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Section 7

Annexation

- 7.01 Purpose.** All annexations to the Town of Wiggins utilizing the petition method will follow the following process and standards to ensure that petitions are processed in an orderly manner, that municipal services are adequate and available to the property, and that all requirements of Article 12 of Title 31, Colorado Revised Statutes, as amended, are fulfilled.
- 7.02 Responsibilities.** Responsibilities. The applicant is required to prepare all necessary documents in a professional manner and submit all documents as required. General Development Plan submission requirements are the same as Rezoning Requirements and are found in Appendix 7. The Planning Commission shall make recommendations to the Town Board. In addition, the Town Clerk will publish the resolution and the public notice of hearing for four (4) successive weeks in the Town's official newspaper. The first publication shall be at least 30 days prior to the public hearing before the Town Board. The Town Clerk will also send a copy of the notice to the Morgan County land use department, and to any special district or school district having territory within the area to be annexed at least 25 days prior to the date fixed for such hearing.
- 7.03 Eligibility for Annexation.** Properties proposed for annexation must meet the following requirements:
- A.** Owners of more than 50 percent of the area to be annexed including streets and alleys shall sign the petition for annexation.
 - B.** Not less than one-sixth (1/6) the outside perimeter of the area to be annexed shall be contiguous to existing Town limits.
 - C.** No land held in identical ownership shall be divided by the boundary of the proposed annexation without consent of such property owner.
- 7.04 Who May Petition for Annexation.** Only owners of the land or their legal representatives may petition the Town for annexation. Only the landowners may sign the petition.
- 7.05 Required Annexation Impact Reports.**
- A.** An annexation impact report is required for parcels larger than ten acres, unless the Board of County Commissioners of Morgan County, Colorado and the Town agree that the report may be waived. If a report is required, it must be completed at least 25 days before the hearing date and filed with the County 20 days before the hearing date. While it is the responsibility of the Town to prepare this report,

the assistance of the petitioners will be necessary to complete the report. Information from the petitioners for the report would include:

1. The existing and proposed land use pattern in the areas to be annexed;
 2. the identity of existing districts within the area to be annexed;
 3. the effect of the annexation upon the local public-school district including the estimated number of students generated and the capital construction required to educate such students;
 4. a statement of the Town's plans for extending, financing and providing municipal services within the area to be annexed;
 5. a statement identifying all existing special districts within the area to be annexed;
 6. a map of the Town and adjacent area showing:
 - a. Present and proposed boundaries of the Town in the vicinity of the proposed annexation; and
 - 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 proposed annexation;
 7. the annexation impact report shall also include a statement setting forth the Town's plans for financing the extension of municipal sewer lines into the area to be annexed.
- B.** The Town may also require that a fiscal impact report be prepared under its direction at the petitioner's expense. This report should provide the information needed by the Town to evaluate the fiscal costs and benefits of the proposed annexation over a multi-year period.
- C.** Town staff must also review the proposed annexation and provide their evaluation and recommendations to the Board prior to the scheduled public hearing.
- D.** Town staff shall refer the annexation impact report to relevant review agencies.

7.06 Required Dedications.

- A.** The petitioners shall dedicate or agree to dedicate sufficient land and rights-of-way to the Town for public streets and alleys as set forth in the standards and specifications of the Town, and the Town's Master Plan for Transportation.

- B. The petitioners shall dedicate or agree to dedicate sufficient and unobstructed rights- of-way for utility easements and storm drainage to serve the proposed development. Petitioners also agree to pay utility development fee and tap fees as determined by the Town.
- C. The petitioners shall dedicate or agree to dedicate to the Town, or pay cash in lieu of at the time of platting, land to be used for public purposes of at least six percent (6%) of all residential and two percent (2%) of all nonresidential property proposed for annexation.
- D. The petitioners shall assign to the Town all rights, title and interest in any water rights associated with the property or in any and all water located beneath the property to be annexed.
- E. The petitioners shall be required to construct all roads, utilities, and other improvements at their sole expense and according to the requirements, standards and specifications of the Town. Connection of such improvements to existing Town systems and/or the dedication of such improvements to the Town shall be at the Town's convenience.

