

RESOLUTION NO.: 23-2

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRIGHTON, COLORADO RECOMMENDING TO THE CITY COUNCIL TO ENACT LANGUAGE IN THE LAND USE AND DEVELOPMENT CODE ESTABLISHING A PROCESS FOR DISCONNECTION

WHEREAS, the *Brighton Municipal Code* contains certain provisions related to land use, zoning, design standards, and the process for applications set forth in Chapter 17, also known as the *Land Use and Development Code* (the “LUDC”); and

WHEREAS, certain amendments to the LUDC are necessary to establish a process for disconnection; and

WHEREAS, in accordance with the public notice requirements of the LUDC, a notice of public hearing was published on the City’s website for no less than fifteen (15) days prior to the Planning Commission public hearing; and

WHEREAS, at the public hearing, the Planning Commission received and considered all relevant evidence and testimony from City staff and other interested parties, including the public at large; and

WHEREAS, the Planning Commission has reviewed the proposed amendment to the *Brighton Municipal Code*, Chapter 17, *Land Use & Development Code*, and has found the amendment, as provided herein, is in the best interest of the public health, safety, and welfare.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Brighton, Colorado, as follows:

Section 1. The Planning Commission hereby recommends that Section 2.11 of the LUDC is be amended as follows:

2.11 – Annexation and Disconnection

(E) **Disconnection.** When the owner of a tract of land within and adjacent to the boundary of the City of Brighton desires to have said tract disconnected from the City of Brighton, such owner may apply to the City Council of the City of Brighton for the enactment of an ordinance disconnecting such tract of land from the City of Brighton. The owner shall also provide notice and a copy of the application to the board of county commissioners of the county in which the tract of land that is the subject of the application is located and to the board of directors of any affected special district. No later than the effective date of the disconnection of a particular tract of land,

any vested property rights affecting the tract that have been established pursuant to Article 68 of Title 24 of the Colorado Revised Statutes prior to such date that are possessed by the owner of the tract shall be expired or relinquished.

1. Not more than thirty days after receiving the notice required by subsection (E) of this section, either the board of county commissioners or the board of directors of any affected special district may request a meeting with the owner and the City Council, or its appointee, to discuss and address any negative impacts on the county or the special district that would result from the disconnection. If such meeting is requested, the owner and the City Council or its appointee shall meet with either the board of county commissioners, or its appointee, or the board of any affected special district, or its appointee, not more than thirty days after the meeting was requested. Failure by either the board of county commissioners or the board of any affected special district to request a meeting constitutes an acknowledgment by the particular board that the disconnection will not adversely affect the county or an affected special district, as applicable.
 - (a) As used in subsection (E)(1), “affected special district” means any special district that by its service plan or pursuant to an intergovernmental agreement is or will be expected to provide service to the tract of land that is the subject of the disconnection application.
 - (b) For purposes of subsection (E)(1), “negative impact” includes any change in the level or extent of services being provided to the tract of land by any special district.
2. On receipt of such application, the City Council shall give due consideration to the disconnection application, and, if the City Council is of the opinion that the best interests of the municipality will not be prejudiced by the disconnection of such tract, it shall enact an ordinance effecting such disconnection.
3. If such ordinance is enacted, the Director shall record a copy of the disconnection ordinance with the applicable county clerk, at which time it shall become immediately effective. The applicant shall pay all required recording fees.

Section 2. *Findings.* The Planning Commission finds determines that the amendments set forth herein: (i) further the purpose of the LUDC; (ii) are in accordance with the Comprehensive Plan and have been considered for both their long-range effects and immediate impacts; (iii) promote the public safety, health, and general welfare of the community of the City of Brighton; and (iv) improve the effectiveness and efficiency of administering the LUDC.

Section 3. *Recommendation.* The Planning Commission hereby recommends to City Council the approval of the Code Amendments related to disconnection.

Section 4. This Resolution is effective as of the date of its adoption.

RESOLVED this 9th day of February 2023.

CITY OF BRIGHTON, COLORADO
PLANNING COMMISSION



Chris Maslanik, Chairperson

ATTEST:



KATE LESSER, Secretary