00**	**650.00**	**-100.00**	**-15.38 %**	**2,500.00**
75000 Municipal Court					
75010 Municipal Judge	541.67	541.67	0.00	0.00 %	2,166.68
75020 Prosecutor	800.00	800.00	0.00	0.00 %	4,000.00
75040 Court Administration		81.79	-81.79	-100.00 %	51.90
Total 75000 Municipal Court	**1,341.67**	**1,423.46**	**-81.79**	**-5.75 %**	**6,218.58**
76000 Public Safety					
76010 Salary - Police Department	15,800.00	9,652.80	6,147.20	63.68 %	72,220.93
76030 Fuel	410.15		410.15		2,665.84
76040 Supplies - Police					2,546.95
76050 Auto Repair & Maintenance	9,984.73	1,108.85	8,875.88	800.46 %	15,097.77
76060 Animal Shelter	525.00	500.00	25.00	5.00 %	1,025.00
76070 Communication					9,216.50
76075 Survivor Support					1,000.00
76080 HASMAT					1,979.96

	Apr 2020	Apr 2019 (PY)	Change	% Change	Total Jan - Apr, 2020 (YTD)
76090 Radar Recertification		80.00	-80.00	-100.00 %	
Total 76000 Public Safety	**26,719.88**	**11,341.65**	**15,378.23**	**135.59 %**	**105,752.95**
77000 Public Works					
77010 Building Inspector	4,516.80	4,384.62	132.18	3.01 %	20,383.76
77015 Electrical Inspector	195.00	975.00	-780.00	-80.00 %	2,015.00
77020 Street Lights Utilities	140.34	128.41	11.93	9.29 %	399.24
77030 Snow Removal	32,417.57	31,473.37	944.20	3.00 %	129,670.28
77040 Street Maintenance		1,450.00	-1,450.00	-100.00 %	2,117.43
77060 Signs		11,015.00	-11,015.00	-100.00 %	67.06
77070 Tarn Improvements		670.00	-670.00	-100.00 %	
77095 High Country Conservation Grant					150.00
Total 77000 Public Works	**37,269.71**	**50,096.40**	**-12,826.69**	**-25.60 %**	**154,802.77**
79000 Capital Improvements					
84000 Capital Town Hall					
79040 Town Hall Construction					20,359.92
Total 84000 Capital Town Hall					**20,359.92**
Total 79000 Capital Improvements					**20,359.92**
Accrued Payroll Expenses					-1,428.46
Wages					-19,007.93
Total Accrued Payroll Expenses					**-20,436.39**
Payroll Expenses					
Wages		0.00	0.00		-3,593.00
Total Payroll Expenses		**0.00**	**0.00**		**-3,593.00**
Total Expenditures	**89,695.40**	**83,653.65**	**6,041.75**	**7.22 %**	**414,577.56**
NET OPERATING REVENUE	**53,011.92**	**32,722.55**	**20,289.37**	**62.00 %**	**250,321.78**
NET REVENUE	**$53,011.92**	**$32,722.55**	**$20,289.37**	**62.00 %**	**$250,321.78**

NOTE

"No Assurance Provided"

