

CHAPTER 15

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ARTICLE I

Annexation Procedures

Sec. 15-1-10. Purpose.

The purpose of this Article is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the Colorado Municipal Annexation Act of 1965, as amended. (Prior code 15-1; Ord. 2006-1236 §1; Ord. 2006-1268 §2)

Sec. 15-1-11. Contemporaneous master planning not required.

An applicant may petition to bring land under the jurisdiction of the Town by the annexation procedures set forth herein, with or without a contemporaneous application for the master planning of such property. In the event master plan approval is not requested or approved contemporaneously with the annexation of property, approval of a master plan in accordance with the provisions of Article II of this Chapter shall be a condition precedent of any subdivision application for the property. (Ord. 2006-1268 §2)

Sec. 15-1-12. Annexation without master planning.

References in this Article to "master plan" or "master plan fee" shall apply only where an applicant desires to submit an annexation petition and request for approval of a master plan contemporaneously. Should an applicant desire to petition for the annexation of land without the approval of a master plan, such references shall not apply. The procedures set forth in Article II of this Chapter shall apply to requests for approval of a master plan submitted after the annexation of property. (Ord. 2006-1268 §2)

Sec. 15-1-20. Responsibilities of applicant.

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

(1) The applicant is responsible for having a representative at all meetings 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 Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.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. (Prior code 15-2; Ord. 2006-1236 §1; Ord. 2006-1268 §2)

Sec. 15-1-30. Preliminary steps.

(a) Procedure. At least fifteen (15) days prior to the presentation of any annexation petition to the Town Board, the applicant shall submit to the Town an original and twenty (20) copies of the annexation petition, the annexation fee, the master plan fee, a minimum of twenty (20) copies of the master plan and annexation map and the appropriate number of copies of all required supportive information as set forth in this Section. Such annexation fee shall be established by resolution of the Town Board.

(1) The Planning Department shall review all documents submitted for completeness and accuracy. If all documents are complete and accurate, the Planning Department shall submit the annexation petition to the Town Clerk.

(2) The Town Clerk shall present the annexation petition and a resolution initiating annexation proceedings to the Town Board, which shall thereafter establish a date for a public hearing. Upon the establishment of a public hearing date, the Town Clerk shall give appropriate notice in accordance with the Colorado Municipal Annexation Act of 1965, as amended, and shall specifically direct copies of the annexation petition and the resolution initiating the annexation procedure by certified mail to the Clerk of the Board of County Commissioners and to the County Attorney of the County wherein the territory is located. Copies of the annexation petition and the resolution initiating the annexation procedure shall also be sent by certified mail to any school district or special district having territory within the annexed area. These copies shall be sent at least twenty-five (25) days prior to the public hearing.

(3) Upon acceptance of the annexation petition by the Town Board, the Planning Department shall furnish to the following entities copies of the annexation map and the master plan. The Planning Department may submit copies of the annexation map and the master plan to additional interested entities as determined by the Planning Department in its sole discretion. Such entities shall be advised by the Planning Department of the scheduled hearing date and shall further be notified that any objections to the annexation and master plan must be submitted to the Town in writing no later than seven (7) days after receipt of the annexation map and master plan:

- a. Qwest Communications.
- b. Xcel Energy.
- c. Town Engineer.
- d. Windsor-Severance Fire Protection District.
- e. Town Water and Sewer Department.
- f. Colorado Department of Transportation.
- g. Town Recreation Department.
- h. Respective School District in which the subject property is located.
- i. Comcast Communications.

(4) The Planning Department shall submit the annexation map, master plan and zoning request to the Planning Commission. The Planning Commission shall review the annexation map, master plan and zoning request at a public hearing and shall submit a written recommendation to the Town Board.

(b) Annexation map. 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 a reproducible medium with outer

dimensions of twenty-four by thirty-six (24 x 36) inches. 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, phone numbers and fax numbers of the applicant and the firm or person responsible for preparing the annexation map.
- (4) The legal description (section, township, range).
- (5) Distinction of the boundary that is contiguous to the Town and the length of same.
- (6) Lot and block numbers if the area is already platted.
- (7) Existing and proposed easements and rights-of-way for collector and arterial streets.
- (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.
- (11) Vicinity map.
- (12) Revisions block. An information block entitled "Revisions" shall be included on all annexation maps, and all such blocks for revisions shall include entry blocks for a) the date of each revision, b) the initials of the person who made the revision, and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the annexation map.

