



Minturn Forward Memo

TO: Minturn Planning Commission
FROM: Matt Farrar, Western Slope Consulting
DATE: March 7, 2025
ATTACHMENTS: Draft_v2 Article 11: Annexation & Disconnection of Land

1. Annexation and Disconnection of Land

Annexations and disconnections of land are largely driven by the Colorado Revised Statutes. The Town has the ability to include requirements above and beyond those of the Colorado Revised Statutes but cannot be less restrictive. Further, the Town needs to be careful that any additional requirements for annexations and disconnections of land do not conflict with the Colorado Revised Statutes.

The Town's existing Code provisions for annexations and disconnections of land are located in [Section 16-1-70](#), which is found under Article 1: General Provisions in Chapter 16: Zoning.

The Town's existing provision for annexations simply states:

"Annexation of land shall be governed by the Colorado Municipal Annexation Act of 1965, as now existing or hereafter amended, except as otherwise provided in the Home Rule Charter or by ordinance hereafter enacted."

The Town's existing provisions for disconnection of land largely defer to the Colorado Revised Statutes but do include some language that provides direction on application requirements and the requirements and process for reviewing a request to disconnect land.

Staff has worked to create a new Article for annexations and disconnections of land (i.e., Article 11) in hopes of making this part of the Land Use Code easier to find. Further, staff has made the following changes to the existing provisions for annexations and disconnections of land:

- A new "General Provisions" Section (Section 16-11-10) has been created to better explain the purpose and applicability of annexations and disconnections of land. This Section also provides greater detail about a number of other items that an applicant/petitioner for annexation or disconnection of land needs to be aware of.
- A new "Annexation" Section (Section 16-11-20) has been created and includes a detailed list of submittal requirements and a more detailed review process for annexations. Staff is working with the Town Attorney to ensure that the submittal requirements and review process do not conflict with the requirements of the Colorado Revised Statutes.

- A new “Disconnection of Land” Section (Section 16-11-30) has been created and includes additional language that further describes the Town’s legislative intent, submittal requirements, and review process for disconnections of land. Staff is working with the Town Attorney to ensure that these changes do not conflict with the requirements of the Colorado Revised Statutes.

2. Overview of Proposed Process for Updating Zoning Regulations

Below is an overview of the process that staff is proposing for updating the Town’s zoning regulations (i.e., zone districts/zoning map, purpose statements, use tables, and dimensional requirements). Staff is hoping to review and discuss this proposed process with the Planning Commission at their meeting on March 12, 2025.

- *Step 1: Staff Analysis of Existing and New Zone Districts*

Staff is working to analyze existing zoning regulations and provide recommendations for new zoning regulations based on the following:

- Direction provided by the Minturn Community Plan.
- Community input on key characteristics of Minturn’s neighborhoods.
- Previous work performed by the Planning Commission.
- Recent changes to state and/or federal legislation.
- Recent amendments to Minturn’s Municipal Code that are relevant to the Town’s zoning regulations.

- *Step 2: Community Engagement*

Staff is proposing to host a series of open houses, organized by neighborhood, to present and gather input on the proposed changes to Minturn’s zoning regulations.

These open houses will provide the community with an opportunity to offer input on the changes they agree with, changes they don’t agree with, and other changes that they would like to be considered.

Upon the conclusion of the open houses, staff will compile and summarize the input from the community on the proposed changes to Minturn’s zoning regulations.

- *Step 3: Review and Discussion with Planning Commission and Town Council*

Staff will work with the Planning Commission and the Town Council to review and discuss the proposed changes to Minturn’s zoning regulations as well as any further changes that may be necessary to:

- Better align the new zoning regulations with the Minturn Community Plan.
- Address input from the community.

Staff is proposing to work with the Planning Commission and the Town Council at public meetings and a joint work session(s), as appropriate.

ARTICLE 11: ANNEXATION & DISCONNECTION OF LAND

Section 16-11-10: General Provisions

A. Purpose

The purpose of this Article is to:

1. Establish procedures for the annexation of new land into, and the disconnection of land from, the municipal boundaries of the Town of Minturn, in compliance with the Colorado Revised Statutes, specifically the Municipal Annexation Act of 1965, as amended, except as otherwise provided in the Home Rule Charter or by ordinance hereafter enacted.
2. Set forth supplemental requirements to those of the Colorado Revised Statutes. Said requirements are not to be construed as altering, modifying, eliminating, and/or replacing any requirement set forth in the Colorado Revised Statutes.

B. Applicability

1. This Article shall apply to all actions to annex new land into, or disconnect land from, the municipal boundaries of the Town of Minturn.
2. If there is a conflict between the provisions of this Article and those of the Colorado Revised Statutes, the provisions of the Colorado Revised Statutes shall apply.

C. Definitions

The Colorado Revised Statutes shall apply when defining certain words or phrases used in this Article. Those definitions are listed in [Article ##](#) for reference.

D. Statement of Policy

With respect to annexations and the consideration of annexation petitions, it shall be the general policy of the Town that:

1. **Annexation is a Discretionary Act.** Unless otherwise stated in the Colorado Revised Statutes, the Town Council shall exercise its sole discretion in approving or denying the annexation of land to the Town.
2. **Conformance with Community Plan.** Any land to be annexed, and the uses proposed for such land, shall be in substantial conformance with the Community Plan.
3. **Public Facilities and Amenities to be Provided.**
 - a. The Town Council shall have the authority to require the dedication of land for, and/or the construction of, certain public facilities and amenities as part of the annexation of land to the Town to serve the needs of the public. These public facilities and amenities include, but are not limited to, the following:
 - i. Streets, sidewalks, trails, bridges, and/or other access improvements.
 - ii. Water, sewer, stormsewer, and/or other utility facilities.
 - iii. Public parks, open space, and/or recreation areas.

