

CHAPTER 15

Annexation

Article I

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ARTICLE I

Annexation Procedures

Sec. 15-1. Purpose.

The purpose of this Chapter is to establish a procedure to bring land under the jurisdiction of the City in compliance with the Colorado Municipal Annexation Act of 1965, as amended. This Chapter also provides standards for annexation and for compliance with other provisions of this Code. (Ord. 645 §1, 1993; Ord. 2006-869 Pt. 1)

Sec. 15-2. Responsibilities of applicant.

(a) In addition to other duties imposed upon all applicants by this Code and the Colorado Municipal Annexation Act of 1965, as amended (the "Act"), all applicants shall have the following responsibilities:

(1) The applicant is responsible for having a representative at all meetings of the Planning Commission and of the City Council where the request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.

(2) The applicant shall consult with the Planning Department to discuss any special conditions pertaining to the annexation and to obtain an annexation petition and application materials.

(b) All fees for all annexation applications shall be as shown in the "City of Fort Lupton General Fee Schedule" as adopted and revised by resolution by the City Council. (Ord. 645 §1, 1993; Ord. 96-692 §1; Ord. 2006-869 Pt. 1)

Sec. 15-3. Annexation policy.

(a) The City Council shall have the sole discretion in the annexation of territory proposed for annexation to the City, and the City is under no obligation to approve any annexation petition.

(b) Land to be annexed shall conform to the goals, policies and strategies of the City.

(c) The petitioner for annexation of land to the City shall be responsible for paying all required fees and for all related costs and overhead incurred by the City in reviewing and processing the annexation petition.

(d) Annexation shall not divide tracts of land in such a way as to prevent annexation of adjoining land.

(e) All annexations shall be accompanied by an agreement between the petitioner and the City, stating conditions related to municipal services or other terms of annexation that are not specifically provided for in the Code.

(f) Unless specifically deferred by the City Council, zoning of the property shall occur concurrently with the annexation. Proposed zoning shall conform to a concept land use plan

submitted with the annexation petition. In the event that sufficient planning has not been done to define zoning boundaries at the time of annexation, the City may zone the property "A," Agricultural, as an interim zoning classification.

(g) In accordance with this Code, sufficient water rights shall be deeded to the City at the time of annexation unless alternate provisions are approved in the annexation agreement.

(h) Required contiguity of noncontiguous parcels proposed for annexation may be achieved by annexation of one (1) or more portions of street right-of-way or other public way, a process commonly referred to as "flagpole" annexation. (Ord. 2006-869 Pt. 1)

Sec. 15-4. Summary of the annexation process.

- (a) Preapplication meeting with the Planning Department.
- (b) Annexation application and petition, concept land use plan and zoning application.
- (c) City review of application and feasibility of the annexation.
- (d) Preliminary negotiation of the annexation agreement.
- (e) Resolution of substantial compliance and public hearing date.
- (f) Notice and referrals.
- (g) Planning Commission public hearing and recommendation.
- (h) City Council public hearing and ordinance on annexation, zoning and annexation agreement.
- (i) Recording of annexation map, ordinance and annexation agreement. (Ord. 2006-869 Pt. 1)

Sec. 15-5. Annexation process.

(a) Landowners considering annexation shall meet with representatives of the Planning Department prior to submitting any annexation request for the purpose of reviewing the City's requirements, obtaining annexation application materials and beginning discussion of the terms of an annexation agreement.

(b) Application. The applicant shall submit to the City the annexation petition and land use application materials. Complete annexation applications shall include the following:

- (1) Annexation petition in a form provided by the City, signed by one hundred percent (100%) of the owners of the property being annexed.
- (2) Completed land use application form.
- (3) Completed annexation application.

(4) Two (2) full-size paper copies and fifteen (15) eleven-by-seventeen-inch paper reductions of the annexation map.

(5) A completed application for zoning the property being annexed in conformance with the requirements of this Code for amending the official zoning map.

(6) Two (2) full-size paper copies and fifteen (15) eleven-by-seventeen-inch paper reductions of a concept land use plan for the property, generally showing the anticipated land uses for the property being annexed.

(7) Required annexation fees and a deposit in an amount specified by the City for the cost of reviewing and processing the application.