(c) Master plan. The applicant shall submit to the Planning Department the master plan fee, as established by resolution of the Town Board, along with the requirements provided in Subsection (a) above. All master 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 a reproducible medium with outer dimensions of twenty-four by thirty-six (24 x 36) inches. The master 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, phone numbers and fax numbers of the applicant and the firm or person responsible for preparing the master plan.
- (4) Existing and proposed easements and rights-of-way for collector and arterial streets.
- (5) On each land use-specific section of the plan identify:

- a. Projected acreage, minimum lot size and gross and net residential densities;
- b. Projected acreage designated for parks, open space and other public and semi-public uses;
- c. Projected acreage for industrial and commercial uses; and
- d. All of these projected acreages must equal the total acreage of the parcel shown in the Land Use Legend in Subparagraph (6)d below.

(6) Land Use Legend showing:

- a. Proposed gross and net residential densities;
- b. Proposed acreage designated for each specific land use – parks, commercial, industrial, residential, other public and semi-public uses, streets, etc.;
- c. Proposed zoning classifications; and
- d. Total acreage of the parcel.

(7) Existing watercourses with adequate easements for flood control.

(8) Designation of all public sites to be reserved and dedicated.

(9) Existing two-foot contours.

(10) Appropriate certification blocks as directed by the Planning Department.

(11) Vicinity map.

(12) Revisions block. An information block entitled "Revisions" shall be included on all master plans, and all such blocks for revisions shall include entry blocks for a) the date of each revision, b) the initials of the person who made the revision, and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the master plan.

(d) Supportive information. The following supportive information shall be submitted with the annexation map and master plan:

(1) A Town application form, provided by the Planning Department, with the original signature of the property owner or the owner's authorized representative, plus twenty (20) copies of the application form. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.

(2) Twenty (20) copies of a Town general application overview form provided by the Planning Department.

(3) One (1) copy of a deed or legal instrument identifying the applicant's interest in the property.

(4) All copies shall be collated into complete application packets. With the exception of utility drawings which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.

(5) Three (3) copies of a soils description and limitation. This supportive information is not required to be submitted where contemporaneous approval of a master plan is not requested.

(6) Three (3) copies of a preliminary utility plan. Such utility plan shall include the size and location of all existing utility lines and facilities and the approximate size and location of all proposed utility lines and facilities. A table with estimates of peak hour and maximum day water and wastewater demands shall be included on the utility plan. This supportive information is not required to be submitted where contemporaneous approval of a master plan is not requested.

(7) Three (3) copies of a preliminary drainage plan showing flow patterns, including off-site contributions, detention and retention areas and discharge areas. This supportive information is not required to be submitted where contemporaneous approval of a master plan is not requested.

(8) One (1) original and three (3) copies of an affidavit concerning the amount and historical use of all water rights owned within the last three (3) years.

(9) Twenty (20) copies of a statement on community need for the proposed annexation and zoning.

(10) For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement 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. Twenty (20) copies of the school district statement shall be included in the application materials. (Prior Code 15-3; Ord. 2004-1193 §1; Ord. 2006-126 §1; Ord. 2006-1268 §2; Ord. 2007-1299 §1; Ord. 2010-1382 §3)

Sec. 15-1-40. Annexation impact report.

(a) For all annexations in excess of ten (10) acres, the Town shall prepare an impact report regarding the proposed annexation no less than twenty-five (25) days before the date of the annexation hearing. One (1) copy of the impact report shall be filed with the Board of County Commissioners governing the area proposed to be annexed within five (5) days thereafter. The preparation and filing of the annexation impact report may be waived upon approval of the Board of County Commissioners governing the area proposed to be annexed.

(b) The annexation impact report shall include the following:

(1) A map or maps of the Town and adjacent territory showing the following information:

a. The present and proposed boundaries of the Town in the vicinity of the proposed annexation.

b. The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.

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

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

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

(4) A statement of the Town'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 15-1-30(d)(11) of this Article. (Prior code 15-4; Ord. 2006-1236 §1; Ord. 2006-1268 §2)

Sec. 15-1-50. Consideration of annexation ordinance.

Upon the submission of documentation in accordance with this Chapter and upon compliance with the notice and hearing requirements as set forth in the Colorado Municipal Annexation Act of 1965, as amended, the Town Board may consider the approval of an ordinance annexing the subject property to the Town. In the event the Town Board considers and disapproves such ordinance, no similar request may be heard for a period of one (1) year from the date of denial. (Prior code 15-5; Ord. 2006-1236 §1; Ord. 2006-1268 §2)

Sec. 15-1-60. Final submission.

Upon final approval of the Town Board, the applicant shall submit the following to the Planning Department:

(1) A certified copy of a compact disc (CD) or other electronic data storage format as approved by the Town which shall contain the information exactly as is contained within the annexation plat as finally approved by the Town. The CD shall be: (1) formatted and certified in accordance with the Town's requirements; and (2) first approved by the Town's Geographic Information Systems (GIS) technician. Any CD or other approved digital media submitted pursuant to this Section shall conform to all requirements of the Town's most current Electronic Document Submittal Standards, a copy of which shall be maintained by the Director of Planning and made available to the public. Incomplete or inaccurate CDs and CDs that are not certified will not be accepted.

