



MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

TO: PLANNING COMMISSION
FROM: KATIE KENT, COMMUNITY DEVELOPMENT DIRECTOR
RE: WORK SESSION: 3-MILE PLAN DISCUSSION
DATE: MAY 15, 2025

Summary

The purpose of the work session on May 15th is to discuss the Three-Mile Plan (“Plan”) and for staff to receive direction from the Commission as to what extent and what elements they think the Plan should be updated in 2025.

Staff is seeking feedback at the May 15th work session; specifically:

1. Does the Planning Commission have specific sections of the Three-Mile Plan they request Staff revise/update in 2025?
2. Does the Planning Commission support adopting the 2019 Plan as the 2025 Plan with minimal updates; or does the Planning Commission think that a rewrite is needed to the Plan in 2025?
3. If the Town updates the Plan with minimal revisions, does the Planning Commission want the Town to pursue more in-depth revisions in 2026?

Background

The Plan is a long-range planning opportunity for municipalities to consider where they want to annex, how they will provide service in the newly annexed areas, and how they will sustain adequate levels of service throughout the rest of the municipality. It ensures that the municipality will annex land only when it is consistent with pre-existing plans for the surrounding area.

Even if the Town of Frisco has no plans to annex any land, Colorado Revised Statutes 31-12-105(e) requires every municipality to update a three-mile plan on an annual basis. If a community does not have an updated plan, the failure to have a plan prior to the completion of an annexation could open a municipality up to litigation.

State law does not specifically state that an annexation must be in compliance or conformity with a municipality’s three-mile plan, though it is likely that a court would require a legislative finding that such compliance or conformity exists.

The Town of Frisco has no current plans or formal requests to annex adjacent land. The adoption of the Plan is to bring the Town into state conformance since it is required to be updated annually and has not been updated since 2019. Staff is unaware of why the Plan has not been adopted since 2019, since it is required by State law on an annual basis.

Colorado Revised Statute 31-12-105(e) states:

*(e)(I) Except as otherwise provided in this paragraph (e), no annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year. Within said three-mile area, the contiguity required by [section 31-12-104\(1\)\(a\)](#) may be achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. **Such plan shall be updated at least once annually.** Such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one year without regard to such mileage limitation. Such three-mile limit may also be exceeded for the annexation of an enterprise zone.*

Questions for Planning Commission

Staff notes that they will make edits to the Plan that include updates to:

- a) 2019 dates changed to 2025
- b) Updates to Summit County zone districts if modifications have been made since 2019
- c) Water Service Map update (if applicable)
- d) Sewer Service map update (if applicable)

Staff is seeking feedback at the May 15th work session; specifically:

4. Does the Planning Commission have other specific sections of the Plan they request Staff revise/update in 2025?
5. Does the Planning Commission support adopting the 2019 Plan as the 2025 Plan with minimal updates; or does the Planning Commission think that a rewrite is needed to the Plan in 2025?
6. If the Town updates the Plan with minimal revisions, does the Planning Commission want the Town to pursue more in-depth revisions in 2026?

Next Steps

After receiving feedback from the Planning Commission, Staff will make updates based on information received. The Plan will then return to Planning Commission to provide a recommendation to the Town Council. The Town Council will formally adopt the Plan. Staff

would like to have this completed and adopted by the end of August 2025 in an effort to close out existing DOLA EIAF grant funding that is tied to having both the Comprehensive Plan and Three-Mile Plan adoption.

Attachments

Attachment A_2025 Comprehensive Plan reference to the Three-Mile plan

Attachment B_2019 Three-Mile Plan