

**Title 14**

**ANNEXATION**

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**14.04.010 Purpose and Intent.**

The purpose of this Title is to establish a procedure to bring land under the jurisdiction of the Town of Kremmling in compliance with the Colorado Municipal Annexation Act of 1965 (CRS Title 31 Article 12), as amended. This chapter also provides standards for annexation and for compliance with other provisions of the Municipal Code and all other applicable plans, regulations and standards.

**14.04.020 Responsibilities of Applicant.**

In addition to other duties imposed upon all applicants by this Code and the Colorado Municipal Annexation Act of 1965, as amended, applicants shall have the following responsibilities:

- A. Demonstrating that at least 1/16<sup>th</sup> of the boundary of the land proposed for annexation is contiguous to the Town of Kremmling. Required contiguity of non-contiguous parcels proposed for annexation may be achieved by annexation of one or more portions of street right-of-way or other public way, a process commonly referred to as a “flagpole” annexation.
- B. Attending all meeting of the Planning Commission and of the Board of Trustees where the application is reviewed. Failure to have a representative present may result in the item being withdrawn from the agenda of that meeting.
- C. Consulting with the Town Manager, or his or her designee, to discuss any special conditions pertaining to the annexation, and to obtain an annexation petition and application materials.
- D. Paying all applicable fees as set forth in the “Town of Kremmling General Fee Schedule” as adopted by resolution by the Board of Trustees, and reimburse the Town for all other costs incurred in connection with the application.

#### **14.04.030 Annexation Policy.**

- A. In most instances, annexation is voluntary and subject to the Board's discretion. Generally, the Town is under no obligation to approve an annexation petition.
- B. All annexations to the Town of Kremmling shall comply with the Colorado Municipal Annexation Act of 1965, as amended.
- C. Land to be annexed shall conform to the goals, policies and strategies of the Town.
- D. Annexation shall not divide tracts of land in such a way as to prevent annexation of adjoining land.
- E. All annexations shall be accompanied by an agreement between the petitioner and the Town, stating conditions related to municipal services or other terms of annexation determined necessary or desirable by the Board of Trustees.
- F. Zoning of the property shall occur concurrently with the annexation or within 90 days of the approval of an annexation, as required by statute. Proposed zoning shall conform to a concept land use plan submitted with the annexation petition and comply with the Comprehensive Plan, unless changing conditions justify other zoning.
- G. Unless otherwise provided in the annexation agreement, water rights sufficient to support the proposed development, as determined by the Board of Trustees, shall be deeded to the Town at the time of annexation.

#### **14.04.040 Annexation Process.**

The requirements as set forth in this section may be waived or modified as determined by the Town Manager, or his or her designee, based on the size of the proposed land area to be annexed and the timing and sensitivity of developments proposed by the applicant. No such waiver or modification shall apply to the requirements of the Colorado Municipal Annexation Act of 1965, as amended.

##### **A. Pre-Application Conference.**

Landowners considering annexation shall meet with representatives of the Town Staff prior to submitting any annexation request for the purpose of reviewing the Town's requirements, obtaining annexation application materials, and beginning discussions of the terms of an annexation agreement. At this time, the Town will decide if a neighborhood meeting prior to formal annexation submittal is required.

##### **B. Application Requirements.**

The applicant shall submit to the Town the annexation petition and land use application materials. The annexation petition must be signed by more than 50 percent of the owners of more than 50 percent of the land proposed for annexation. Complete annexation applications shall include the following:

1. Completed Land Use Application Form.
2. Annexation Petition in a form provided by the Town, signed by more than 50 percent of the owners of more than 50 percent of the property. The annexation petition must also meet all requirements outlined in the Colorado Municipal Annexation Act of 1965, as amended.

