



## REGULAR MEETING OF THE BOARD OF TRUSTEES

April 25, 2023 at 5:00 PM  
0110 Whispering Pines Circle, Blue River, CO

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### AGENDA

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The public is welcome to attend the meeting either in person or via Zoom.

The Zoom link is available on the Town website:

<https://townofblueriver.colorado.gov/board-of-trustees>

Please note that seating at Town Hall is limited.

#### 5:00 PM WORK SESSION:

[Land](#) Use Code Chapter 16 C

#### 6:00 PM REGULAR MEETING:

##### I. CALL TO ORDER, ROLL CALL

##### II. APPROVAL OF CONSENT AGENDA

[A.](#) Minutes for March 21, 2023

[B.](#) Approval of Bills-\$55,236.14

##### III. COMMUNICATIONS TO TRUSTEES

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

##### IV. NEW BUSINESS

**C.** Summit County Emergency Management-Brian Bovaird, Director

**D.** Sherwood & Starlit Intersection Review-Muller Engineering

[E.](#) Review of Trails Mapping scope and estimate from Muller Engineering

[F.](#) Discussion of SB 23-213 and its potential impacts on the Town of Blue River.

**G.** Set a date for a special meeting for review of proposed trails.

[H.](#) Approval for the Mayor to sign the Intergovernmental Agreement for Summit County Child Care Tuition Assistance

**V. RESOLUTIONS**

**VI. ORDINANCE CONSIDERATION FOR APPROVAL**

**I.** Ordinance 2023-01 Amendment to Building Code

**VII. REPORTS**

**J.** Mayor

**K.** Trustees

- i. Citizen Advisory Committee - Trustee Finley
- ii. Open Space and Trails Committee - Trustee Dixon
- iii. Planning and Zoning - Trustee Hopkins
- iv. Transit Authority - Trustee Pilling
- v. Wildfire Council - Trustee Slaughter
- vi. CDOT - Trustee Fossett

**L.** Attorney-Discussion Home Rule vs. Statutory Powers

**M.** Staff Reports

**VIII. OTHER BUSINESS**

**IX. ADJOURN**

**NEXT MEETING - May 16, 2023**

*Reports from the Town Manager, 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.*

# TOWN OF BLUE RIVER, COLORADO

## MEMORANDUM

TO: Mayor & Board of Trustees  
THROUGH: Michelle Eddy, Town Manager  
FROM: Bob Widner, Town Attorney  
DATE: April 14, 2023

SUBJECTS: **CHAPTER 16C – Development & Improvement Applications**  
**CHAPTER 17 – Subdivision**

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The Board of Trustees (BOT) was previously provided two different versions of the DRAFT proposed Land Use Code (LUC) for Blue River:

- Multi-colored Version of Chapters 16, 16A, 16B, 16C, and 17
- Clean Version of the Land Use Code

The draft of **Chapter 16C** is appended to the end of this message for the BOT's convenience.

To assist in your review, please note the following:

You have two versions of the same draft LUC:

- A “**REDLINED**” version that contains many different colors and strikeouts. The coding for this version is as follows:
  - If the text is **BLUE**, it is either exact language from the current Blue River Municipal Code or the Architectural Guidelines or the language is very similar and revised to be clearer or more enforceable, so the concept is the same in the new code.
  - If the text is UNMARKED without color, it is new language.
  - If the text is **YELLOW**, it is merely a placeholder to remind me on final editing to ensure that the references are correct.
  - If the text is **GREEN**, it is either a question to be answered by the BOT (such as a distance or a height) OR it is a question for me to later determine if the green text is needed in the final.
- A largely “**CLEAN**” Version that might be easier to review. You will find both **YELLOW** and **GREEN** text that is merely for future drafting reference.

## **Review Outline for** **Chapter 16C** **DEVELOPMENT & IMPROVEMENT APPLICATIONS**

The following is intended to assist the BOT in reading **Chapter 16C**.

Chapter 16C governs the **PROCESS** associated with the review and approval of requests by citizens to develop or improve property.

Very importantly, nearly all of Chapter 16C describes the current processes the Town undertakes to approve development and improvements. However, Chapter 16C presents a significant improvement in the Town's current processes because it describes in writing what the Town has been doing for many, many years in approving applications. As BOT was informed numerous times during the review of the LUC, it is a critical requirement of local government to "put in writing" the standards and processes that the government uses to judge and approve land use applications. If it is not written, the government's actions are often found to be arbitrary or capricious and subject to challenge.

Very generally, there are 3 types of applications under Chapter 16C:

- Type A (major development or improvement applications)
- Type B (more minor development or improvement applications)
- Type C (smaller site improvements or interior improvement applications)

### Overriding Provisions:

For all forms of applications, the following are authorized or provided by Chapter 16C:

- Pre-application Meeting – All applicants have the opportunity to have pre-application meeting with the Town Manager and staff. This is an important opportunity for require the LDC and the appropriate application requirements.
- Administrative Meeting & Decision - All applications will require an administrative meeting and a decision by either the P&Z or the Town Manager/Staff. This meeting is not a public hearing but an opportunity (as we currently practice) to allow the decision-maker to review the application with the applicant and make a decision based upon the requirements of the LDC.

**Chapter 16 C** recognizes different "types" of applications (**Type A, Type B, Type C**).

Type A Applications: Type A applications are the "major" forms of development request. These applications include the construction of new residential dwelling units and garages, significant or major whole lot landscaping projects, and perimeter fence applications. These are the types of applications that could be most controversial within the community and, therefore,

require a greater degree of review and consideration by the P&Z and the Board of Trustees.

Application Requirements: Type A applications require the preparation of more significant documentation – See Section 16C-2-50 which identifies items such as site drawings, granting plans, floor plans, exterior elevation drawings, exterior materials, landscape plans, and erosion control plans.

Process: Type A applications allow for a courtesy notice to neighboring properties. The P&Z will review the application and make a final decision on whether the application meets the requirements of the LUC.

Appeal: The applicant or any other person may appeal a decision of the P&Z regarding a Type A application. The appeal is first made to the BOT. The appeal will be a full public hearing preceded by notice. Further appeal of the BOT decision will be appropriate in the Summit County District Court.

Type B Applications: Type B applications typically involve the installation physical improvements such as berms; sheds; greenhouses; driveways; decks; retaining, screening, and landscape walls; non-perimeter fences (e.g., dog runs); gazebos and pergolas; hot tubs, signs, excavation, and utilities.

Application Requirements: Type B applications require far less for an application than the Type A application. The Town Manager will assist the applicant in deciding what is needed for review. Given the nature of Type B applications, the principal application requirement will be a site plan to show location of the improvement and possibly some exterior elevation drawings.

Process: The Town Manager and Staff will review the application and make a final decision on whether the application meets the requirements of the LUC.

Appeal: Because a Type B application is an administrative process with a final decision rendered by the Town Manager/Staff, any appeal would need to proceed to the Summit County District Court, if an appeal is recognized and allowed by the Colorado Rules of Civil Procedure.

Type C Applications: Type C applications include smaller or relatively minor property improvements such as minor landscape improvement projects (less than 50% of the lot area); windows, doors, balcony and railing, roof replacement and repair; exterior lighting fixture changes; electrical, mechanical, and plumbing improvements, staining and painting; and hot water heaters.

Application Requirements: Type C applications require minimal application submission largely related to explaining the planned

improvement. The Town Manager will assist the applicant in deciding what is needed for review. Given the typical nature of Type C applications, the principal application requirement will be a site plan to show the location of the improvement and possibly some exterior elevation drawings.

Process: The Town Manager and Staff will review the application and make a final decision on whether the application meets the requirements of the LUC.

Appeal: Because a Type C application is an administrative process with a final decision rendered by the Town Manager/Staff, any appeal would need to proceed to the Summit County District Court, if an appeal is recognized and allowed by the Colorado Rules of Civil Procedure.

### **Development or Design Variance Process**

Chapter 16C authorizes the issuance of a Development or Design Variance. The variance allows an owner to receive an exemption or an exception from the standards imposed by Chapter **16B**. This variance process would include asking for an exemption or change to building materials or Buildable Area. A Development or Design Variance does not allow for an exception to the zone district requirements (setbacks or building heights).

Notice: The process for a variance requires public notice mail to the adjacent landowners within 300 feet of the lot as their addresses appear in the public records. Other forms of notice are allowed (but not required) as a courtesy (such as property posting).

Process: P&Z will conduct a public hearing on the variance application. It is the burden of the applicant to prove they satisfy the criteria for a variance. The applicant must show that they have an unreasonable hardship that necessitates the issuance of a variance. The standard is not easy to meet but it will provide a reasonable opportunity for owners who are exceptionally burdened to gain relief from some Chapter B requirements.

Appeal: The applicant or any other person recognized by the court as having standing to challenge may appeal a decision of the P&Z regarding a Development or Design Variance. The appeal will be made to the Summit County District Court.

**Review Outline for**  
**Chapter 17**  
**SUBDIVISION**

Review of Chapter 17 by the BOT is not requested at this time. The entirety of Chapter 17 is identical to that approved by the BOT several years ago. Future changes to the Subdivision Chapter may be requested but, at this time, there is no need to address any major issue.

Please contact me directly if you have any questions.

## **CHAPTER 16C**

### **Development and Improvement Applications**

#### **ARTICLE I General Provisions**

- Sec. 16C-1-10. Title.
- Sec. 16C-1-20. Authority.
- Sec. 16C-1-30. Background and Purpose.
- Sec. 16C-1-40. Applicability of Processes to Type of Application.
- Sec. 16C-1-50. Administrative Exemption.

#### **ARTICLE II Improvement and Site Plan Application Approval Processes**

- Sec. 16C-2-10. Applicability.
- Sec. 16C-2-20. General Provisions.
- Sec. 16C-2-30. Optional Pre-Application Review.
- Sec. 16C-2-40. Optional Pre-Application Meeting.
- Sec. 16C-2-50. Type A Application Requirements.
- Sec. 16C-2-60. Application Completeness Required.
- Sec. 16C-2-70. Type A Application Review.
  
- Sec. 16C-2-80. Type B and Type C Application Explanation.
- Sec. 16C-2-90. Type B and Type C Application Requirements.
- Sec. 16C-2-100. Application Completeness Required.
- Sec. 16C-2-110. Type B and Type C Application Review.
- Sec. 16C-2-120. Reserved.
- Sec. 16C-2-130. Agency Referrals Authorized.
- Sec. 16C-2-140. Development Agreements Authorized.
- Sec. 16C-2-150. Standards for Approval and Final Decisions.

#### **ARTICLE III Appeals**

- Sec. 16C-3-10. Appeal for Type A Application Decisions.
- Sec. 16C-3-20. Appeal for Type B and Type C Decisions.

#### **ARTICLE IV Development or Design Variances.**

- Sec. 16C-4-10. Development or Design Variance Authorized.
- Sec. 16C-4-20. Process for Development or Design Variance Application.
- Sec. 16C-4-30. Notice of Hearing.
- Sec. 16C-4-40. Criteria for Approval.
- Sec. 16C-4-50. Variance Effectiveness; Termination.



**Sec. 16C-1-10. Title.**

Chapter 16C of the Blue River Municipal Code shall be referred to as the "Town of Blue River Site Planning Processes."

**Sec. 16C-1-20. Authority.**

The Town of Blue River Site Planning Processes are enacted in accordance with the authority conferred by Articles 15 and 23 of Title 31, Article 20 of Title 29, and Article 67 of Title 24 of the Colorado Revised Statutes, as amended.

**Sec. 16C-1-30. Background and Purpose.**

- (a) Once a lot is both zoned and subdivided, the development or improvement of the lot requires Town approval of an *Improvement Application* and/or a *Site Plan* in accordance with this Chapter.
  - (1) An *Improvement Application* will provide information necessary to identify the owner or developer and to describe at a general level the proposed development or improvement.
  - (2) A *Site Plan* describes in detail the proposed development in terms of building locations, building architectural design, street and driveway layout, easement and utility locations, garage size, exterior lighting, and other requirements and standards imposed ensure that the development of the lot will not adversely impact or impair the health, safety, and welfare of the community.
- (b) Purpose. The purpose of this Chapter is to establish a process for review and approval of development or improvement of residential property within the Town. The development and design standards of Chapters 16, 16A, and 16B shall apply to the physical layout and design of all development or improvement, unless exempted by this Chapter. This Chapter is further intended to serve the following specific purposes:
  - (1) To inform a property owner of the information needed to allow the Town to review and consider a proposed development or improvement.
  - (2) To implement the provisions of Chapters 16, 16A, and 16B and the Municipal Code generally.
  - (3) To ensure that the development or improvement of property is in conformance with the Town's zoning ordinances, land development regulations, and to achieve a harmonious, convenient, workable relationship among land uses, consistent with Town development objectives.

Commented [RW1]: Project

**Sec. 16C-1-40. Applicability of Processes to Type of Application.**

This Chapter, and the obligation to obtain approval of an Improvement Application and/or a Site Plan from the Town, shall apply to the following proposed development or improvement unless exempt as provided by section 16C-1-\_\_\_\_. The "application type" (or "type") for a proposed

development or improvement will determine the applicable process for approval pursuant to this Chapter.

