



Neff Remainder Property Annexation

City Council – December 1, 2020

Applicant:	Travis Frazier, P.E. (Redland)
Property Owner:	CW-Blue Sky c/o Coronado West (Eric Eckberg)
City Staff Representative:	Sean Pesek, Assistant Planner

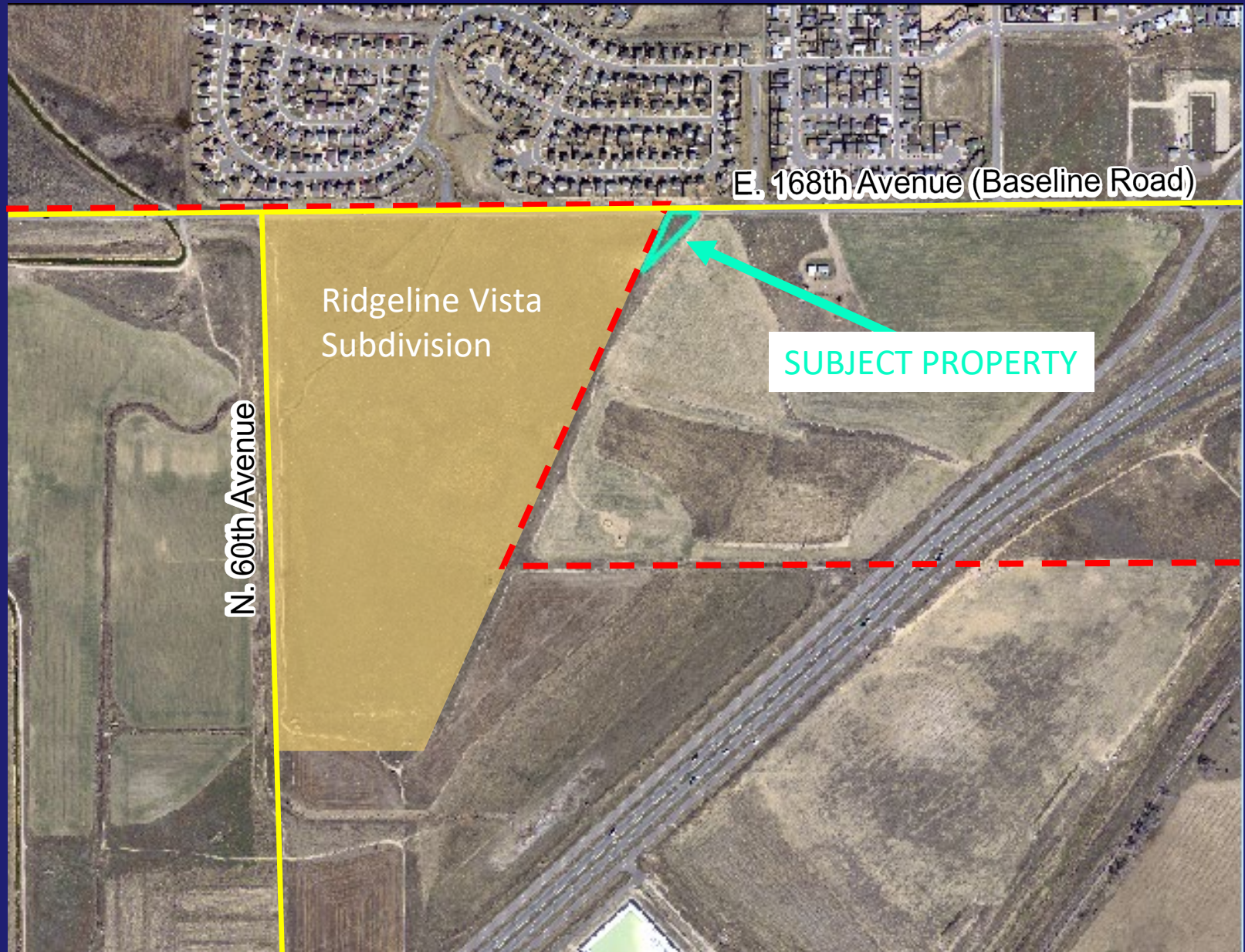
Strategic Focus Areas

- Recognizable and Well-Planned Community



Subject Property Location

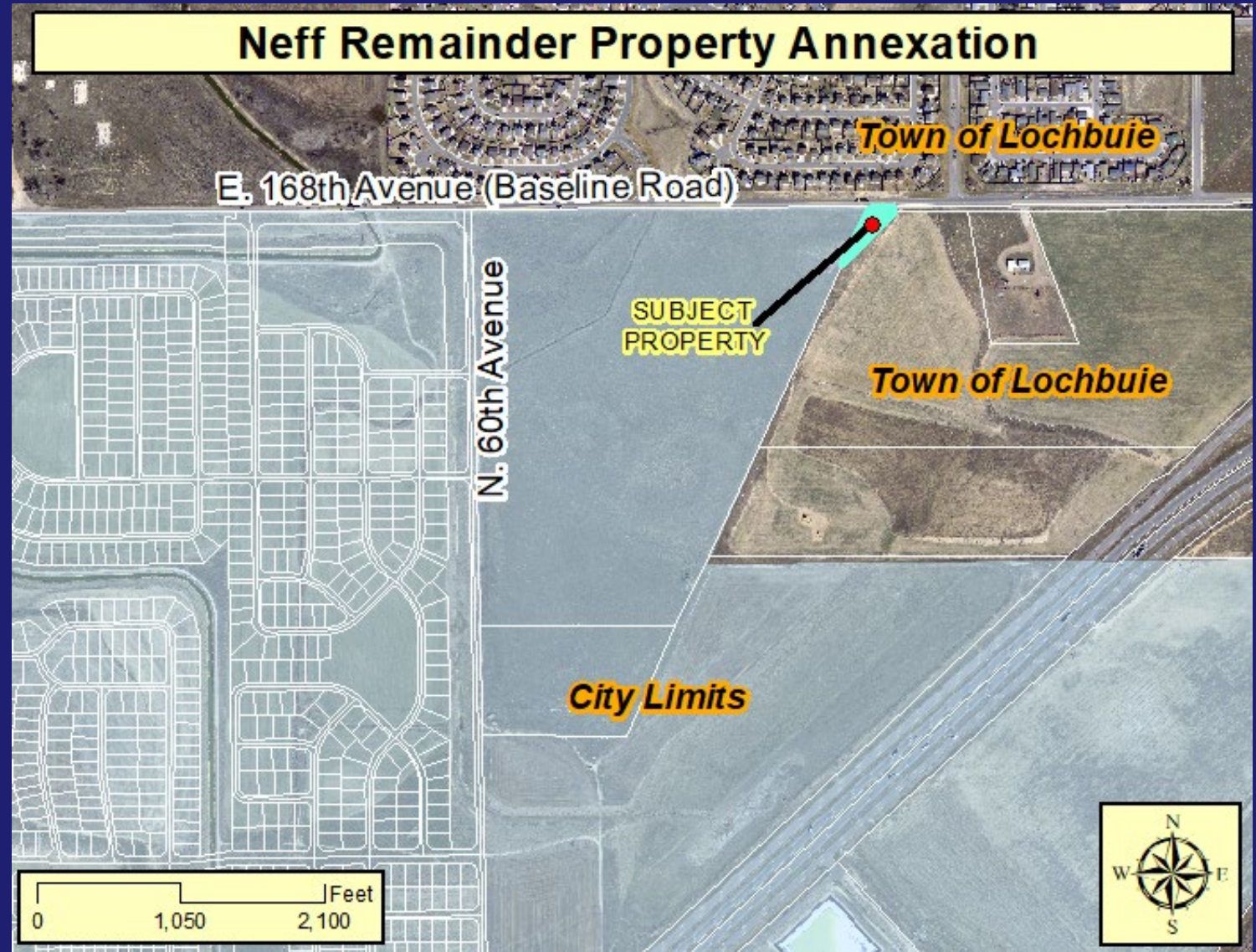
- Generally located to the east of the intersection of N. 60th Avenue and Baseline Road (E. 168th Avenue)
 - Between Adams County Parcel Number 0156900000293 and Adams County Parcel Number 0156900000193
 - Unincorporated Adams County



Aerial Map

Purpose

- Annexation is regulated by the Colorado Revised Statutes and is a four step process with the steps as follows:
 1. Petition Accepted by City Council via a Substantial Compliance Resolution *(Completed on October 20, 2020)*
 2. Findings of Fact via an Annexation Eligibility Resolution
 3. 1st Reading of an Annexation Ordinance with a Public Hearing
 4. 2nd Reading of an Annexation Ordinance
 - An Annexation Agreement may be approved via a Resolution at this time