(2) Translucent original Mylars of the annexation plat to be recorded in the office of the applicable Clerk and Recorder. The quantity of submittals required under this Paragraph shall be established by the Director of Planning. Final plat Mylars shall include signatures on the

appropriate certification blocks. Reproduction Mylars, dark-colored or tinted Mylars and/or sepias will not be accepted. (Ord. 2009-1344 §1)

ARTICLE II

Master Plan Procedures

Sec. 15-2-10. Purpose.

The purpose of this Article is to establish a procedure to provide for the master planning of property annexed to the Town pursuant to Article I of this Chapter. As provided in Article I of this Chapter, master planning in conjunction with the annexation of property is permissive but not required. The foregoing notwithstanding, the approval of a master plan shall be a condition precedent for the subdivision of property in the Town. (Ord. 2006-1268 §1)

Sec. 15-2-20. Responsibilities of applicant.

In addition to other duties which may be imposed upon all applicants by this Code, all applicants shall have the following responsibilities:

(1) The applicant is responsible for having a representative at all meetings 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 master plan and to the master planning process as set forth in this Article. (Ord. 2006-1268 §2)

Sec. 15-2-30. Preliminary steps.

(a) Procedure. The applicant shall submit to the Town an original and twenty (20) copies of the master plan and the appropriate number of copies of all required supportive information as may be required by the Planning Department. Applicants shall pay the master plan fee as established by resolution of the Town Board. The Planning Department shall review all documents submitted for completeness and accuracy.

(b) Master plan. All master 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 a reproducible medium with outer dimensions of twenty-four by thirty-six (24 x 36) inches. The master plan shall contain the following information:

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

(2) The name of the master plan.

(3) The names, addresses, phone numbers and fax numbers of the applicant and the firm or person responsible for preparing the master plan.

- (4) Existing and proposed easements and rights-of-way for collector and arterial streets.
- (5) On each land use-specific section of the plan identify:
 - a. Projected acreage, minimum lot size and gross and net residential densities;
 - b. Projected acreage designated for parks, open space and other public and semi-public uses;
 - c. Projected acreage for industrial and commercial uses; and
 - d. All of these projected acreages must equal the total acreage of the parcel shown in the Land Use Legend in Subparagraph (6)d. below.
- (6) Land Use Legend showing:
 - a. Proposed gross and net residential densities;
 - b. Proposed acreage designated for each specific land use – parks, commercial, industrial, residential, other public and semi-public uses, streets, etc.;
 - c. Proposed zoning classifications; and
 - d. Total acreage of the parcel.
- (7) Existing watercourses with adequate easements for flood control.
- (8) Designation of all public sites to be reserved and dedicated.
- (9) Existing two-foot contours.
- (10) Appropriate certification blocks as directed by the Planning Department.
- (11) Vicinity map.

(12) Revisions block. An information block entitled "Revisions" shall be included on all master plans, and all such blocks for revisions shall include entry blocks for: a) the date of each revision; b) the initials of the person who made the revision; and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the master plan.

(c) Supportive information. The following supportive information shall be submitted with the proposed master plan:

(1) An application form provided by the Planning Department with original signatures of all property owners and authorized representatives, together with twenty (20) copies of such form. In the event the application form is signed by an authorized representative, written evidence of such authorization shall likewise be provided.

(2) Twenty (20) copies of a general application overview on a form provided by the Planning Department.

(3) One (1) copy of a deed or legal instrument identifying the applicant's interest in the property.

(4) All copies shall be collated into complete application packets. With the exception of utility drawings which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.

(5) Three (3) copies of a soils description and limitation.

(6) Three (3) copies of a preliminary utility plan. Such utility plan shall include the size and location of all existing utility lines and facilities and the approximate size and location of all proposed utility lines and facilities. A table with estimates of peak hour and maximum day water and wastewater demands shall be included on the utility plan.

(7) Three (3) copies of a preliminary drainage plan showing flow patterns, including off-site contributions, detention and retention areas and discharge areas. (Ord. 2006-1268 §2; Ord. 2007-1299 §2)

Sec. 15-2-40. Consideration of master plan approval.

Upon the submission of complete documentation in accordance with this Article, the request for the approval of the master plan shall be presented to the Planning Commission for recommendation to the Town Board. Thereafter, the Town Board may consider the approval of a resolution approving the master plan. (Ord. 2006-1268 §2)

Sec. 15-2-50. Final submission.

