

CHAPTER 10 ANNEXATION AND DISCONNECTION

10.1. ANNEXATION

10.1.1. General

(A) Authority

The BoCC is authorized to review and comment on annexations pursuant to C.R.S. §§31-12-108 and 108.5.

(B) Purpose

To establish the process by which the County will review and comment upon the impacts of municipal annexation activities.

(C) Applicability

The requirement to submit an annexation impact report is adopted pursuant to C.R.S. §31-12-108.5. The report is not required for annexations of ten acres or less, or where the BoCC has agreed that the report may be waived.

(D) Intergovernmental Agreements Allowed

Nothing within this Chapter shall prohibit the BoCC from entering into an intergovernmental agreement with a municipality to accomplish the intent and purpose of this Chapter, and which can serve to modify the requirements as included within this Chapter.

10.1.2. Notice

(A) Notice To County

A copy of the published notice of the annexation hearing before the municipality, together with a copy of the resolution and petition as filed, shall be sent by registered mail by the Clerk of the annexing municipality to the Clerk to the BoCC and to the OCA at least 25 days prior to the scheduled annexation hearing.

(B) Notice To Adjoining Owners

There is no public notice requirement for adjoining or impacted landowners whether the annexation impact report is submitted, or a waiver is requested.

10.1.3. Annexation Impact Report Waiver

(A) Submission of Waiver Request

Prior to or concurrent with the notice to the County, the annexing municipality may request in writing that the submittal of an annexation impact report to the BoCC be waived. The request to waive the annexation impact report shall be accompanied by the municipality's rationale as to why the report should be waived. Upon receipt of such waiver request, the Clerk to the BoCC shall schedule the waiver request for the BoCC's consideration as soon as practical in coordination with the DSD.

(B) BoCC Action on Waiver Request

The BoCC, following receipt of a request to waive the filing of an annexation impact report, shall determine whether or not a waiver should be granted. Upon a

determination by the BoCC that the annexation impact report should be waived, the Clerk to the BoCC shall notify the municipality proposing the annexation of the BoCC's determination. If the BoCC determines that the annexation impact report shall be required, the Clerk to the BoCC shall immediately notify the annexing municipality that the report shall be submitted.

10.1.4. Annexation Impact Report

(A) Submittal

Eighteen copies of the annexation impact report together with 5 copies of the municipality's plan for the area as required in C.R.S. §31-12-105 (1) (e) (I), shall be filed with the DSD as the designated representative of the BoCC at least 20 days prior to the annexation hearing. The 5 copies of the municipality's plan for the area may be waived if the plan is part of a larger plan developed by the municipality and such plan has been previously submitted to and reviewed by the County.

(B) Annexation Impact Report Requirements

The annexation impact report, if required to be submitted, shall include the following information, at a minimum:

- A map or maps of the municipality and the adjacent territory showing present and proposed boundaries of the municipality in the vicinity of the proposed annexation, the present streets, water mains, sewer interceptors and outfalls, and other utility lines and ditches in the vicinity of the proposed annexation and the existing and proposed land use patterns in the areas to be annexed.
- A copy of any draft or final pre-annexation agreement, if available.
- A statement setting forth the plans of the municipality for extending to or otherwise providing for municipal services.
- A statement setting forth a method under which the municipality plans to finance the extension of municipal services.
- A statement identifying existing districts within the area to be annexed.
- A statement regarding the effect of the annexation upon local public school district systems, including the estimated number of students generated and the capital construction required to educate such students.

10.1.5. Application Fee

The annexation impact report or waiver of annexation impact report is subject to the application fees included within the fee resolution, unless waived by the BoCC.

10.1.6. Annexation Impact Report Distribution

The County has no responsibility to distribute copies of the annexation impact report to any other entity; however, the County, through its review process, will attempt to solicit comments from other interested parties. To this end, the DSD will distribute copies of the annexation impact report to the following entities unless such entity has been provided a copy of the annexation impact report by the municipality or the applicant:

- EPCPSD
- EPCDHE
- EPCCSD
- OCA
- County Finance Department
- Each special district currently providing services within the area to be annexed
- Each school district serving the area
- Each member of the BoCC

The entities receiving copies of the annexation impact report may provide written comments to the BoCC. Upon receipt of the annexation impact reports, the DSD shall schedule a report to the BoCC at a regularly scheduled meeting prior to the scheduled annexation hearing.