3. Required annexation fees and a deposit in an amount specified by the Town for the cost of reviewing and processing the application.
4. Written legal description of the boundaries of the area proposed to be annexed prepared by a licensed engineer or registered land surveyor.
5. One full-size (24" x 36") paper copy and five 11"x17" paper reductions of the Annexation Map.
6. One full-size (24" x 36") paper copy and five 11"x17" paper reductions of a Concept Land Use Plan.
7. A completed application for zoning the property being annexed in conformance with the requirements of this Code for amending the official zoning map.
8. The following supporting information that will enable Town staff to evaluate the impacts of the annexation on the Town:
  - a. Soils description and limitations.
  - b. A statement of any known hazards and other important environmental conditions present on the property.
  - c. Preliminary utility plan including provision of sewer and water services and how the proposed system meets the water distribution requirements of the Town.
  - d. Affidavit concerning the amount and historical use of all water rights owned.
  - e. An economic impact report describing the impacts of the annexation on Town services and tax base.
  - f. Floodplain information.
9. Title commitment. Such Commitment must have an effective date less than thirty (30) days prior to the date of the submittal of the annexation petition.
10. Mailing list and labels for all property owners within five hundred (500) feet of the boundaries of the annexation.
11. In the case of flagpole annexations, a separate list and set of mailing labels of owners of property adjacent to the public right-of-way proposed to achieve contiguity.
12. Statement of community need for proposed annexation and zoning and how the proposed annexation and zoning is consistent with the Town of Kremmling Comprehensive Plan and other applicable Town Plans.
13. Letter from the Kremmling Fire Protection District and Kremmling Sanitation District regarding inclusion.
14. Draft copy of the Annexation Agreement.

15. Annexation Impact Report in accordance with the requirements of Section 14.04.070 of this Code and the Colorado Municipal Annexation Act of 1965, as amended.
16. Legal description of the property to be annexed.
17. An electronic copy of all submitted documents.

**C. Certification of Complete Annexation Application.**

Within ten (10) business days, Town staff shall either certify that the application is complete and contains all submittal requirements listed in the Code and in C.R.S. Title 31 Article 12, as amended, or reject it as incomplete and notify the applicant.

**D. Annexation Petition Referral to the Board of Trustees.**

1. Following staff reviews and correction by the applicant of any deficiencies, the Town Clerk shall present the annexation petition to the Board.
2. The Board of Trustees shall, at a regular or special meeting, consider whether the petition is in substantial compliance with applicable provisions of the Colorado Municipal Annexation Act of 1965, as amended.
3. If the petition is found to be in substantial compliance with the Colorado Municipal Annexation Act of 1965, as amended, the Board may, by adoption of a Resolution of Substantial Compliance, initiate annexation proceedings and schedule public hearings before the Board of Trustees, and before the Planning Commission if concurrent zoning is requested in the petition. The public hearing before the Board of Trustees can be held no sooner than thirty (30) days nor more than sixty (60) days after the effective date of the resolution accepting the annexation petition and initiating annexation proceedings, in accordance with state statute.
4. If the petition is found not to be in compliance with the Colorado Municipal Annexation Act of 1965, as amended, no further action shall be taken, except that such finding shall be made by resolution of the Board of Trustees.

**E. Notice.**

1. Town Staff shall publish and mail notice of the public hearings, as required by the Colorado Municipal Annexation Act of 1965, as amended.
2. Not less than twenty-five (25) days prior to the Board of Trustees public hearing, the Town staff shall send copies of the annexation petition and the Resolution by certified mail to the Clerk of the Grand County Board of County Commissioners, the County Attorney, and any school district or special district having territory within the annexed area.
3. Using the mailing list provided by the applicant, the Town staff shall send a copy of the notice of the scheduled Planning Commission and Board of Trustees public hearings by first-class mail to owners of land within five hundred (500) feet of the property proposed for annexation at least ten (10) days prior to the public hearing.

