

Annexations in Lyons

IGA Task Force Regular Meeting on 6.25.24
Presented by: Cassidy Davenport

Annexation in Lyons

- Annexations in Lyons:
 1. Must follow and complete all of the annexation application procedures set forth in Lyons Municipal Code Chapter 15, Article 1 – [Annexation Procedures](#)
 2. Fit/follow Annexation Review Criteria set forth in the [comprehensive plan](#) and in the [municipal code](#)
 3. Some annexations must also be [approved by voters](#) – these guidelines are set in the Lyons Municipal Code Sec. 15-1-340

1. Application Procedures

From the Lyons Municipal Code

Application Procedures

1. Preapplication conference
2. Annexation application submittal
3. Staff certifies application is complete
4. Annexation petition referral to Board of Trustees
5. Town Clerk publishes public notice
6. Town provides petitioner draft annexation agreement

ANNEXATION Guide

NOTE: FOR DETAILED PROCEDURES,
REFER TO CHAPTER 15 OF THE
Lyons Municipal Code

The Lyons code sets out the following annexation steps:

- Step 1, Pre-application conference
- Step 2, Annexation application submittal
- Step 3, Staff certifies application is complete
- Step 4, Annexation petition referral to Board of Trustees
- Step 5, Town Clerk publishes public notice
- Step 6, Town provides petitioner draft annexation agreement
- Step 7, Town Clerk refers annexation petition to County and special districts
- Step 8, Town Clerk files annexation impact report
- Step 9, Applicant posts signs on property and provides signed affidavit to Town
- Step 10, Town Clerk refers annexation application to interested parties
- Step 11, Staff report
- Step 12, Planning and Community Development Commission review and recommendation
- Step 13, Staff report update
- Step 14, Board of Trustees public hearing and action
- Step 15, Final submission
- Step 16, Record annexation map

Step 1, Pre-application conference

Pre-application Conference w/Town Staff:

An Applicant is required to schedule a pre-application conference with the Town of Lyons before making a formal annexation application submittal. The pre-application conference provides an opportunity for an informal evaluation of the Applicant's proposal by Community Development Staff and Staff can discuss with the Applicant the application process, submittal requirements, and applicable standards in the Municipal Code.

The Applicant is responsible for bringing to the meeting a description of the character, location and magnitude of the proposed development that is supported by documents such as maps, drawings or models.

The informal evaluation by the Town at the pre-application conference is not binding upon the applicant or the Town, but are intended to serve as a guide to the applicant in making the application. After a pre-application conference has been held, a complete formal application should be submitted within six months. If an application is not submitted within six months, a new pre-application conference should be required.

Application Procedures

7. Town Clerk refers annexation petition to County and special districts
8. Town Clerk files annexation impact report
9. Applicant posts signs on property and provides signed affidavit to Town
10. Town Clerk refers annexation application to interested parties
11. Staff Report

Application Procedures

12. Planning and Community Development Commission review and recommendation
13. Staff report update
14. Board of Trustees public hearing and action
15. Final submission
16. Record annexation map

2. Annexation Criteria

From the comprehensive plan and municipal code

Annexation Criteria

Lyons will consider future annexations using the following criteria. In addition to the standards listed in Chapter 15 of Lyons Municipal Code:

- Located within the Planning Area
- Conservation and Hazard Mitigation
- Maintain Levels of Service
- Consistency with Comprehensive Plan
- Municipal Code Requirements
- Regional Coordination

ANNEXATION CRITERIA

Lyons will consider future annexations using the following criteria, in addition to the standards listed in Chapter 15 of Lyons Municipal Code:

- **Located within the Planning Area.** All annexations should occur within the Lyons Planning Area as shown on the Future Land Use Map.
- **Conservation and Hazard Mitigation.** Annexations should maintain a compact footprint, preserve environmentally sensitive lands, wildlife corridors, and riparian areas, and minimize risk from natural hazards.
- **Maintain Levels of Service.** Allow for the efficient expansion of services and infrastructure, while maintaining the levels of service currently provided to residents and properties within the municipal boundary.
- **Consistency with Comprehensive Plan.** Annexations should advance the visions, goals, and policies of the Comprehensive Plan, including opportunities to diversify the Town's economy, provide affordable or workforce housing, and support tourism.
- **Municipal Code Requirements.** Annexations must meet the detailed requirements listed in Chapter 15 of the Municipal Code and all other relevant Town policies.
- **Regional Coordination.** Annexations will be evaluated in coordination with Boulder County and follow the policies outlined in all current Intergovernmental Agreements (IGAs).



Annexation Review criteria

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 (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: [See more info](#)

Annexation Review criteria

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.
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.

Annexation Review criteria

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.



Annexation Review criteria

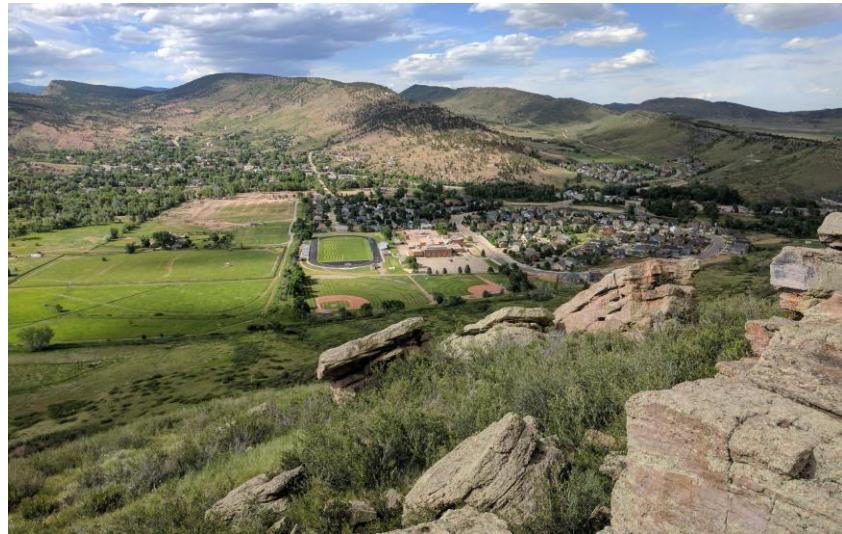
8. Prior to completion of any annexation within the three-mile area, the Town shall have in place a plan for that area that generally describes the proposed location, character and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other 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.

Annexation Review criteria

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. 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.

Annexation Review criteria

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.
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3. Annexation Voting Process

From the Lyons Municipal Code

Annexations to be approved by voters

- a. No ordinance annexing property into Town shall be effective unless and until the ordinance is referred to the registered electors of the Town at a regular or special election and such ordinance is approved by a majority of the registered electors voting thereon.
- b. The following annexations shall be exempt from the Section:
 - a. Any annexation of property owned by the Town
 - b. Any annexation of property smaller than five acres in size; provided that simultaneous or serial annexations of two or more properties that together comprise a parcel of five or more acres in size shall not be exempt from this section
 - c. Any annexation of property smaller than 10 acres in size that is located in the Eastern Corridor subarea as defined in the adopted Lyons Primary Planning Area Master Plan, and as amended; provided that 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 from this section
- c. The applicant for an annexation that is subject to an election pursuant to this Section shall pay the reasonable costs and expenses incurred by the Town in the calling, preparation and conduct of the election...

Questions, and
Closing Discussion?

