

## Title 17

### ANNEXATION

#### Chapters:

##### 17.04 Annexation of Land

###### Chapter 17.04

### ANNEXATION OF LAND

#### Sections:

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#### 17.04.010 Definitions.

As used in this title, all words and phrases shall be interpreted and defined in accordance with section 16.08.010.

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~~As used in this Title, all words and phrases shall be interpreted and defined in accordance with the provisions set forth in Section 16.08.010. (Ord. 4717 § 1 (part), 2002; Ord. 4299 § 1 (part), 1997)~~

#### 17.04.020 Procedure, in accordance with state law.

Annexation of lands to the ~~E~~city shall be in accordance with the laws of the ~~S~~state of Colorado in effect from time to time. An annexation shall be processed in accordance with this Title 17 of this Code unless otherwise specified. In the event that additional procedural requirements are imposed by applicable Colorado Revised Statutes C.R.S., the ~~D~~irector shall modify the annexation process to add any additional procedures required by Colorado Revised Statutes C.R.S. (Ord. 4717 § 1 (part), 2002; Ord. 4299 § 1 (part), 1997)

#### 17.04.030 Annexation policies.

- A. Annexation is a legislative act by the ~~E~~city ~~E~~council and each application shall be considered on a case-by-case basis only.
- B. The proposed annexation shall be consistent with the philosophies of the currently adopted ~~E~~comprehensive ~~M~~aster ~~P~~plan.
- C. The annexation application shall be accompanied by an application for initial zoning.
- D. The annexation application must disclose the public facility requirements of the property to be annexed, and how such requirements are to be satisfied by the property owner. These requirements may be satisfied by commitments of land dedication, payment of

- cash, construction of public facilities, or other method offered by the property owner in the annexation petition and accepted by the ~~E~~city ~~E~~council.
- E. The proposed annexation shall comply with other policies, terms and special conditions that the ~~E~~city ~~E~~council might impose. (Ord. 4717 § 5, 2002; Ord. 4299 § 1 (part), 1997)

**17.04.040 Annexation review standards.**

The ~~E~~city ~~E~~council need only consider the annexation application after approving a resolution finding that the application complies with the eligibility criteria contained in ~~C.R.S.~~  
~~§§Colorado Revised Statutes Sections~~~~C.R.S.~~ 31-12-104, and 31-12-105, ~~as amended from time to time~~. After making such a finding, the ~~E~~city ~~E~~council may consider the following:

- A. Public facilities and community services. Whether certain public facilities and/or community services are necessary and may be required as a part of the development of any territory annexed to the ~~E~~city in order that the public needs may be served by such facilities and services. These facilities include, but are not limited to, streets, sidewalks, bike lanes, bridges, parks and recreation areas, schools, police or fire station sites, water and wastewater and storm drainage facilities. These community services include, but are not limited to fire and police protection, provision of water and wastewater services. The ~~E~~city ~~E~~council shall not approve the annexation until such time that it determines that the current requirements for such public facilities and additional community services, as the ~~E~~city determines to be necessary and required, in the area proposed to be annexed have been fulfilled and that the future requirements for such public facilities can be fulfilled.
- B. Impact on existing residents of the ~~E~~city. Whether the annexation of lands to the ~~E~~city create any additional cost or burden on the then-existing residents of the ~~E~~city to provide such public facilities and additional community services in any newly-annexed area.
- C. Compliance with ~~E~~comprehensive ~~M~~aster ~~P~~lan. Whether the applicant has demonstrated that the proposed annexation of land is in compliance with the ~~City's~~ ~~E~~comprehensive ~~M~~aster ~~P~~lan.
- D. School ~~D~~istrict impacts. Whether the applicant has demonstrated that the applicant discussed with the ~~S~~chool ~~D~~istrict the requirements for dedication of school sites, or payment of fees in lieu of the dedication, as may be agreed to between the applicant, the ~~S~~chool ~~D~~istrict and the ~~E~~city.
- E. Compliance with pertinent intergovernmental agreements. Whether the applicant has demonstrated that the proposed annexation of land is in compliance with all pertinent intergovernmental agreements to which the ~~E~~city is a party.
- F. Best interest of citizens. Whether the proposed annexation is in the best interest of the citizens of the ~~E~~city of Loveland.
- G. Cost/benefit analysis. In its consideration of any proposed annexation, the ~~E~~city ~~E~~council may request that a cost/benefit analysis be prepared in compliance with the ~~E~~comprehensive ~~M~~aster ~~P~~lan to measure and assess the fiscal impact of the proposed annexation. The cost of such analysis or additional information shall be borne solely by the applicant. The ~~E~~city ~~E~~council may make any appropriate findings as a result of said cost/benefit analysis.
- H. Street compliance with ~~E~~city standards. All existing and proposed streets in newly annexed property shall be constructed in compliance with all current ~~E~~city standards unless the ~~E~~city determines that the existing streets will provide proper access during all seasons of the year to all lots fronting on each street; and that the curbs, gutters,