- iv. Sites and/or facilities for schools.
- v. Sites and/or facilities for emergency service providers.
- b. Existing residents of the Town shall not incur additional cost or burden to provide public facilities and/or amenities to lands annexed to the Town.
- 4. **Water Rights to be Deeded.** Water rights, sufficient to provide water for annexed land and the uses thereon, as determined by the Town Council, are to be deeded to the Town at the time of annexation.
- 5. **Division of Annexed Lands to Prevent Further Annexation is Prohibited.** The division of annexed areas into tracts of land to prevent further annexation of adjoining parcels is prohibited. For example, leaving a "gap" or a "strip" of land between a property to be annexed and an adjoining property.
- 6. **Annexation is a Complex Process.** A person considering an annexation petition may wish to consult with an attorney familiar with municipal annexation law. While the Town will cooperate with a petitioner in the process of complying with state law and/or this Code, the Town cannot be bound by any representations made by Town staff regarding the status, or the requirements, of state law or this Code.

E. Eligibility for Annexation

Unless otherwise stated in the Colorado Revised Statutes, eligibility for annexation shall be determined by the Town Council, in its sole discretion, based on conformance with the applicable requirements of the Colorado Revised Statutes.

F. Methods of Annexation and Disconnection of Land

- 1. In accordance with the Colorado Revised Statutes, annexation into the Town of Minturn may be accomplished via one of the following methods:
 - a. Filing a petition for annexation by ordinance ("Petition for Annexation by Ordinance").
 - b. Filing a petition for annexation by election ("Petition for Election").
 - c. Annexation of an enclave(s) by ordinance ("Enclave Annexation").
 - d. Annexation of Town-owned property by ordinance ("Unilateral Annexation").
- 2. In accordance with the Colorado Revised Statutes, land may be disconnected from the Town of Minturn via one of the following methods:
 - a. Disconnection by ordinance.
 - b. Disconnection by court decree.

Commented [MF1]: Staff is working with the Town Attorney to confirm that these are the only methods for disconnecting land.

G. Annexation Agreement

1. **Annexation Agreement Required.** All annexations shall require an Annexation Agreement unless, at the discretion of the Town Council, this requirement is waived.
2. **Minimum Contents of Agreement.**
 - a. An Annexation Agreement, at minimum, will outline the responsibilities of the petitioner and the Town that include, but are not limited to, the following:
 - i. The dedication of water rights.
 - ii. The dedication of land and/or facilities for public purposes.
 - iii. The dedication, construction, extension, and/or improvement of streets, bridges, sidewalks, trails, and other access improvements.
 - iv. The dedication, construction, extension, and/or improvement of utility systems.
 - v. Provision of public services and facilities to the residents and/or occupants of the annexed land.
 - vi. Zoning of the annexed land.
 - vii. Payment of fees and charges related to the annexation or proposed development.
 - viii. Other matters related to the impact(s) of the annexation on the Town.
 - b. An Annexation Agreement must affirmatively reserve the right of the Town to rezone the land to be annexed in the future.
3. **Multiple Ownership or Multiple Properties.**
 - a. If a property to be annexed has multiple owners of record, all owners must sign an Annexation Agreement.
 - b. If multiple properties are combined for annexation purposes, but each property will be developed separately, separate Annexation Agreements must be signed by each owner of record.

H. Disconnection Agreement

The Town Council may, by a Disconnection Agreement, establish terms and conditions for granting a disconnection of land. The terms and conditions of a Disconnection Agreement shall survive the disconnection of land from the Town.

I. Liability for Taxes

Any land disconnected from the Town shall not be exempt from the payment of any taxes lawfully assessed against it for the purpose of paying an indebtedness lawfully contracted by the Town Council while such land was within the limits of the Town and which remains unpaid, and for the payment of which said land could be lawfully taxed.

J. Reimbursement of Expenses

1. A petitioner for annexation or disconnection of land shall be responsible for paying the Town's full cost for the review and processing of a petition. Costs incurred by the Town may include, but are not limited to, the following:
 - a. Legal publications.
 - b. Engineering services.
 - c. Attorney fees.
 - d. Consultant fees.
 - e. Reproduction of materials.
 - f. Postage.
 - g. Public hearing expenses.
 - h. Document recording fees.
 - i. Administrative fees.
2. The Town may require the petitioner to sign a reimbursement agreement upon the submission of a petition for annexation or disconnection of land.

K. Zoning of Annexed Land

1. When land is annexed into the municipal boundaries of the Town of Minturn, by annexation or otherwise, the Town Council may designate the zone district(s) applicable to such land at the time of annexation. The petitioner for annexation may request that the Town Council place the annexed land in a specific zone district(s).
2. If zoning is not requested concurrently with an annexation, the Colorado Revised Statutes requires newly annexed areas to be brought under the Town's zoning regulations (refer to [Article ##](#)) within ninety (90) calendar days of the effective date of the ordinance approving an annexation.
3. This Subsection shall not preclude subsequent rezoning of annexed land in accordance with [Section 16-5-110](#).