Monthly:Budget vs. Actuals 2020

April 2020

	Apr 2020				Total			
	Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget
REVENUE								
40000 Tax Revenue								
40010 General Property Tax	43,807.52	53,733.20	-9,925.68	81.53 %	43,807.52	53,733.20	-9,925.68	81.53 %
40020 Delinquent Taxes	202.42		202.42		202.42	0.00	202.42	0.00%
40030 Lodging Tax	13,701.16	13,750.00	-48.84	99.64 %	13,701.16	13,750.00	-48.84	99.64 %
40040 Specific Ownership Tax	1,733.19	2,000.00	-266.81	86.66 %	1,733.19	2,000.00	-266.81	86.66 %
40050 Motor Vehicle License Fees	548.08	416.67	131.41	131.54 %	548.08	416.67	131.41	131.54 %
40060 Sales Tax	50,537.52	20,833.33	29,704.19	242.58 %	50,537.52	20,833.33	29,704.19	242.58 %
40070 Cigarette Tax	33.95	83.33	-49.38	40.74 %	33.95	83.33	-49.38	40.74 %
40080 Highway User's Tax	3,342.20	3,740.83	-398.63	89.34 %	3,342.20	3,740.83	-398.63	89.34 %
40090 Road & Bridge	9,107.15	1,416.67	7,690.48	642.86 %	9,107.15	1,416.67	7,690.48	642.86 %
Total 40000 Tax Revenue	**123,013.19**	**95,974.03**	**27,039.16**	**128.17 %**	**123,013.19**	**95,974.03**	**27,039.16**	**128.17 %**
41000 Building Department					0.00	0.00	0.00	0.00%
41010 Building Inspection Dept	2,623.00	6,250.00	-3,627.00	41.97 %	2,623.00	6,250.00	-3,627.00	41.97 %
41020 Architectural Review Fees	150.00	83.33	66.67	180.01 %	150.00	83.33	66.67	180.01 %
Total 41000 Building Department	**2,773.00**	**6,333.33**	**-3,560.33**	**43.78 %**	**2,773.00**	**6,333.33**	**-3,560.33**	**43.78 %**
42000 Municipal Court Revenue					0.00	0.00	0.00	0.00%
42010 Municipal Court Fines	890.00	2,500.00	-1,610.00	35.60 %	890.00	2,500.00	-1,610.00	35.60 %
42020 Code Enforcement Surcharge	94.00	83.33	10.67	112.80 %	94.00	83.33	10.67	112.80 %
42030 Marshal Office Revenue		4.17	-4.17		0.00	4.17	-4.17	0.00%
Total 42000 Municipal Court Revenue	**984.00**	**2,587.50**	**-1,603.50**	**38.03 %**	**984.00**	**2,587.50**	**-1,603.50**	**38.03 %**
43000 Tarn Revenue					0.00	0.00	0.00	0.00%
43010 Boat Permits		125.00	-125.00		0.00	125.00	-125.00	0.00%
Total 43000 Tarn Revenue		**125.00**	**-125.00**		**0.00**	**125.00**	**-125.00**	**0.00%**
44000 Other Income					0.00	0.00	0.00	0.00%
44020 Interest on Investments	6.21	83.33	-77.12	7.45 %	6.21	83.33	-77.12	7.45 %
44025 Interest on Taxes	2.98	41.67	-38.69	7.15 %	2.98	41.67	-38.69	7.15 %
44030 Natural Gas Franchise	12,047.65	4,166.67	7,880.98	289.14 %	12,047.65	4,166.67	7,880.98	289.14 %
44040 Forestry Income		2,500.00	-2,500.00		0.00	2,500.00	-2,500.00	0.00%
44055 CDOT Marshal Grants	1,749.10	683.33	1,065.77	255.97 %	1,749.10	683.33	1,065.77	255.97 %
44070 Credit Card Fees	28.69	166.67	-137.98	17.21 %	28.69	166.67	-137.98	17.21 %
44080 Lodging Tax Registration	607.50	1,000.00	-392.50	60.75 %	607.50	1,000.00	-392.50	60.75 %
44090 Business Licenses	450.00	666.67	-216.67	67.50 %	450.00	666.67	-216.67	67.50 %
44100 Admin Miscellaneous Income	1,045.00	458.33	586.67	228.00 %	1,045.00	458.33	586.67	228.00 %
Total 44000 Other Income	**15,937.13**	**9,766.67**	**6,170.46**	**163.18 %**	**15,937.13**	**9,766.67**	**6,170.46**	**163.18 %**
Total Revenue	**142,707.32**	**114,786.53**	**27,920.79**	**124.32 %**	**142,707.32**	**114,786.53**	**27,920.79**	**124.32 %**
GROSS PROFIT	**142,707.32**	**114,786.53**	**27,920.79**	**124.32 %**	**142,707.32**	**114,786.53**	**27,920.79**	**124.32 %**
EXPENDITURES								
71000 Personnel					0.00	0.00	0.00	0.00%
71010 Salaries - Elected Officials	1,100.00	1,200.00	-100.00	91.67 %	1,100.00	1,200.00	-100.00	91.67 %
71020 Salary - Town Manager	5,936.54	6,431.25	-494.71	92.31 %	5,936.54	6,431.25	-494.71	92.31 %
71030 Salary - Town Clerk	3,517.50	3,640.00	-122.50	96.63 %	3,517.50	3,640.00	-122.50	96.63 %
71040 Payroll Taxes - All Employees	2,398.11	2,083.33	314.78	115.11 %	2,398.11	2,083.33	314.78	115.11 %
71060 Workman's Comp Insurance	661.00	1,000.00	-339.00	66.10 %	661.00	1,000.00	-339.00	66.10 %