(8) The following supportive information that will enable City staff to evaluate the impacts of the annexation on the City:

a. Soils description and limitation.

b. A statement of any known hazards and other important environmental conditions present on the property.

c. Preliminary utility plan.

d. One (1) set of No. 10 envelopes, stamped with first-class postage, with the City's address as the return address, addressed to owners of property located within five hundred (500) feet of the property proposed for annexation. Also, a statement by the applicant, indicating the source of all addresses provided.

e. In the case of "flagpole" annexations, a separate set of stamped, addressed envelopes for owners of all property adjoining the public way proposed to achieve contiguity, and a statement of the source of the addresses.

f. An affidavit concerning the amount and historical use of all water rights owned.

g. A vicinity map with a one-and-one-half-mile radius, at a minimum scale of one (1) inch represents two thousand (2,000) feet.

h. A statement on community need for proposed annexation and zoning.

i. For all annexations in excess of ten (10) acres, a statement from the school district governing the area to be annexed of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.

j. A draft annexation impact report, conforming to the requirements of this Chapter.

(c) The Planning Department shall review all documents submitted for completeness and accuracy. The applicant shall be notified within a reasonable time of any deficiencies and provided

an opportunity to correct such deficiencies. If all documents are complete and accurate, the Planning Department shall submit the annexation petition to the City Clerk.

(d) The City Clerk shall present the annexation petition and a resolution determining substantial compliance with the Act and initiating annexation proceedings to the City Council.

(e) The City Council shall, at a regular or special meeting, consider whether the petition is in substantial compliance with applicable provisions of the Act.

(1) If the petition is found to be in substantial compliance with the Act, the City Council may, by adoption of a resolution of substantial compliance, set the annexation and zoning for public hearing as provided in the Act.

(2) If the property proposed for annexation is contiguous with the City, the date of public hearing should be set to provide sufficient time for notice and hearing by the Planning Commission in advance of the City Council hearing.

(3) If the property proposed for hearing is only contiguous with the City via annexation of a street right-of-way or other "flagpole," the date of the City Council public hearing shall be not less than sixty (60) days after the date of approval of the resolution of substantial compliance.

(4) If the petition is found to not be in compliance with the Act, no further action shall be taken, except that such findings shall be made by resolution of the City Council.

(f) Upon establishment of a City Council public hearing date, the Planning Department shall schedule a public hearing on the annexation and zoning by the Planning Commission.

(g) Notice. Upon the establishment of a City Council public hearing date, the City Clerk shall give appropriate notice in accordance with the Act and with this Code.

(1) The City Clerk shall send copies of the annexation petition and the resolution of substantial compliance by certified mail to the Clerk of the Weld County Board of County Commissioners and to the County Attorney.

(2) Not less than twenty-five (25) days prior to the City Council public hearing, the City Clerk shall send copies of the annexation petition and the resolution by certified mail to any school district or special district having territory within the annexed area.

(3) Using the mailing list provided by the applicant, the City Clerk shall send a summary of the petition and a notice of the scheduled Planning Commission and City Council public hearings by first-class mail to owners of land within five hundred (500) feet of the property proposed for annexation.

(4) In the event of a "flagpole" annexation, and using the mailing list provided by the applicant, the City Clerk shall send a summary of the petition and a notice of the scheduled Planning Commission and City Council public hearings by first-class mail to owners of land contiguous with the public way being used to achieve contiguity, and advising such owners of their rights under the Act to petition for annexation.

(5) Posting. At least fifteen (15) days prior to the Planning Commission and City Council public hearings, the applicant shall post the property with a notice of the hearings as required by the Planning Department. Posting shall consist of at least one (1) sign facing and clearly legible from and within fifty (50) feet of each adjacent public street. These notices shall be in the form of signs measuring not less than three (3) feet by four (4) feet, with lettering a minimum of three (3) inches high and on posts no less than four (4) feet above the ground. Signs shall contain the following language, and shall include scheduled hearing dates:

PUBLIC NOTICE

A land use application is under review by the City of Fort Lupton.

Public hearings have been scheduled for:

Planning Commission: Tuesday, ____, 20__

City Council: Wednesday, ____, 20__

Time: 7:00 p.m.

Location: 130 South McKinley Avenue

CONTACT THE PLANNING DEPARTMENT AT:303-857-6694

(h) Annexation impact report.

(1) Not less than twenty-five (25) days prior to the City Council public hearing, the Planning Department shall prepare the final annexation impact report.

(2) Not less than twenty (20) days before the date of the City Council hearing, the City Clerk shall send by first-class mail one (1) copy of the impact report to the Weld County Board of County Commissioners.

(3) The preparation and filing of the annexation impact report may be waived by the Board of County Commissioners.