10.1.7. Standards for Review of Annexation Impact Reports

The BoCC shall evaluate the annexation impact report for the following:

- Has the municipality made adequate provisions for the requisite level of utility services to the area?
- Has the municipality made adequate provisions for the requisite level of police and fire protection?
- Will the proposed annexation encourage growth patterns which are inconsistent with the Master Plan either in terms of the type of land use or the timing of such growth?
- Will the proposed annexation create unreasonable roadway maintenance/drainage problems?
- Will the proposed annexation have unreasonable detrimental impacts upon land adjoining the area proposed to be annexed in terms of land use compatibility, timing of growth or other development related concerns?
- Will the annexation create County enclaves within the municipality which have little or no possibility of future annexation by the municipality?
- Will the annexation remove land from an existing special district to the extent that the provision of service by the special district to the balance of the special district is no longer financially feasible?

10.1.8. BoCC Action on Annexation Impact Report

The DSD will present its findings to the BoCC at a regularly scheduled public meeting. The DSD's findings will include the written comments from those entities which responded to the referral of the annexation impact report. The BoCC may forward written comments to the annexing municipality, time permitting, or designate an authorized representative to present the BoCC's comments at the annexation hearing.

10.2. DISCONNECTION (DEANNEXATION)

10.2.1. General

(A) Authority

C.R.S. §31-12-501-707 authorize the County to establish policies and procedures regarding the disconnection of land from a city or town.

(B) Purpose

To establish a process by which an explanation regarding the effects of an action by a city or town, or court action, that results in a disconnection of property previously located within a city or town, and procedures for County action and land use permitting in the event of disconnection of land.

(C) Applicability

The provisions of this Chapter shall apply to land that has been disconnected from a city or town by ordinance or court decree, after the effective date of this Code.

10.2.2. Allowable Land Use Following Disconnection

The use of land that is disconnected from an incorporated area shall be restricted to those existing lawful uses permitted by the municipal zoning regulations in place prior to disconnection, until or unless the property is zoned in accordance with this Code.

Approval of any land use or expansion of any existing use shall not be permitted nor shall building permits be authorized by the DSD until the disconnected land is zoned by the BoCC.

10.2.3. Requirement to Zone Following Disconnection

The owners of any lots or parcels within the disconnection area shall submit a zoning application to the County within 90 days from the date of disconnection. If an owner fails to submit a zoning application within 90 days from the date of disconnection, the DSD may initiate zoning of any lot or parcel, in accordance with Chapter 6 of this Code and the Procedures Manual.

10.2.4. Obligation to Follow Disconnection Ordinance

In the event that land is disconnected from an incorporated area by ordinance, the owners of the lot or parcels within the disconnection area are obligated to abide by land use and subdivision restrictions included in the ordinance until the land is zoned in accordance with this Code. The County shall not allow zoning or subdivision of the disconnected land in a manner contrary to the disconnection ordinance.

10.2.5. Obligation to Follow Court Decree

In the event that land is disconnected from an incorporated area by court decree, the owners of the lots or parcels within the disconnection area are obligated to abide by land use and subdivision restrictions included in the court decree. The County shall not allow zoning or subdivision of the disconnected land in a manner contrary to the court decree.

10.2.6. Status of Roads Following Disconnection

In the event that land disconnected from an incorporated area includes roadways, whether public or private, there is no obligation upon the County to accept or maintain those roadways, unless acceptance for maintenance is established by BoCC resolution.

10.2.7. Status of Platted Lots Following Disconnection

In the event that land is disconnected from an incorporated area includes land described as lots or parcels which were reviewed for subdivision compliance by the municipality, the lots will be recognized as non-conforming lots until determined to be in conformance with this Code following zoning.