	Apr 2020				Total		
	Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget
71070 Health Insurance	2,724.90	4,333.33	-1,608.43	62.88 %	2,724.90	4,333.33	-1,608.43	62.88 %
71080 Town Attorney	2,158.00	3,333.33	-1,175.33	64.74 %	2,158.00	3,333.33	-1,175.33	64.74 %
71090 Accountant	332.50	500.00	-167.50	66.50 %	332.50	500.00	-167.50	66.50 %
71100 Auditor		666.67	-666.67		0.00	666.67	-666.67	0.00%
Total 71000 Personnel	**18,828.55**	**23,187.91**	**-4,359.36**	**81.20 %**	**18,828.55**	**23,187.91**	**-4,359.36**	**81.20 %**
72000 Administration					0.00	0.00	0.00	0.00%
72010 Office Supplies		666.67	-666.67		0.00	666.67	-666.67	0.00%
72020 Telephone	748.10	666.67	81.43	112.21 %	748.10	666.67	81.43	112.21 %
72030 Postage and Delivery		8.33	-8.33		0.00	8.33	-8.33	0.00%
72040 Printing & Publishing		500.00	-500.00		0.00	500.00	-500.00	0.00%
72050 Meetings and Events	107.66	1,250.00	-1,142.34	8.61 %	107.66	1,250.00	-1,142.34	8.61 %
72060 Training & Travel		620.83	-620.83		0.00	620.83	-620.83	0.00%
72070 Sales & Lodging Tax Admin		41.67	-41.67		0.00	41.67	-41.67	0.00%
72080 Professional Services		83.33	-83.33		0.00	83.33	-83.33	0.00%
72090 Equipment Repairs & Lease	327.62	916.67	-589.05	35.74 %	327.62	916.67	-589.05	35.74 %
72100 Technology	1,332.63	3,333.33	-2,000.70	39.98 %	1,332.63	3,333.33	-2,000.70	39.98 %
72105 Community Engagement/Marketing		83.33	-83.33		0.00	83.33	-83.33	0.00%
72106 Community Fund		833.33	-833.33		0.00	833.33	-833.33	0.00%
72107 Scholarships		250.00	-250.00		0.00	250.00	-250.00	0.00%
72110 Insurance		1,416.67	-1,416.67		0.00	1,416.67	-1,416.67	0.00%
72120 Codifying		100.00	-100.00		0.00	100.00	-100.00	0.00%
72130 Elections	19.53	500.00	-480.47	3.91 %	19.53	500.00	-480.47	3.91 %
72140 Cnty Treasurer's Fees	880.27	1,000.00	-119.73	88.03 %	880.27	1,000.00	-119.73	88.03 %
72150 NWC of Govt		100.00	-100.00		0.00	100.00	-100.00	0.00%
72160 CML		97.92	-97.92		0.00	97.92	-97.92	0.00%
72170 CAST		54.17	-54.17		0.00	54.17	-54.17	0.00%
72180 Credit Card Charges	25.37	166.67	-141.30	15.22 %	25.37	166.67	-141.30	15.22 %
Total 72000 Administration	**3,441.18**	**12,689.59**	**-9,248.41**	**27.12 %**	**3,441.18**	**12,689.59**	**-9,248.41**	**27.12 %**
73000 Town Hall Expense					0.00	0.00	0.00	0.00%
73010 Utilities	1,105.86	833.33	272.53	132.70 %	1,105.86	833.33	272.53	132.70 %
73020 Trash	123.55	83.33	40.22	148.27 %	123.55	83.33	40.22	148.27 %
73030 Supplies		83.33	-83.33		0.00	83.33	-83.33	0.00%
73060 Repairs & Maintenance	315.00	166.67	148.33	189.00 %	315.00	166.67	148.33	189.00 %
Total 73000 Town Hall Expense	**1,544.41**	**1,166.66**	**377.75**	**132.38 %**	**1,544.41**	**1,166.66**	**377.75**	**132.38 %**
74000 Planning & Zoning					0.00	0.00	0.00	0.00%
74010 P&Z Commission Salaries	550.00	700.00	-150.00	78.57 %	550.00	700.00	-150.00	78.57 %
Total 74000 Planning & Zoning	**550.00**	**700.00**	**-150.00**	**78.57 %**	**550.00**	**700.00**	**-150.00**	**78.57 %**
75000 Municipal Court					0.00	0.00	0.00	0.00%
75010 Municipal Judge	541.67	541.67	0.00	100.00 %	541.67	541.67	0.00	100.00 %
75020 Prosecutor	800.00	800.00	0.00	100.00 %	800.00	800.00	0.00	100.00 %
75040 Court Administration		66.67	-66.67		0.00	66.67	-66.67	0.00%
Total 75000 Municipal Court	**1,341.67**	**1,408.34**	**-66.67**	**95.27 %**	**1,341.67**	**1,408.34**	**-66.67**	**95.27 %**
76000 Public Safety					0.00	0.00	0.00	0.00%
76010 Salary - Police Department	15,800.00	17,416.67	-1,616.67	90.72 %	15,800.00	17,416.67	-1,616.67	90.72 %
76015 Office/General Administrative Expenditures		66.67	-66.67		0.00	66.67	-66.67	0.00%
76030 Fuel	410.15	500.00	-89.85	82.03 %	410.15	500.00	-89.85	82.03 %
76040 Supplies - Police		250.00	-250.00		0.00	250.00	-250.00	0.00%