Upon final approval by the Town Board, the applicant shall submit the following to the Planning Department:

(1) A certified copy of a compact disc (CD) or other electronic data storage format as approved by the Town which shall contain the information exactly as is contained within the master plan as finally approved by the Town. The CD shall be: (1) formatted and certified in accordance with the Town's requirements; and (2) first approved by the Town's Geographic Information Systems (GIS) technician. Any CD or other approved digital media submitted pursuant to this Section shall conform to all requirements of the Town's most current Electronic Document Submittal Standards, a copy of which shall be maintained by the Director of Planning and made available to the public. Incomplete or inaccurate CDs and CDs that are not certified will not be accepted.

(2) Translucent original Mylars of the master plan to be recorded in the office of the applicable Clerk and Recorder. The quantity of submittals required under this Paragraph shall be established by the Director of Planning. Final master plan Mylars shall include signatures on the appropriate certification blocks. Reproduction Mylars, dark-colored or tinted Mylars and/or sepias will not be accepted. (Ord. 2009-1344 §2)

ARTICLE III

Neighborhood Meetings

Sec. 15-3-10. Intent and purpose.

To facilitate citizen participation early in the development review process, proponents of land use proposals shall be required to conduct neighborhood meetings with citizens and organizations in the neighborhood affected by the proposal. (Ord. 2007-1298 §1)

Sec. 15-3-20. Applicability.

Neighborhood meetings shall be required for all oil and gas, mineral extraction, annexation, major subdivision and rezoning applications. (Ord. 2011-1407 §1)

Sec. 15-3-30. Timing and number of neighborhood meetings.

(a) For all land use proposals other than those under which oil and gas or mineral extraction activity is contemplated, a minimum of one (1) neighborhood meeting shall be held at least thirty (30) days prior to the first review of the land use proposal by the Planning Commission. The Director of Planning may require additional neighborhood meetings should the Director determine that proposals have substantially changed during the review process, thereby necessitating additional public input, or where other circumstances unique to the proposal require additional neighborhood meetings.

(b) For all land use proposals under which oil and gas or mineral extraction activity is contemplated, a minimum of one (1) neighborhood meeting shall be held before the proposal is scheduled for the first review of the land use proposal by the Planning Commission. The Director of Planning may require additional neighborhood meetings should the Director determine that proposals have substantially changed during the review process, thereby necessitating additional public input, or where other circumstances unique to the proposal require additional neighborhood meetings. (Ord. 2011-1407 §2)

Sec. 15-3-40. Responsibilities and costs.

Proponents shall be responsible for public notification of the time, location and subject matter of the neighborhood meeting. Proponents shall likewise be responsible for conducting the meeting or meetings, preparing complete minutes thereof and providing evidence to the Planning Department of the scheduling, notice and conduct of all neighborhood meetings. Proponents shall bear all costs incurred in connection with the notification, conduct and reporting of neighborhood meetings as required by this Section. (Ord. 2007-1298 §4)

Sec. 15-3-50. Location.

Neighborhood meetings shall be held at a public meeting facility within the Town. Such facilities may include, but shall not be limited to, public schools, the Community Recreation Center and the Town Hall. The proponent shall be responsible for all scheduling and for all facility rental fees, if applicable. (Ord. 2007-1298 §5)

Sec. 15-3-60. Reserved.

Sec. 15-3-70. Content of neighborhood meetings.

(a) Proponents or their representatives shall present a summary of the land use proposal and shall be available to answer questions and receive comment from meeting attendees. A representative of the Planning Department may attend the meeting, but shall not organize or direct the meeting and shall be present solely for the purpose of gathering information and to explain the rules and regulations of the meeting.

(b) The proponents shall provide sign-in sheets so that all attendees may enter their name and address, although such entry shall not be a condition precedent to participation in the meeting. Copies of these sign-up sheets shall be filed with the Planning Department.

(c) The proponents shall prepare a written summary of the neighborhood meeting. The written summary shall be made a part of all proceedings on the land use proposal conducted either by the Planning Commission or the Town Board. At a minimum, the written summary shall include the dates and locations of all meetings, the number of attendees, a summary of comments and questions made at the meetings, including the substance of the comments and questions, the proponents' responses and a listing of comments and questions the applicant was unwilling or unable to answer or address, and the reasons therefor. This written summary shall be filed with the Planning Department at least twenty (20) days prior to the first review of the land use proposal conducted by either the Planning Commission or the Town Board.

(d) In the event there are no attendees at any meeting, the proponents shall notify the Planning Department of this fact in writing. The proponents shall then be deemed to have satisfied the neighborhood meeting requirement for that particular meeting. (Ord. 2007-1298 §7)

Sec. 15-3-80. Additional regulations concerning neighborhood meetings.

The Director of Planning is hereby authorized to promulgate and adopt such additional regulations regarding neighborhood meetings as may be necessary to implement the purposes and intent of this Section. (Ord. 2007-1298 §8)