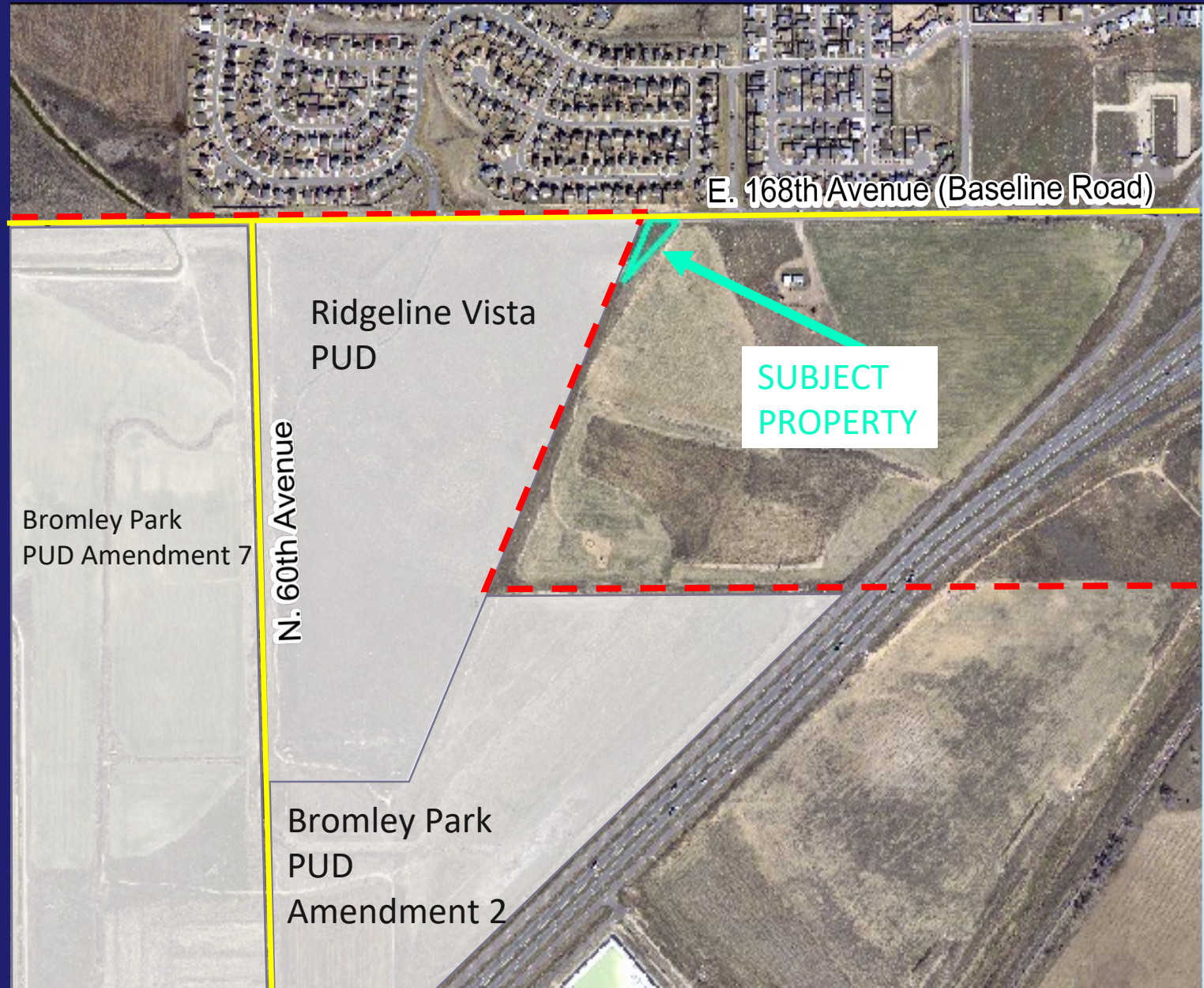
Aerial Map



BrightonSM

Background

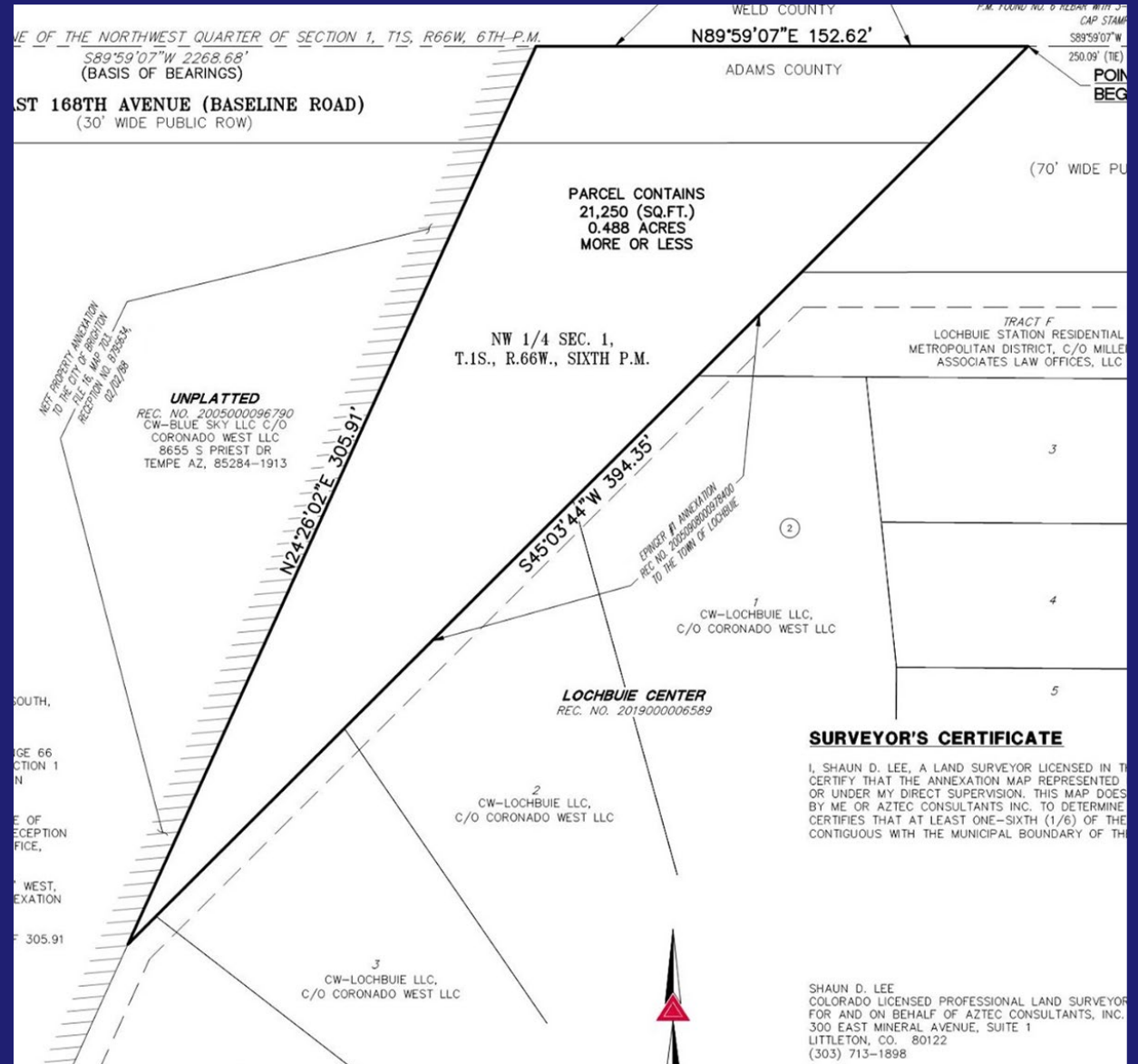
- Subject Property was integrated into the Ridgeline Vista Major Subdivision Plan
- Planning Commission conditionally approved the Major Subdivision Plan on October 8, 2020
- City Council accepted all public improvements associated with the proposal on November 17, 2020