7.07 Pre-Annexation Agreement. Petitioners will enter into a Pre-Annexation Agreement to establish the amount of deposit fees required to process and review the annexation petition, annexation agreement and General Development Plan.

7.08 Annexation Agreement. Petitioners and the Town shall engage in negotiations to develop a formal Annexation Agreement that addresses timing and requirements of dedications outlined in this Ordinance and tied to the General Development Plan requirements. The Town will begin this process using a model annexation agreement of its own design. Although annexation petitions may be accepted by the Town prior to conclusion of negotiations of an Annexation Agreement, no zoning of the property will occur until the Annexation Agreement is complete. Petitioners may include clauses regarding the de- annexation of property should the negotiations for an Annexation Agreement be terminated and/or the property not zoned to the satisfaction of the petitioners.

7.09 Proposed Zoning. The proposed zoning for the area to be annexed shall be included in the annexation agreement, and final annexation of the property contingent on the subsequent adoption of zoning. Processing of annexation petitions, findings of eligibility, annexation agreements and zoning may proceed concurrently through the review process, but approvals must be sequenced in order and according to this Ordinance and state law.

7.10 Standards for Annexation. In considering a petition for annexation, the Town Board shall make findings of facts and conclusions on the following standards for annexation.

- A. A community of interest exists between the area proposed to be annexed and the Town; the property to be annexed is a reasonable and logical extension of the Town; and the annexation is compatible with the goals of the Town's

Comprehensive Plan.

- B.** Areas proposed for annexation shall not divide tracts in order to prevent further annexation of adjoining parcels.
- C.** Areas proposed for annexation which due to their configuration cause excessive police, fire, utility, and street cost may not be accepted.
- D.** Zoning of the area proposed for annexation shall be reasonable in terms of existing Town zoning classifications and consistent with the Town Comprehensive Plan.
- E.** The area proposed for annexation shall be located where street extensions and water and sewer utility services are possible without expense to the Town. Where exceptional costs may be required in serving the area proposed for annexation, financial arrangements to extend streets, water or sewer mains shall be agreed upon prior to annexation.
- F.** Problems of storm drainage shall be considered prior to annexation to ensure that flooding problems within and adjoining the area proposed for annexation will not be increased by development of the tract.
- G.** Adequate water rights are provided to serve the proposed development on the property proposed for annexation and/or fees-in-lieu of water rights transfer shall be paid.
- H.** Petitioner has deposited with the Town of Wiggins monies in an amount determined by the Town Board upon a preliminary review of the petition for annexation according to the Pre-Annexation Agreement. The amount of monies to be deposited shall be solely in the discretion of the Town Board and shall be intended to cover all costs to the Town resulting from the petition for annexation. No petition for annexation shall be deemed complete until such time as petitioner has deposited the amount of money so determined by the Town Board and petitioner has agreed to pay such additional sums to the Town as may be required to cover unexpected costs.
- I.** Any additional conditions or requirements which the Town Board deems necessary for the proper evaluation of the petition.

7.11 Planning Commission Action.

- A.** The Wiggins Planning Commission shall review staff comments and the results of staff negotiations with the applicant concerning:
 - 1.** accuracy of annexation petitions and maps;
 - 2.** land use allocations, circulation plans, and proposed utility systems proposed in the General Development Plan;

3. proposed dedications;
 4. proposed zoning;
 5. completeness and accuracy of submission documents; and
 6. referral comments concerning the annexation and annexation impact report.
- B.** The Planning Commission shall hold a public meeting on the annexation focusing on issues surrounding the General Development Plan and the proposed zoning of the property. The Planning Commission will make recommendations concerning the Standards for Annexation in the Annexation Ordinance.
- C.** The Planning Commission will make recommendations to the Staff and Town Board concerning issues to be covered in the Annexation Agreement, but the Planning Commission is not required to be part of formal Annexation Agreement negotiations.
- D.** The Planning Commission will make a complete record of its recommendations concerning the annexation and forward them to the Town Board at least 15 days prior to the Town Board's review of the petition for Annexation.

