



Disconnection Code Amendment

CITY COUNCIL – March 7, 2023

City Staff Representatives:

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Disconnection Code Amendment

Article 2 – Applications and Procedures



Disconnection (De-Annexation)

- Not addressed in *Municipal Code* or *Land Use & Development Code*
- To give City Council the authority to disconnect property from the city boundary, a process needs to be adopted
- Without an adopted process, lengthy court process required
- Should be added to the Land Use & Development Code



Disconnection Process

- Modeled after process defined in the *Colorado Revised Statutes*
- Notice to the Board of County Commissioners and the Board of Directors of any special or metropolitan district that provides service to the property
- 30-day period for these agencies to request a meeting to discuss the disconnection
- If requested, the City and the applicant meet with the requesting agency
- If none requested, the disconnection proceeds to consideration by the City Council



Disconnection Process

- If City Council determines the best interests of the City of Brighton will not be prejudiced by the disconnection, an ordinance must be passed to approve a disconnection
- The ordinance is then recorded with the applicable county clerk and becomes immediately effective



Code Amendment Review Criteria

In making its recommendation, the City Council shall use the following criteria (Section 2.10 B):

1. The amendment furthers the purposes of these regulations in Section 1.01.C.
2. The amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range effects as well as immediate impacts.

Policy 2.2 – Use Infrastructure Investments and the Urban Service Area Map to Focus Urban Development

Action Item – Brighton should use annexation and disconnection of existing corporate areas to support efficient extension of utilities.



Review Criteria continued...

3. The amendment promotes the public safety, health and general welfare of the community in the City of Brighton.
4. The amendment improves the effectiveness and efficiency of administering the Land Development Code.



Public Notice and Comment

- Public Notice was provided in accordance with the *Land Use & Development Code*.
- On February 14:
 - ✓ Notice was published on the City's Website.
- Planning Staff has not received any formal comments in advance of this hearing.
- City staff posted information for the public hearing on Facebook and Nextdoor.



Summary of Findings

- The Development Review Committee has reviewed this code amendment and recommended approval.
- Staff finds the Disconnection Code Amendment in general compliance with the requirements as outlined in the *Land Use & Development Code*.

Planning Commission Recommendation

- The Planning Commission heard this code amendment on February 9, 2023 and recommended approval with a 5-0 vote.



City Staff Recommendation

- Staff recommends approval of the Disconnection Code Amendment to Article 2.



Options for the City Council:

- ❑ Approve the code amendment via ordinance as drafted;
- ❑ Deny the code amendment;
- ❑ Approve the code amendment with changes to the drafted ordinance; or
- ❑ Continue the code amendment to be heard at a later specified date if the Council finds it needs additional information to make a decision.