Proposed Improvement or development	Application Type
<p>(1) <b>Residential Dwelling Unit:</b></p> <ul style="list-style-type: none"> <li>(a) New construction;</li> <li>(b) Any expansion, enlargement, or addition in height, footprint, or square footage of an existing structure.</li> <li>(c) Replacement or reconstruction of all or any portion of an existing structure</li> </ul>	<b>A</b>
<p>(2) <b>Garage structure:</b></p> <ul style="list-style-type: none"> <li>(a) New construction;</li> <li>(b) Any expansion, enlargement, or addition in height, footprint, or square footage of an existing structure.</li> <li>(c) Replacement or reconstruction of all or any portion of an existing structure</li> </ul>	<b>A</b>
<p>(3) <b>Major Landscaping:</b></p> <ul style="list-style-type: none"> <li>(a) Disruption, excavation, or de-vegetation/re-vegetation of approximately 50 percent (50%) or more of the existing surface area of the lot as calculated by the Town.</li> <li>(b) The conversion of existing naturally vegetated or unimproved area 400 square feet or greater in surface area to lawn, gravel, rock, pavers, brick, flagstone, asphalt, concrete, mulch, irrigated areas, or other similar materials not naturally existing within a natural treed mountain environment.</li> <li>(c) Landscaping proposal that, in the Town's opinion, will result in a significant difference between the character of existing adjacent properties or the neighborhood, e.g., the applicant proposes creation of an extensive formal garden or irrigated lawn that will be inconsistent with surrounding properties or the neighborhood's natural treed mountain environment.</li> </ul>	<b>A</b>
<p>(4) <b>Residential Building or Structure Improvement or Modifications:</b></p> <ul style="list-style-type: none"> <li>(a) Window(s) new, replacement of existing</li> <li>(b) Door, new or replacement of existing</li> <li>(c) Balcony or railing, new or replacement of existing</li> <li>(d) Chimney and Roof Penetrations, new only</li> </ul>	<b>C</b>

(5)	<b>Roof</b> (a) Installation of new (b) Replacement or repair of existing roof greater than 50 square feet in surface area.	<b>C</b>
(6)	<i>Reserved.</i>	
(7)	<b>Berm.</b> New installation or any modification or replacement of existing.	<b>B</b>
(8)	<b>Shed or greenhouse whether or not on a foundation</b> (a) New construction; (b) Expansion, enlargement, or addition in height, footprint, or square footage of an existing structure. (c) Replacement or reconstruction of all or any portion of an existing structure	<b>B</b>
(9)	<b>Driveway.</b> New installation or any modification or replacement of existing.	<b>B</b>
(10)	<b>Parking area.</b> New installation or any modification or replacement of existing.	<b>B</b>
(11)	<b>Walkway.</b> New installation or any modification or replacement of existing	<b>B</b>
(12)	<b>Deck.</b> New installation or any modification or replacement of existing.	<b>B</b>
(13)	<b>Retaining Wall, Screening Wall, Landscape Wall.</b> New installation or any modification or replacement of existing.	<b>B</b>
(14)	<b>Fence (other than Limited Perimeter)</b> New installation or any modification or replacement of existing.	<b>B</b>

<p>(14A) <b>Fence (Limited Perimeter)</b> See Section 16B-7-140(f). New installation or any modification or replacement of existing.</p>	<p><b>A</b></p>
<p>(15) <b>Gazebo, Pergola, or other similar accessory improvement</b> <u>whether or not on a foundation</u></p> <p>(a) New construction; (b) Expansion, enlargement, or addition in height, footprint, or square footage of an existing structure. (c) Replacement or reconstruction of all or any portion of an existing structure</p>	<p><b>B</b></p>
<p>(16) <b>Hot Tub or Sauna</b> <u>Exterior to Dwelling Unit</u>. Installation of new or replacement of existing.</p>	<p><b>B</b></p>
<p>(17) <b>Recreational Accessory Improvement</b> that is permanent or affixed to ground, see Section 16B-7-__; includes fire pit, outdoor fireplace, outdoor cooking facilities; chimenea, <i>playground equipment</i>.</p>	<p><b>B</b></p>
<p>(18) <b>Sign</b> (see Article [redacted] of Chapter 16B)</p>	<p><b>B</b></p>
<p>(17) <b>Minor Landscaping:</b></p> <p>(a) New installation of one or more trees regardless of height. (b) Removal of one or more trees measuring <b>5</b> feet in height from the ground level at the base of the tree in any one calendar year. (c) The conversion of existing naturally vegetated or unimproved area less than <b>400</b> square feet in surface area to asphalt, concrete, pavers, brick, flagstone, rock, or any other form of surface treatment not commonly existing within a natural treed mountain environment.</p>	<p><b>C</b></p>
<p>(14) <b>Excavation and/or Grading and Movement of Soil or Rock for any purpose.</b> Greater than <b>10</b> cubic feet of material or greater than 400 square feet of surface area.</p>	<p><b>B</b></p>

(18) <i>Reserved.</i>	
(18) <b>Exterior lighting fixture.</b> See Section 16B- - Installation of new or replacement of existing.	<b>C</b>
(17) <b>Utilities</b> Installation of new or repair or extension of existing.	<b>B</b>
(19) <b>Hot Water Heater</b> Installation of new or replacement of existing.	<b>C</b>
(21) <b>Electrical, Mechanical, Plumbing Improvements</b> (a) Installation of new (b) Replacement or repair of existing.	<b>C</b>
(22) <b>Siding/Staining</b> (a) Installation of new (b) Replacement, repair, or refinishing of existing.	<b>C</b>

**Sec. 16C-2-50. Administrative Exemptions.**

- (a) Type A Exemption. For a Type A Application, the Town Manager is authorized to administratively exempt the Applicant from submission of one or more of the application **submittal requirements** set forth in **Section 16C-2**. The Town Manager is not authorized to provide any other administrative exemption for a proposed Type A improvement or development, or an element of a Type A proposed improvement or development. In exempting an Application from a submittal requirement, the Town Manager shall find that the submittal requirement is unnecessary for the proposed improvement or development because it would not be reasonably necessary to enable the Planning and Zoning Commission to determine compliance with Chapter 16A or 16B. For example, a Landscape Plan is not necessary where no new landscaping is proposed and no removal of landscaping is proposed.
- (b) Type B and C Exemptions. The Town Manager is authorized to administratively exempt in writing any proposed improvement or development, or an element of a proposed improvement or development, that would otherwise require a Type B or Type C Application, upon a finding that the proposal is both:

- *De minimis*<sup>1</sup> in its scope and impact on adjacent property and/or the neighborhood as to not warrant the submission of an application and processing pursuant to Section 16C-\_\_-\_\_; and
- Fully complies with all requirements of Chapter 16A and 16B of the Land Use Code.

In approving an administrative exemption, the Town Manager is authorized to impose reasonable conditions on the exemption necessary or desirable to ensure that the improvement or development meets Chapter 16A and 16B of the Code. The Manager's imposition of conditions is subject to appeal to the Board of Trustees pursuant to Section 16A-\_\_-\_\_.

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<sup>1</sup> De minimis means *lacking significance or importance; so minor as to merit disregard.*

## ARTICLE II Development and Improvement Application Procedures

- Sec. 16C-2-10. Applicability.  
Sec. 16C-2-20. General Provisions.  
Sec. 16C-2-30. Optional Pre-Application Review.  
Sec. 16C-2-40. Optional Pre-Application Meeting.
- Sec. 16C-2-50. Type A Application Requirements.  
Sec. 16C-2-60. Application Completeness Required.  
Sec. 16C-2-70. Type A Application Review.
- Sec. 16C-2-80. Type B and Type C Application Requirements.  
Sec. 16C-2-90. Application Completeness Required.  
Sec. 16C-2-100. Type B and Type C Application Review.  
Sec. 16C-2-110. Reserved.
- Sec. 16C-2-120. Agency Referrals Authorized.  
Sec. 16C-2-130. Development Agreements Authorized.  
Sec. 16C-2-140. Standards for Approval and Final Decisions.

### Sec. 16C-2-10. Applicability.

This Article applies to any Type A, B, or C application as described in Section 16C-1-\_\_\_ of this Chapter.

### Sec. 16C-2-20. General Provisions

- (a) It is the responsibility of the ~~owner/architect~~ *Applicant* to become familiar with all regulations and requirements applicable to improvement or development within the Town, and to secure copies of the most up-to-date versions of all applicable regulations.
- (b) All improvement or development within Town shall conform to the Land Use Code and all other applicable local, special district, county, state, and federal governing laws, codes, ordinances, regulations and restrictions.
- (c) Incomplete submittals will ~~be denied~~, will not be scheduled for processing or processed until deemed complete in accordance with this Chapter.
- (d) The processing of a Type A, B, or C Application shall be administrative in nature and no notice or hearing shall be required during the review process.

### Sec. 16C-2-30. Optional Pre-Application Review.

- (a) Pre-Application Review Option by Applicant. An *Applicant* for a Type A, B, or C application may request a Pre-Application Review.

- (b) Review Strongly Suggested for Type A Applications. In order to allow the Town to properly address the necessary submittal requirements for a Type A Application, a pre-Application Review (and Pre-Application Meeting) is strongly encouraged.
- (c) Purpose. The purpose of the Pre-Application Review is intended to provide an opportunity for any Applicant who may be uncertain about the application's type or who are unfamiliar with the Town's processes to become acquainted with the process and to avoid delays in processing applications. The review will enable the Town to assess whether or not the proposal should be granted an administrative exemption (see Section 16C-1), and if an exemption is not available, to decide what application submission requirements and plans will be required to enable the Town to process the application. In addition, a Pre-Application Review will enable the Town to potentially reduce the required plans to be submitted for a proposed improvement or development.
- (b) Setting of Pre-Application Review. Prior to submission of an application pursuant to this Chapter, any person seeking a Pre-Application Review in accordance with this Chapter shall:
  - (1) Send an inquiry concerning the Improvement or development to the Town Manager at [info@townofblueriver.org](mailto:info@townofblueriver.org), or by regular U.S. Mail sent to, or hand delivery during normal business hours, to:

Town Manager  
Town of Blue River  
Attention: Pre-Application Inquiry  
0110 Whispering Pines Circle  
P.O. Box 1784  
Breckenridge, CO 80424
  - (2) The inquiry shall include the following information:
    - (a) Name of the *Applicant* and a telephone number and email address to enable the Town to contact the Applicant.
    - (b) Address of the property proposed for improvement or development.
    - (c) A description, in as much detail as may be available, of the improvement or development proposed. Such description could include a sketch or general site drawing illustrating the approximate location of existing buildings, illustration of the location of the proposed improvement or development, and a narrative description of the proposed improvement or development.

**Sec. 16C-2-40. Optional Pre-Application Meeting.**

- (a) Pre-Application Meeting. The Town Manager may, at the Manager's discretion and based in the contents of the materials submitted for Pre-Application Review, suggest to an



Applicant that an in-person<sup>2</sup> Pre-Application meeting be held. An Applicant may also request a Pre-Application meeting.

- (b) Notice of Meeting. Should a Pre-Application meeting be mutually agreed upon by the Town and the Applicant, the Town Manager shall informally contact the Applicant regarding a date and time for the meeting. The Manager may include instructions for the applicant to provide additional documentation or information at the meeting.
- (c) Meeting Expectation. At the Pre-Application Meeting, the *applicant* should be prepared to discuss the proposed application and the proposed development with the Town Manager. The applicant shall be encouraged to present such plans, diagrams, illustrations or photographs, color and material samples, or other preliminary information, and is encouraged to have supporting consultants available, to permit the review of the proposed application in as much detail as can be provided.
- (d) Meeting Outcome. Following the Pre-Application Meeting held pursuant to this Section, the Town shall without undue delay:
  - (1) Issue a written determination to the applicant confirming the application type as a Type A, Type B, or Type C Application;
  - (2) Issue a written determination to the applicant of the required contents for a formal application pursuant to Section 16C-2-\_\_\_; and
  - (3) Issue a written determination that all, a part, or a portion of the proposed improvement or development qualifies for an administrative exemption pursuant to Section 16C-2-\_\_\_.

#### **Sec. 16C-2-50. Type A Application Requirements.**

This Section provides for general application content and requirements for a Type A Application. Unless otherwise granted an administrative exemption for a submittal requirement (see Section 16C-2-\_\_\_), all of the following submittal requirements shall be mandatory for all Type A Applications:

- (a) Application Form. Each Type A Application shall include a completed application in the form approved by the Town;
- (b) Payment. All Town-required fees, charges, and review deposit shall accompany each Application;
- (c) Record of Ownership. *Documentation of ownership, liens and encumbrances*; (See Section 16-3-20 definition); and

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<sup>2</sup> During periods of declared emergency, such meeting may be held at the Town Manager's discretion through telephone or internet-based communication platforms or applications such as GoToMeeting, Zoom, or Microsoft Teams.

(d) Site Information:

(1) Topographic Survey

A plan drawing which locates the coordinates and height data, depth, and size for the surface features of the entire lot upon which improvements or development is proposed. Shall be prepared and stamped by a Colorado licensed surveyor indicating site contours at 2 foot intervals, ~~easements~~, and significant natural features such as rock outcroppings, drainages, and mature stands of trees (Scale: minimum of 1"=10')

(2) Buildable Area Plan

A plan drawing illustrating the property's *buildable area* as defined and described by Section 16-B- of the Land Use Code.

(3) Wetlands Delineation Map

A map and narrative report or map illustrating the location and extent of wetland within the property proposed for improvement or development.

(4) Site Plan

A plan drawing indicating property boundaries, *buildable area*, proposed and existing buildings and structures, driveway and grades, stream crossing structures, transformer and vault locations (~~if installed by owner~~), well location, above and below grade utilities, parking areas, snow storage areas, major site improvements, ~~existing and proposed grading and drainage~~ (Scale: minimum of 1"=10')

(5) Grading Plan

A plan drawing indicating proposed shaping of the surface of the lot and any adjacent areas to direct surface runoff away from structures. Grading plan should permit a full understanding of the proposed modification of the lot during improvement or development when compared to the existing conditions illustrated by the Topographic Survey. (Scale: minimum of 1"=10').

(6) Floor Plan

A plan drawing indicating the general layout of all rooms, approximate size, and total square footage of enclosed space for each floor level of all structures accessible to human entry (residence, garages, sheds). (Scale: minimum of 1/8"=1'-0")

(7) Exterior Elevations Drawings

An elevation drawing indicating in ~~sufficient detail to indicate~~ the architectural character of ~~the residence~~ all structures on the lot, including fenestration, siding, facia, stairs, entries, doorways, and exterior beams, posts, and other building elements that are visible from the exterior of the structures. ~~and existing and proposed grades.~~ (Scale: same as floor plan). The Exterior Elevations Drawings shall show elevations as viewed from all four compass points (North, East, South,

and West) or from four vantage points each separated by approximately ninety degrees. When Exterior Finish Samples and Boards (see 6 below) are also required or provided, the Exterior Elevation Drawings shall reference and shall correspond with the samples to enable the Town to understand where on the Elevation Plan each sample color or material is applied.

**(8) Exterior Finish Samples Boards**

Samples indicating type, color, and texture of all exterior materials (including roofing, siding, paints, masonry, brick, rock, trim, and other visible surfaces). Although planned exterior finish is most often illustrated by sample materials and colors affixed to display boards, applicants shall provide with the application photographic documentation illustrating the proposed materials and colors and shall bring samples and boards to any hearing. The Exterior Finish Samples and Boards requirement shall include specific references to Pantone or other universal color palate and material descriptions or cut sheets by manufacturer, product name, type, or color which will enable the Town to inspect and confirm compliance with any improvement or development approval.

**(9) Specifications Details & Cut Sheets**

Written specifications and/or cut sheets for the following items: exterior wall materials, windows and exterior doors, exterior trim materials, wall and roof flashing, fireplace and flue caps, and exterior lighting fixtures.

**(10) Roof Plan**

Indicating proposed roof pitch, overhang lengths, flue locations, roofing materials and elevations of major ridge lines and all eave lines. (Scale: same as floor plans). Roof color and materials shall also be required as part of Exterior Finish Samples and Boards.

**(11) Site/Building Sections**

A section drawing indicating building walls, floors and roof relative to the site, including existing and proposed grades, retaining walls and proposed site improvements such as patios, decks, driveways and other landscape features (Scale: minimum of 1/8"=1'-0")

**(12) Specific Site Details – Plan and Elevation**

For any specific element of the proposed improvement or development not otherwise described in another required plan, elevation, or section drawing, provide descriptions and drawings in sufficient detail to demonstrate the architectural character, design, construction technique(s), mass, and view of the improvement or development. For example, where a retaining wall is proposed, a Specific Site Detail – Plan and Elevation submission would illustrate and describe the purpose, location, height, mass, length, footings, construction method (dry stack, mortared, veneered, slipform, tilt-up, etc.), materials, and colors of the proposed wall.