	Apr 2020				Total			
	Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget
76050 Auto Repair & Maintenance	9,984.73	166.67	9,818.06	5,990.72 %	9,984.73	166.67	9,818.06	5,990.72 %
76060 Animal Shelter	525.00	175.00	350.00	300.00 %	525.00	175.00	350.00	300.00 %
76070 Communication		1,666.67	-1,666.67		0.00	1,666.67	-1,666.67	0.00%
76075 Survivor Support		83.33	-83.33		0.00	83.33	-83.33	0.00%
76080 HASMAT		157.14	-157.14		0.00	157.14	-157.14	0.00%
76090 Radar Recertification		8.33	-8.33		0.00	8.33	-8.33	0.00%
76100 Training		250.00	-250.00		0.00	250.00	-250.00	0.00%
Total 76000 Public Safety	**26,719.88**	**20,740.48**	**5,979.40**	**128.83 %**	**26,719.88**	**20,740.48**	**5,979.40**	**128.83 %**
77000 Public Works					0.00	0.00	0.00	0.00%
77010 Building Inspector	4,516.80	5,088.17	-571.37	88.77 %	4,516.80	5,088.17	-571.37	88.77 %
77015 Electrical Inspector	195.00	583.33	-388.33	33.43 %	195.00	583.33	-388.33	33.43 %
77016 Building Dept Fuel		141.67	-141.67		0.00	141.67	-141.67	0.00%
77017 Building Dept Auto Repair		166.67	-166.67		0.00	166.67	-166.67	0.00%
77018 Building Dept Training		129.17	-129.17		0.00	129.17	-129.17	0.00%
77020 Street Lights Utilities	140.34	208.33	-67.99	67.36 %	140.34	208.33	-67.99	67.36 %
77030 Snow Removal	32,417.57	16,208.78	16,208.79	200.00 %	32,417.57	16,208.78	16,208.79	200.00 %
77040 Street Maintenance		13,333.33	-13,333.33		0.00	13,333.33	-13,333.33	0.00%
77050 Engineering		416.67	-416.67		0.00	416.67	-416.67	0.00%
77060 Signs		166.67	-166.67		0.00	166.67	-166.67	0.00%
77090 Wildfire Grant Expenses		3,333.33	-3,333.33		0.00	3,333.33	-3,333.33	0.00%
77095 High Country Conservation Grant		25.00	-25.00		0.00	25.00	-25.00	0.00%
77100 Town Park Maintenance		250.00	-250.00		0.00	250.00	-250.00	0.00%
Total 77000 Public Works	**37,269.71**	**40,051.12**	**-2,781.41**	**93.06 %**	**37,269.71**	**40,051.12**	**-2,781.41**	**93.06 %**
Total Expenditures	**89,695.40**	**99,944.10**	**-10,248.70**	**89.75 %**	**89,695.40**	**99,944.10**	**-10,248.70**	**89.75 %**
NET OPERATING REVENUE	**53,011.92**	**14,842.43**	**38,169.49**	**357.16 %**	**53,011.92**	**14,842.43**	**38,169.49**	**357.16 %**
NET REVENUE	**$53,011.92**	**$14,842.43**	**$38,169.49**	**357.16 %**	**$53,011.92**	**$14,842.43**	**$38,169.49**	**357.16 %**