L. Concurrent Review of Zoning Required

1. Except in extraordinary circumstances, as determined by the Town Council, a petition for annexation shall be accompanied by a request for zoning, pursuant to [Section 16-5-110](#).
2. A request for zoning of an area to be annexed will not be considered by the Planning Commission or Town Council until after the Town Council adopts a resolution finding a petition for annexation to be in substantial compliance with the Colorado Revised Statutes.
3. A request for zoning will be processed and reviewed in accordance with [Section 16-5-110](#).

4. In no event shall the approval of zoning of annexed land become effective prior to the effective date of the ordinance annexing such land to the Town.

M. Concurrent Review of Subdivision

1. A petition for annexation may be accompanied by a request for subdivision pursuant to the applicable requirements and procedures set forth in [Article 8](#).
2. A request for a subdivision of an area to be annexed will not be considered by the Planning Commission, the Town Council, or the Planning Director (in the event of a request for an administrative subdivision) until after the Town Council adopts a resolution finding a petition for annexation to be in substantial compliance with the Colorado Revised Statutes.
3. A request for a subdivision will be processed and reviewed in accordance with the applicable requirements of [Article 8](#).
4. In no event shall the approval of a subdivision of annexed land become effective prior to the effective date of the ordinance annexing, or the ordinance zoning, such land to the Town.

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Section 16-11-20: Annexation

A. Application Requirements

An application for annexation shall contain a table of contents, be tabbed accordingly, and include the following items:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-#-##-#](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written document addressed to the Town Council that serves as a cover letter to the petition, introduces the petitioner to the Town Council, and that includes the following:
 - a. A request to annex the subject property, or properties.
 - b. An assessment of the compatibility of the proposed annexation with the Community Plan and an explanation of any proposed amendments to the Community Plan that may be necessary to accommodate the proposed annexation.
 - c. A description of the development plans for the property, or properties, if annexed.
 - d. An assessment of the community's need for the proposed annexation and development.
 - e. An assessment of the conformance of the proposed annexation and development with the requirements of this Code.
 - f. An assessment of the compatibility of the proposed annexation and development with existing and allowed land uses on adjacent properties, including the identification of areas of compatibility or conflict, and an explanation of any proposed mitigation measures.
 - g. A statement identifying the existing special districts within the area to be annexed.
4. **Petition.** A completed petition for annexation complying with the requirements of the Colorado Revised Statutes and that contains the following:
 - a. An allegation that it is desirable and necessary that the area be annexed to the Town.
 - b. An allegation that the eligibility requirements and limitations, pursuant to the Colorado Revised Statutes, exist or have been met.
 - c. An allegation that the signers of the petition comprise more than fifty percent (50%) of the landowners in the area and own more than fifty percent (50%) of the area proposed to be annexed, excluding public streets and alleys and any land owned by the Town of Minturn.
 - d. A request that the Town of Minturn approve the annexation of the area proposed to be annexed.

- e. Written confirmation that the area proposed to be annexed is eligible for inclusion into the special districts that provide services within the Town.
 - f. Dated signatures and mailing addresses for each petitioning landowner. Signatures shall not be valid if dated more than one hundred and eighty (180) calendar days prior to the date of filing a petition with the Town Clerk.
 - g. A legal description of the land owned by each signer of the petition. If the land is platted the legal description shall be provided using lot and block, and if the land is unplatted the legal description shall be provided using metes and bounds.
 - h. The affidavit of each circulator of such petition, whether consisting of one or more sheets, that each signature therein is the signature of the person whose name it purports to be.
5. **Annexation Map.** Four (4) copies of an Annexation Map complying with the requirements of the Colorado Revised Statutes and the standards set forth in **Subsection 16-##-#(##)** and that contains the following information:
- a. A written legal description of the boundaries of the area proposed to be annexed.
 - b. A map showing the boundary of the proposed annexation area.
 - c. Within the annexation boundary map, the location of each ownership tract in unplatted land and, if part or all the area is platted, the boundaries and the plat numbers of plots or of lots and blocks.
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Minturn and the contiguous boundary of any other municipality abutting the area proposed to be annexed. A hatched line shall be used to depict the contiguous portion(s) of the boundary.
 - e. The boundaries of and labels for all abutting unplatted parcels and public lands.
 - f. The boundaries and names of all abutting subdivisions.
 - g. The book, page, map number, and/or reception number of the Eagle County Clerk and Recorder for all references to recorded documents included on the Annexation Map.
 - h. All recorded and apparent rights-of-way lines within, adjacent, adjoining, contiguous, and/or coincident to the boundary of the annexation area including the following information:
 - i. Road names.
 - ii. Right-of-way widths at each leg of an intersection, at the point of curve and point of tangent, at dead ends and at angle points.
 - iii. Right-of-way lines with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves.

