



Staff Report

Planning and Community Development Commission

April 11, 2022

ITEM NAME

Annexation Overview

STAFF

Philip Strom, Director of Community Development

INFORMATION

CHAPTER 15 – ANNEXATIONS **LMC 15-1-110 to 15-1-260** **Schedule**

Step 1, Pre-Application Conference

Step 2, Applicant Submits Application

Step 3, Certificate of Completion

- Staff review to determine application is/is not complete

Step 4, Annexation Petition Referral to Board of Trustees

- Staff Drafts Resolution with Town Attorney and places application on next regular Board Meeting
- Town Board May Proceed or Terminate Annexation
 - They do not wish to annex territory
 - Petition and/or territory does not qualify
 - Board determines election is required
 - Town Board adopts “Intent to Annex” and sets public hearing date not less than 30 and not more than 60 days from effective date of resolution

Step 5, Town Clerk Publishes 1st Notice in a Newspaper

- First publication shall be at least 30 days prior to public hearing

Step 6, Staff Provides Petitioner with Draft Annexation Agreement

- No less than 3 weeks before public hearing. Must be signed by applicant(s) no later than 2 weeks before public hearing date

Step 7, Clerk Refers Annexation Petition to County and Special Districts

- Clerk sends copies of published public notice, annexation petition, annexation impact report and resolution initiating proceedings by certified mail to County Commissioners, County Attorney, special districts, school district at least 25 days before Board public hearing

Step 8, Clerk files Annexation Impact Report

- Clerk files 1 copy with Board of Boulder County Commissioners at least 20 days before Board public hearing.

Step 9, Applicant Posts Signs on Property and Provides Signed Affidavit to Town

- The sign shall include the time and place of the public hearing and the applicant’s name. The applicant shall submit an affidavit certifying they posted the property. Must be posted at least 14 days before the Board public hearing

Step 10, Clerk /Planning Department refers the Annexation Application to Interested Parties

- Clerk sends copies of the annexation map and the concept by regular mail to additional interested entities as determined by the Planning Department in its sole discretion at least 25 days before Board public hearing.

Step 11, Planner Staff Report to the applicant and PCDC

Step 12, PCDC Review



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Step 13, Planner Staff Report Update to BOT and Applicant

Step 14, Board of Trustees Public Hearing.

Step 15, Final Submission

- Applicant submits 4 mylars and 2 bound copies of the concept plan and a CAD file of the annexation map within 10 days of effective date of ordinance

Step 16, Record Annexation Map

- Clerk files 1 copy of annexation map with original annexation ordinance in Town files, files 4 certified copies of the ordinance and map with the County Clerk

SIGNIFICANT ANNEXATION DOCUMENT

- Annexation Map
- Annexation Impact Report

ANNEXATIONS TO BE APPROVED BY VOTERS

All annexations must be approved by a majority of the registered voters, except:

- Any annexation of property owned by the Town.
- Any annexation of property smaller than 5 acres in size.
 - The simultaneous or serial annexations of 2 or more properties that together comprise a parcel of 5 or more acres in size shall not be exempt.
- Any annexation of property smaller than 10 acres in size that is located in the Eastern Corridor subarea
 - The simultaneous or serial annexations of 2 or more properties that together comprise a parcel of 10 or more acres in size shall not be exempt.

COMMISSION ACTION

None.

ATTACHMENTS

1. Annexation Submission Checklist
2. Annexation Map Land Surveying Standards Checklist



Date Received:

Town of Lyons
Community Development Department
 432 5th Ave.
 Lyons, CO 80540
 (303)823-6622
 communitydevelopment@townoflyons.com

ANNEXATION SUBMISSION CHECKLIST

(LMC 15-1-120)

APPLICANT NAME:	DATE:
PROJECT ADDRESS:	
APPLICANT PHONE:	APPLICANT EMAIL:

If you are submitting this form to Town Staff, you should have already held a **pre-application conference** during which you discussed your annexation proposal and any special conditions related to it and also received an annexation petition.

The following checklist includes all of the submission materials required for your application. Please submit both a physical copy and a digital copy in PDF format of all application materials.

INSTRUCTIONS:

- Check the “Included” box for each submission requirement to indicate it is included in your submitted Application Package. Then, write in the title of the submitted document the requirement can be found in and the page #.

ANNEXATION APPLICATION (Lyons Municipal Code 15-1-120)

INCLUDED	REQUIREMENT	SUBMISSION DOCUMENT AND PAGE #
<input type="checkbox"/>	(1) Land Use Application Form (Original signed form)	
<input type="checkbox"/>	(2) Application Fee and Fee Agreement (Submit check along with original signed agreement)	
<input type="checkbox"/>	(3) Letter of Intent and Statement of Community Need (A cover letter for the annexation petition that introduces the applicant to the Board of Trustees, request annexation of the petitioner’s property, describes how the community will benefit from the proposed annexation, explains what zoning is requested, and details development plans for the property if applicable)	
<input type="checkbox"/>	(4) Annexation Petition	
<input type="checkbox"/>	(5) This form, completed	
<input type="checkbox"/>	(6) Annexation Map, Including the Following: (With a scale that conveys the detailed survey, on a reproduceable medium with outer dimensions 24x36 inches)	
<input type="checkbox"/>	(a) Date of preparation, scale, true north symbol	
<input type="checkbox"/>	(b) Name of the annexation	
<input type="checkbox"/>	(c) Names and addresses of the applicant and the firm or person responsible for preparing the annexation map	
<input type="checkbox"/>	(d) Written legal description	