(13) Landscape Plan

A plan drawing and narrative description identifying all existing landscaping to remain and all existing landscaping to be removed, specifically identifying all trees greater than 3" in diameter to be removed; a planting plan with proposed plant materials identified by common and botanical names and size and with plant installation specifications and instructions; type and location of irrigation system; the location and size of all other proposed landscape materials such as retaining walls, patios and decks, walkways, walls and fences, and specifications for seeded areas including seed mix, mulch and fertilizer type, and application method and schedule. The area of land covered by spray irrigation shall be calculated and listed, by square foot, on the landscape plan. (Scale: 1"= 20' minimum). An application proposing landscape improvements designated as a Type A application (see Section 16C-1- ) These plans shall be prepared by a professional landscape architect licensed in the state of Colorado.

(14) Erosion Control and Revegetation Plan

A plan drawing and narrative description indicating the means and time schedule by which the prevention of soil erosion will be addressed during and after construction, revegetation of cut and file slopes, methods of controlling surface water, siltation control devices, vehicular access points, and location of soil storage areas and stabilization measures (Scale: minimum of 1"=20')

(15) Proposed Construction Schedule and Construction Management Plan

A narrative description, illustration(s), and plan drawing(s) identifying the approximate time schedule of start-up and completion dates for construction, utility hook-up connection, proposed periods of road closures or right-of-way encroachments, and completion of landscaping, and anticipated occupancy date. The construction management plan shall identify a Limits of Disruption Zone which is an area within which all construction activities will be prohibited. ~~limited~~ In addition to the Limits of Disruption Zone, the plan shall indicate the location of access drives and parking, temporary structures/trailers, chemical toilet, dumpsters, material lay-down and staging areas, and construction ~~sign~~ signage. ~~In addition, the~~ The Construction Management Plan shall indicate all mitigating measures for protecting natural features of the lot during construction. This plan shall be separate from the ~~final landscape and site plans~~ Landscape Plan and Site Plan(s).

(16) Additional Information Required:

- (i) A copy of any agreements, conveyances, restrictions, or private covenants that will govern the use and maintenance of the property.
- (ii) *Reserved.*

**Sec. 16C-2-60. Application Completeness Required.**

- (a) All plans, reports, maps and other information required for any application must be complete and legible. A failure of the application to meet the requirements of this Chapter 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.
- (b) 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.
- (c) 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. 16C-2-70. Type A Application Review.**

- (a) Administrative Review. Type A Applications shall be administratively reviewed by the Planning and Zoning Commission during public meeting held in conformance with the Colorado Open Meetings Law, C.R.S. § 24-6-401 *et seq.*
- (b) Notice and Hearing Not Required. No notice of the administrative review and no formal hearing shall be required. However, the Town may at its discretion provide a courtesy notice of the administrative review meeting to the general public or to property owners within the vicinity of the proposed improvement or development. Errors in a courtesy notice shall not result in invalidation of the administrative action taken.
- (c) Although no specific process for administrative review is required by this Chapter, the Planning and Zoning Commission may generally follow a process that includes in order:
  - (1) Introduction of the Application by the Town staff;
  - (2) Opportunity for comments regarding the application by the *Applicant*;
  - (3) With permission of the meeting chairperson of the Planning and Zoning Commission, other persons in attendance may provide comments to the Commission;
  - (4) Questions of the Town staff or Applicant by the Commissioners; and
  - (5) Deliberation by the Commission regarding the conformance of the proposed improvement or development with the applicable provisions of the Land Use Code.
  - (6) Decision by the Commission to:
    - (i) Approve the Application upon a finding that the proposed improvement or development will be in conformance with Section 16C-\_\_-\_\_; or

- (ii) Approval of the Application with the imposition of conditions to ensure conformance of the proposed improvement or development with Section 16C- - - ; or
- (ii) Deny the Application due to the non-conformance the proposed improvement or development with Section 16C- - - ; or
- (iv) Continue the Application to a future meeting of the Planning and Zoning Commission for the purpose of obtaining additional information from the Town staff and/or Applicant that is necessary to fully evaluate the conformance of the proposed improvement or development with Section 16C- - - .

**Section 16C-2-80. Type B and Type C Application Explanation.**

- (a) Type B Applications. Type B Applications involve the installation, modification, repair, or replacement to a lot, building, structure, or improvement for which a review of the *location* of the work is relevant to the Town's determination that the work complies with the Land Use Code. For this reason, Type B Applications will oftentimes require the submission of a plat, plan, or other illustration showing the specific location of the work. Type B Applications may also oftentimes require a surveyor or other land professional to certify as to the precise or specific location of the work.
- (b) Type C Applications. Type C Applications involve the installation, modification, repair, or replacement an element or improvement associated with a building, or structure for which the location on the lot is not relevant or does not require review.

**Sec. 16C-2-90. Type B and Type C Application Requirements.**

This Section provides for general application content and requirements for Type B and Type C Applications. Unless otherwise granted an administrative exemption for a submittal requirement (see Section 16C- - - ), all of the following submittal requirements shall be mandatory for all Type B and Type C Applications:

- (a) Application Form. Each Type B or Type C Application shall include a completed application in the form approved by the Town.
- (b) Payment. All Town-required fees, charges, and review deposit shall accompany each Application.
- (c) Submittal Plans. The Town Manager shall promulgate requirements for the submittal of plans necessary to evaluate and decide whether improvements or development complies with Chapter 16A and Chapter 16B. For example, the Manager may set forth different submittal requirement for applications based on the type of improvements or development proposed; a landscape plan may not be reasonable or necessary for an application for a hot tub.

**Sec. 16C-2-100. Application Completeness Required.**

Consistent with the requirements of Section 16C-2-100, no Type B or Type C Application shall be processed unless the application is deemed complete by the Town.

**Sec. 16C-2-110. Type B and Type C Application Review.**

Type B and Type C Applications shall be administratively reviewed as time permits by the Town's administrative staff. As administrative staff, the Colorado Open Meetings Law, C.R.S. § 24-6-401 *et seq.*, shall not apply to such review. No notice of the administrative review and no hearing or meeting shall be required or undertaken.

**Sec. 16C-2-120. Reserved.**

**Sec. 16C-2-130. Agency referrals authorized.**

- (a) The Town Manager is authorized to refer any application to any *local agency* prior to final decision on the application. 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. The requirement of agency referral shall be considered as an optional and discretionary action by the Town.
- (b) Referral 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 unless a shorter time for response is set by the Town. 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 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 or appeal. 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.

**Sec. 16C-2-140. Development Agreements Authorized.**

Where determined by the Town Manager after consultation with the Town Attorney, development agreements shall be authorized as a condition of final approval of a Type A, Type B, or Type C application. The terms and conditions of a development agreements shall ensure satisfaction and ongoing compliance with the obligations, requirements, and standards of the Land Use Code and the Town's Municipal Code.

**Sec. 16C-2-150. Standards for Approval and Final Decisions.**

Following review by the Planning and Zoning Commission or the Town Manager, as applicable, an application shall be approved only upon an administrative determination that the application meets the following standards for approval:

- (a) The application is complete.

- (b) The application and submittal documents establish that the improvement or development described in the application is found to fully meet or satisfy all applicable requirements for the improvement or development set by:
  - (1) Chapter 16B and 16A; and
  - (2) Applicable building and safety codes, to the extent that the improvement of development will not be later subject to additional Town review for compliance with such building or safety codes.



**ARTICLE III Appeals**

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**CURRENT BLUE RIVER PROVISIONS:**

**A. Appeal Process**

Appeals of Denial by the Planning And Zoning Commission Of The Town Of Blue River can be made to the Town Board of Trustees per the Towns Ordinances, Article VI, and Sec. 2-6-100.

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- Sec. 16C-3-10. Appeal for Type A Application Decisions.
- Sec. 16C-3-20. Appeal for Type B and Type C Application Decisions.

**Sec. 16C-3-10. Appeal for Type A Application Decisions.**

Final decisions of the Planning and Zoning Commission shall be subject to appeal pursuant to Section 2-6-110 of the Municipal Code.

**Sec. 16C-3-20. Appeal for Type B and Type C Application Decisions.**

Final decisions of the Town Manager shall be subject to appeal pursuant to applicable provisions of the Colorado Rules of Civil Procedure for administrative decisions of the Town of Blue River.

**Article 4. Development or Design Variances**

- Sec. 16C-4-10. Development or Design Variance Authorized.
- Sec. 16C-4-20. Process for Development or Design Variance Application.
- Sec. 16C-4-30. Notice of Hearing.
- Sec. 16C-4-40. Criteria for Approval.
- Sec. 16C-4-50. Variance Effectiveness; Termination.

**Sec. 16C-4-10. Development or Design Variance Authorized.**

- (a) Variance Authorized. An owner of property may request a variance for any standard or requirement imposed upon the property by Chapter 16B (e.g., to allow a berm to exceed the maximum berm height or to allow an otherwise prohibited structure to be located outside of the buildable area).
- (b) Variance to Requirements of Chapter 16A (Zoning) Prohibited. The application for a variance to any standard or provision established or imposed by Chapter 16A (Zoning) shall be prohibited by this Article and such variance shall be authorized only pursuant to the Zoning Variance provisions of Article 28 of Chapter 16A.

**Sec. 16C-4-20. Process for Development or Design Variance Application.**

- (a) Application. Owners seeking a variance from a provision of Chapter 16B (a “Development or Design Variance”) shall submit a completed variance application to the Town Manager together with an explanation of justification to support the request.
- (b) Manager Initial Review. The Town Manager shall review the application 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 supplement the application and supporting materials within ten (10) days of the Town Manager’s opinion. Following completion of the Manager’s review, the Manager shall forward the variance application to the Planning Commission.
- (c) Planning and Zoning Committee Public Hearing. All applications for a Development or Design Variance shall require a public hearing before the Planning and Zoning Commission. The following process shall apply:
  - (1) The Town Manager shall set the date and time of a public hearing to be held by the Commission.
  - (2) Public notices of the public hearing required by this Article shall be made in conformance with Section 16C-4-    .
  - (3) At the public hearing, the Commission shall review the application for conformance with this Article, Chapter 16B and 16C, the Municipal Code, state law, and the applicable review standards for the application.

- (4) Any public hearing or other action of the Commission may be continued or postponed at any time indefinitely or to a specified date and time in order to permit preparation of additional information for further review by the Commission.
- (5) The Commission 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.
- (6) Notwithstanding the imposition by the Commission of other express of specific condition of approval, all approvals shall be conditioned upon the payment in full of all fees and charges for the review and processing of the application. Execution and recordation of any final approved ordinance shall not be completed by the Town unless and until all fees and charges are paid in full.
- (7) The Applicant for any Development or Design Variance shall bear the burden of presenting sufficient competent evidence at the public hearing to support the standards for approval set forth by this Article. Any decision by the Commission to approve, conditionally approve, or deny an application shall be based upon a consideration of all evidence presented during the public hearing. Where evidence presented is contradictory, the Commission shall weigh such evidence and judge the credibility and sufficiency of the evidence prior to rendering a decision. A finding by the Commission that the application or evidence fails to meet one or more of the criteria for review shall require denial of the application.
- (8) The Commission may impose reasonable conditions upon any approval of a variance necessary to ensure continued conformance with Chapter 16B, the Land Use Code, the Municipal Code, or necessary to protect the health, safety and welfare of the Town and its residents.
- (9) Development or Design Variances shall be approved only by written resolution of the Commission in a form approved by the Town attorney.

**Sec. 16A-28-30. Notice of Hearing.**

(a) Notice Publication Requirement.

The Town shall cause a notice to public hearing to be published once 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. The content of published notice shall include:

- A description of the variance proposal;
- The street address of the property subject to the variance proposal;
- The location of the land which is the subject of the hearing or meeting (e.g., lot number or parcel designation within a subdivision of record with the Summit County Clerk and Recorder's Office or location in relation to known streets and intersections);
- The date, time and location of the hearing or meeting; and

- A recital that public comment will be accepted at the public hearing and written comment will be accepted if sent to a designated electronic mail address.

(b) Notice by Mailing Requirement.

1. The Town Manager shall direct by written letter or electronic mail to the owner or the owner's representative that notice be provided by mailing. Notice by mailing shall be deemed a requirement for a variance proposal. Mailed notice shall comply with the content requirements for notice by publication.
2. Notice by mailing shall be sent by the *owner* or the *applicant* addressed to owners of property *measured*<sup>3</sup> to be 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 *owner* may rely upon the ownership information provided by the Summit County clerk and recorder's office.
3. A mailed 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.

(c) Courtesy Posting of Notice.

1. The Town Manager may direct by written letter or electronic mail to the owner or the owner's representative that the notice be provided by posting of the property. The posting of notice shall be a courtesy to the public 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.
2. Where notice by posting is directed, the Town may post such notice or may require the *owner* to post a Town prepared sign on or within the vicinity of the affected property that states that a rezoning is under review and providing for contact information for the Town Manager not less than ten (10) calendar days prior to the date set for the public hearing.

(d) Notice Certification by Applicant.

Where mailed and/or posted notice is directed by the Town Manager, not less than five (5) calendar days prior to the public hearing, the applicant shall cause to be delivered to the Town Manager a written certification that the applicant has complied with the mailing

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<sup>3</sup> See Section 16-\_\_-\_\_ for definition of *measured* for determining distance between properties for purpose of this Land Use Code.

and/or requirements of section 16C-4-      . Failure to submit such certification may, at the Town's option, require the continuation of the public hearing.

**Sec. 16C-4-40. Criteria for Approval.**

- (a) The Planning and Zoning Commission may grant a zoning variance where the *owner* establishes all of the following:
- (1) The existence of extraordinary physical conditions or circumstances, such as the *property's* size, shape, location, topography, floodplain, or steep slope imposes an unreasonable hardship in the development of the property in conformance with a requirement of Chapter 16B; and
  - (2) The hardship deprives the owner of privileges associated with development enjoyed by most other *properties* within the *neighborhood*; and
  - (3) Compliance with the standard or requirement would impose an extraordinary and wholly unreasonable cost or expense upon the owner which cost or expense essentially makes the property undevelopable and unmarketable given economic conditions; and
  - (4) The need for a variance is not the result of the owner's or the owner's predecessor's decisions, actions, or inactions<sup>4</sup>; and
  - (5) The granting of the variance will not be materially detrimental to the public welfare or injurious to other *properties* in the *neighborhood* which are located within the Town; and
  - (6) The variance granted will be the least modification possible to the requirements of Chapter 16B necessary to permit the owner's reasonable use of the owner's *property*.