Monthly:Capital Expenditures

April 2020

This report contains no data for your specified date range.

Blue River Staff Report

May 2020

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

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

Communications & Happenings

- **2020 Census**
  - The Census deadline has been extended. To date there has been a 14.1% response rate for Summit County. The Census is key to future funding for towns, schools, counties and states. Everyone is being encouraged to fill out the census online at www.2020census.gov.
- **Town Hall/COVID-19**
  - The County and State have entered into the "Safer At Home" phase of the pandemic. Retail businesses are allowed to operate on a limited basis. Restaurants/Bars will be next and anticipated around Memorial Day Weekend but not for certain. Currently, lodging and short-term rentals are prohibited until May 31st. More information should be available soon as to the timeline for allowing rentals again.
  - Town Hall is "open" Tuesdays/Thursdays, 7 a.m.-5 p.m. Building Inspections are Mondays/Wednesdays and must meet the site safety guidelines. Staff is working from home the remainder of the time. We do have at least one officer on duty 24-hours/day, seven days/week.
  - Masks are required to enter Town Hall and only one person in the lobby at a time. The service window is kept closed except to accept payments or documents.
  - Signs have been installed at Town Park and the Tarn emphasizing social distancing and mask when social distancing isn't possible per the County Guidelines.
- **Cleanup Week**
  - Cleanup Week was held May 9-17th. Trash bags were made available at Town Hall. Residents were encouraged to take photos of their cleanup efforts and tag the Town on Instagram for a chance to receive a prize. The prize included a $25 gift certificate for Coffee Depot and a gift bag from High Country Conservation Center.
- **Programs**

- Support Your Neighbor
  - The program is looking to develop a list of businesses owned/operated by Blue River residents. The list will be distributed encouraging residents to "support your neighbor" and shop local.
- High School Graduation
  - High School Seniors are graduating on Thursday, May 21st. There will be a parade down Breckenridge Main Street. The Blue River Police Department will be participating and families will be parked in their cars to watch.
  - We have asked for residents to let us know if they have a graduating senior. Personalized cards are being sent to each Blue River graduate.

- **Tarn**
  - The Tarn Dam repair project is being delayed for a year so the Tarn will be open for Blue River residents. Residents may register for the car permits and boats as well as pay for their boats online at https://townofblueriver.colorado.gov. There will not be physical stickers handed out and all information for permitting will be logged in Citizen Serve.
- **Fire Pits**
  - Red, White and Blue have launched a new registration program for fire pits. Residents may register their fire pits at http://bit.ly/rwbcc.