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INCLUDED	REQUIREMENT	SUBMISSION DOCUMENT AND PAGE #
<input type="checkbox"/>	(e) Vicinity map	
<input type="checkbox"/>	(f) Section, quarter-section, and other monument corners and a description of all monuments that mark the property boundaries and all control monuments	
<input type="checkbox"/>	(g) Lot and block numbers (if the area is already platted)	
<input type="checkbox"/>	(h) The purpose, width, location, and ownership of all existing and proposed easements and rights-of-way	
<input type="checkbox"/>	(i) Existing and requested zoning and acreage of each requested zoning	
<input type="checkbox"/>	(j) Ownership of all parcels within and adjacent to the annexation	
<input type="checkbox"/>	(k) A map note that indicates the total perimeter of the annexation boundary, the contiguous length to the existing Town boundary, and the length representing one-sixth (1/6) of the total annexation boundary perimeter	
<input type="checkbox"/>	(l) Certification blocks for the surveyor, petitioner, Planning and Community Development Commission, Board of Trustees, and any other certifications that the Town Staff deems appropriate	
<input type="checkbox"/>	(7) Annexation Map Land Surveying Standards Checklist	
<input type="checkbox"/>	(8) Concept Plan, Including the Following: (All concept plans should be made with an engineer's scale, minimum scale of 1" = 100', made on reproduceable medium with outer dimensions of 24x36")	
<input type="checkbox"/>	(a) Date of preparation, scale, and true north symbol	
<input type="checkbox"/>	(b) Name of the annexation	
<input type="checkbox"/>	(c) Names, addresses, and phone numbers of the applicant and the firm or person responsible for preparing the concept plan	
<input type="checkbox"/>	(d) Boundary of the property	
<input type="checkbox"/>	(e) Existing and proposed easements and rights-of-way	
<input type="checkbox"/>	(f) Block numbers and lot numbers with approximate dimensions (if known)	
<input type="checkbox"/>	(g) Location and approximate acreage of proposed land uses, including open space and public sites to be dedicated	
<input type="checkbox"/>	(h) Existing watercourses with adequate easements for flood control	
<input type="checkbox"/>	(i) Land use table that includes land uses, approximate acreage of each land use, percentage of each land use, proposed density or floor area ratio and proposed number of dwelling units	
<input type="checkbox"/>	(j) Significant natural or manmade features on the site, such as bluffs, trees, ditches, and wetlands	



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INCLUDED	REQUIREMENT	SUBMISSION DOCUMENT AND PAGE #
<input type="checkbox"/>	(k) USGS topographic contours	
<input type="checkbox"/>	(l) Proposed zoning	
<input type="checkbox"/>	(9) Description of Soil Types and Their Limitations	
<input type="checkbox"/>	(10) Proof of Ownership Report (Report must have effective date less than 30 days prior to date of submittal of annexation petition)	
<input type="checkbox"/>	(11) Mailing Lists and Envelopes (2 sets of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the return address and shall be addressed to the property owners within three hundred (300) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property, and the appropriate referral agencies (including Boulder County, Special Districts, and irrigation ditch companies).)	
<input type="checkbox"/>	(11.1) Mineral Estate Notice Form	
<input type="checkbox"/>	(12) Description of Consistency with Comprehensive Plan (Discuss specific goals, policies, and strategies set in the comprehensive plan)	
<input type="checkbox"/>	(13) Water Rights (A water rights report for the property prepared by a qualified water engineer or water attorney detailing the water rights appurtenant to and severed from the property to be annexed and their historical use. The report must include both surface and subsurface (tributary and non-tributary groundwater). In addition, provide a deed transferring all subsurface (non-tributary) water rights (e.g., Laramie-Fox Hills aquifer) to the Town as authorized by Article 90 of Title 37, C.R.S.)	
<input type="checkbox"/>	(14) Zoning of Property to Be Annexed (Applicant must be requested simultaneously with annexation – Submit a completed zoning application form and zoning map)	
<input type="checkbox"/>	(15) Current Property Tax Statement	
<input type="checkbox"/>	(16) Vicinity Map with a Radius of 1.5 Miles (Minimum scale of 1" = 2,000' and size of 8.5x11")	
<input type="checkbox"/>	(17) School District Impact (For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.)	



