



## Legislation Text

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### *Department of Community Development*

Reference: Neff II Annexation

To: Mayor Kenneth J. Kreutzer and Members of City Council

Through: Philip A. Rodriguez, City Manager

Marv Falconburg, AICP, Assistant City Manager

Holly Prather, AICP, Community Development Director

Prepared By: Lauren Simmons, AICP, Senior Planner

Date Prepared: July 18, 2018

### **PURPOSE**

In order to proceed with annexation of the Neff II Property, the Council must review the annexation petition and application, conduct a public hearing, and complete the first reading of the annexation ordinance.

### **STRATEGIC FOCUS AREAS**

Recognizable and Well-Planned Community  
Supportive, Sustainable Infrastructure

### **BACKGROUND**

A Petition for Annexation was accepted by the City Council at a regular meeting held on July 17, 2018. The approximate 9.0404 acre parcel, known as the Neff II Property (the "Property"), is currently zoned A-3 (Agricultural) through Adams County. The Property is generally located west of I-76, east of the N. 50<sup>th</sup> Avenue, and south of Baseline Road. The Property is 100% contiguous with existing Brighton city limits. The City of Brighton Comprehensive Plan, designates the Property as being appropriate for Medium Density Residential.

### **CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM**

- **Comprehensive Plan:** The annexation of this parcel is consistent with the Comprehensive Plan, which designates this parcel as being located within the "Medium Density" area.
- **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**

1. The following statutory limitations apply for eligibility for annexation:
  - a. Not less than 1/6<sup>th</sup> 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 of 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.*

#### Section 31-12-105

2. 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.

#### Section 31-12-108

3. 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;
  - c. 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)*

#### Section 31-12-108.5

4. The statutes relating to annexations require an Annexation Impact Report for areas in excess of 10 acres to include the following:
  - a. The municipality must prepare the Impact Report;
  - b. A map showing present and proposed boundaries, utility infrastructure, streets, and land uses;
  - c. Addresses, the provision of municipal services, the method of financing, effect on school districts, etc.;
  - d. It must be filed twenty-five days before the hearing;
  - e. One copy of the Annexation Impact Report must be filed with the County Commissioners within five days;
  - f. Not required for annexation of ten acres or less, or if the County Commissioners agree to waive the report.

#### Section 31-12-109

5. 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

6. 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.

### **ANALYSIS**

The Neff II Annexation complies with the C.R.S. §31-12-104-110. Under Section 31-12-10 the Property is 100% contiguous with the City of Brighton City Limits, so the Community of Interest provision is presumed. The Property is set to be urbanized and is capable of integration within the City of Brighton.

### **PUBLIC INQUIRY**

Publication of the public hearing and notification of the public hearing, have been provided to all applicable entities as required by C.R.S. §31-12-108.5. The notice of public hearing was published in the Brighton Standard Blade on July 25, August 1, August 8 and August 15, 2018 and. A copy of the published notice, resolution of eligibility and petition as filed were sent via registered mail to the Board of County Commissioners of Adams County, the County Attorney and School District 27 J. The Planning Division has not received formal comments regarding the proposed annexation.

### **STAFF RECOMMENDATION**

- This request for annexation complies with the requirements of the Municipal Annexation Act, C.R.S. §31-12-101 et seq.
- This request for annexation complies with the Comprehensive Plan.

### **OPTIONS FOR COUNCIL CONSIDERATION**

- Approve the Annexation Ordinance
- Not Approve the Annexation Ordinance, with specific findings to justify the denial.

### **ATTACHMENTS**

- Resolution of Annexation Eligibility
- Resolution of Findings of Fact
- Annexation Ordinance (Draft)
- Annexation Map
- Aerial Map