sidewalks, bike lanes, culverts, drains and other structures necessary to the use of such streets, highways and public safety are satisfactory or not necessary. The location, type, character and dimensions of all structures and the grades for all existing or proposed street work shall be subject to approval by the ~~E~~city.

- I. No building permit or development plan shall be issued for property annexed into the ~~E~~city of Loveland until a subdivision plat has been approved and recorded pursuant to ~~Title~~ 16. (Ord. 4717 § 5, 2002)
- J. Water ~~R~~ights. The annexation shall comply with the water rights requirements of ~~Title~~ 19. (Ord. 4717 § 5, 2002; Ord. 4299 § 1 (part), ~~1997~~)

**Commented [SC1]:** If water rights aren't required at annexation, recommend this paragraph be deleted.

#### **17.04.050 Annexation review and approval procedure.**

- A. Concept Review. The applicant shall follow the procedures for concept review according to Section 16.16.030.A.
- A. Applications for annexation shall be processed in accordance with the procedures set forth in chapter 18.39. Upon determination by the current planning manager that the application is complete, the application shall be further processed as set forth below.
- B. Development Review Annexation Map. After the concept review team approves the sketch plan, the applicant shall submit an application according to the development review procedures set forth in Section 16.16.030.B. The annexation application shall include the annexation map. The annexation application shall provide the information that is required by state law and shall be in a form that allows the staff to review a more detailed design and to resolve issues that may have been raised at the sketch plan phase. All applications for annexation shall be accompanied by an application for zoning of the property to be annexed, as set forth in title 18. All zoning applications shall propose a zoning that is consistent with the recommendations of the comprehensive master plan, as amended, unless an application for comprehensive master plan amendment accompanies the zoning application.
- C. Concurrent submittal and review of site development plan application. The applicant may submit a concurrent application for a site development plan as set forth in chapters 18.39 and 18.46 with the annexation application. In this case, any public improvements construction plans submitted with the annexation application shall be deemed to be part of the site development plan application. The plans and other supporting documents that are part of an approved site development plan application shall be deemed to be the final plans for the proposed development.
- D. Public ~~N~~otice ~~R~~equirements. Where ~~the city~~ council adopts a resolution pursuant to ~~C.R.S. § Colorado State Statutes Section~~~~C.R.S.~~ 31-12-108(1), the city clerk or the clerk's designee shall give notice in accordance with the provisions of ~~C.R.S. § Colorado State Statutes Section~~~~C.R.S.~~ 31-12-108(2), as amended from time to time.
- E. Planning ~~E~~commission decision. Subject to available space on the agenda, the ~~P~~lanning ~~E~~commission shall hold a public hearing on the annexation application at its next regular meeting. The public hearing shall be noticed in accordance with ~~S~~ection 16.16.070. Staff's recommendations shall be presented as part of the public hearing. Using the policies and the annexation review standards set forth in this chapter, the planning commission may recommend approval, or denial of the application as submitted, or with the concurrence of the applicant, continue the application and refer the matter back to the applicant for further study. The planning commission shall make

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appropriate findings based on the applicable review standards. In recommending approval of any application, the planning commission may impose any condition for any reason, including but not limited to ensuring that the proposal satisfies the review standards set forth in this title, the comprehensive master plan and the **Loveland Municipal Code**. Before recommending that any condition be imposed on the annexation, the planning commission shall obtain the consent of the applicant to the conditions, either in writing or as a part of the record of the proceeding. If the applicant fails to consent to all of the conditions, such failure to consent shall be grounds for recommending denial of the annexation.