Zoning Map

Review Criteria

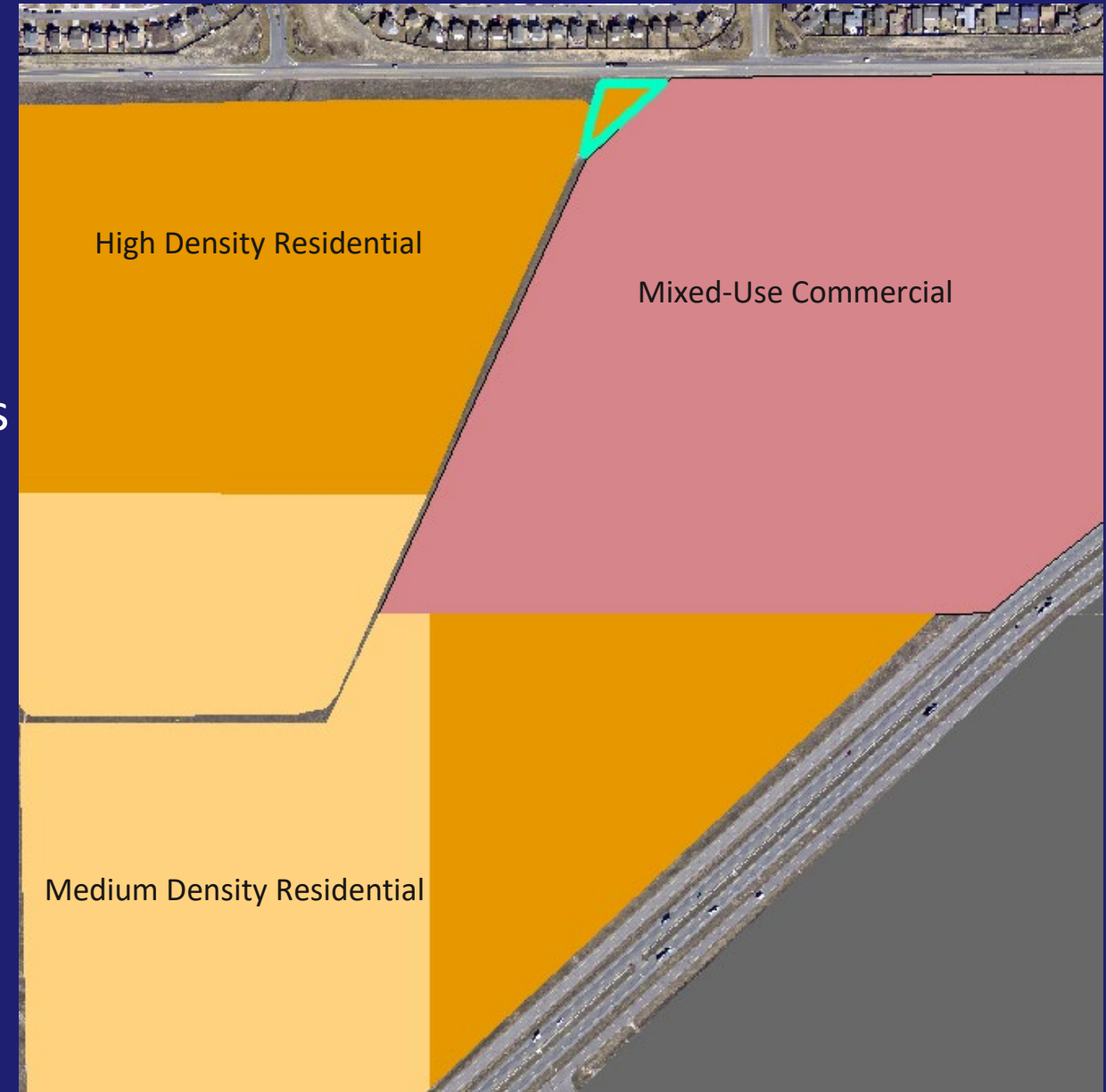
- Comprehensive Plan
- Land Use and Development Code
- Colorado Revised Statutes



Portion of Annexation Map

Comprehensive Plan

- Subject Property is designated as High Density Residential and is within the city's growth boundary.



Future Land Use Map

Land Use and Development Code

❖ Section 2.11(B) outlines the below six approval criteria.

Approval criteria. All annexations shall be reviewed for compliance with the following criteria. However, annexation is a discretionary, legislative act. The City shall never be compelled to annex, unless otherwise required by state law, even if all these approval criteria have been satisfied.

