

# ANNEXATION PROCEDURES

## Chapter 6

### ANNEXATION PROCEDURES

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### GENERAL REFERENCES

**Planning Commission—See Ch. 41.**  
**Subdivision of land—See Ch. 157.**  
**Zoning—See Ch. 180.**  
**Table of Annexations—See Ch. A182**

#### **§ 6-1. Findings; Intent. [Amended 10-17-89, Ord. 89-26]**

The Town Council of the Town of Frisco hereby finds and determines that a clear statement of policies and standards related to annexation of lands would be of benefit to both the citizens of the town and the potential annexees. This chapter is intended for use in the making and processing of annexation petitions to promote a better understanding of common problems and to minimize unnecessary expense to both potential annexees and the Town of Frisco.

#### **§ 6-2. Eligibility; Additional Standards.**

Annexation of unincorporated land is a statutory procedure by which municipal corporations expand and grow. Eligibility is determined according to state standards. The State of Colorado has determined what land is eligible for annexation and has set out standards, limitations and procedures which require strict compliance by both the potential annexe and the town. State requirements governing annexation are found in the general statutes of the State of Colorado and should be examined in detail before any other step is taken.

#### **§ 6-3. Suitability. [Amended 10-17-89, Ord. 89-26]**

When it has been shown to the town that land is eligible for annexation according to state standards, the town determines whether the area is suitable for annexation. Suitability is determined according to Town policies and standards.

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### § 6-4. Statement of Policy. [Amended 07-21-98, Ord. 98-15]

It shall be the general policy of the Town of Frisco in respect to annexation to:

- A. Annex eligible lands for positive reasons equitable to the Town of Frisco, and not as a matter of right to a petitioner or petitioners.
- B. Annex eligible lands, where deemed appropriate, as a means of preserving open space, encouraging orderly growth and of providing additional living areas and areas for services for the Town.
- C. Annex only lands which can be adequately provided with the necessary municipal services from the capacity of existing systems, unless expansion of those systems is planned, and sufficient financing for the expanded capacity is available.
- D. Provide quality municipal services for the use and benefit of inhabitants of the town, including inhabitants of areas annexed; extend any municipal service outside the town only after consideration of the quality of existing service and the existing and projected demand within the town, including areas committed to annexation; and refuse to extend any municipal service outside the town if the extension will unreasonably decrease the quality or availability of the service within the town or otherwise adversely affect the orderly growth and development of the town.
- E. Annex areas that will maintain the town boundaries in as regular a shape as possible for the efficient provision of service and for effective administration.
- F. Annex areas as recommended in the Frisco Three Mile Plan.<sup>1</sup>
- G. Annex areas and enter into annexation agreements that are consistent with the Town Council goals as established from time to time, and the goals and policies of the Frisco Master Plan.
- H. Consider in any annexation where development is proposed, the timing of development so as to coordinate with projected availability of municipal services and facilities.
- I. Require, as a condition of annexation, the dedication of lands for public purposes within the land area of the territory being annexed. The location of the lands to be dedicated shall be designated by the town after conferring with any other public agency which might have an interest in such sites. If the town determines that there is no requirement for land for a public purpose within the area being annexed, then the town may require the annexor to pay to the town a sum of money in lieu thereof.

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<sup>1</sup>Editor's Note: Former Subsections F through K, which set forth certain policies with regard to annexation, were repealed 10-17-89 by Ord. 89-26.

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### **§ 6-5. Compliance with Additional Requirements. [Amended 10-17-89, Ord. 89-26; 07-21-98, Ord. 98-15]**

In addition to the policy and standards set forth in this chapter, any potential annexee(s) must comply with related state and local development laws including the following:

- A. **Streets.** Any existing streets on the parcel to be annexed or any proposed new streets shall be improved so that they meet the minimum standards for the design and construction of street improvements set forth in the Frisco Town Code Chapter 155. The petitioner(s) is responsible for constructing street improvements required by the Town. If the Town determines that a comprehensive traffic study is necessary, such study will be performed by a traffic engineer, at the applicant's expense.
- B. **Zoning.** All annexation petitions shall be accompanied by a written zoning request in compliance with Frisco Town Code §180-33B, which shall fully explain the uses and intensities of uses proposed for the land included in the annexation petition. Any request for zoning shall comply with the Town's Master Plan goals and implementation measures and existing ordinances and regulations.
- C. **Waivers.** When considering annexation petitions for territory previously subdivided in the county the Planning Commission and the Town Council may upon submission by the petitioner of a separate written request, consider waiving or reducing one (1) or more of the development standards set forth in the Frisco Town Code, provided that a finding can be made that said waiver or reduction will not adversely impact the health, safety and general welfare of the present and future residents of the town; will assist the orderly, efficient and integrated development of the town; and will not impose a significant financial burden on the town government or on a special district.