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INCLUDED	REQUIREMENT	SUBMISSION DOCUMENT AND PAGE #
<input type="checkbox"/>	<p>(18) Annexation Impact Report, Including the Following:</p> <p>(The Town shall review the impact report prepared by the applicant regarding the proposed annexation not less than 25 days before the date of the annexation hearing. The Town Clerk must file this report within 5 days after the report is prepared)</p> <p>If the annexation includes a flagpole, the annexation impact report must consider the parcels that abut such platted street or alley, public or private right-of-way, public or private transportation right-of-way or area, or lake, reservoir, stream or other natural or artificial waterway.)</p>	
<input type="checkbox"/>	<p>1. A map of the Town and adjacent territory showing the following information:</p> <ul style="list-style-type: none"> 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 proposed annexation. c) The existing and proposed land use pattern in the areas to be annexed. 	
<input type="checkbox"/>	2. A copy of any draft or final pre-annexation agreement, if available	
<input type="checkbox"/>	3. A Statement of the Town's plans for extending or providing municipal services within the area to be annexed	
<input type="checkbox"/>	4. A statement of the Town's plans for the financing of municipal services to be extended into the area to be annexed and an estimate of any incremental costs to the Town for providing these services	
<input type="checkbox"/>	5. A statement identifying all existing districts within the area to be annexed	
<input type="checkbox"/>	6. A statement of the effect of the annexation upon the school district governing the area to be annexed, including the estimated number of students generated and the capital construction required to educate such students	
<input type="checkbox"/>	7. A statement of the impact of the proposed development on the environment of the Town and proposals to mitigate any negative impact	
<input type="checkbox"/>	(19) Electronic Copy of Application Package (PDF format)	



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TOWN STAFF ACTION – ANNEXATION APPLICATION	
REVIEWER(S):	DATE:
COMPLETENESS CHECK OR APPROVAL: <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete <input type="checkbox"/> Substantially Complete	
COMMENTS:	
SIGNATURE OF AUTHORIZED STAFF REPRESENTATIVE:	



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ANNEXATION MAP LAND SURVEYING STANDARDS CHECKLIST

LMC 15-1-120(7)

Title of Map _____

Included/ Complies	Standard
<input type="checkbox"/>	1. A scale drawing of the boundaries of the land parcel.
<input type="checkbox"/>	2. All recorded and apparent rights-of-way and easements, and, if research for recorded rights-of-way and easements is done by someone other than the professional land surveyor who prepares the plat, the source from which such recorded rights-of-way and easements were obtained.
<input type="checkbox"/>	3. All dimensions necessary to establish the boundaries in the field. (The dimensions must be shown to all control monuments used in the field survey. If the boundary runs down a line or parallels a line, the dimensions to get from the control line or monuments to the parcel must be shown. Dimensions to both ends of the control line must be shown.)
<input type="checkbox"/>	4. A statement by the professional land surveyor that the survey was performed by such surveyor or under such surveyor's responsible charge.
<input type="checkbox"/>	5. A statement by the professional land surveyor explaining how bearings, if used, were determined.
<input type="checkbox"/>	6. A description of all monuments, both found and set, which mark the boundaries of the property and of all control monuments used in conducting the survey. (Monuments such as section corners are control monuments. If you are running down a line or paralleling a line, the monuments at both ends of the line must be shown. It must be labeled on the map or plat if a monument is found or set.)
<input type="checkbox"/>	7. A statement of the scale or representative fraction of the drawing, and a bar-type or graphical scale.
<input type="checkbox"/>	8. A north arrow.
<input type="checkbox"/>	9. A written property description, which shall include but shall not be limited to a reference to the county and state together with the section, township, range, and principal meridian or established subdivision, block and lot number, or any other method of describing the land as established by the general land office or bureau of land management. Property description must coincide with bearings and distances described on the map. (Property description is to be written in upper case type.)
<input type="checkbox"/>	10. Any conflicting boundary evidence. Ties to and descriptions of all conflicting corners are shown.
<input type="checkbox"/>	11. Vicinity map – Include a minimum two-mile radius of the property with principal roads labeled.



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Included/ Complies	Standard
<input type="checkbox"/>	12. Certificate block – Based on the Town’s standard form certificates for annexation maps.
<input type="checkbox"/>	13. The signature and seal of the professional land surveyor. Initials of draftsman, date of drawing and AutoCAD file name.
<input type="checkbox"/>	14. All calculations have been double checked on final map or plat for any errors, transpositions, the sum of the parts equals the total length, etc.
<input type="checkbox"/>	15. Corner recordations have been made, or what is found in the field is identical with a previously filed corner recordation. Corner recordations have to be filed on all sections, ¼ section and aliquot corners of a section.
<input type="checkbox"/>	16. Dimensions of lots and area of the lot are to be placed inside the lot, dimensions of blocks or parameter of polygons are to be placed outside the block or polygon. Widths of roads, and trails are to be placed between the ROW lines when possible. Dimensions must clearly indicate the terminus point at each end. Curve data may be presented in tabular form, or with leader dimension lines.
<input type="checkbox"/>	17. All text to be large enough to be clearly legible at the scale drawn. Text to be AutoCAD Roman Simplex, Helvetica or similar “sans serif” type. Title of plat is to be centered at top of the plat in type not less than .3" high.

INSTRUCTIONS

1. This checklist is required to be completed before the final plat or annexation map will be accepted for signatures.
2. The completed check list is to be maintained in the Applicant’s File.
3. Items #1 through 10 refer to C.R.S. 38-51-106, Surveying statutes.