**Sec. 16A-28-50. Development or Design Variance Effectiveness; Termination.**

A Development or Design Variance approved by the Commission by written resolution shall remain effective indefinitely until repealed by the Commission. The Commission may, in accordance with the same general procedures for the approval of a Development or Design Variance and after five (5) or more years following the effective date of the approving resolution, repeal the resolution and terminate the Development or Design Variance upon a finding that: (1) the property no longer meets one or more of the criteria for approval of a Development or Design Variance; and (2) no development or improvements were constructed in reliance on the Development or Design Variance.

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<sup>4</sup> For example, a setback or height variance to allow for a larger residence is not authorized where the owner installed other improvements within the building envelope which decision significantly limited the footprint and ultimate square footage of a principal residence.



# BLUE RIVER BOARD OF TRUSTEES MARCH 2023 MEETING

March 21, 2023 at 6:00 PM  
0110 Whispering Pines Circle, Blue River, CO

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## MINUTES

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The public is welcome to attend the meeting either in person or via Zoom.

The Zoom link is available on the Town website:

<https://townofblueriver.colorado.gov/board-of-trustees>

Please note that seating at Town Hall is limited.

### 6:00 PM REGULAR MEETING:

Mayor Babich called the regular meeting to order at 6:00 p.m.

#### I. CALL TO ORDER, ROLL CALL

- Mayor Toby Babich
- Trustee Joel Dixon
- Trustee Kelly Finley
- Trustee Mark Fossett
- Trustee Noah Hopkins
- Trustee Ted Pilling
- Trustee Ted Slaughter

Also present: Town Attorney Bob Widner; Town Manager Michelle Eddy

#### II. APPROVAL OF CONSENT AGENDA

Motion made by Trustee Fossett, Seconded by Trustee Finley.

Voting Yea: Mayor Babich, Trustee Dixon, Trustee Finley, Trustee Fossett, Trustee Hopkins, Trustee Pilling, Trustee Slaughter

- A. Minutes for January 31, 2023
- B. \$81,236.77

**III. COMMUNICATIONS TO TRUSTEES**

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

Mayor Babich reported he will be following best practices and limiting public comments to designated areas on the agenda to allow for work to be conducted by the Trustees moving forward. He will be noting this at the beginning of each meeting for all in attendance.

**IV. NEW BUSINESS**

**C. Pay-As-You-Throw discussion**

Mayor Babich introduced the topic and reviewed previous discussions. It was noted that the information in the packet was from a previous presentation.

Jen Schenk, Executive Director HC3 and Allie Flynn, Programs Manager were present to discuss what is happening in other towns in the county. Breckenridge and Frisco have adopted PAYT (pay as you throw) and will be implemented by October 1st of this year. A large educational campaign has been released. It was noted that Timberline is no longer servicing Blue River. She noted the County Commissioners are reviewing and considering options for later this year for effective next year.

Discussion on how the program works and the potential costs based on size of container. It was noted that towns are being asked to consider the program. The pricing is geared towards encouraging families to recycle more and reduce the size of trash can they need for a lower cost. Discussion of need to watch how it works in Breckenridge and what the County ends up deciding.

Discussion to wait and see as there is a concern of the costs and whether or not it will have the necessary effect desired. Mayor Babich reviewed reason for the program and ongoing larger discussions taking place. It was discussed that residents utilizing Garbage Gurus have the option to use a pay as you throw model as an option. If the Town chose pay as you throw it would be mandated and not an option. The ordinance would require the diversion.

Discussion that there are currently struggles with services and a concern that this would further hinder services. Suggestion to reach out to haulers to discuss overall services and would this be viable. Decision to continue to wait and see how everything moves forward with the County and how it works in Breckenridge and Frisco.

**V. CONTINUING BUSINESS**

**D. Articles 8 & 9 of Chapter 16B-Sign Code & Lighting**

Attorney Widner reviewed rules around signs and lighting. Noting what the Town can regulate and what it cannot regulate. He noted that much of what is proposed currently exists in the code. He noted there are currently illegal signs within the town that will remain illegal in the new code.

He asked the Trustees what the reasonable size for an address sign. It was discussed to follow the fire district's sizing. Noted for addressing along Hwy 9 should be limited to the address and not naming of the property. Discussion to limit the size to a max of three square feet and limit it to an address and located 7' away from the road. Noting there can be two signs. One on the home and one 7' from the road. It was noted an exception for shared driveways or duplexes will be allowed three square feet. Illumination of signs will not be permitted except as noted to be consistent with the illumination code. This does not apply to reflective numbers.

Subdivision signage is drafted as currently allowed. Discussion for the Town to create and maintain the neighborhood signs. It was discussed to include a review and application process. It was agreed to allow for downlighting consistent with the illumination code.

Yard statues will be regulated to a maximum height of 12' and eight feet wide. Anything larger would need a special hardship. It was noted that anything existing will be allowed to remain. It was noted that smaller statues do not require a permit. Yard statues may not be illuminated.

Temporary sign code exists. It was recommended to be limited to six square feet. Banners are not allowed. As far time limits, it is not allowed to restrict time unless it is in public right of way.

For the lighting code, it is recommended to leave as currently adopted and modify later if desired. The Town Attorney recommended to maintain the landscaping, streets, roads and environmental standards as they currently exist. He noted the last section 16C is the process to be reviewed in April. A revised draft will be presented to the Trustees and given to Planning & Zoning for a public hearing and review. There will also be a public hearing with the Trustees prior to approval.

**VI. REPORTS**

**E. Mayor**

Mayor Babich reported the Finance Committee discussed reviewing accounts and reinvesting in other money market accounts with higher interest rates.

**F. Trustees**

**i. Citizen Advisory Committee** -Trustee Finley reported the Committee met and discussed dark skies. The Committee received a checklist for review of the night sky. The Committee has discussed upcoming events and incentives centered around wildfire and noxious weeds. The Town will be assisting with the marketing of utilizing the Boy Scouts for weed pulling.



The committee has recommended a \$1,500 scholarship for the one high school applicant. Trustee Hopkins moved and Trustee Fossett seconded to approve the high school scholarship in the amount of \$1,500. Motion passed unanimously.

Trustee Finley reported the Committee met with Captain Matt Benedict and the wildfire grants and mitigation along with weed mitigation.

ii. **Open Space and Trails Committee** - Trustee Dixon reported the Committee conducted a couple of field trips to review existing areas of focus. The field trips were beneficial for the committee members to understand the larger vision.

He also noted a need to meet with the committee and the fuel treatment group to understand the project and work to be conducted. Manager Eddy noted once there is a better understanding of what will happen, there will be an opportunity.

iii. **Planning and Zoning** - Trustee Hopkins reported the commission did not meet in March.

iv. **Transit Authority** - Trustee Pilling reported the Transit Board has filed for a grant to study micro transit in the area. Bruce Camping has retired and his replacement has been hired.

v. **Wildfire Council** - Trustee Slaughter reported the council met March 9th. There is a wildfire resiliency code board being formed by the state. There was a discussion around insurance costs and a need to educate on all of the work being done. The chipping program and field trips will continue this year.

vi. **CDOT** - Trustee Fossett had no report.

G. Attorney

Attorney Widner noted Keystone is voting for incorporation Tuesday, March 28th.

**H. Staff Report**

**VII. OTHER BUSINESS**

Trustee Finley relayed an issue in calling dispatch and reporting an issue and being unable to reach an officer. Manager Eddy noted she was aware of the situation and the issue is with the 911 Center and following the town protocols for on call services. It is an issue the Chief is working on with the center.

**VIII. ADJOURN**

Meeting adjourned at 8:16 p.m.

Motion made by Trustee Finley, Seconded by Trustee Fossett.

Voting Yea: Mayor Babich, Trustee Dixon, Trustee Finley, Trustee Fossett, Trustee Hopkins,

Trustee Pilling, Trustee Slaughter

**NEXT MEETING -**

April 25, 2023

*Reports from the Town Manager, 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.*

# Town of Blue River

Section II, Item B.

## A/P Aging Summary

As of April 13, 2023

	CURRENT	1 - 30	31 - 60	61 - 90	91 AND OVER	TOTAL
Charles Abbott Associates	2,460.75					\$2,460.75
CivicPlus LLC	1,995.54					\$1,995.54
Fresh & Clean Ltd.	45.66					\$45.66
Galls, LLC	987.04					\$987.04
Highland Galloway Investments	39,817.33					\$39,817.33
Muller Engineering Co	3,625.75					\$3,625.75
NEO Fiber	2,145.00					\$2,145.00
Summit County Animal Control		525.00				\$525.00
Timber Creek Water District	200.00					\$200.00
Upper Blue Sanitation District	168.00					\$168.00
Widner Juran LLP	2,679.00					\$2,679.00
<b>TOTAL</b>	<b>\$54,124.07</b>	<b>\$525.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$54,649.07</b>

# Town of Blue River

Section II, Item B.

## A/P Aging Summary

As of April 13, 2023

	CURRENT	1 - 30	31 - 60	61 - 90	91 AND OVER	TOTAL
Michelle Eddy*	470.00					\$470.00
Office Depot Business Account	117.07					\$117.07
<b>TOTAL</b>	<b>\$587.07</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$587.07</b>

**MULLER ENGINEERING COMPANY**  
**PROJECT FEE ESTIMATE**

**CLIENT:**

Town of Blue River

**PROJECT:**

Open Space & Trails Web Map Application

PROPOSAL NO.: NA

PROJECT NO.: TBD

PREPARED BY: JWC

DATE: 3/28/2023

CHECKED BY: JHW

**PROPOSED FEE: \$ 10,000**

TASK NO.	TASK DESCRIPTION	STAFF					EXPENSES			TOTALS			
		PROJECT MANAGER 8 (PRINCIPAL)	PROJECT MANAGER 6 (PROJECT MANAGER)	GIS MANAGER	GIS ANALYST	PROJECT ACCOUNTANT	OUTSIDE SERVICES (HOSTING)	MILEAGE	REPRODUCTION	TIME (HOURS)	LABOR COST	EXPENSES	SUBTOTAL
	Billing Rate >>>	\$229	\$188	\$148	\$132	\$133		\$ .575/mi					
<b>1</b>	<b>Project Management and Coordination Meetings</b>												
1.2	Project Coordination		2	4					6	\$ 968		\$ 968	
1.3	Monthly Reporting, Billing			1		2			3	\$ 414		\$ 414	
1.4	Quality Assurance / Quality Control												
<b>2</b>	<b>Application Development</b>												
2.1	Review Reference Materials			4					4	\$ 592		\$ 592	
2.2	Data Development/Review			8	24				32	\$ 4,352		\$ 4,352	
2.2.1	DRAFT Layout/Cartographic Outline			4	8				12	\$ 1,648		\$ 1,648	
2.2.2	DRAFT Layout/Cartography - 100%				8				8	\$ 1,056		\$ 1,056	
2.2.3	Final Application				6				6	\$ 792		\$ 792	
	TOTAL HOURS	0	2	21	46	2			71				
	TOTAL LABOR	\$ -	\$ 376	\$ 3,108	\$ 6,072	\$ 266				\$ 9,822			
	TOTAL EXPENSES						\$ -	\$ -		\$ -			
	TOTAL TASK ORDER FEE											\$ 9,822	
	TOTAL											\$ 9,822	

## **Scope of Work**

### **Town of Blue River – Open Space & Trails Web Map Application**

**Date:** March 15, 2023

#### **Project Introduction**

##### **1. PROJECT BACKGROUND**

The Town of Blue River is contracting the services of Muller Engineering Company to develop and maintain an interactive, ESRI ArcGIS Online based mapping application for use by the Town, its Open Space & Trails Advisory Committee, and the general public.

##### **2. PROJECT LIMITS**

The interactive map will include details within the Town of Blue River limits, and any adjacent publicly available pertinent easements.

##### **3. PROJECT COSTS**

The total cost of this project is estimated at \$10,000.

##### **4. WORK DURATION**

The duration for this project is assumed to be six to eight weeks following NTP and includes the following phases:

- Mapping Application Development: 4 weeks
- ToBR review and approval: 2 weeks
- Final deliverable: 2 weeks

##### **5. CONSULTANT RESPONSIBILITY AND DUTIES**

Throughout the entirety of this project, the Consultant will be responsible for: development of mapping application, maintenance, and providing hosting/cost information for the application.

##### **6. WORK PRODUCT**

The work in the scope of services for this project will be contracted on an individual Task Order basis, as needed, or determined by the Town of Blue River.

#### **1. Project Management and Coordination**

##### **1. BLUE RIVER CONTACT**

The Contract Administrator for this project is: Michelle Eddy, Town Manager and Project Manager (PM) as referenced below.

##### **2. PROJECT COORDINATION**

The Consultant assumes coordination will be with the Town Manager, Michelle Eddy, who will act as liaison between Muller Engineering Company and the Open Space & Trails Advisory Committee. The scope assumes four (4) virtual meetings with the Town Manager.

**3. MONTHLY REPORTING AND BILLING**

The Consultant shall monitor scope and budget and report progress monthly. The Consultant will develop and implement change management procedures to manage work progress. These updates as well as change management strategies will be documented in monthly progress reports accompanying the consultant invoices.

**4. QUALITY ASSURANCE/QUALITY CONTROL (QA/QC)**

The Consultant will conduct internal QA/QC reviews of all deliverables throughout the process in accordance with Muller’s Quality Management Program.

**DELIVERABLES**

- 1. Monthly Invoice
- 2. Monthly Progress Report

**2. Application Development**

**1. REVIEW REFERENCE MATERIALS**

The Consultant will review and incorporate materials as provided by the Town Manager on 2/7/2023.

**2. DEVELOP APPLICATION**

- 1. DRAFT Outline of data layers for Review and Comment
- 2. Coordinate development of data from existing Parks & Open Space sources for trail alignments, easements, and open space land.
- 3. TOBR review of mapped features from existing Parks & Open Space Inventory tables.
- 4. DRAFT 100% Mapping Application for Review and Comment.
- 5. Final Mapping Tool

**DELIVERABLES**

- 1. Outline of data layers
- 2. 100% DRAFT Mapping Application
- 3. Final Mapping Application
- 4. Data Deliverable (optional)

**3. Maintenance Period**

**1. HOSTING THE APPLICATION (not included)**

The scope includes time to initially host the platform. At time of completion, the Consultant will coordinate with the Town to discuss the most cost-effective host option: Hosted by Consultant,

or hosted by Town of Blue River. If hosted by Consultant, costs will be handled as part of the Town's ongoing general consultation services contract with Muller.

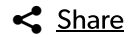
## **2. GENERAL MAINTENANCE AND SCHEDULED APPLICATION UPDATES**

General maintenance and/or scheduled application updates will be handled as part of the Town's ongoing general consultation services contract with Muller. Details will be discussed at that point in time when maintenance or updates are requested by the Town.