- iv. If the centerline of a road has been established or recorded, the date and recording information shall be shown.
 - i. The section, quarter section, and other monument corners that the legal description is tied to or ties to points on the boundary of the annexation area. Display ties to section corners and to the State grid, if available, which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc., shall be used.
 - j. A description of all monuments, both found and set, which mark the boundaries of the annexation area, and all control monuments used in conducting the survey.
 - k. The location, dimensions, purpose, and ownership of all easements within, and abutting, the annexation area. If any easement of record cannot be definitively located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet.
 - l. All lines, names, and descriptions on the Annexation Map that do not constitute a part of the annexation shall be depicted as dashed or screened lines. Any area enclosed by the annexation, but not a part thereof, shall be labeled "Not a Part of This Annexation."
 - m. The boundaries of one hundred-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes, or inlets within the annexation area.
 - n. The length and bearing of all lines described in the written legal description.
 - o. Labeled section numbers, quarter section quadrants, township and range lines.
 - p. All lines, calls, arcs, etc., described in a narrative.
 - q. The point on the boundary where the legal description begins labeled as "Point of beginning" in bold letters and identified with an arrow.
 - r. A map note indicating the total perimeter of the annexation area's boundary, the contiguous length to the existing Town boundary, and the length representing one-sixth ($\frac{1}{6}$) of the total annexation boundary perimeter.
 - s. Callouts identifying each location where a detailed drawing will be provided and designation for each detail (e.g., "See Detail A").
6. **Conceptual Site Plan.** A Conceptual Site Plan complying with the standards set forth in [Subsection 16-##-##\(H\)](#) and that contains the following information. The purpose of this plan is to depict the development concept for the area to be annexed.
- a. The boundary of the area to be annexed.

- b. A written legal description of the area to be annexed.
 - c. The general location of, and approximate area for, each type of proposed land use and their relationship to adjacent land uses. The general location of land uses may be shown as irregular graphic shapes.
 - d. A table that lists the following, as applicable:
 - i. Area to be allocated to each type of proposed land use (residential, non-residential, open space, parks, recreation, streets, etc.).
 - ii. Percentage of the total area to be annexed to be allocated to each type of proposed land use.
 - iii. Number of proposed lots and their sizes.
 - iv. Proposed number, type, and maximum density of dwelling units (single-family homes, duplexes, townhomes, apartments, etc.).
 - v. Proposed maximum square footage for non-residential uses.
 - e. Existing and proposed arterial and collector streets and their relationship to the proposed land uses within the area to be annexed.
 - f. Existing and proposed major utility lines and/or facilities and their relationship to the proposed land uses within the area to be annexed.
 - g. Contour lines at ten (10) foot intervals, except when there is a significant geographical feature(s) and a different contour interval is determined to be more appropriate.
 - h. Significant natural or human-made features within, and contiguous to, the area to be annexed including, but not limited to, bluffs, trees, lakes and ponds, irrigation ditches, watercourses, and wetlands.
7. **Property Tax Statement.** A copy of the prior year's property tax statement for all property to be annexed.
8. **Water Rights Report.** A Water Rights Report prepared by a qualified water engineer or water attorney detailing the water rights appurtenant to, and severed from, the area to be annexed and their historical use. The report must include both surface (tributary) and subsurface (non-tributary and not non-tributary groundwater). In addition to the Water Rights Report, the following must be provided:
- a. Calculations that provide evidence that there are sufficient water rights to meet the needs of the area to be developed, if annexed.

Commented [MF3]: Staff is working with the Town Attorney to confirm this requirement.

- b. Evidence that the petitioner has the legal authority to transfer the water rights required to meet the needs of the area to be developed, if annexed, to the Town and/or other applicable entity.
9. **Annexation Impact Report.** For annexations exceeding ten (10) acres, a written report analyzing the impact of the proposed annexation, and subsequent development of the annexation area, on the Town is required pursuant to the Colorado Revised Statutes. The report shall, at a minimum, address all items set forth in the Colorado Revised Statutes. The Town Council, in its sole discretion, may also require that the report includes the following. The Town Council and the Eagle County Board of County Commissioners may waive the requirement for an Annexation Impact Report in accordance with the Colorado Revised Statutes.
- a. *Population Impacts.* An assessment of the anticipated population impacts, including both permanent and transient populations, resulting from the proposed annexation and development.
 - b. *Economic Impacts.* An assessment of the anticipated economic impacts resulting from the proposed annexation and development. This shall include an analysis of the following:
 - i. Short- and long-term municipal revenues to be generated by the proposed annexation and development.
 - ii. Short- and long-term municipal expenses to be incurred as a result of the proposed annexation and development.
 - iii. Short- and long-term economic development potential (e.g., number of jobs to be created, property tax generation, sales tax generation, use tax generation, utility revenue generation, etc.).
 - iv. Proposal(s) to mitigate any adverse impact(s) on the Town's economy and/or budget.
 - c. *School Impacts.* An assessment of the anticipated impact of the proposed annexation and development on local schools, including schools in the applicable Eagle County School District. This assessment shall include the following:
 - i. Proposal(s) for mitigating any adverse impact(s) on existing educational facilities and/or programs.
 - d. *Transportation Impacts.* An assessment of the anticipated impact of the proposed annexation and development on existing transportation systems. This assessment shall include the following:
 - i. Projected community wide impact.
 - ii. An analysis of conformance with the Town's Street Master Plan.
 - iii. Projected vehicle trips provided as daily peak hour average.