**E.F. City ECouncil Ddecision.** Subject to compliance with the noticing requirements in this section, and subject to available time on the agenda, at the public hearing required by **Colorado Revised StatutesC.R.S.**, the **Ecity ECouncil** shall consider the identical annexation application that was presented to the **PPlanning ECommission** at the next regular council meeting. Staff shall present the **PPlanning ECommission**'s and staff's recommendations as part of the public hearing. Using the policies and the annexation review standards set forth in this chapter, the **Ecity ECouncil** may approve or deny the application as submitted, or in accordance with **Colorado Revised StatutesC.R.S.**, continue the application and refer the matter back to the applicant for further study. If the annexation application is approved by the **Ecity ECouncil**, the **city ECouncil** shall make appropriate findings based on the applicable review standards. In approving any application, the **Ecity ECouncil** may impose any condition for any reason, including but not limited to ensuring that the proposal satisfies the review standards set forth in this title, the **Ecomprehensive MMaster PPlan** and the **Loveland Municipal ECode**. Before imposing any condition on the annexation, the **Ecity ECouncil** shall obtain the consent of the applicant to the conditions, either in writing or as part of the record of the proceeding. If the applicant fails to consent to all of the conditions, such failure to consent may be grounds for denial of the annexation. (Ord. 5412 § 1, 2009; Ord. 4540 § 3, 2000; Ord. 4299 § 1 (part), 1997)

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#### **17.04.060 Submittal requirements.**

- A. Reviewable application.** Applications for annexation shall not be accepted by the **City for** processing unless such application contains the information required pursuant to submittal checklists approved by City Council resolution. (Ord. 4717 § 5, 2002) The annexation application shall include the annexation map, all information that is required by state statutes, and all information required by the applicable submittal checklist. All information shall be in a form that allows the development review team to review the application on the basis of the findings for annexation and to resolve issues that may have been raised at the concept review meeting.
- B. The current planning manager is authorized to create, modify, or discontinue any submittal checklist for all development applications as deemed necessary for the implementation of this title.**

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#### **17.04.065 Documents required before council public hearing.**

Prior to scheduling the **council public hearing**, the **applicant** shall submit to the **current planning manager** fully-executed final documents; as determined by the **current planning manager**.

**17.04.070 Recording and filing requirements.**

- After the final approval of the annexation map and ordinance, the applicant shall:
- A. Submit to the ~~D~~evelopment ~~C~~enter two ~~(2)~~ signed, original mylars or one ~~(1)~~ signed, original mylar and one ~~(1)~~ clearly legible, reproducible copy of the map, containing original signatures. (Ord. 4717 § 5, 2002)
  - B. The ~~C~~ity ~~C~~lerk shall:
    1. Cause the annexation map~~s~~ two ~~(2)~~ copies of the annexation ordinance, certified~~s~~, the development agreement, if applicable~~s~~, any other written agreements or documents which the ~~D~~irector requires to be recorded~~s~~, and all other necessary filings as required by ~~C.R.S. § Colorado Revised Statutes Section~~[C.R.S. 31-12-113](#) to be recorded with the Larimer County ~~C~~lerk and ~~R~~ecorder.
    2. Distribute sufficient copies of the map to other departments and individuals as required by law or designated by the ~~D~~irector. (Ord. 4299 § 1 (part), 1997)

**17.04.080 Corrections, errors, and omissions.**

Corrections, errors~~s~~, and omissions to an annexation map shall be processed in accordance with ~~S~~ection 16.16.060. (Ord. 4299 § 1 (part), 1997)