## **EXCLUSIONS AND ASSUMPTIONS**

1. One round of review comments is anticipated with each review milestone described in Section 2.2.
2. Application will include print option on toolbar for custom snips as needed.
3. Application will be developed using ESRI GIS.
4. The mapping application will not include social or private trails.
5. The mapping application will not include a tiered-access hierarchy.





SB23-213

## Land Use

Concerning state land use requirements, and, in connection therewith, establishing a process to diagnose and address housing needs across the state, addressing requirements for the regulation of accessory dwelling units, middle housing, transit-oriented areas, key corridors, and manufactured and modular homes, prohibiting certain planned unit development resolutions, prohibiting a local government from enforcing certain occupancy limits, modifying the content requirements for county and municipal master plans, prohibiting certain municipalities from imposing minimum square footage requirements for residential units, requiring entities to submit a completed and validated water loss audit report to the Colorado water conservation board, prohibiting a unit owners' association from prohibiting certain kinds of housing, requiring the transportation commission and the department of transportation to modify the state highway access code, criteria for certain grant programs, and expenditures from the multimodal transportation options fund to align with state strategic growth objectives, and making an appropriation.

SESSION: 2023 Regular Session

SUBJECTS: Housing, Local Government

### BILL SUMMARY

**Housing needs planning.** The executive director of the department of local affairs (director) shall, no later than December 31, 2024, and every 5 years thereafter, issue methodology for developing statewide, regional, and local housing needs assessments. The statewide housing needs assessment must determine existing statewide housing stock and current and future housing needs. The regional housing needs assessments must allocate the addressing of housing needs identified in the statewide housing needs assessment to regions of the state. Similarly, the local housing needs assessments must allocate the addressing of the housing needs allocated in the regional housing needs assessment to localities in the relevant region.

The director shall, no later than December 31, 2024, issue guidance on creating a housing needs plan for both a rural resort job center municipality and an urban municipality. Following this guidance, no later than December 31, 2026, and every 5 years thereafter, a rural resort job center municipality and an urban municipality shall develop a housing needs plan and submit that plan to the department of local affairs (department). A housing needs plan must include, among other things, descriptions of how the plan was created, how the municipality will address the housing needs it was assigned in the local housing needs assessment, affordability strategies the municipality has selected to address its local housing needs assessment, an assessment of displacement risk and any strategies selected to address identified risks, and how the locality will comply with other housing requirements in this bill.

The director shall, no later than December 31, 2024, develop and publish a menu of affordability strategies to address housing production, preservation, and affordability. Rural resort job center municipalities shall identify at least 2 of these strategies that they intend to implement in their housing plan, and urban municipalities with a transit-oriented area must identify at least 3.

The director shall, no later than December 31, 2024, develop and publish a menu of displacement mitigation measures. This menu must, among other things, provide guidance for how to identify areas at the highest risk for displacement and identify displacement mitigation measures that a locality may adopt. An urban municipality must identify which of these measures it intends to implement in its housing plan to address any areas it identifies as at an elevated risk for displacement.

The director shall, no later than March 31, 2024, publish a report that identifies strategic growth objectives that will incentivize growth in transit-oriented areas and infill areas and guide growth at the edges of urban areas. The multi-agency advisory committee shall, no later than March 31, 2024, submit a report to the general assembly concerning the strategic growth objectives.

The bill establishes a multi-agency advisory committee and requires that committee to conduct a public comment and hearing process on and provide recommendations to the director on:

- Methodologies for developing statewide, regional, and local housing needs assessments;
- Guidance for creating housing needs plans;
- Developing a menu of affordability strategies;
- Developing a menu of displacement mitigation measures;
- Identifying strategic growth objectives; and
- Developing reporting guidance and templates.

A county or municipality within a rural resort region shall participate in a regional housing needs planning process. This process must encourage participating counties and municipalities to identify strategies that, either individually or through intergovernmental agreements, address the housing needs assigned to them. A report on this process must be submitted to the department. Further, within 6 months of completing this process, a rural resort job center municipality shall submit a local housing needs plan to the department. Once a year, both rural resort job centers and urban municipalities shall report to the department on certain housing data.

A multi-agency group created in the bill and the division of local government within the department shall provide assistance to localities in complying with the requirements of this bill. This assistance must include technical assistance and a grant program.

**Accessory dwelling units.** The director shall promulgate an accessory dwelling unit model code that, among other things, requires accessory dwelling units to be allowed as a use by right in any part of a municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a municipality does not adopt the accessory dwelling unit model code, the municipality shall adhere to accessory dwelling unit minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow accessory dwelling units as a use by right in any part of the municipality where the municipality allows single-unit detached dwellings as a use by right;
- Only adopt or enforce local laws concerning accessory dwelling units that use objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning accessory dwelling units that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or construction of accessory dwelling units infeasible.

**Middle housing.** The director shall promulgate a middle housing model code that, among other things, requires middle housing to be allowed as a use by right in any part of a rural resort job center municipality or a tier one urban municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the middle housing model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow middle housing as a use by right in certain areas;
- Only adopt or enforce local laws concerning middle housing that use objective standards and procedures;
- Allow properties on which middle housing is allowed to be split by right using objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning middle housing that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or construction of middle housing infeasible.

**Transit-oriented areas.** The director shall promulgate a transit-oriented area model code that, among other things, imposes minimum residential density limits for multifamily residential housing and mixed-income multifamily residential housing and allows these developments as a use by right in the transit-oriented areas of tier one urban municipalities. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a tier one urban municipality does not adopt the transit-oriented model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Create a zoning district within a transit-oriented area in which multifamily housing meets a minimum residential density limit and is allowed as a use by right; and

- Not apply standards that make the permitting, siting, or construction of multifamily housing in transit-oriented areas infeasible.

**Key corridors.** The director shall promulgate a key corridor model code that applies to key corridors in rural resort job center municipalities and tier one urban municipalities. The model code must, among other things, include requirements for:

- The percentage of units in mixed-income multifamily residential housing that must be reserved for low- and moderate-income households;
- Minimum residential density limits for multifamily residential housing; and
- Mixed-income multifamily residential housing that must be allowed as a use by right in key corridors.

The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the key corridor model code, the municipality shall adhere to key corridor minimum standards promulgated by the director and developed by the department. These minimum standards, among other things, must identify a net residential zoning capacity for a municipality and must require a municipality to:

- Allow multifamily residential housing within key corridors that meets the net residential zoning capacity as a use by right;
- Not apply standards that make the permitting, siting, or construction of multifamily housing in certain areas infeasible; and
- Not adopt, enact, or enforce local laws that make satisfying the required minimum residential density limits infeasible.

The committee shall provide recommendations to the director on promulgating these minimum standards. In developing these recommendations, the committee shall conduct a public comment and hearing process.

**Adoption of model codes and minimum standards.** A relevant municipality shall adopt either the model code or local laws that satisfy the minimum standards concerning accessory dwelling units, middle housing, transit-oriented areas, and key corridors. Furthermore, a municipality shall submit a report to the department demonstrating that it has done so. If a municipality fails to adopt either the model code or local laws that satisfy the minimum standards by a specified deadline, the relevant model code immediately goes into effect, and municipalities shall then approve any proposed projects that meet the standards in the model code using objective procedures. However, a municipality may apply to the department for a deadline extension for a deficiency in water or wastewater infrastructure or supply.**Additional provisions.** The bill also:

- Requires the advisory committee on factory-built structures and tiny homes to produce a report on the opportunities and barriers in state law concerning the building of manufactured homes, mobile homes, and tiny homes;
- Removes the requirements that manufacturers of factory-built structures comply with escrow requirements, down payments and provide a letter of credit, certificate of deposit issued by a licensed financial institution,

surety bond issued by an authorized insurer;

- Prohibits a planned unit development resolution or ordinance for a planned unit with a resident restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors in a way not allowed by this bill;
- Prohibits a local government from enacting or enforcing residential occupancy limits that differ based on the relationships of the occupants of a dwelling;
- Modifies the content requirements for a county and municipal master plan, requires counties and municipalities to adopt or amend master plans as part of an inclusive process, and requires counties and municipalities to submit master plans to the department;
- Allows a municipality to sell and dispose of real property and public buildings for the purpose of providing property to be used as affordable housing, without requiring the sale to be submitted to the voters of the municipality;
- Requires the approval process for manufactured and modular homes to be based on objective standards and administrative review equivalent to the approval process for site-built homes;
- Prohibits a municipality from imposing more restrictive standards on manufactured and modular homes than the municipality imposes on site-built homes;
- Prohibits certain municipalities from imposing minimum square footage requirements for residential units in the approval of residential dwelling unit construction permits;
- Requires certain entities to submit to the Colorado water conservation board (board) a completed and validated water loss audit report pursuant to guidelines that the board shall adopt;
- Allows the board to make grants from the water efficiency grant program cash fund to provide water loss audit report validation assistance to covered entities;
- Allows the board and the Colorado water resources and power development authority to consider whether an entity has submitted a required audit report in deciding whether to release financial assistance to the entity for the construction of a water diversion, storage, conveyance, water treatment, or wastewater treatment facility;
- Prohibits a unit owners' association from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors;
- Requires the department of transportation to ensure that the prioritization criteria for any grant program administered by the department are consistent with state strategic growth objectives, so long as doing so does not violate federal law;
- Requires any regional transportation plan that is created or updated to address and ensure consistency with state strategic growth objectives;
- Requires that expenditures for local and state multimodal projects from the multimodal transportation options fund are only to be made for multimodal projects that the department determines are consistent with state strategic growth objectives; and
- For state fiscal year 2023-24, appropriates \$15,000,000 from the general fund to the housing plans assistance fund and makes the department responsible for the accounting related to the appropriation.

*(Note: This summary applies to this bill as introduced.)*

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## PRIME SPONSORS



Senator  
[Dominick Moreno \(/legislators/dominick-moreno\)](/legislators/dominick-moreno)



Representative  
[Iman Jodeh \(/legislators/iman-jodeh\)](/legislators/iman-jodeh)



Representative  
[Steven Woodrow \(/legislators/steven-woodrow\)](/legislators/steven-woodrow)

## COMMITTEES

## Status

Introduced

Under Consideration

## Menu

Bill Text

## Bill Text

[All Versions \(1\)](#)



DATE	BILL TYPE	DOCUMENTS
03/22/2023	Introduced	<a href="https://leg.colorado.gov/sites/default/files/documents/2023A/bills/2023a_213_01.pdf">PDF (https://leg.colorado.gov/sites/default/files/documents/2023A/bills/2023a_213_01.pdf)</a>

### RELATED BILLS

HB18-1127  
[Residential Landlord Rental Application \(/bills/hb18-1127\)](/bills/hb18-1127)

SB21-004  
[Jurisdiction Over Pueblo Chemical Depot \(/bills/sb21-004\)](/bills/sb21-004)

SB16-063  
[Intergovernmental Agreement With Out-of-state Local Government \(/bills/sb16-063\)](/bills/sb16-063)

## RELATED PUBLICATIONS

### Issue Briefs

[Colorado Fireworks Law \(2018\)](/publications/colorado-fireworks-law-2018)

### Other

[Department of Local Affairs, FY 2016-17 Performance Plan](/publications/department-local-affairs-fy-2016-17-performance-plan)

### Summary of Major Legislation

[Summary of Housing Legislation \(2019\)](/publications/summary-housing-legislation-2019)



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#### [Find a Bill](/bills)

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#### [How a Bill Becomes a Law](/sites/default/files/bill_becomes_law_chart.pdf)

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## Colorado General Assembly

Colorado General Assembly

200 E Colfax Avenue

Denver, CO 80203

[comments.ga@coleg.gov](mailto:comments.ga@coleg.gov) (<mailto:comments.ga@coleg.gov>)

### RESOURCES & INFORMATION

[Capitol Security Protocol](/node/580141/) (</node/580141/>)

[Colorado Open Records Act Maximum Hourly Research and Retrieval Fee](https://leg.colorado.gov/node/1669596/) (<https://leg.colorado.gov/node/1669596/>)

[Legislative Resources & Requirements](/legislative-resources-requirements/) ([/legislative-resources-requirements](/legislative-resources-requirements/))

[Legislative Workplace Study](/publications/legislative-workplace-study/) ([/publications/legislative-workplace-study](/publications/legislative-workplace-study/))



[Rules & Regulations of Executive Agencies \(/executive-agency-rules-regulations\)](#)

Section IV, Item F.

[Salaries for Legislators, Statewide Elected Officials, and County Officers \(https://leg.colorado.gov/agencies/legislative-co-legislators-and-county-officers\)](https://leg.colorado.gov/agencies/legislative-co-legislators-and-county-officers)

[Solicitation for Members for the Behavioral Health Task Force \(https://leg.colorado.gov/sites/default/files/images/behavioral\\_health\\_task\\_force\\_application.pdf\)](https://leg.colorado.gov/sites/default/files/images/behavioral_health_task_force_application.pdf)

[State Home \(http://www.colorado.gov/\)](http://www.colorado.gov/)

[Transparency Online Project \(https://data.colorado.gov/Government/Transparency-Online-Project-TOPS-State-Government-/rifs-n6ib\)](https://data.colorado.gov/Government/Transparency-Online-Project-TOPS-State-Government-/rifs-n6ib)

## POLICIES

[2023 Remote Testimony and Remote Participation Policies \(/node/2328306/\)](#)

[Open Records Requests & Policy \(/open-records-requests\)](#)

[Privacy Policy \(http://leg.colorado.gov/sites/default/files/privacypolicy.pdf\)](http://leg.colorado.gov/sites/default/files/privacypolicy.pdf)

[Public Wi-Fi \(http://leg.colorado.gov/sites/default/files/publicwifi.pdf\)](http://leg.colorado.gov/sites/default/files/publicwifi.pdf)

[Services for Persons with Disabilities and Grievance Resolution Procedures \(https://leg.colorado.gov/publications/colorado-legislative-branch-policy-services-persons-disabilities-including-grievance\)](https://leg.colorado.gov/publications/colorado-legislative-branch-policy-services-persons-disabilities-including-grievance)

[State of Colorado Accessibility Statement \(https://leg.colorado.gov/state-colorado-accessibility-statement\)](https://leg.colorado.gov/state-colorado-accessibility-statement)

[Workplace Expectations \(https://leg.colorado.gov/workplace-expectations\)](https://leg.colorado.gov/workplace-expectations)

[Workplace Harassment Policy \(https://leg.colorado.gov/workplace-harassment-policy\)](https://leg.colorado.gov/workplace-harassment-policy)

## FOR LEGISLATORS & STAFF

[Ethics Tutorial \(https://sites.google.com/view/coga-ethics-tutorial/\)](https://sites.google.com/view/coga-ethics-tutorial/)

[IT Login \(https://leg.colorado.gov/user/login\)](https://leg.colorado.gov/user/login)

[New Legislator Orientation \(https://www.leg.state.co.us/public/nlo.nsf/NewLegislatorOrientation.xsp\)](https://www.leg.state.co.us/public/nlo.nsf/NewLegislatorOrientation.xsp)

[Social Calendar \(/social-calendar\)](#)

[House and Senate Rules \(/house-senate-rules\)](#)

## More Housing Now - Rural Resorts Summary 3.23.23

This document pulls the policies specific to Rural Resort Job Center Municipalities into one location.