### **§ 6-6. Costs. [Amended 07-21-98, Ord. 98-15]**

The petitioner(s) is required to pay the actual costs incurred by the town in reviewing annexation and related matters, including the town's legal costs. In order to assure payment of town costs, the petitioner(s) shall deposit into a development review account with the town at the time of the filing of the annexation petition an amount in the sum of one thousand dollars (\$1,000.), plus an additional amount per acre or per unit, whichever is greater, as calculated according to the fee schedule promulgated from time to time by the Director of Community Development based on the Director's determination of the cost of performing various types of administrative services under this Chapter. Any schedule of fees promulgated by the Director shall be effective immediately upon filing with the Town Clerk and shall be available for public inspection in the office of the Director of Community Development.

The town may draw against the petitioner's development review account to pay the town's costs. The petitioner(s) shall maintain a constant balance above all costs incurred by the town in a minimum amount of one thousand dollars (\$1,000.). When

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the annexation process, which for this purpose includes all related administrative review processes, is terminated by the petitioner(s) or the town for any reason, any money in excess of expenses incurred by the Town to the date of termination will be promptly refunded to the petitioner(s) without interest.

### **§ 6-7. Procedure. [Amended 10-17-89, Ord. 89-26; 07-21-98, Ord. 98-15]**

- A. Preapplication conference. Prior to submitting a petition for annexation, the petitioner shall meet with the Town of Frisco Community Development Department to discuss the general concept for the proposed annexation.
- B. Submission of annexation petition, map, draft annexation agreement and information. The petitioner shall submit:
  1. A petition, draft annexation agreement and paper copy of the map in compliance with the requirements of the general statutes of the State of Colorado governing the annexation of the land. The required map shall be at a scale sufficient to clearly show the details required by statute;
  2. The information addressing the requirements for annexation impact reports as set forth in the State statutes;
  3. Information concerning the characteristics of the area, including but not limited to the following:
    - (a) Geologic hazards.
    - (b) Floodplain hazards.
    - (c) Wildlife hazards.
    - (d) Mineral resources.
    - (e) Wildlife resources (flora and fauna).
    - (f) Historical and archaeological resources.
    - (g) Wetlands.
  4. Information addressing the short-term and long-term costs and benefits to the area proposed for annexation and to the Town;
  5. A written application for utility service, including the following preliminary information:
    - (a) Description of the area proposed to be served.
    - (b) Description of the proposed development.

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- (c) Proposed timing of the development.
  - (d) Probable flow requirements.
- 6. Such other information or studies as may be requested by the Community Development Department, including but not limited to a comprehensive traffic study.
- C. Completed annexation petitions, together with required fees, shall be filed with the Town Clerk, who shall then refer the petition to the Town Manager as a communication. The Town Manager shall then, without undue delay, refer the petition to the Town Attorney, who shall advise the Council of the legal sufficiency of the petition. If the petition is found to be inaccurate or incomplete the Town Attorney shall so advise the petitioner or his representative. When the petition is found by the Town Attorney to be legally sufficient, the Town Council may initiate the annexation proceedings in accordance with State statutes.
- D. The Community Development Department will forward the petition and all accompanying documents to:
  - 1. The Sanitation District/Public Works Department. The town will forward the application to the Sanitation District. If, after review of the petition and accompanying materials, the Sanitation District Board indicates favorability to serve, then an engineering feasibility study will be made at the applicant's expense. The study will include, among other things, estimates and recommendations bearing on water rights' dedication and construction of public improvements. If, after review of the study, the District Board agrees to provide service, and the Town Public Works Director recommends in favor of serving the subject property, then appropriate general or specific provisions memorializing and outlining the nature of the service shall be contained as necessary in an annexation agreement.
  - 2. All other standard town referral agencies.
- E. After review by all referral agencies the Community Development Department shall refer the petition, zoning request and any other development application requests to the Planning Commission. The Planning Commission shall hold a public meeting to review the petition, and shall review the zoning request and other development applications in accordance with the procedures set forth in the Frisco Town Code for the respective request and applications.
- F. In reviewing the annexation petition and accompanying documents, the Planning Commission shall determine the nature and extent of any problems and benefits which are likely to occur as a result of the proposed annexation and, after such investigation, shall make its findings known to the Town Council in the form of a recommendation. In conducting this investigation, the Planning Commission may consult with any other public agencies and may require from the petitioner such information as the Commission determines is necessary or advisable in arriving at

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a recommendation. Any issues that may have become evident during the Planning Commission's review should be addressed in the written annexation agreement.

- G. The Planning Commission shall, without undue delay, transmit its recommendations on the petition for annexation to the Town Council, in writing, accompanied by any additional information or agreements which resulted from the Planning Commission's review. The Planning Commission shall recommend approval or disapproval of the annexation for stated reasons.
- H. Before final passage of an ordinance accomplishing any annexation, the petitioner shall deposit with the Town of Frisco such bond, moneys and/or executed agreements as shall, in the opinion of the Town Council, be adequate to ensure the performance of commitments agreed to should the annexation be completed.
- I. Upon approval of an ordinance accomplishing an annexation, the Town Council shall direct the filing for the record of such documents as are required by the applicable laws of the State of Colorado, Summit County, and the Town of Frisco.

### **§ 6-8 Combining Applications. [Added 07-21-98, Ord. 98-15]**

Annexation, zoning and related administrative review procedures should progress simultaneously to the extent possible, but are interdependent so that failure of the petitioner(s) to meet any requirement may cause any or all other review processes to be stalled.