



Annexation is extension of the City's geographic boundary

Annexation is governed by three sets of laws

- Colorado Constitution, Article II, Section 30
 - 1980 Constitutional Amendment: Poundstone II
 - Consent of landowners and voters to annexation

- State statute, C.R.S. 31-12-101, et.seq.
 - Municipal Annexation Act ("MAA")
 - Incorporates Constitutional requirements

- Community Development Code ("CDC")

Consent of property owners

- Petition signed by 50% of landowners
 - typically used for annexation of vacant/undeveloped land
- Petition for election
 - typically used for annexation of developed areas
 - signed by lesser of 75 electors or 10% of registered electors
- Enclave/City owned property
 - consent not required

Brown Ranch annexation would be initiated by petition

Substantial Compliance Resolution

- Does the petition include all the required information
 - signatures, affidavits of landowner(s), annexation map, statements of eligibility
- If Council approves, schedule hearing on Eligibility Resolution within 30 to 60 days

Notice of Hearing

- Publication for four weeks starting no less than 30 days in advance of hearing
- 25 days' notice to Routt County, RE-II School District, and special districts
- Annexation impact report filed with Routt County 25 days in advance of hearing

Eligibility Resolution

- Contiguity, community of interest, urban/urbanizing, and integration, C.R.S. 31-12-104.
- Three mile restriction and other technical limitations per C.R.S. 31-12-105.

Ordinance approves annexation unless election is required

Election required if additional terms imposed

- Unless there is consent of the property owners
- Consent can be given via annexation agreement
- Annexation agreement not required by state law
- Electors are landowners and registered electors in area to be annexed

Election required if referendum petition submitted

- Must be submitted 30 days from adoption
- 1,126 signatures required
- Voters rejected annexation in 2009, approved in 2019
- Electors are registered electors in the City

Zoning

- May be initiated after Substantial Compliance Resolution
- Second reading must be after second reading of annexation ordinance
- City has 90 days after annexation to adopt zoning; may decline to issue permits

Subdivisions

- May be initiated after Substantial Compliance Resolution
- Final approval must be after second reading of annexation ordinance

CDC Process commenced by filing of annexation petition

- Annexation is a legislative act, not quasi-judicial

Criteria for approval

- Petition cannot be approved w/o final Annexation Agreement (no requirement as to content)
- Requires “consistency” with WoSSAP affordable housing requirements
- General findings regarding minimizing impacts, compatibility with surrounding zone districts and uses, advantages outweighing disadvantages

Annexation approved by ordinance

- Planning Commission and City Council review
- Statutory and CDC process can culminate in same ordinance

Annexation Agreement reduces uncertainty/increases control over development and use of annexed property

- CDC governs development of annexed property

City perspective

- CDC does not address existing infrastructure deficiencies: water, sewer, roads, transit, etc.
- Define offsite infrastructure responsibility to mitigate development impacts
- CDC does not provide a mechanism to fund maintenance (RETA, special district, etc.)

Property owner perspective

- Define offsite infrastructure responsibility to mitigate development impacts
- Zoning and subdivision assurances
- Vested rights/Impact fees

Statutory Process

- Approximately 18 weeks is the minimum amount of time to complete statutory process
 - 10 weeks for adoption of Substantial Compliance Resolution, Eligibility Resolution, and Annexation Ordinance
 - Assumes critical dates do not fall in gaps in Council meeting schedule
 - 8 weeks for appeal/referendum periods
- 18 week timeline assumes no court challenge or referendum petition is filed

CDC Process

- CDC process completed concurrently with statutory process
 - Staff review, Planning Commission review, City Council review
- Annexation Agreement is by far the most important variable, must be complete before approval
 - Could be complete in a matter of weeks, months, or years

MAA Court Challenges

- Challenges limited to landowner, registered elector in area to be annexed or BCC
- Must request reconsideration of annexation ordinance within 10 days of effective date
- Must file appeal in District Court within 60 days of effective date of annexation ordinance

CDC Court Challenges

- Usual process is Rule 106 appeal to District Court
- May be appealed by any aggrieved party
- Annexation is legislative act
- Staff position is that Rule 106 District Court appeal is not available