- **Geographic definition of Rural Resort Job Center Municipalities:**

- municipalities that are outside MPOs,
- have a minimum of 1,000 population,
- a minimum of 1,200 jobs,
- a minimum 0.64 jobs to population ratio, and have current regional transit service with at least 20 trips per day (note: future transit service expansions will not qualify a community for this category).

This includes Aspen, Avon, Breckenridge, Crested Butte, Dillon, Durango, Frisco, Glenwood Springs, Mountain Village, Silverthorne, Snowmass Village, Steamboat Springs, Telluride, Vail, and Winter Park.

- **Exemptions from the policy** for non-urbanized areas (census definition), sensitive and hazardous areas, water supply issues, and extensions for areas with a lack of water/wastewater infrastructure.
- **Technical Assistance**  
DOLA will provide technical assistance for communities to accomplish the items within this package (code changes, housing plans, etc).
- **Implementation**  
The Executive Director (ED) of DOLA is authorized to promulgate rules, policies, or procedures to implement these sections, supported by Division of Local Government (DLG) and staff from CEO, CDOT, and DNR. A multi-agency advisory committee of DOLA, CEO, CDOT, and DNR will hold public processes and propose rules and policies to the ED of DOLA for approval.

## Major Parts of the Policy Package

There are seven major parts of the bill : (1) Housing Needs Assessments and Plans; (2) Accessory Dwelling Units; (3) Middle Housing; (4) Transit-Oriented Communities; (5) Key Corridors; (6) Removing Barrier to Affordability; (7) Supporting Strategic Growth and Water Efficiency

### Part 1. Housing Needs Assessments & Housing Needs Plans

- a. **Purpose:** The Statewide Housing Needs Assessment sets housing goals at the statewide, regional, and local levels every 5 years so that Colorado can track progress toward creating housing opportunities for every budget. As part of the Housing Needs Assessment, the state will develop a Menu of Affordability Strategies. Local Housing Needs Plans identify how municipalities will seek to meet their housing goals.

Note that Housing Needs Plans goals are NOT regulatory, and this policy does not set penalties for not meeting housing goals.

- b. **Rural Resorts Regional Housing Plan (and implementation of Middle Housing, Key Corridors, and flexible parking):** This is the most important part of the statute for Rural Resorts. The Rural Resorts Regional Housing Plan is a collaborative process which results in the identification of viable locations and strategies for Middle Housing and multifamily housing ("Key Corridors"), and areas where more flexible parking can be achieved.

The intent of section 29-33-110(c)(1) is that municipalities will be **strongly encouraged** but not required to identify locations where middle housing and multifamily housing that meets affordability needs can be achieved. Municipalities may choose to add these locations to a map that will be submitted to DOLA in the Regional Housing Plan and these locations would then be subject to the Minimum Standards and Model Codes. The intent of the statute language is that DOLA does not have authority to amend or pre-empt the decision municipalities have made to locate Middle Housing, Key Corridors, and areas of parking flexibility.

The following are the steps in the process for the Rural Resorts Regional Housing Plan.

**STEP 1:** Rural Resort Regions will be identified based on commuting patterns and other factors.

**STEP 2:** All jurisdictions in a region will participate in a collaborative process to develop a Regional Housing Needs Plan that seeks to:

- create inter-jurisdictional strategies that incorporate housing and mobility.
- determine where Middle Housing and Key Corridors can be located in ways that align with the region's affordability needs, infrastructure, and feasibility for development. Municipalities may require that any development for Middle Housing or Key Corridors must meet affordability needs as defined in the Regional Housing Assessment.

**STEP 3:** Rural Resort Job Centers may utilize these inter-jurisdictional strategies to meet the goals in their Housing Needs Plan.

- At the conclusion of the Rural Resort Region Housing Needs Plan process, a report documenting the outcomes and commitments of all the municipalities in the process will be submitted to DOLA.
- Following completion of the regional process, Rural Resort Job Center Municipalities will submit a Housing Needs Plan.

**c. Housing Needs Plans for Rural Resort Job Center Municipalities:** A Housing Needs Plan must include:

- An analysis of how the municipality will provide a realistic opportunity for development to meet its local housing needs assessment.
- A summary of how the municipality met the minimum standards for ADUs
- A description and implementation plan of each strategy selected from the Menu of Affordability Strategies that address the identified income levels in the housing needs assessment.
- A description of stakeholder engagement conducted.
- A description of at least two strategies chosen from the Menu of Affordability Strategies.

**d. Reporting:** Rural Resort Job Center Municipalities will report on housing unit production, strategy adoption, and other elements. DOLA will synthesize and publish these reports.

## **Part 2. Accessory Dwelling Units (ADUs)**

**a. Purpose:** Within Rural Resort Job Centers, provide property owners the option to build ADUs within existing residential areas with complementary affordability strategies that ensure ADUs provide affordable housing options.

**b. The Flexible Option** includes minimum standards in statute so that implementation may begin immediately.

- **Use-by-Right:** must be a permitted use approved through administrative review in all eligible zoning districts where single-unit dwellings are a permitted use.
- **Setbacks:** 10 feet from side and rear (not in bill as submitted but to be added as amendment)
- **Size:** 500 - 800 sq ft must be allowed, municipalities may go above or below that number (not in bill as submitted but to be added as amendment)
- **Parking:** municipalities may apply any level of parking minimums in Rural Resorts, and are encouraged (not required) to identify areas where parking minimums may be reduced
- **Flexibility on Affordability:** Municipalities have flexibility to regulate short term rentals, and encourage affordability in ADU's.
- **Resident-occupancy:** Rural Resort Job Center Municipalities may include (or maintain existing) provisions to ensure housing is used for the local workforce or residents.

**c. The Default Option Model Code would include:**

- All of the above, plus additional detailed zoning requirements and standards as needed.
- Projects that meet the standards must be administratively approved by the municipality.

**Part 3. Middle Housing**

Implementation of Middle Housing (2-6 plexes) occurs through the Rural Resorts Regional Plan process, as described above.

**Part 4. Transit Oriented Communities**

Transit Oriented Communities involves rail transit, and thus does not apply to Rural Resorts.

**Part 5. Key Corridors**

Implementation of Key Corridors occurs through the Rural Resorts Regional Housing Plan process, as described above. The below information provides guidance for municipalities as they identify locations for Key Corridors.

- a. Purpose:** Key Corridors are areas where multi-family housing can be located near jobs and transit. They are vibrant and walkable mixed-use neighborhoods where people can easily reach their daily needs. They provide opportunities for community institutions to provide multi-family housing.
- b. Key Corridors Summary:** Key Corridors include flexibility so that municipalities can determine how and where multifamily housing can be incorporated into walkable neighborhoods, downtowns and centers, and bus transit corridors.
- **Designation:** Applies to:
    - Areas within ¼ mile of BRT routes and high frequency (15-minute or less) bus routes greater than 1 mile in length.
    - Designation of transit corridors is based on current transit plans and/or existing transit service, and will not apply to future increases in transit service beyond those currently planned.
    - Commercial and mixed-use corridors and centers.
    - Institutional zones and sites (such as schools, religious institutions, and governmental partners).
  - **The Flexible Option includes the following minimum standards that would be determined via future rules.**
    - **Density:** Minimum standards will be established that identify minimum average density for Key Corridors. Municipalities will have flexibility to identify areas within Key Corridors where additional density is optimal for their community, ideally around centers and nodes, while meeting overall minimum standards.
    - **Use-by-right.** Rural Resort Job Center municipalities must, through the housing needs planning process, identify how and where zoning for Key Corridors can meet identified housing needs.
    - **Parking.** No regulations

- **The Default Option Model Code will be developed to include the following:**
  - **Density:** A minimum zoning density will be set and would apply in a blanket fashion across the Key Corridors.
  - **Administrative approval:** Projects that meet the standards must be administratively approved by the municipality.
  - **Affordability bonus:** A 50% increased density standard will be permitted for mixed-income affordable projects.
  - **Parking** No regulations
  - **Additional detailed zoning standards** as determined by the state.

**Part 6. Removing Barriers To Affordability**

a. **Purpose:** These policies include a variety of approaches that are intended to reduce the cost of housing and increase the availability of new housing.

b. **Summary:**

- **Family status occupancy restrictions:** All municipalities and counties statewide may not establish or enforce residential occupancy limits based on familial relationships among any occupants. (Short Term Rentals are not included)
- **Streamlining manufactured housing:** Rural Resort Job Center Municipalities may not treat the development of manufactured/modular housing differently than the development of site built units. The bill also tasks the Division of Housing Technical Advisory Committee with studying opportunities and barriers in current statute and regulatory codes in regards to streamlining the building of manufactured, modular, and tiny homes, and submitting a report within one year.

**Part 7. Strategic Growth Planning and Water Efficiency**

a. **Purpose:** This section includes consistent data collection, analysis, planning, and collaboration between local, regional, and state entities to promote strategic growth and development patterns. Strategic growth can help make progress towards state goals around cost savings for residents and governments, reduced water consumption, lower greenhouse gas and air pollution emissions, and reduced loss of open space and agricultural lands. This section does not give the state new authorities over growth and development. It sets a "north star" to guide state, regional, and local entities as they make funding and planning decisions.

b. **Summary of State Agency action Items:**

- **Strategic Growth Objectives.** The state shall set Strategic Growth Objectives to incentivize growth in transit-oriented areas, infill areas, and strategic and efficient growth at the edges of urban areas. The process shall include opportunities for public input and engagement. The intent is to guide state, regional, and local agencies to update plans and make funding decisions that align with the housing policies set by this statute.

- **Fiscal Benefits of Strategic Growth Study:** The Interagency Working Group must submit to the legislature a report on the impact of development patterns and infrastructure systems on the fiscal health of local, regional, and state agencies in Colorado.
  - **Natural and Agricultural Land Values Report.** The Interagency Working Group shall consult with Colorado Parks and Wildlife, Department of Agriculture, Outdoor Recreation Industry Office, and Colorado Tourism Office to develop a report housed at DOLA to serve as a resource for localities that identifies priority connectivity, open space and greenspace values within MPO areas.
  - **Transportation Planning.** Ensure transportation planning is consistent with state Strategic Growth Objectives through updates to the following:
    - processes involved with the development of CDOT/MPO regional plans and the statewide plan
    - CDOT project prioritization criteria for regionally significant transportation projects in the next 10-Year Plan
    - CDOT discretionary grant funds as well as other funds where the proposed prioritization criteria would not violate federal law or rules
    - the State Highway Access Code to ensure that CDOT access control standards are optimized for efficiency for dense and affordable housing, while continuing to ensure that basic safety standards are met.
- c. Summary of Rural Resort action items for Strategic Growth:**
- **Additional elements within Comprehensive Plans.** Updates to Comprehensive Plans for municipalities and counties who are required, or choose to, complete Comprehensive Plans must include the following Elements in order to encourage more efficient development patterns and align Comprehensive Plans with housing policies. This does not mandate that Comprehensive Plans become a regulatory document, they may continue to be advisory.
    - **Water Element** the existing water efficiency element that is optional becomes required.
    - **Housing Element** Municipalities shall incorporate the local Housing Needs Plan.
    - **Natural and Agricultural Lands Element** Values shall be defined by the report.
    - **3-Mile Plan Element.** Comprehensive Plans for municipalities shall include the 3-Mile Plan process. 3-Mile Plans may continue to be produced in accordance with the current statute, which in individual circumstances may differ from the direction set within the Comprehensive Plan. However, the Comprehensive Plan must be updated to reflect the changes in the 3-Mile Plan.
    - **Require adoption** of the Comprehensive Plan by elected boards (for counties).
    - **Consultation requirement:** the municipality must identify NGOs, municipalities, housing authorities, and other entities that ensure an inclusive process should be consulted in the Comprehensive Plan and send a notification letter to potential consultation entities.
    - **Reporting requirement:** municipality shall submit final draft to DOLA/DLG at least 60 days before final public hearing scheduled for adoption for review to certify that all required elements are included. After adoption, final Comprehensive Plans must be submitted to DOLA/DLG within 30 days.
  - **Water loss reporting:** Amend HB10-1051 to include required annual water loss reporting by

covered entities to the Colorado Water Conservation Board.

### Summary of Policies and Application to Local Governments

	Urban Municipalities Tier 1	Urban Municipalities Tier 2	Rural Resort Job Center Municipalities	Non-Urban Municipalities	Statewide (Counties, small munis)
1. Housing Needs Assessments & Plans	X	X	X		
2. Accessory Dwelling Units (ADUs)	X	X	X	X	
3. Middle Housing	X		<i>With additional flexibility</i>		
4. Transit Oriented Communities (rail)	X				
5. Key Corridors (bus transit, commercial corridors)	X		<i>With additional flexibility</i>		
6. Removing Barriers (Miscellaneous)	X	X	<i>With additional flexibility</i>	X	<i>Occupancy restrictions only</i>
7. Strategic Growth Planning & Water Efficiency	X	X	X	X	<i>Larger Counties only</i>

### Timeline

Policy Package Element	Who	By When
<b>Housing needs assessment and planning guidance</b>		
Housing needs assessment Guidance for housing needs plans Affordability and Displacement Mitigation Menus Set up technical assistance offerings	State	Dec 2024
Establish reporting requirements	State	Dec 2025
Rural resort regional planning process	Local	June 2026



Submit first housing plan	Local	Dec 2026 (all subject jurisdictions)
DOLA review and approves / provides feedback	State	June 2027 (all subject jurisdictions)
<b>Phase 1: ADUs, Middle Housing, Transit Oriented Communities</b>		
Minimum standards (in statute)	State	June 2023
Issue model codes	State	June 2024
Deadline to submit compliant code	Local	Dec 2024 (Urban municipalities) Dec 2026 (Rural resort job centers)
Date model code will go into effect	State	Dec 2025 (Urban municipalities) June 2027 (Rural resort job centers)
<b>Phase 2: Key Corridors</b>		
Issue minimum standards	State	June 2025
Issue model codes	State	June 2025
Deadline to submit compliant code	Local	Dec 2026 (all subject jurisdictions)
Date model code will go into effect	State	June 2027

**DRAFT**

INTERGOVERNMENTAL AGREEMENT FOR SUMMIT COUNTY CHILD CARE  
TUITION ASSISTANCE

Among

SUMMIT COUNTY, COLORADO, And

THE TOWNS OF BLUE RIVER, BRECKENRIDGE, DILLON, FRISCO, AND  
SILVERTHORNE, COLORADO

**THIS INTERGOVERNMENTAL AGREEMENT** (this "Agreement") is made and entered into this \_\_\_\_ of April 2023, among SUMMIT COUNTY, COLORADO (the "County"), a body corporate and politic and political subdivision of the State of Colorado (the "State"), and THE TOWNS OF BLUE RIVER, BRECKENRIDGE, DILLON, FRISCO, AND SILVERTHORNE, COLORADO (the "Towns" or individually as a "Town"), home rule or statutory municipalities and political subdivisions of the State. The County and the Towns are referred to collectively herein as "the Parties" or individually as "a Party."