- a. The annexation is in compliance with the Municipal Annexation Act, Section 31-12-101, et seq., Colorado Revised Statutes (“C.R.S”).;*
- b. The annexation is in accordance with the Comprehensive Plan and any other plans or policies created under the guidance of that plan;*
- c. The property is capable of being integrated into the City and developed according to all applicable provisions of the Brighton Municipal Code;*
- d. Municipal and governmental services and facilities will be extended to these areas in a timely and fiscally responsible manner, considering initial costs, ongoing maintenance costs, and potential replacement costs with respect to the expected values of proposed development;*
- e. At the time any development is completed in the area to be annexed, there will be adequate capacity to serve the residents or occupants of the area with necessary utilities and facilities; and*
- f. The annexation will encourage well-ordered development of the City, particularly with regard to the long-range transportation patterns, development patterns, open space systems, and coordination with any specific plans accompanying the proposal.*

Colorado Revised Statutes:

- The City Council must determine whether the Annexation complies with the following statutory requirements set forth in the Colorado Revised Statutes:

Section 31-12-104

The following statutory limitations apply for eligibility for annexation:

- a. Not less than 1/6th of the perimeter of the area to be annexed is contiguous with the City of Brighton;
- b. A “community of interest” exists between the municipality;
- c. The area to be annexed and said area is urban or is to be urbanized;
- d. The area is integrated or capable of integration within the municipality.
- e. If the contiguity requirement is met, the “community of interest” requirement is presumed unless two of the following exist:
 - Less than 50% of the adult residents use facilities of the municipality (recreation, social, church, commercial, etc.), and less than 25% of the adults are employed in the municipality; or
 - One-half or more of the land is agricultural and the owners say it will stay agricultural for at least five years; or
 - It is not physically practicable to extend urban services on the same terms and conditions as other citizens of the municipality.

Colorado Revised Statutes:

Section 31-12-105

The following statutory limitations apply to the proposed annexation:

- a. Cannot separate property held in identical ownership;
- b. Cannot annex property more than 20 acres and more than \$200,000 in assessed value without the written consent of the owners, unless entirely within the municipality;
- c. No resolution or petition is valid if annexation proceedings have commenced for another municipality;
- d. Cannot extend municipal boundaries more than three miles in one year;
- e. There must be a plan in place regarding services and land uses;
- f. If annexation includes a portion of a street or an alley, all of the street or alley must be annexed; and
- g. Cannot deny reasonable access to adjoining landowners as a result of proposed annexation.

Colorado Revised Statutes:

Section 31-12-108

The following statutory requirements regarding notice are applicable to annexations:

- a. Publication of the date, time, and place of the public hearing must be published once a week for four successive weeks;
- b. The first publication must be at least thirty days before the hearing;
- b. Copy of the notice, resolution, and petition must be sent by registered mail to the County Commissioners, County Attorney, special districts, and the school district at least twenty-five days before the hearing.

(Notice to special districts and school district does not confer right of review)

Colorado Revised Statutes:

Section 31-12-109

The annexation statutes provide the following provisions regarding the public hearing on the annexation:

- a. Any person may appear and present evidence;
- b. All proceedings must be recorded.

Section 31-12-110

After the hearing, the governing body must set forth findings of fact and conclusion in a resolution regarding:

- a. Whether Sections 31-12-104 and 105 C.R.S have been met;
- b. Whether an election is required;
- c. Whether additional terms and conditions are to be imposed;
- d. A finding that the proposed annexation does not comply with Sections 31-12-104 and 105 shall terminate the proceedings.

Staff Analysis and Recommendation

- ✓ The Annexation complies with the C.R.S. §31-12-104 through 110.
 - *The Property is 35.87% contiguous with the City of Brighton city limits, so the “Community of Interest” provision is presumed.*
 - *The area is integrated or capable of integration within the municipality.*
 - *The proposed uses for the Property are critical drainage infrastructure and trails. Therefore, there is a plan in place for land uses.*

- ✓ Publication of the public hearing and notification of the public hearing have been provided to all applicable entities as required by C.R.S. §31-12-108.

- ✓ City staff finds that the request for annexation complies with the requirements of the Municipal Annexation Act, C.R.S. §31-12-101 et seq. and that the request for annexation complies with the Comprehensive Plan.

Options for City Council

❖ The City Council has the following two items before it, each with four options:

Resolution of Annexation Eligibility

City Council may:

1. Approve the Resolution as drafted;
2. Approve a modified Resolution;
3. Deny the Resolution with specific findings to justify the denial; or
4. Continue the item to be heard at a later, specified date if the Council feels it needs additional information to ensure compliance with state statutes.

Annexation Ordinance

If the Resolution of Annexation Eligibility is approved, City Council may:

1. Approve the Annexation via ordinance as drafted;
2. Approve the Annexation via a modified ordinance;
3. Deny the Annexation via ordinance with specific findings to justify the denial; or
4. Continue the item to be heard at a later, specified date if the Council feels it needs additional information to ensure compliance with the approval criteria.