4. In the event of a “flagpole” annexation, and using the mailing list provided by the applicant, the Town staff shall send, by first-class mail to owners of land contiguous with the public way being used to achieve contiguity, written notice of the annexation advising such owners of their rights under the Act to petition for annexation. Such notice shall be mailed upon the latter of ninety days prior to the date of the Town Board hearing or upon the filing of the annexation petition.
5. Upon acceptance of the annexation petition by the Board of Trustees, staff may refer copies of the annexation map and the concept land use plan, and notice of the public hearings to additional interested entities as determined by staff.
6. At least ten (10) days prior to the Planning Commission and Board of Trustees public hearings, the applicant shall post the property with a notice of the hearing(s) as required by the Town.
7. The Town Clerk shall publish notice of the date, time and place that the Board of Trustees will hold the public hearings, together with a copy of the resolution or the petition as filed (exclusive of signatures). The notice shall state that the Town Board shall hold a hearing upon said resolution or petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of section 30 of article II of the Colorado Constitution and the Municipal Annexation Act, and is considered eligible for annexation. The notice shall be published once a week for four (4) consecutive weeks, with the first publication at least thirty (30) days prior to the Town Board hearing. Notice of the Planning Commission hearing on the proposed zoning may be combined with this notice, if concurrent zoning is requested in the petition.

#### **F. Annexation Impact Report.**

1. Not less than twenty five (25) days before the date of the Board of Trustees hearing, the Town Clerk shall, if necessary, send by first-class mail one (1) copy of the Annexation Impact Report prepared in accordance with Section 14.04.070 to the Grand County Board of County Commissioners.
2. The preparation and filing of the annexation impact report may be waived by the Board of County Commissioners.

#### **G. Planning Commission Public Hearing.**

If concurrent zoning has been requested in the petition, the Planning Commission shall review the concept land use plan and initial zoning request at a public hearing at a regular or special meeting to be held prior to the date of the public hearing before the Board of Trustees.

#### **H. Annexation Agreement.**

The staff shall coordinate discussion among the applicant and appropriate representatives of the Town regarding the provisions of an annexation agreement. The agreement shall be in a form provided by the Town. A draft agreement shall be prepared in advance of the Board of Trustees Public Hearing, and execution of the annexation agreement shall be a condition of annexation.

#### **I. Board of Trustees Hearing.**

After the public hearing, the Board of Trustees may consider the approval of one or more ordinances annexing the property to the Town without election if it finds that the annexation is in

compliance with the requirements of the Act and of this Code, and that no election is required under the Act.

**J. Final submittal.**

If the Board of Trustees adopts an ordinance or ordinances annexing the property, the applicant shall submit to the Town within ten (10) days of the effective date of the ordinance(s) two (2) mylars of the final annexation map, including all original signatures and the signed annexation agreement. All maps, drawings and documents shall also be submitted in electronic format.

**K. Recording.**

Upon receipt of all required original maps and documents, staff shall record the annexation ordinance, the annexation map and the annexation agreement with the County Clerk and Recorder. If concurrent zoning was requested, the zoning ordinance shall also be recorded.

**14.04.050 Annexation Map Standards.**

All annexation maps shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, and shall be on reproducible mylar with outer dimensions of twenty-four (24) by thirty-six (36) inches.

The annexation map shall contain the following information:

- A. The date of production, the scale and a symbol designating true north.
- B. The name of the annexation.
- C. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
- D. The legal description.
- E. Distinction of the boundary that is contiguous to the Town and the length of same.
- F. Lot and block numbers if the area is already platted.
- G. Existing and proposed easements and rights-of-way. In establishing the boundaries of any area proposed for annexation, if a portion of a platted street or alley is annexed, the entire width of said street or alley shall be included within the area proposed for annexation.
- H. Existing and requested zoning and acreage of each requested zone.
- I. Ownership of all parcels within and adjacent to the annexation.
- J. Appropriate certification blocks as directed by the Town.
- K. The annexation map must be signed and stamped by a Professional Licensed Engineer in the State of Colorado.

**13.04.060 Concept Land Use Plan and Standards.**

- A. Applications for initial zoning upon annexation shall be accompanied by a concept land use plan that provides an overview of the planned use of the property. Concept land use plan maps shall be

made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, and shall be on reproducible mylar with outer dimensions of twenty-four (24) by thirty-six (36) inches. Depending on the proposed use of the property, Staff has the discretion to waive the requirement that the Plan be submitted on mylar and in map format, and may instead permit the owner to submit the concept land use plan in written format.

