



# Staff Report

Board of Trustees

June 20, 2023

## ITEM NAME

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Annexation of 109 County Rd. 69 (Aka the Martin Parcel)

## STAFF

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Planner II Alexander Painter

## INFORMATION

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The applicant, the Town of Lyons have recently submitted a Land Use Application for the annexation of 109 County Rd 69:

- The proposed property is a deed restricted buy out property in Unincorporated Boulder County,
- Proposed use will be Parks and Open Space,
- There will not be any permanent structures on this property,
- The proposal is in alignment with the 2023 Comprehensive Plan.

The Town of Lyons is proposing the annexation of 109 County Rd. 69 aka the Martin Parcel into the Town of Lyons. The proposed property and household were severely damaged during the disastrous flood of 2013 and then Boulder County acquired the property from the Martins in 2016 and the property became a DRBOP (Deed Restricted Buyout Property). In 2019 Boulder County granted the property to the Town of Lyons with the intention that this property would be annexed into the Town limits.

The proposed property will not have any environmental impacts and will be zoned as Parks and Open Space. Town residents and citizens already use the property as a social trail and that will be its intended use.

Planner Painter has reviewed the Land Use Application materials and finds the application deemed complete; as such, Staff consents to approval as proposed for the annexation. The PCDC (Planning and Community Development Commission) approved Resolution 2023-03 on June 12<sup>th</sup>, 2023, and has recommended approval to the Board of Trustees.

Staff also finds that the annexation aligns with 2023 Comprehensive Plan aspirations:

- **Policy LU-1.3:** Annexation. Pursue and/or consider requests for annexation that align with the criteria outlined in Chapter 3, help advance the goals and policies contained in this Comprehensive Plan and comply with all applicable Town ordinances.
- Pg. 64, Three-Mile Plan, "Establishes the Town of Lyons' interests and intent regarding future annexation within a three-mile boundary of the Town's current municipal limits, as required under Colorado law."
- Pg. 110, Circulation and Access Considerations (South St. Vrain). St. Vrain Corridor Trail to Old South St. Vrain Road connector trail. Martin Parcel to CR69 or other opportunities.



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## REVIEW CRITERIA AND STAFF FINDINGS OF FACT

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### Sec. 15-1-310. - Annexation review criteria.

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

(1)

Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Board of Trustees shall exercise its sole discretion in the annexation of territory to the Town.

(2)

The property is eligible for annexation if:

a.

Not less than one-sixth ( $\frac{1}{6}$ ) of the perimeter of the area proposed to be annexed is contiguous with the Town. Contiguity is not affected by the existence of streets, alleys, rights-of-way, public lands (except County-owned open space) or water bodies between the Town and the land proposed to be annexed. The one-sixth contiguity of the perimeter may be achieved by the annexation of one (1) or more parcels in a series, which can be considered simultaneously for the purpose of the public hearing.

b.

A community of interest exists between the territory proposed to be annexed and the Town.

c.

The territory proposed to be annexed is urban or will be urbanized in the near future and is integrated or is capable of being integrated with the Town. Existence of Subparagraph a. above is a basis for a finding of Subparagraphs b. and c., unless the Board of Trustees at a public hearing finds that at least two (2) of the following exist:

1.

Less than fifty percent (50%) of the adult residents of the area proposed to be annexed use any of the recreational, civic, social, religious, industrial or commercial facilities of the Town and less than twenty-five percent (25%) of these adult residents are employed in the annexing Town;

2.

At least one-half ( $\frac{1}{2}$ ) of the land proposed to be annexed is agricultural, and landowners constituting at least one-half ( $\frac{1}{2}$ ) of the total area express, under oath, an intention to devote the land to such agricultural use for at least five (5) years; and

3.

It is physically impractical to extend to the proposed area those urban services the Town provides to all its citizens and upon the same conditions. This standard does not apply to the extent that any portion of an area proposed to be annexed is provided with, or will within the reasonably near future be provided with, service by a quasi-municipal corporation (such as a special district).