- iv. An analysis of projected impacts on existing and proposed street segment capacities.
- v. Projected maintenance costs for new and existing streets.
- vi. An analysis of projected impacts on existing and proposed public transportation systems.
- vii. Proposal(s) for mitigating any adverse impact(s) upon existing transportation systems.
- e. *Utility Impacts.* An assessment of the anticipated impact of the proposed annexation and development on the Town's existing utility systems. This assessment shall include the following:
 - i. Projected demand for potable and non-potable water, including year-round average and seasonal peak demand and consumptive use.
 - ii. An analysis of projected impacts on existing water, sewer, and stormsewer capacity and the potential need for additional facilities
 - iii. Estimated solid waste disposal costs.
 - iv. Proposal(s) for mitigating any adverse impact(s) on existing utility systems.
- f. *Municipal Services Impacts.* An assessment of the anticipated impact of the proposed annexation and development on existing municipal services (e.g., law enforcement, snow plowing, etc.). This assessment shall include the following:
 - i. Proposal(s) for mitigating any adverse impact(s) on existing municipal services.
- g. *Fire Protection Impacts.* An assessment of the anticipated impact of the proposed annexation and development on the Eagle River Fire Protection District and proposal(s) for mitigating any adverse impact(s) on existing fire protection services.
- h. *Parks and Recreation Impacts.* An assessment of the anticipated impact of the proposed annexation and development on the Town's parks and recreation facilities and programs, and proposal(s) for mitigating any adverse impact(s) on existing facilities and/or programs.
- i. *Environmental Impacts.* An assessment of the anticipated impact of the proposed annexation and development on the Town's natural environment. This assessment shall include the following:
 - i. An analysis of soil types and bearing capabilities, geologic hazards, slopes, potential erosion problems, groundwater tables, flood prone areas, and their potential impact on development of the annexation area.
 - ii. An analysis of potential impacts on environmentally sensitive areas (e.g., wetlands, fins, etc.).
 - iii. An analysis of potential impacts on flora and fauna.

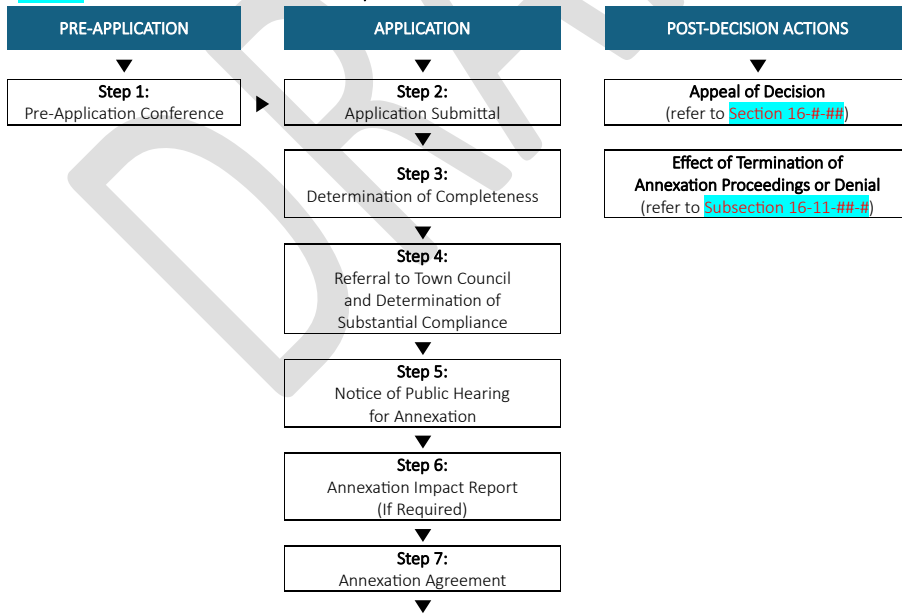
- iv. An analysis of potential impacts on the appearance or character of scenic areas, view corridors, and/or similar natural resources.
 - v. Proposal(s) for mitigating any natural hazards identified and/or any adverse impact(s) on the natural environment.
10. **Letters of Consent.** Letters of consent from each special district that provide service(s) to the area to annexed. Such letters shall provide evidence that the area to be annexed is eligible for inclusion in the applicable special district.
 11. **Rezoning Application.** If zoning is requested concurrently with an annexation, the petitioner must submit a complete Rezoning application in accordance with [Section 16-5-110](#).
 12. **Subdivision Application.** If a subdivision is requested concurrently with an annexation, the petitioner must submit a complete subdivision application in accordance with the applicable requirements of [Article 8](#).

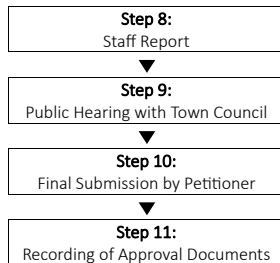
B. Application Review Procedures

The detailed review procedures for each method of annexation are set forth in the Colorado Revised Statutes. The following procedures apply to a petition for annexation by ordinance that will be reviewed and decided upon in accordance with the Colorado Revised Statutes and as supplemented herein.

Commented [MF4]: Staff is working with the Town Attorney to ensure this language is appropriate.

