



# Council Agenda Summary

March 21, 2023

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## Title:

Public hearing and second reading of an Ordinance amending Title 24 of the Greeley Municipal Code by repealing Title 2, Chapter 9 (Metropolitan Districts) and enacting Title 24, Chapter 12 (Metropolitan Districts) and making amendments thereto

## Summary:

At the May 3, 2022 City Council meeting, staff provided an overview of Metropolitan District standards, a list of suggested amendments, and a range of additional criteria that could be included in consideration of such districts. Council agreed to have staff bring forward action to update the current Greeley Metropolitan District Code and Service Plan with basic and needed amendments and then, separately, initiate a larger review and community engagement to consider more substantial code amendments. The ordinance presented with this agenda item includes the noted basic and administrative amendments. The comprehensive Metropolitan District review will commence later this year.

Metropolitan Districts are enabled under Colorado Revised Statutes, Title 32, Article 1, the "Special District Act." The City of Greeley adopted a comprehensive update of the Greeley Development Code in 2021. Administrative-level regulations pertaining to Metropolitan Districts were reserved for refinement and are now presented for formal consideration.

Proposed amendments contained herein are intended to supplement and, to the extent provided by home rule powers granted in Article XX of the Colorado Constitution, to supersede the powers and authority enabled by the Special District Act. A summary of amendments is outlined below, with a strikethrough draft (Attachment A).

Recommended changes include:

- Providing updated Section numbers and references throughout the chapter;
- Repealing direct references to C.R.S. Title 32, Article 1;
- *Previous* Section 2-513 District's Location - references obsolete Mid-Range Expected Service Area (repealed);
- *New* Section 24-1205 District Minimum Size. Repealing 2-215 which defines a minimum one-acre size to a minimum authorized debt minimum of \$7 Million as the eligibility threshold, consistent with industry standards;
- *New* Section 24-1206 Use of eminent domain by a district. Repealing 2-516, clarifying a prohibition of a district's use of eminent domain, reserving the city's option to exercise such authority within a district;

- *New* Section 24-1208 Disclosure. Repealing 2-518 and clarifying the procedure for notices of disclosure and a requirement to record the disclosure notice;
- *Previous* Section 2-520 District review timeframe. (repealed);
- *New* Section 24-1214 Filing of proposed service plan. Repealing 2-525, requiring a minimum number of Service Plan copies to be submitted, and providing updated procedures and deadlines for filing a service plan;
- *New* Section 24-1215 Service plan contents. Repealing 2-526, and providing clarified, detailed requirements for service plans;
- *New* Section 24-1216 Administrative review. Repealing 2-527, and providing a more detailed review procedure;
- *Previous* Section 2-533 Limited exemption allowance from compliance with this chapter (repealed);
- *New* Section 24-1227 Inactive Districts and Exemption from compliance with this chapter. Replacing Section 2-533, clarifying eligibility for exemption, and providing for dissolution of inactive districts.

This action is authorized under Section 24-211 “Code Amendments,” and shall be considered according to the following review criteria:

**1. The amendment furthers the purposes of these regulations.** Former Chapter 2 provisions do not reflect current procedural norms for submittal and processing. Certain regulatory components were succinct, ambiguous, or omitted leading to challenges with interpretation and implementation. The proposed Chapter 12 regulations provide clarity, specificity, and more inclusive direction for Metropolitan District eligibility requirements and formation. This amendment furthers the intent and purpose of the Code by ensuring fair consideration of development applications through clear, consistent, and transparent procedures.

**2. The amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range effects as well as immediate impacts.** The proposed Chapter 12 further implements goals and objectives in Imagine Greeley while addressing the Core Values of: “Public/Private Cooperation to Achieve and Maintain Exceptional Community Benefits,” providing “High Quality Infrastructure and Services,” and “Proactive, Progressive and Balanced Economic Development.”

**3. The amendment promotes the public safety, health, and general welfare of the citizens of Greeley.** This amendment enables and reinforces a necessary vehicle to provide infrastructure and amenities to areas of the city that otherwise wouldn’t feasibly receive such services. Public safety, health, and general welfare are promoted through enhanced, extended services.

**4. The amendment improves the effectiveness and efficiency of administering the Land Development Code.** Adoption of clarified comprehensive Metropolitan District regulations will increase effectiveness and efficiency in the review, formation, and dissolution of these entities.

Planning staff concluded that the proposed criteria meets the review criteria and recommends approval. This item was introduced at the February 21, 2023 City Council meeting, however, to correct an oversight discovered in the publication of this ordinance City Council re-introduced the item at its March 7, 2023 meeting and set the new public hearing date for March 21, 2023.

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	N/A

**Legal Issues:**

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

**Other Issues and Considerations:**

None.

**Strategic Focus Area:**



**Business Growth**



**High-Performance Government**



**Housing for All**

**Decision Options:**

- 1) Adopt the ordinance as presented; or
- 2) Amend the ordinance and adopt as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

**Council's Recommended Action:**

A motion to adopt the ordinance and publish with reference to title only.

**Attachments:**

Ordinance with attached Appendix A  
Presentation