(3)

No land held in identical ownership may be divided into separate parcels for annexation without written consent of the landowner unless the parcels are separated by a dedicated street, road or other public way. (This applies even when the federal government owns the land, although federal and state public lands may be ignored for purposes of contiguity.)



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(4)

No land in identical ownership that comprises at least twenty (20) acres and that has improvements with an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes may be included in the annexation without written consent of the owner unless the parcel is located entirely within the outer boundaries of the Town as they exist at the time of annexation.

(5)

No annexation resolution pursuant to [Section 15-1-330](#) of this Chapter and no annexation petition or petition for an annexation election is valid when annexation proceedings have been initiated for the annexation of part of such territory by another Town. In that case, other provisions apply. See Section 31-12-114, C.R.S.

(6)

If an annexation will result in the detachment of area from a school district and its removal to another school district, the annexation petition or petition for annexation election must be accompanied by a resolution of the board of directors of the school district to which such area will be attached, approving the annexation.

(7)

The parcel annexed must not have the effect of extending the Town's boundary more than three (3) miles in any direction in any one (1) year. This three-mile limit may be exceeded if the limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent (50%) of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one (1) year without regard to such mileage limitation. Such three-mile limit may also be exceeded for the annexation of an enterprise zone.

(8)

Prior to completion of any annexation within the three-mile area, the Town shall have in place a plan for that area that generally describes the proposed location, character and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power to be provided by the Town and the proposed land uses for the area. Such plan shall be updated at least once annually.

(9)

If a portion of a platted street or alley is to be annexed, the entire width of the street or alley must be included within the area annexed.

(10)

The Town may not deny reasonable access to landowners or owners of easements or franchises adjoining a platted street or alley that the Town has annexed but that is bounded on one (1) or both sides by unincorporated property.

(11)

Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels (for example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property).

(12)

The land to be annexed and the uses proposed for the land shall contribute to the orderly growth of the Town and shall generally conform to the goals and policies of the Comprehensive Plan.

(13)



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Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order that the public needs may be served by such facilities. These facilities include, but not by way of limitation, arterial streets, bridges, public parks and recreation areas, school sites, fire and police station sites and storm drainage facilities. The annexation of lands to the Town shall be shown not to create any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.

(14)

The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation petition, from initial discussion with the Planning Commission before submittal of the petition, through the approval and recording of the final annexation documents, unless otherwise approved by the Board of Trustees.

(15)

All subsurface (nontributary) water rights shall be deeded to the Town at the time of annexation as authorized by Article 90 of Title 37, C.R.S.

(16)

No proceedings for annexation to a municipality may be initiated in any area which is the same or substantially the same area in which an election for annexation to the same municipality has been held within the preceding twelve (12) months.

## **SAMPLE MOTION OF APPROVAL:**

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The Board may propose a motion of approval of the proposal based on the following suggested outline:

"I move that the BoT recommends approval of the Annexation of 109 County Rd. 69, finding that the application complies with the standards contained in Lyons Municipal Code §15-1-120, 15-1-220, and 15-1-310 regarding the Annexation for 109 County Rd. 69."

## **SAMPLE MOTION OF APPROVAL WITH CONDITIONS:**

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The Board may propose a motion of approval with conditions of the proposal based on the following suggested outline:

"I move that the BoT approve the annexation of 109 County Rd. 69 with the following Conditions:

finding that the application complies generally with the standards contained in Lyons Municipal Code §15-1-120, 15-1-220, and 15-1-310 regarding the Annexation for 109 County Rd. 69."

## **SAMPLE NEGATIVE MOTION:**

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The Board may propose a motion of denial of the proposal based on the following suggested outline:

"I move that the BoT deny approval of the Annexation for 109 County Rd. 69, finding that the application does not comply with the standards contained in Lyons Municipal Code §15-1-120, 15-1-220, and 15-1-310 regarding the Annexation for 109 County Rd. 69."



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## **ATTACHMENTS**

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Please find attached the 109 County Rd. 69 Annexation application materials.