7.12 Town Board Action. The Town Board, after receiving all necessary recommendations, shall follow the procedure required by the state enabling statutes to include the following:

- A.** Following receipt of the Planning Commission recommendations, the Town Board, if appropriate, will adopt a resolution finding the petition to be in substantial compliance with the statutory requirements. If the petition is signed by the owners of one hundred percent of the area proposed for annexation, the Board may annex the territory by ordinance after notice and a public hearing and, further, without an election unless additional terms and conditions are to be imposed. The Board shall set the date, time and place for a public hearing to determine if the annexation meets the requirements of C.R.S. 31-12-104 and 105. This hearing will be held not less than 30 days nor more than 60 days after the effective date of the Resolution setting the hearing.
- B.** On the appointed date and time, the Town Board shall hold the public hearing. The petitioners shall present evidence in support of the petition. Town staff shall present information concerning:
1. surveys, legal descriptions and the map of Annexation;
 2. the one-sixth (1/6) boundary contiguity requirement;
 3. no land held in identical ownership shall be divided, except with the consent of the land owner;

4. the entire width of perimeter streets or alleys shall be annexed;
5. no proceedings are pending to annex the land to another municipality; and
6. this annexation will not result in extending the Town's boundaries more than three miles in any direction in any one (1) year.

Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the Town Board. All proceedings shall be recorded.

C. Upon completion of the hearing, the Town Board shall adopt a Resolution setting forth findings of facts and its conclusions based thereon with reference to the following matters:

1. Whether or not the requirements of the applicable parts of C.R.S. 31-12-104 and 105, and of this Ordinance have been met;
2. whether or not additional terms and conditions are to be imposed; and
3. whether or not an election is required either as a result of a petition for election or the imposition of additional terms and conditions.

A finding that the area proposed for annexation does not comply with the applicable provisions of CRS 31-12-104 and 31-12-105, of this Ordinance shall terminate the annexation proceeding.

D. If the Resolution of the Town Board determines that the annexation is in compliance with the items above, and further determines that an election is not required, and does not determine that additional terms and conditions are to be imposed, the Town Board may thereupon annex the area proposed to be annexed by ordinance. If additional terms and conditions are to be imposed which are not agreed to voluntarily and in writing by the land owners, an election shall be held.

E. After passage of the annexation ordinance, the area is annexed as of the effective date of the ordinance. The effective date for taxation shall be the ensuing January 1.

F. After passage of the annexation ordinance, the Town will file one copy of the Map of Annexation with an original copy of the annexation ordinance in the office of the Town Clerk and file for recording two certified copies of the annexation ordinance and the Map of Annexation containing a legal description of such area with the Morgan County Clerk and Recorder. The Town shall request that the County Clerk forward one copy of the Map of Annexation and annexation ordinance to the Division of Local Government in the Colorado Department of Local Affairs.

G. After final passage of the annexation ordinance, the Town may zone the property

either at the same meeting or within 90 days after the effective date of the annexation ordinance.

- 7.13 General Development Plan.** A General Development Plan must be prepared describing the desired use of the property after annexation. Annexations that have no General Development Plan will be zoned Conservation unless determined otherwise by the Town Board. The General Development Plan is required to determine the development intentions of the petitioners, to use as a basis for the negotiation of an Annexation Agreement, and to properly zone the property after annexation. Requirements for processing and preparing the General Development Plan are the same as for Rezoning and are found in this Ordinance and Appendix 7. Petitioners who desire PD zoning will follow the Planned Development District zoning requirements in preparing the General Development Plan.
- 7.14 Zoning of Newly Annexed Land.** The Town may institute the procedure outlined in State Statutes and this Ordinance to make newly annexed land subject to zoning at any time after a Petition for Annexation on a Petition of Annexation Election has been found to be valid. The proposed Zoning Ordinance shall not be passed prior to the date when the annexation ordinance is passed. Any area annexed shall be brought under the Zoning Ordinance and Zoning Map within 90 days after the effective date of the annexation ordinance. During such 90 day period, the Town may refuse to issue any building or occupancy permits for any portion or all of the newly annexed land.
- 7.15 Subdivision of Newly Annexed Land.** The Town may institute the procedures outlined in this Ordinance to subdivide land in the area to be annexed at any time after a Petition for Annexation or Petition for Annexation Election has been found to be valid. The ordinance accepting the proposed subdivision shall be passed prior to the date when the annexation ordinance is passed.