**WHEREAS**, pursuant to title 29, article 1, part 2, Colorado Revised Statutes, as amended (the "Intergovernmental Relations Statute"), and Article XIV, Section 18 of the State Constitution, governments may contract with one another to provide any function, service or facility lawfully authorized to each of the contracting units and any such contract may provide for the joint exercise of the function, service or facility; and

**WHEREAS**, an April 2022 Summit County Childcare & After School Care Needs Assessment provides foundational information for this IGA, including the statistics that Summit County is home to 4,367 total children, and 1,485 children are under age 6, and 2,882 are between 6 and 12; and

**WHEREAS**, seventy three percent of children in Summit County have all parents in the labor force and are therefore likely to need some type of childcare; and

**WHEREAS**, the parties to the IGA have all determined that public support of childcare is an important investment in the community and that quality early childcare benefits families, children, employers, and the community at large; and

**WHEREAS**, among parents not using regular childcare, one of the most common reasons cited in the 2022 Needs Assessment survey was "can't afford it"; and

**WHEREAS**, the Parties are committed to assisting to provide access to affordable, quality childcare for local working-families; and

**WHEREAS**, the 2022 Needs Assessment specifically recommended that the County and Towns explore options for extending tuition assistance countywide for all age groups; and

**WHEREAS**, a Countywide Tuition Assistance Workgroup, comprised of representatives from the County, Summit Municipalities, private industry, and several non-profit sector representatives was established in 2021 to study and discuss the concept of a countywide assistance tuition program; and

**WHEREAS**, the Workgroup made recommendations to, and received support from, Summit County, Silverthorne, Breckenridge, Frisco, Dillon, and Blue River, regarding a proposed framework for a countywide tuition assistance program; and

**WHEREAS**, this IGA for countywide Child Care Tuition Assistance will establish the

general guidelines of the program and define the roles and responsibilities of the IGA’s participants; and

**WHEREAS**, the tuition assistance program will provide a ‘needs based’ approach that can potentially provide tuition assistance when a family’s childcare expenditures exceed 10-20% of their income. The amount of potential assistance is determined based on a variety of factors, including but not limited to: gross income, child care cost, parents’ work schedule, the number of children in care, etc. The Assistance is paid directly to the participating Child Care Center, or licensed in-home child care location, on behalf of approved families; and

**WHEREAS**, the Summit County Pre-Kindergarten Program (“SPK”) currently funds tuition assistance for all 3- and 4-year olds in Summit County and is funded through Strong Future, a voter-approved ballot initiative; and

**WHEREAS**, the IGA establishes the Summit First Steps Program (“First Steps”) to fund tuition assistance for children ages 6 weeks to 3 years who do not qualify for SPK; and

**WHEREAS**, Early Childhood Options (“ECO”) is a Colorado non-profit corporation with a mission to improve the quality, affordability and availability of early childhood education in Summit County and ECO has been identified by the Parties as the appropriate local entity to administer this program, and ECO has hired an Enrollment and Eligibility Specialist specifically for this purpose.

**NOW, THEREFORE**, the Parties agree as follows:

**Section 1. Childcare Tuition Board and Plan.**

Tuition Board:

- a. To promote the purposes of this Agreement and cooperation among the parties, the Parties agree to form a Childcare Tuition Board (The “Board”). The Board shall consist of the Town/County managers of each Party or their designees. The Board will: (i) develop the Childcare Tuition Assistance Plan (the “Plan”) described below; and (ii) collaborate on the implementation of the Plan. The Plan shall be evaluated at least annually by the Board and reports regarding the Plan will be reported to each Party’s governing board.
- b. The Plan adopted by the Board shall include a statement of goals that are to be accomplished through funding provided by each of the Parties.
- c. The Plan adopted by the Board shall include specifics regarding the percentage of funding that is to be provided by each of the Parties.
- d. The Board shall make annual budgetary recommendation to the governing bodies of the Parties.
- e. Meetings of the Board shall occur at least annually during each calendar year as established by the Board.

The Plan:

The tuition assistance program will provide a ‘needs based’ approach that can potentially provide tuition assistance when a family’s childcare expenditures exceed 10-20% of their income. The amount of potential assistance is determined based on a variety of factors, including but not limited to: gross income, child care cost, parents’ work schedule, the number of children in care, etc. The Assistance is paid directly to the participating Child Care Center, or licensed in-home childcare location, on behalf of approved families; The Plan will include two types of tuition assistance:

- Summit Pre-Kindergarten (“SPK”), a Strong Future Initiative: Includes tuition credits for 3- and 4-year olds
- Summit First Steps (“First Steps”): Includes tuition credits for children ages 6 weeks to three years.

A draft Plan, for review by the board upon the board’s establishment, is attached as Exhibit A. The draft Plan includes the following elements: Tuition Credit Standards/Eligibility, Qualified Childcare Providers, and Budget/Program Expenditures.

**Section 2. Funding**

**Summit Pre-Kindergarten:**

On November 6, 2018, the voters of Summit County approved ballot initiative 1A Strong Future to aid in funding affordable early childhood care and education for Summit County children in the two years before they are eligible to enter Kindergarten.

SPK aids in making high quality preschool affordable for all 3- and 4-year olds in Summit County. To offset the high cost of quality preschool, SPK provides monthly tuition credits for families who meet the required criteria and who apply during the annual enrollment period.

Tuition credit standards are included in an SPK Program Plan and approved by the Summit County Board of Commissioners. Tuition credits are available to all age-eligible children whose families live and/or work in Summit County, attend childcare in Summit County and qualify based on income.

ECO presents the County with an annual proposed SPK budget. The SPK Program is fully funded by Strong Future revenues.

**Summit First Steps:**

The Summit First Steps program shall be funded from contributions from each of the parties to this IGA, from revenue sources of their choosing, including but not limited to, Nicotine tax revenues.

**Section 3. Funding Formula.** The Parties agree to a funding formula for the funding of the Summit First Steps program:

Blue River:	2%
Breckenridge:	36%
Dillon:	10%
Frisco:	20%
Silverthorne:	22%
Summit County:	10%

This funding formula may be revisited and modified by the Board in the future as the program evolves in future years.

An estimate of the funding requirements for the first year of the Summit First Steps program, and the associated costs for the parties, based upon the funding formula, is as follows:

Estimated 2023/2024 Funding Need: \$1,226,000

Estimated Funding Contributions for each Party:

Blue River:	\$24,520
Breckenridge:	\$441,360
Dillon:	\$122,600
Frisco:	\$245,200
Silverthorne:	\$269,720
Summit County:	\$122,600

**Section 4. Administration of Program/Relationship with Early Childhood Options (ECO).**

ECO, through the work of their Enrollment and Eligibility Specialist, shall administer the Summit First Steps program on behalf of the parties.

ECO shall present to the Board a proposed budget for the Administration of the Tuition Assistance Program pursuant to this Agreement by August 30 of every year. The budget shall include a comparison of actual expenses to budget and adequate notice of any projected budget overruns that need to be addressed.

ECO shall submit invoices, at least quarterly to the designated parties for budgeted expenses. All documentation required hereunder and such additional documentation as may be reasonably by the parties to document ECO invoices must accompany billing invoices to support the expenditure of funds.

No less than once annually ECO shall report to the Parties and the public the following information:

- The number of children and families receiving tuition credits in Summit County.
- Complete financial statements for the Program, including full reports on expenditures for the prior fiscal year and anticipated budgets and work plans for the ensuing fiscal year.
- An assessment of the performance of the Program, including but not limited to program design and implementation, fiscal accountability, and responsiveness to preschool providers and the public, parents and children served by the Program.

**Section 5. Amendment of Agreement; Additional Parties.**

a. Except as otherwise provided in this Section, this Agreement may be modified or amended only by a duly executed written agreement with the express approval of the governing bodies of all Parties.

b. This Agreement may be amended to add one or more additional incorporated Town Parties upon passage of an ordinance or resolution of the additional Party's governing body approving of this Agreement. (*the "Keystone" clause*)

**Section 6. Term and Termination of Agreement.**

a. Effective Date. The effective date of this IGA is May 1, 2023 and shall continue until terminated by mutual agreement of the parties.

b. Termination. Any party may withdraw from this Agreement upon giving one (1)

year written notice to the other Parties.

**Section 7. Execution and Performance of Agreement in Accordance with Law.** Each Party hereby represents to each other Party that it has adopted and executed this Agreement in accordance with applicable law. Each Party shall perform their respective obligations and expend any revenues derived hereunder in accordance with all applicable laws, rules and regulations, including but not limited to the Act, this Agreement, and a voter-approved ballot measure.

**Section 8. Indemnification.** All actions or omissions by any Party, including their respective representatives, employees, agents, volunteers or officials, shall be the sole responsibility of the respective Party. Accordingly, each Party shall fully indemnify, to the extent permissible under Colorado law, all other Parties for any damages, claims, costs, expenses, cause of action or liability of any manner, including without limit reasonable attorney’s fees, arising out of or relating to the acts or omissions of such Party. The Parties understand and agree that liability for claims for injuries to persons or property arising out of the actions or omissions of any Party is controlled and limited by the provisions of the Colorado Governmental Immunity Act (“Immunity Act”) title 24, article 10, Colorado Revised Statutes, as now or hereafter amended and that the Parties do not intend to waive by any provision of this Agreement the liability limitations or any other right, immunity or protection afforded by the Immunity Act or as may otherwise be afforded by law. The indemnity obligations of this Section shall survive the termination of this Agreement. Indemnity obligations of any designee of the County shall be governed by separate agreement.

**Section 9. Dispute Resolution.**

a. The Parties shall attempt to informally resolve all disputes and claims arising from or related to this Agreement, beginning first with discussions among affected Town(s) and County staff, and if not resolved, escalating to discussions between the applicable Town Manager(s) and County Manager, and ultimately to the Town Council(s) and Board of County Commissioners. Disputes with any designee of the County shall be governed by separate agreement.

b. Any and all disputes and claims arising from or related to this Agreement that are not resolved pursuant to Section (a), above shall thereafter be submitted to mediation. The affected Parties shall share equally the mediator’s fees and costs associated with the mediation, and each Party shall pay its own fees, costs, and expenses related to the mediation. If the dispute is not resolved by mediation, any affected Party may commence a Court proceeding, with jurisdiction and venue residing exclusively in the Summit County District Court. Each Party waives its right to have such dispute decided by jury trial. The prevailing Party(s) shall be awarded its reasonable attorneys’ fees, costs, and expenses, including any attorneys’ fees, costs, and expenses incurred in collecting or executing upon any judgment, order, or award.

c. In the event that the County or a Town defaults in the performance of any of the duties and responsibilities under this Agreement, the non-defaulting Party shall be limited to the remedies of specific performance and mandamus. Prior to exercising such remedies, the non-defaulting Party shall give written notice to the other party of the nature of the claimed default and declare that such default must be cured within thirty (30) days from the date notice is given.

**Section 10. Parties in Interest.** Nothing expressed or implied herein is intended or shall



be construed to confer upon any person other than the Parties any right, remedy or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the Parties.

**Section 11. No Personal Liability.** No covenant or agreement contained in this Agreement shall be deemed to be the covenant or agreement of an elected or appointed official, officer, agent, servant or employee of any Party in his or her individual capacity.

**Section 12. Notices.** Except as otherwise provided in this Agreement, all notices or other communications by any Party shall be in writing, shall be given in a reasonable time and shall be deemed given when actually received. Notice to the Parties shall be given to the address listed on Exhibit A, attached and incorporated herein, and may also be delivered in electronic form by electronic mail to the addresses listed on Exhibit A.

**Section 13. Severability.** If any clause, provision, subsection, or Section of this Agreement shall be held to be invalid, illegal or unenforceable for any reason, the Agreement shall be reformed to the extent necessary to reflect the intent and purpose of the original agreement or the Parties may terminate this Agreement.

**Section 14. Interpretation.** Because this Agreement is the result of mutual negotiation and drafting, in the event this Agreement is deemed to be ambiguous or vague, the Parties agree that the rule of construction that "ambiguities shall be construed against the drafter" shall not apply. In the event of any conflict between the Act, the Intergovernmental Relations Statute or any other law with respect to the exercise of any such power, the provision that permits the broadest exercise of the power consistent with the limitations set forth in this Agreement shall control. The laws of the State shall govern the construction and enforcement of this Agreement.

**Section 15. Counterparts.** This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same Agreement. Electronic or scanned signatures shall be valid and acceptable for all purposes.

**IN WITNESS WHEREOF**, this Agreement has been executed by the Parties effective as of the date set forth above.

**SUMMIT COUNTY, COLORADO**

By: \_\_\_\_\_, Chair

**ATTEST:**

By: \_\_\_\_\_  
Clerk and Recorder

**TOWN OF BLUE RIVER**

By: \_\_\_\_\_  
Toby Babich, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Town Clerk

**TOWN OF BRECKENRIDGE**

By: \_\_\_\_\_  
Eric Mamula, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Town Clerk

**TOWN OF DILLON**

By: \_\_\_\_\_  
Carolyn Skowyra, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Town Clerk

**TOWN OF FRISCO**

By: \_\_\_\_\_  
Hunter Mortensen, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Town Clerk

TOWN OF SILVERTHORNE

By: \_\_\_\_\_  
Ann-Marie Sandquist, Mayor

ATTEST:

By: \_\_\_\_\_  
Town Clerk

## STAFF REPORT

**TO:** Mayor and Board of Trustees

**FROM:** Kyle Parag, Building Official

**RE:** Automatic Code Adoptions

**DATE:** March 16, 2023

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**BACKGROUND/ANALYSIS:**

As part of the previous code update, the Town of Blue River adopted modern language that provides an automatic adoption of codes regulated by us from the State of Colorado, DORA. The automatic updates language is designed to move the Town to the current codes for plumbing and electrical systems as required within one year of DORA adoption without going through a new code adoption by reference to stay in compliance with the requirements of DORA.

The State of Colorado Attorney has declared that jurisdictions that have language as described will trigger the HB22-1362 (C.R.S. 30-28-211) Energy Code laws that require jurisdictions to update the energy code at any new adoption. Since the State plans to update to the 2023 Electrical Code in August (after the July 1<sup>st</sup> deadline in the energy code law) the Town would then be in non-compliance with our energy codes adoption.

These two laws conflict with each other since the adoptions happen at inopportune times, and changing the energy code is lengthy process of adoption by reference.

Charles Abbott and Associate’s solution for this conflict is to remove the language such as “Currently” or “As modified”, eliminating the direct change in our adopted codes when the basis codes change. Since we are just removing the future automatic update aspect, not changing the adopted codes, this is an easy fix without proceeding through an adoption by reference process.

