

TOWN OF BLUE RIVER, COLORADO

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO, AMENDING SECTION 17-1-40 OF THE BLUE RIVER MUNICIPAL CODE (LAND USE CODE) TO AUTHORIZE A WAIVER OR EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 17 FOR PROPERTY TO BE OWNED BY THE TOWN TO SERVE A PUBLIC PURPOSE, TO CLARIFY THE AUTHORITY OF THE TOWN BOARD CONCERNING SUBDIVISION PROCEDURES, AND DECLARING AN EMERGENCY

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

WHEREAS, Colorado state law at Section 31-23-214, C.R.S., authorizes municipalities to provide for the method for subdivision of land and to grant waivers or exemptions for classes of land as may be determined appropriate by the municipality; and

WHEREAS, the Board of Trustees enacted Section 17-1-40 of the Land Use Code (a portion of the Municipal Code) to provide for certain waivers (exemptions) from subdivision and to ensure compliance with the goals, objectives, and purposes of the Town of Blue River Comprehensive Plan and the Blue River Land Use Code and to recognize the need for exemptions to comply with state law; and

WHEREAS, on occasion, the Town must acquire land to provide for and to serve public purposes such as, but not limited to, roads, utilities, open space, parks, trails, public improvements; and

WHEREAS, the Board of Trustees finds it necessary to exempt any restrictions on subdivision in order to best enable the dedication of land to the Town and to allow the Town’s prompt acquisition of land for public purposes and needs; and

WHEREAS, notwithstanding the waiver or exemption of subdivision requirements for certain Town-owned property, the Town shall always endeavor to follow general subdivision procedures or practices and to cause to be recorded a legally binding plat or map of land division to best memorialize a division of property that is subject to a waiver or exemption; and

WHEREAS, the governing body of a municipality may, by ordinance, assume duties otherwise allocated to a planning and zoning commission.

BE IT ORDAINED by the Board of Trustees of the Town of Blue River, Colorado, as follows:

Section 1. Amendment of Subsection (5) of Section 17-1-40(b). Section 17-1-40 of the Municipal Code of the Town of Blue River (the Land Use Code) titled *Applicability, Exemptions, Limitations, and Repeal* is hereby amended to modify subsection (5) to read in full as follows:

- (5) A division of land to enable a dedication to, or the acquisition by, the Town of land to serve a public purpose such as, but not limited to, new or expanded road or street right-of-way, public utilities, establish or expand a public park, open space, or trail, or to enable or expand a public improvement or a public facility.

Section 2. Amendment of Section 17-1-30. Section 17-1-30 of the Municipal Code of the Town of Blue River (the Land Use Code) titled *Purpose* is hereby amended to read in full as follows:

Section 17-1-30 Purpose

The Town of Blue River Subdivision Regulations are enacted in accordance with the authority conferred by Articles 16 and 23 of Title 31, Article 20 of Title 29, and Article 67 of Title 24 of the Colorado Revised Statutes, as amended. The Board of Trustees may, at any time, assume and perform any power or duty otherwise allocated by state law to the Town's municipal planning commission.

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

Section 4. Repeal. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

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

Section 6. Emergency Declaration and Effective Date. The Board of Trustees hereby legislatively declares that the passage of this Ordinance is necessary for the immediate

preservation of the public peace, health, or safety. Specifically, the passage of this Ordinance as an Emergency Ordinance is necessary to guarantee or ensure timely dedication or acquisition of property necessary to serve public needs. Absent the emergency nature of this Ordinance, the Town will be unable to timely meet the goals and conditions of acquisition of property necessary to advance the long-term goal of completing the Town public trail system. Upon passage by a supermajority of the members of the Board of Trustees in office, as required by state law, this Ordinance shall become effective immediately upon adoption.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the 16th day of July, 2024.

Mayor

ATTEST:

Town Clerk

Published in the Summit County Journal _____, 2024.