Table ##: Overview of Petition for Annexation by Ordinance Review Process





1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for annexation. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of the Colorado Revised Statutes and this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for annexation shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of the Colorado Revised Statutes and this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Notify the applicant, in writing, of the determination of completeness and the number of complete applications to be submitted to the Town prior to the Town Council's determination of substantial compliance with the Colorado Revised Statutes.
 - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).
 - c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Referral to Town Council and Determination of Substantial Compliance.**
- a. Within forty (40) business days of the determination of completeness, the Town Clerk shall refer the application to Town Council for a determination of substantial compliance with the Colorado Revised Statutes.
 - b. The Town Council shall, at a public meeting, take the appropriate steps, pursuant to the Colorado Revised Statutes, to determine if a petition for annexation is in substantial compliance with the Colorado Revised Statutes.
 - i. *Petition in Substantial Compliance.* If the Town Council determines that a petition for annexation is in substantial compliance with the Colorado Revised Statutes, the Town Council shall, by the adoption of a Resolution of Intent to Annex, set a specific date, time, and place for a public hearing for the annexation and zoning, if applicable. Pursuant to the Colorado Revised Statutes, the public hearing must be scheduled not less than thirty (30) days nor more than sixty (60) days from the effective date of the resolution.
 - ii. *Petition Not in Compliance.* If the Town Council determines that a petition for annexation is not in compliance with the Colorado Revised Statutes, no further action shall be taken. Such a determination shall be made by a resolution adopted by the Town Council.
5. **Step 5: Notice of Public Hearing for Annexation.**
- a. The Town Clerk shall provide notice of the public hearing for annexation in accordance with the Colorado Revised Statutes.
 - b. The petitioner for annexation shall provide notice of the public hearing for annexation as follows:
 - i. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within three hundred (300) feet of the subject property and any irrigation ditch companies whose easements and rights-of-way traverse the area to be annexed. In the case of a flagpole annexation, the petitioner shall also provide notice to owners of record of abutting properties, as specified in the Colorado Revised Statutes. Such notice must be sent a minimum of twenty-five (25) calendar days prior to the public hearing for annexation and include all information required pursuant to the Colorado Revised Statutes.
 - ii. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-#-##. Such notice must be posted a minimum of twenty-five (25) calendar days prior to the public hearing for annexation.
 - iii. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-#-##.
 - iv. *Certification of Compliance with Notice Requirements.* At least fifteen (15) calendar days prior to the date of the public hearing for annexation, the petitioner shall certify to the Town Clerk their compliance with the above notice requirements.

Commented [MF5]: Staff is working with the Town Attorney to confirm this requirement. For Land Use and Subdivision applications, this requirement is 200 feet.

- c. If the property to be annexed is to be zoned concurrently, the petitioner shall be required to provide public notice in accordance with [Section 16-5-110](#). If the property to be annexed is to be subdivided concurrently, the petitioner shall also be required to provide public notice in accordance with the applicable requirements of [Article 8](#).
6. **Step 6: Annexation Impact Report (If Required).**
- a. If required by the Colorado Revised Statutes, a petitioner for annexation shall prepare and submit to the Town an Annexation Impact Report that complies with the requirements of the Colorado Revised Statutes and includes any additional information required by the Town Council. The Annexation Impact Report must be submitted at least twenty-five (25) calendar days prior to the public hearing for annexation.
 - b. Within five (5) calendar days of receiving the Annexation Impact Report, the Town shall file one (1) copy of the Annexation Impact Report with Eagle County Board of County Commissioners.
7. **Step 7: Annexation Agreement.**
- a. At least twenty-one (21) calendar days prior to the date of the public hearing for annexation, the Town shall provide the petitioner with a draft Annexation Agreement prepared in accordance with [Subsection 16-11-##\(#\)](#).
 - b. The final Annexation Agreement shall be signed by the petitioner(s), in accordance with [Subsection 16-11-##\(#\)](#), and made available to the Town Clerk at least seven (7) calendar days prior to the date of the public hearing for annexation.
 - c. Any changes or additions to the Annexation Agreement must be resolved before the public hearing for annexation.
8. **Step 8: Staff Report.** Prior to the public hearing with the Town Council, town staff shall prepare a staff report that addresses the following, as applicable:
- a. Compliance with the requirements of the Colorado Revised Statutes and this Code.
 - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
 - c. Recommended conditions to ensure compliance with the applicable requirements.
 - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
9. **Step 9: Public Hearing with Town Council.**
- a. The Town Council shall hold a public hearing for annexation, in accordance with the Colorado Revised Statutes, on the date and at the time and place set by the Resolution of Intent to Annex or as otherwise rescheduled in accordance with the Colorado Revised Statutes. The Town Council may continue a public hearing to another date in accordance with the Colorado Revised Statutes. The applicant, or their authorized representative, must be present at the hearing.

Commented [MF6]: The Annexation Act states that the Town is responsible for an Annexation Impact Report. Staff is working with the Town Attorney to determine whether this can be made a requirement of the petitioner.

Commented [MF7]: Staff is working with the Town Attorney to confirm the timeframes required for an Annexation Agreement.

Commented [MF8]: Staff is working with the Town Attorney to confirm this requirement.

- b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
 - c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, public testimony, and the requirements for annexation, and shall adopt a resolution that sets forth the Town Council's findings of fact and conclusion and specifically addresses the following:
 - i. Whether or not the requirements of the Colorado Revised Statutes and this Code have been met.
 - ii. Whether or not an election is required pursuant to the Colorado Revised Statutes.
 - iii. Whether or not additional terms and conditions are to be imposed.
 - d. If the Town Council finds that the area proposed for annexation does not comply with the requirements of the Colorado Revised Statutes, the annexation proceedings shall be terminated.
 - e. If the Town Council, in its sole discretion, finds that a proposed annexation is not in the best interest of the Town, it may deny the petition for annexation.
 - f. If the Town Council approves an annexation, it shall enact an ordinance to such effect in accordance with the Colorado Revised Statutes. If an Annexation Agreement is approved by the Town Council, the agreement shall be attached to the ordinance as an exhibit.
 - g. If zoning is requested concurrent with annexation, the Town Council will hold a public hearing on such a request, in accordance with [Section 16-5-110](#), at the same meeting.
10. **Step 10: Final Submission by Petitioner.** Within ten (10) business days of an approval by the Town Council, the petitioner shall submit the following items to the Planning Director:
- a. Four (4) Mylar copies of the final, approved Annexation Map and two (2) bound copies of the Conceptual Site Plan.
 - b. An electronic drawing file (e.g., AutoCAD™ file) with the final, approved version of the Annexation Map including title sheets and fonts used. If multiple maps are used, one (1) drawing file must combine all the parts into one (1) map, showing the entire annexation area.
 - c. An electronic version of the written legal description for the approved annexation area.