(i) Referrals. Upon acceptance of the annexation petition by the City Council, the Planning Department shall furnish to the following entities by first-class mail copies of the annexation map and the concept land use plan and notice of the scheduled public hearings. The Planning Department may submit copies of the annexation map and the concept land use plan and notice of the public hearings to additional interested entities as determined by the Planning Department in its sole discretion. Notices shall include a summary of the proposed annexation and the scheduled hearing dates and location.

(1) Telephone company.

(2) Franchise utility companies.

(3) Fire Protection District.

(4) Colorado Department of Transportation (Region 4).

(5) Planning departments of neighboring cities.

(6) Weld County Planning Department.

(j) The Planning Department staff shall coordinate discussions among the applicant and appropriate representatives of the City regarding the provisions of an annexation agreement. The agreement shall be in a form provided by the City. A draft agreement shall be prepared by the City in advance of the City Council hearing.

(k) Planning Commission hearing. The Planning Commission shall review the annexation map, the concept land use plan and the zoning request at a public hearing, and shall submit a written recommendation to the City Council.

(l) City Council hearing.

(1) After public hearing, the City Council may consider the approval of an ordinance annexing the property to the City without election if it finds that the annexation is in compliance with the requirements of the Act and of this Code, and that no election is required under the Act. The annexation ordinance may also approve or approve with conditions the annexation agreement.

(2) The City Council may approve zoning for the property by separate ordinance.

(3) City Council approval may be contingent upon specific changes to the zoning or to the annexation agreement.

(4) In the event the City Council considers and disapproves such ordinance, no similar request may be heard for a period of one (1) year from the date of denial.

(m) Final submittal. In the event the City Council approves an annexation ordinance, the applicant shall submit to the Planning Department within ten (10) days of the effective date of the ordinance two (2) Mylars of the final annexation map, including all original signatures, and one (1) Mylar of the concept land use plan. All maps and drawings shall also be submitted in AutoCAD 12 or higher drawing files in IBM format on compact disk or other acceptable electronic format.

(n) Recording. Upon receipt of all required original maps and documents, the City Clerk shall record the annexation ordinance, the annexation map and the annexation agreement in the records of the County Clerk and Recorder. (Ord. 645 §1, 1993; Ord. 2006-869 Pt. 1)

Sec. 15-6. Annexation map standards.

(a) All annexation maps shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, and shall be on reproducible Mylar with outer dimensions of twenty-four (24) by thirty-six (36) inches.

(b) The annexation map shall contain the following information:

(1) The date of preparation, the scale and a symbol designating true north.

(2) The name of the annexation.

- (3) The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
- (4) The legal description.
- (5) Distinction of the boundary that is contiguous to the City and the length of the same.
- (6) Lot and block numbers if the area is already platted.
- (7) Existing and proposed easements and rights-of-way.
- (8) Existing and requested zoning and acreage of each requested zone.
- (9) Ownership of all parcels within and adjacent to the annexation.
- (10) Appropriate certification blocks as directed by the Planning Department. (Ord. 2006-869 Pt. 1)

Sec. 15-7. Concept land use plan standards.

(a) Concept land use plan. Concept land use plans shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, and shall be on Mylar with outer dimensions of twenty-four (24) by thirty-six (36) inches. Depending on the proposed use of the property, the Planning Director has the discretion to waive the requirement that the concept land use plan be submitted on Mylar and in map format. As a substitute, the owner may submit a concept land use plan in written format.

(b) Purpose. The purpose of the concept land use plan conveys to staff and the City the general plans for the parcel seeking annexation. The concept land use plan shall neither be intended, nor shall it be construed, as a site-specific development plan. The owners or developers will submit a sketch plat per Section 17-21 of this Code after the property has been annexed and initially zoned.

(c) The concept land use plan shall contain the following information:

- (1) The date of preparation, the scale and a symbol designating true north.
- (2) The name of the annexation.
- (3) The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the plan.
- (4) General location of existing and proposed easements and rights-of-way.
- (5) Proposed phasing plan for development of the property.
- (6) Proposed gross and net residential density, and anticipated schedule for residential development.

c. The existing and proposed land use pattern in the areas to be annexed.

(2) A copy of any draft or final annexation agreement, if available.

(3) A statement of the City's plans for extending or providing for municipal services within the area to be annexed.

(4) A statement of the City's plans for the financing of municipal services to be extended into the area to be annexed.

(5) A statement identifying all existing districts within the area to be annexed.

(6) A statement of the effect of the annexation upon the school district governing the area to be annexed, as is more fully set forth in Paragraph 15-5(b)(8) of this Chapter. (Ord. 645 §1, 1993; Ord. 2006-869 Pt. 1)