2020 Trustee Meeting Dates

- Tuesday, May 19th
- Tuesday June 16th
- Tuesday July 21st
- Tuesday, August 18th
- Tuesday, September 15th
- Tuesday, October 20th
- Tuesday, November 17th
- Tuesday, December 15th

Town Statistics

Facebook Page Likes
Town-946
Police Department-82
Instagram-264 followers
Twitter-45 followers

Residents on Email List-764
Blue River News-885

Business Licenses-216

Lodging Registrations-154

Violations Issued-3 (short-term rental violations. 2 were found to be in compliance and the owners or family members.)

Building/Public Works Department

Monthly Stats-April 2020

Permits Issued: 9
New Construction: 0

Certificates of Occupancy 2020: 3

Building:

- 16 inspections completed
- 22 new residences/additions in progress
- 3 projects are pending permit payments/stamped plans and need plan review before issuing permits
- On May 5th, Planning and Zoning approved three projects (two new construction and one addition)

With the COVID-19 restrictions that started in mid-March, things came to a screeching halt. Phone calls started picking back up in April, things have steadily picked up since then. I've had numerous calls about new construction rules, permitting questions for decks, roofs and additions as well as single family new homes. I think there's light at the end of the tunnel when it comes building with residents wanting build new homes or improve their homes and property's, hopefully it keeps up!

Roads:

- The snow plowing contact ended April 30th
- Road grading started May 4th and will continue, main roads are expected to be completed by May 15th(weather permitting)
- Smaller side roads still have snow to the edge or encroach the road making it not feasible to grade at this point.
- Grading of main roads and problem areas is the first step in addressing grading all roads that need attention, smaller side roads will be looked at for grading when we get more snow melt off

For the month of April 2020:

Area Patrols 423
Citations 6
Parking violations 3
Warnings 5
Criminal Mischief 1
Road hazards 2
Reckless 3
Alarms 4
Calls for service no reports 7
Public Health Order Violation 3
Suspicious activity 3
Code 3
Back up 3
Welfare 2
Dispute 1
Lost and Found 1
Parking warnings 3
Assist 1
Hit and Run 1
Noise complaints 1
Wild Land Fire 1
Misdemeanor arrests 1
Driving Under Restraint 1
Criminal reports 5
Incident reports 10

For the month of April, 423 incidents were recorded for the Blue River Police Department. Three Public Health Order Violations were dispatched to our officers. One owner was

issued Notice of Violation and Order to Cease and Decease. This violation was forwarded to the Department of Public Health for possible prosecution. The focus of our operations is still on Area Patrols with increased traffic enforcement. So far, everyone is healthy and they report to duty in a timely manner.

Court

Court is cancelled until June 3, 2020.

Financials Variance Report
Prepared by: Michelle Eddy, Town Administrator
Through April 30, 2020

Revenues:

- Sales tax revenues are ahead of budget by 40%. This is most likely due to income that came into the county early before the shutdown. We are also seeing taxes applied from online sales.
- Lodging is down 6.1% year to date. It is expected that this will remain below budget for the year. An updated financial projection report is in the packet with projections of lost revenue due to the COVID-19 emergency.
- Court is 8.76% behind but there were an increase in traffic violations for upcoming court due to speeding along Highway 9.
- Building is 21.55% behind year to date, however permits are picking up along with construction as summer approaches.
- Overall revenues are 14.99% ahead of budget for the first four months of the year.

Expenses

- Expenses are on track with budget. All unnecessary expenses and wage increases have been frozen until further notice.

Investments

Reserve accounts Alpine Bank:	$533,687.72
Reserve account First Bank:	$100,001.00
CD's Citiwide Bank:	$312,717.05
Conservation Trust:	$95,426.78
Colorado Trust:	$1,141.44
CSAFE:	$100.00
Illiquid Trust Funds:	$1,187.42
"Petty Cash"	$1,148.16
Total Investments:	**$1,045,409.57**