- d. If applicable, an electronic drawing file (e.g., AutoCAD™ file) with the final, approved version of the Conceptual Site Plan including title sheets and fonts used. If multiple maps are used, one (1) drawing file must combine all the parts into one (1) map.
- e. If applicable, an electronic drawing file (e.g., AutoCAD™ file) of any map(s) required as part of an Annexation Impact Report.

11. **Step 11: Recording of Approval Documents.** If the Town Council approves an annexation, the Town Clerk shall do the following in accordance with the Colorado Revised Statutes:

- a. File one (1) copy of the Annexation Map and the original ordinance approving the annexation in the Town's records.
- b. File for recording three (3) certified copies of the ordinance approving the annexation and the Annexation Map with the Eagle County Clerk and Recorder.
- c. Request the Eagle County Clerk and Recorder to file one (1) copy of the ordinance approving the annexation and the Annexation Map to the Colorado Department of Local Affairs and one (1) copy of the ordinance approving the annexation and the Annexation Map to the Colorado Department of Revenue.

C. Effect of Termination of Annexation Proceedings or Denial

If the Town Council finds that the area proposed for annexation does not comply with the requirements of the Colorado Revised Statutes, or denies a petition for annexation, no proceedings for annexation to the Town of the same, or substantially the same, area may be initiated within one (1) year from the date of the Town Council's action.

Commented [MF9]: Staff is working with the Town Attorney to determine if this requirement is appropriate.

Section 16-11-30: Disconnection of Land

A. Legislative Intent

1. It is the intent of the Town Council to exercise the powers granted to home rule municipal corporations by the Colorado Constitution and establish a nonjudicial procedure for the disconnection of land from the municipal boundaries of the Town of Minturn.
2. The consideration, approval and/or denial of an application for disconnection shall constitute a legislative act of the Town Council.

B. Application Requirements

An application for disconnection of land shall include the following items:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in **Subsection 16-#-##-#**.
2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.
3. **Petition.** A petition that contains the following:
 - a. A request for disconnection that includes an explanation of the reason(s) for the disconnection.
 - b. A written legal description of the property to be disconnected.
 - c. A map of the property to be disconnected in a format specified by the Planning Director. The map must include the following:
 - i. Evidence that the property to be disconnected is contiguous to the Town's boundary.
 - ii. All properties in the Town abutting the property to be disconnected.
 - iii. A depiction of the boundaries of the Town after the disconnection of the subject property.
 - d. An allegation that the best interests of the Town will not be prejudiced by the disconnection of the subject property.
 - e. An allegation that the signatories of the petition comprise one hundred percent (100%) of the owners of the subject property and own one hundred percent (100%) of the area proposed to be disconnected, excluding public streets and alleys owned by the Town.
 - f. A description of how all agreements between the Town and the owner(s) of the subject property will be terminated, modified, or unwound and how all obligations between the parties will be modified or terminated at the time of disconnection.
 - g. An allegation that all taxes, fees, and/or assessments lawfully due upon the property at the time of the filing of the petition have been fully paid.

Commented [MF10]: The requirements for a "Disconnection Map" are subject to change based on further input from town staff and the Town Attorney.

- h. A description of how the dedication of property, rights-of-way, and/or easements to any public entity will be affected by the disconnection.
 - i. A list of all special districts serving the subject property that could be affected by the disconnection.
 - j. The names, addresses, and signatures of all owners of record of the subject property.
4. **Other Documents.** A list of any petition(s) for annexation, annexation ordinance(s), annexation agreement(s), and/or any other legal instrument(s) or court order(s) to which the Town is a party and are applicable to the property to be disconnected.

C. Application Requirements

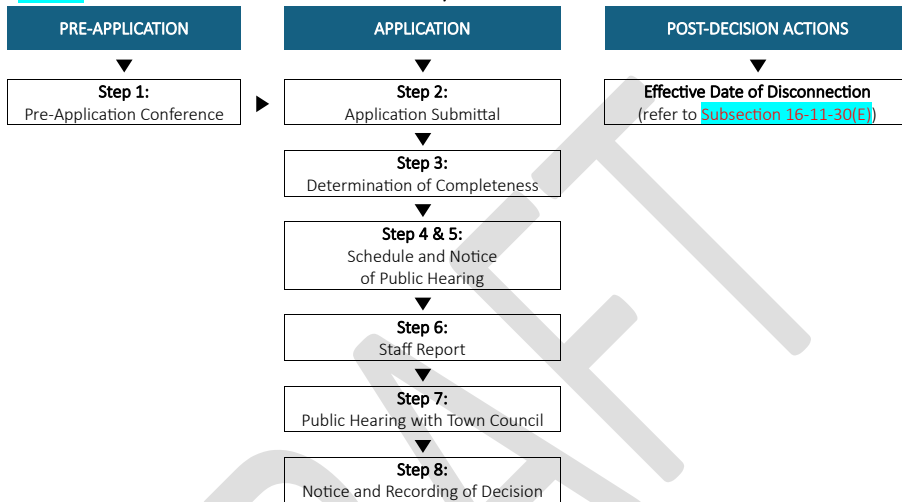
1. In accordance with the Colorado Revised Statutes, if the Town Council is of the opinion that the best interests of the Town will not be prejudiced by the disconnection of such tract, it shall enact an ordinance effecting such disconnection.
2. The “best interests of the Town” may include, but are not limited to, the following:
 - a. Whether there is a resolution to any current, pending, and/or threatened legal actions.
 - b. Whether there is a resolution of any commitments, claims, obligations required by any agreement, or terms of an agreement relating to the land to be disconnected.
 - c. Whether the disconnection will impair or preclude future annexations identified in the Community Plan.
 - d. Whether the disconnection may permit development that adversely impacts the Town.
 - e. Whether water rights associated with the subject land have been received by the Town.
 - f. Whether the disconnection will impair the construction and/or extension of roads, utilities, or other infrastructure to other property, or properties, within, or anticipated to be within, the Town.
 - g. Whether the disconnection will impair the Town's ability to maintain infrastructure (e.g., roads, utilities, etc.) and/or rights-of-way that were dedicated to a public entity.
 - h. Whether the disconnection will create an enclave as defined by the Colorado Revised Statutes.
 - i. Whether the disconnection will sever the contiguity of the Town's boundaries without the adequate provision of access, utilities, and services to areas that will remain within the Town.
 - j. Whether the Town is reimbursed for public funds expended on the subject land for infrastructure and/or other costs.