- B. The concept land use plan is an advisory document that conveys to staff, the Planning Commission, and the Board of Trustees the general development plans for the parcel proposed for annexation and zoning. The concept land use plan is not intended, nor shall it be construed, to be a site-specific development plan.
- C. The concept land use plan shall contain the following information:
  - 1. The date of preparation, the scale and a symbol designating true north.
  - 2. The name of the annexation.
  - 3. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
  - 4. General location of existing and proposed easements and rights-of-way.
  - 5. Proposed phasing plan for development of the property.
  - 6. Proposed gross and net residential density, and anticipated schedule for residential development.
  - 7. Proposed location and use of any commercial and industrial sites, and anticipated development schedule.
  - 8. General location of all public sites to be reserved and dedicated.
  - 9. Existing topographic contours at a minimum interval of ten (10) feet. In the event of significant topographical features, the Town Staff may require contours at a smaller interval.

**14.04.070 Annexation Impact Report Standards.**

- A. For all annexations in excess of ten (10) acres, the Town shall prepare, at the applicant's expense, an impact report regarding the proposed annexation.
- B. The annexation impact report shall include the following:
  - 1. A map or maps of the Town and adjacent territory showing the following information:
    - a. The present and proposed boundaries of the Town in the vicinity of the proposed annexation.
    - b. The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the annexations.

- c. The existing and proposed land use pattern in the areas to be annexed.
- 2. A statement of the Town's plans for extending or providing for municipal services with the area to be annexed.
- 3. A statement of the Town's plans for the financing of municipal services to be extended into the area to be annexed.
- 4. A statement identifying all existing districts within the area to be annexed.
- 5. A statement of the effect of the annexation upon the school district governing the area to be annexed.
- 6. A copy of the draft annexation agreement if available.

**14.04.080 Review Criteria.**

It shall be the general policy of the Town with respect to annexations and the consideration of annexation petitions that:

- A. Annexation is generally a discretionary act. Except for annexation of enclaves, the Board of Trustees exercises sole discretion in the annexation of territory to the Town.
- B. The property is eligible for annexation if the annexation complies with the Colorado Annexation Act of 1965, as amended.
- C. All annexations shall comply with all applicable Town requirements, plans, standards and regulations.

**14.04.090 Disconnection.**

- A. Disconnection of territory from the Town may only be accomplished by approval of the Board of Trustees following a public hearing. No property shall be disconnected if it has been platted into lots or blocks unless such lots and blocks are vacated by the Board of Trustees. Upon receipt of a petition for disconnection, such petition shall be submitted to the Board of Trustees at its next regular meeting provided such petition is submitted at least ten (10) days prior to such meeting. In the event the Town Board gives preliminary approval of disconnection, a hearing shall be set not less than twenty (20) days after such preliminary approval.
- B. At the time of the hearing, the Board of Trustees shall receive staff reports and comments from those in favor of and against disconnection. A decision to disconnect shall only be approved by a majority vote of the entire Board. Disconnection may only be finalized by Ordinance. Petitioners for disconnection shall pay all costs of disconnection including, but not limited to, applicable election costs and the Town's professional fees.
- C. To approve disconnection, the Board must find at least two (2) of the following conditions exists:
  - 1. The property is comprised of a tract that is at least five acres in size, or contiguous tracts of land aggregating five or more acres, located on the boundary of the Town.
  - 2. The property is not urban and cannot, in the foreseeable future, be urbanized.



3. The property cannot be reasonably integrated with the Town.
4. Urban services cannot be reasonably extended to serve the property.
5. Requirements of an approved Annexation Agreement cannot be met by the property owners.

**14.04.100 Annexation of enclaves and municipally owned land.**

When the unincorporated area has been entirely contained within the Town's boundaries for at least three (3) consecutive years or the land is owned by the Town, the Town may annex and zone the property by ordinance without regard to the review criteria or public hearing requirements, in accordance with the Municipal Annexation Act. Public notice must still be given. This option is not available if any of the enclave consists at time of annexation, solely of public right-of-way that has been annexed by the Town, instead the Town must surround the enclave with real property. At time of annexation, the enclave must be able to receive all municipal services including water and sewer.