Kyle Parag  
Building Official  
Town of Blue River

**TOWN OF BLUE RIVER, COLORADO  
ORDINANCE NO. 2023-01**

**AN ORDINANCE AMENDING SECTIONS OF CHAPTER 18 OF THE BLUE  
RIVER MUNICIPAL CODE TO REMOVE AUTOMATIC UPDATES TO  
CERTAIN MODEL CODES**

WHEREAS, the Town of Blue River (“Town”) is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

WHEREAS, in furtherance of the public health, safety and welfare of the inhabitants of the Town, the Board of Trustees for the Town of Blue River previously adopted by reference the International Building Code (2018 Edition), the International Existing Building Code (2018 Edition), the International Residential Code (2018 Edition), the International Mechanical Code (2018 Edition), the Colorado Fuel Gas Code, the Colorado Plumbing Code, the International Energy Conservation Code (2018 Edition), the National Electrical Code as adopted by the State of Colorado, the International Fire Code (2018 Edition), (collectively referenced as the “Codes”); and

WHEREAS, the Board of Trustees desires to remove the language from the Code providing for automatic updates of certain Codes adopted by reference to fully comply with state law; and

WHEREAS, the Board of Trustees has determined that the amendments to Chapter 18 will further the health, safety, and welfare of the inhabitants of the Town.

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

**Section 1.** **Amendment to Section 18-2-50.** The first sentence of Section 18-2-50 of the Town of Blue River Municipal Code, titled *Residential code*, is amended to read as follows:

The International Residential Code, 2018 Edition, Fourth Printing, September 2020, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478- 5795, including sections as amended by the State of Colorado Department of Regulatory Agencies, as part of the Colorado Plumbing Code and Colorado Fuel Gas Code listed in Rule 3 CCR 720-1 pursuant to the authority granted to the Colorado Plumbing Board by Section 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Blue River Residential Code as if fully set out in this Section with the additions deletions insertions and changes as follows:

Other than the amendment of the first sentence of Section 18-2-50, no other change is intended.

**Section 2. Amendment to Section 18-2-60.** The first sentence of Section 18-2-70 of the Town of Blue River Municipal Code, titled *Fuel gas code*, is amended to read as follows:

The Colorado Fuel Gas Code, as adopted by the State of Colorado Department of Regulatory Agencies, as listed in Rule 3 CCR 720-1, pursuant to the authority granted to the Colorado Plumbing Board by Sections 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Blue River Fuel Gas Code as if fully set out in this Section with the additions, deletions, insertions and changes as follows:

Other than the amendment of the first sentence of Section 18-2-70, no other change is intended.

**Section 3. Amendment to Section 18-2-80.** The first sentence of Section 18-2-80 of the Town of Blue River Municipal Code, titled *Plumbing code*, is amended to read as follows:

The Colorado Plumbing Code, as adopted by the State of Colorado Department of Regulatory Agencies, as listed in Rule 3 CCR 720-1, pursuant to the authority granted to the Colorado Plumbing Board by Sections 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Blue River Plumbing Code as if fully set out in this Section with the additions, deletions, insertions and changes as follows:

Other than the amendment of the first sentence of Section 18-2-80, no other change is intended.

**Section 4. Amendment to Section 18-2-100.** Section 18-2-100 of the Town of Blue River Municipal Code, titled *Electrical code*, is amended to read as follows in its entirety:

The National Electrical Code, as adopted by the State of Colorado Department of Regulatory Agencies, as listed in Rule 3 CCR 710-1, is hereby adopted by reference as the Town of Blue River Electrical Code as is fully set out in this Section.

No building shall be hereafter constructed, erected, enlarged, altered, or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the National Electrical Code, as adopted by the State of Colorado on the date of the passage of this Ordinance.

**Section 5. 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 6. Minor Revision or Correction Authorized.** The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, numerical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

**Section 7. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 8. Effective Date.** The provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

**INTRODUCED, READ, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED** at a regular or special meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the ~~25~~<sup>18</sup>th day of April, 2023.

\_\_\_\_\_  
Toby Babich, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Town Attorney

Published in the Summit County Journal \_\_\_\_\_, 2023.



April 11th, 2023

Dear Sponsors,

Thank you for another outstanding scholarship year! Through your fundraising efforts and commitment to this program you awarded a total of 465 scholarships to 138 graduating seniors totaling over \$583,000. Every year, I'm amazed at just how generous of a community Summit County is. You deserve a round of applause and a pat on the back!

Our goal is to continue to improve and grow this program from year to year. Please feel free to email me with any constructive feedback you have. Also please keep in mind, if you have any criteria changes you would like to make for next year, any Team Lead changes, or reviewer committee changes, please feel free to email them to me at any time. You do not have to wait until next fall!

Thank you again for your incredible generosity and support of the seniors of Summit County!

Thank you,

Timi Lawson  
Local Scholarship Coordinator  
lscoordinator@summitk12.org





**Blue River Staff Report**  
April 2023

Town of Blue River 0110 Whispering Pines Circle Blue River, CO 80424	970-547-0545 michelle@townofblueriver.org <a href="https://townofblueriver.colorado.gov">https://townofblueriver.colorado.gov</a>
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**Communications & Happenings**

- **Defensible Space/Wildfire Mitigation**
  - Staff has submitted a \$405,000 grant application to the Colorado State Forest Service. The grant request is to provide right-of-way tree mitigation on roads within the Town, establish a “chipping day” program and to provide grants up to \$5,000 to encourage residents to perform defensible space mitigation on their properties. If awarded, the projects would be for 2024. Award announcements will be made May 3, 2023.
  - Defensible space applications were due April 10<sup>th</sup>. The Town has submitted the applications for the 50/50 grant from the Summit Wildfire Council. Awards will be announced in June and work performed on properties this summer.
  - A one-day Lesson in the Park will be held Thursday, June 29<sup>th</sup>. The session will be held at Theobald Park to provide education on creating defensible space and mitigation as well as a session on noxious weeds. This will be a kickoff for Weed & Seed and just prior to Weed Fest.
- **Weed Fest/Weed & Seed**
  - Weed & Seed will take place July 1-September 30<sup>th</sup>. The Town is participating along with the County and other municipalities in a countywide weed pull day; aka Weed Fest. The date is set for Saturday, July 8<sup>th</sup> 8:00 a.m.-12:00 p.m. More details to come soon.
- **Community Events Calendar**
  - The Community Events Calendar is on the home page of the town website: <https://townofblueriver.colorado.gov>.
- **Upper Blue Planning Commission-From Representative Dan Cleary**
  - Upper Blue met on 3/23 for a work session to discuss PLN22-029. It was to consider rezoning A-1 to PUD to allow expanded operations at the Country Boy Mine. Feedback was provided to the applicant with no decisions being made. There was no UBPC meeting.

### **Town Statistics**

Facebook Page Likes  
Town-1,301  
Police Department-892  
Instagram-1,144 followers  
Twitter-69 followers  
Residents on Email List-976  
Blue River News-1,142

**Business Licenses-266**

**Lodging Registrations-207**

### **Municipal Court April 2023**

Total tickets written for March Court: 5  
Total on the April Docket: 2  
Total April Failure to appear(s): 0  
Total April OJW(s): 0

### **Building Statistics March 2023**

**Permits Issued: 9**  
**YTD: 30**  
**Inspections: 6**  
**New Construction 2023: 0**  
**Certificates of Occupancy: 0**



## End of Month Report: March 2023

### Calls for Service

Total number of a calls: 102 Top  
10 calls as follows:

Area Patrol	57
Residential Alarms	6
Parking Violation	4
911 Hangup	3
Drunk Drivers/Reckless	5
School Bus Violations	3
Welfare Checks	3
Motorist Assists	2
Medical	2
Road Hazard	1

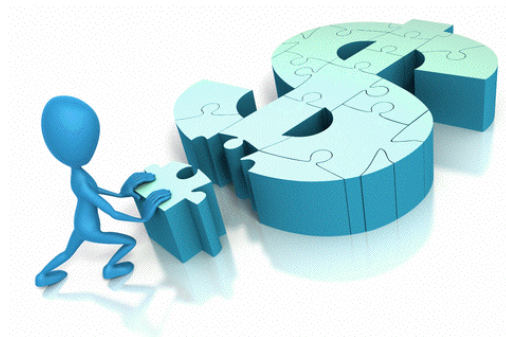
**Summary:** Officers continue to focus their patrol efforts in neighborhoods while traffic conditions along Hwy. 9 remain dangerous. An increase in residential alarms and 911 hangups is partially due to short-term rentals and renters not familiar with operating the security system.

Arrest: One misdemeanor

### Current Administrative Focus

- New Hire – A condition job offer has been extended to a new officer, filling the last vacancy.
- 911 Communication Center – Extensive work is being conducted in relationship to improving emergency and non-emergency protocols with the Comms Center.
- Record Management System (RMS) – Improvements with RMS for evidence and property are being implemented, conducted through the information technology department of the Comms Center.
- High Visibility Enforcement – The department is applying for grant money to support driving under the influence enforcement for 2024.

Report prepared by: Chief,  
David Close



**Financial Summary Report**

Prepared by: Michelle Eddy, Town Manager  
Month Ending March 31, 2023

**Revenues/Expenditures:**

Revenues are tracking in line with budget overall. Sales tax and interest earned are slightly ahead of budget.. Expenditures are tracking on budget.

**Reserve Accounts\*As of 3/31/2023**

Unrestricted	
Reserve accounts Alpine Bank:	\$1,349,899.91
Reserve account First Bank:	\$100,001.00
CD's Citywide Bank:	\$211,498.41
Colorado Trust:	\$911,791.51
CSAFE:	\$100.00
Illiquid Trust Funds:	\$1,187.42
<b>Total Unrestricted</b>	<b>\$2,574,478.25</b>
Restricted	
American Rescue Plan Funds:	\$230,715.68
Conservation Trust:	\$129,505.46
<b>Total Reserves Restricted</b>	<b>\$360,221.14</b>



# Town of Blue River

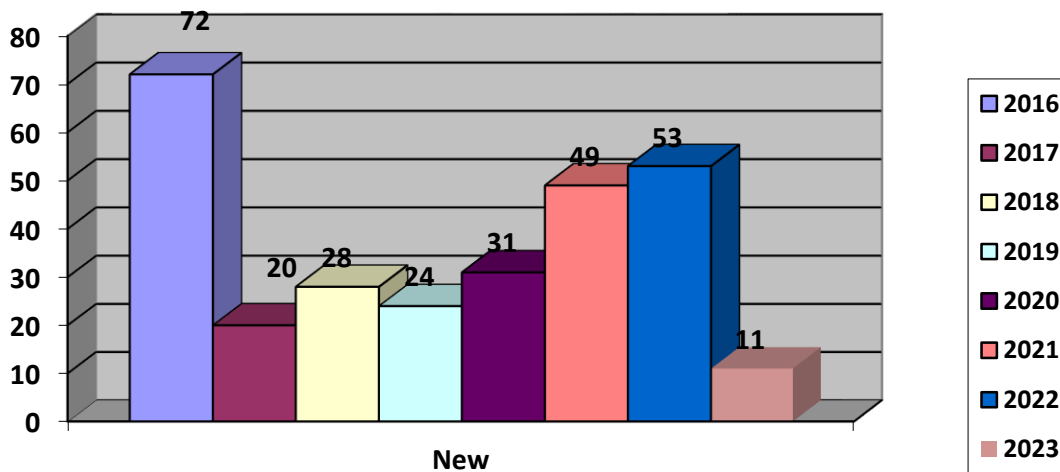
**Staff Report**  
**Short-term Rental Update**  
**March 8, 2023**  
**Submitted By: Michelle Eddy, Town Manager**

## Statistics

Issued by Year

2016	72	*Previous number included previous years prior to Town taking over program
2017	20	
2018	28	
2019	24	
2020	31	
2021	49	
2022	53	
2023	12	

**Total Active Licenses as of 4/6/2023: 207**



**New (never rented before) Licenses by year:**

- 2017-20
- 2018-25
- 2019-20
- 2020-25
- 2021-43
- 2022-35
- 2023-8

**License turnover (STR one owner to the next):**

- 2017-0
- 2018-3
- 2019-4
- 2020-6
- 2021-6
- 2022-18
- 2023-4

**Annual Revenue**

<b>Year</b>	<b>Sales Tax</b>	<b>Lodging Tax</b>
2016	\$264,757.05	\$123,742.00
2017	\$237,468.92	\$126,585.55
2018	\$286,968.54	\$155,511.07
2019	\$425,616.72	\$166,883.33
2020	\$842,141.13	\$176,339.81
2021	\$844,558.23	\$228,743.34
2022	\$1,002,256.27	\$327,762.62
2023	\$243,017.49	\$45,897.84

**Percentage of STRs by Subdivision**

***\*\*Please note the percentage of STRS is based on total homes built within each subdivision and NOT buildable lots.***

Subdivision	Built Lot	# STR	%STR **	% Build Out	% Full-Time Res.
96 Sub	37	9	24%	90%	30%
97 Sub	41	9	22%	84%	41%
Aspen View	16	7	44%	80%	19%
Blue Rock Springs	50	12	24%	93%	44%
Bryce Estates	4	1	25%	57%	25%
Clyde Lode	1	0	0%	50%	0%
Coronet	31	10	32%	78%	32%
Crown	66	21	32%	92%	35%
DOT Condo	37	5	14%	100%	27%
DOT Placer	2	0	0%	50%	100%
Golden Crown	5	3	60%	63%	20%
Lakeshore	40	11	28%	93%	30%
Leap Year	21	8	38%	91%	52%
Louise Placer	8	3	38%	73%	13%
McCullough Gulch	3	1	33%	43%	33%
Misc Sec TR7-77 Land	5	0	0%	22%	40%
Mountain View	44	12	27%	96%	36%
New Eldorado Sub	8	4	50%	73%	63%
New Eldorado Townhomes	9	1	11%	100%	67%
Pennsylvania Canyon	2	0	0%	100	0%
Pomeroy	0	0	0%	0%	0%
Rivershore	5	0	0%	63%	20%
Royal	67	15	22%	94%	39%
Sherwood Forest	78	18	23%	90%	24%
Silverheels	4	1	25%	67%	25%
Spillway	19	2	11%	90%	26%
Spruce Valley Ranch	44	0	0%	68%	11%
Sunnyslope	30	12	40%	86%	47%
Timber Creek Estates	71	27	38%	89%	10%
Wilderness	55	14	25%	96%	38%



**General Statistics**

- Total Percentage of short-term rentals **26%**
- “Local” Breckenridge, Dillon, Frisco or Silverthorne addresses with STR License: 24 or 12%

**Code Violations 2015-2023**

<b>Total Violations:</b>	<b>277</b>
Violations for STR’s while licensed as an STR:	117 (42%)
Percentage of Repeat Offenders:	>1%