- k. Any other matters the Town Council deems to be relevant to the proposed disconnection.

D. Disconnection of Land Review Procedures

A request for a disconnection of land will be reviewed and decided upon in accordance with the procedures set forth in the Colorado Revised Statutes and as supplemented herein.

Table ##: Overview of Petition for Disconnection of Land by Ordinance Review Process



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for disconnection of land. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of the Colorado Revised Statutes and this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
 - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for disconnection of land shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of the Colorado Revised Statutes and this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
 - i. Certify the application as complete and record the date of the determination of completeness.
 - ii. Notify the applicant, in writing, of the determination of completeness and the number of complete applications to be submitted to the Town prior to the public hearing with the Town Council.
 - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
 - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
 - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Schedule Public Hearing.** Within sixty (60) business days of the determination of completeness, the [Planning Director](#) shall schedule the application for a public hearing before the Town Council in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of the public hearing.
 - a. The public hearing shall be scheduled for a regularly scheduled meeting or a special meeting of the Town Council.
5. **Step 5: Notice of Public Hearing.** Prior to the date of the first public hearing with the Town Council, the applicant shall:
 - a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within two hundred (200) feet of the subject property, in accordance with [Section 16-#-##](#).
 - b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with [Section 16-#-##](#).
 - c. *Post Notice.* Post notice on a sign on the subject property in accordance with [Section 16-#-##](#).
 - d. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with [Section 16-#-##](#).
 - e. *Submit Proof of Notice.* Submit proof of notice in accordance with [Section 16-#-##](#).
6. **Step 6: Staff Report.** Prior to the public hearing with the Town Council, Town staff shall prepare a staff report that addresses the following, as applicable:
 - a. Compliance with the requirements of the Colorado Revised Statutes and this Code.

Commented [MF11]: Staff is working with the Town Attorney to determine if this should be the Planning Director or the Town Clerk.

Commented [MF12]: Staff is working with the Town Attorney to confirm the notice requirements for a public hearing for a disconnection of land.

- b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
 - c. Recommended conditions to ensure compliance with the applicable requirements.
 - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
7. **Step 7: Public Hearing with Town Council.**
- a. The Town Council will hold a public hearing, in accordance with **Section 16-#-##** and the Colorado Revised Statutes, as applicable, to review the application. The applicant, or their authorized representative, must be present at the hearing.
 - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
 - i. The application and any supporting materials.
 - ii. The staff report.
 - iii. The Planning Commission's recommendation.
 - iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
 - c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a disconnection of land, and shall take one of the following actions:
 - i. Approve the disconnection of land, subject to any **conditions** that the Town Council deems necessary to ensure compliance with the Colorado Revised Statutes, this Code, and the Community Plan. Pursuant to **Subsection 16-11-10(H)**, the Town Council may require a Disconnection Agreement that establishes the terms and conditions for granting a disconnection of land.
 - ii. Deny the disconnection of land and state the specific reason(s) for denial.
 - d. If the Town Council approves a disconnection of land, it shall enact an ordinance to such effect.
8. **Step 8: Notice and Recording of Decision.**
- a. Within ten (10) business days of a final action by the Town Council, the following will occur:
 - i. The Planning Director will send written notice of the decision to the applicant.
 - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

Commented [MF13]: Staff is working with the Town Attorney to determine if a conditional approval of a disconnection of land is permitted.

b. If the Town Council approves a disconnection of land, the Town Clerk shall do the following in accordance with the Colorado Revised Statutes:

- i. Enter a copy of the ordinance approving the disconnection of land into the Town's records.
- ii. File two (2) certified copies of the ordinance approving the disconnection and duplicates of the disconnection map in the office of the Eagle County Clerk and Recorder.
- iii. Request the Eagle County Clerk and Recorder to file one (1) certified copy of the ordinance approving the disconnection with the Colorado Department of Local Affairs.

E. Effective Date of Disconnection

In accordance with the Colorado Revised Statutes, the disconnection of land from the Town shall be immediately effective upon the Town Clerk's filing of the ordinance approving the disconnection with the Eagle County Clerk and Recorder.