



**ERIE**  
COLORADO

# Annexation

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## **Town Council**

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Feb 4, 2025



# Agenda

- Annexation Process
  - Eligibility
- Comprehensive Plan Guidance
- Erie West Annexation
- Q&A



# Annexation Process

- Petition of property owner(s)
  - Signed by >50% of landowners owning more than 50% of the area (excluding streets)
- Annexation election petition
  - Signed by at least 75 registered electors or 10% of electors (whichever is less)
- Town initiated
  - Enclaves
  - Town-owned land (by ordinance)



# Annexation Eligibility

*Governed by Municipal Annexation Act of 1965 (C.R.S. § 31-12-101)*

1. One-sixth of the perimeter of the area proposed for annexation must be contiguous with annexing municipality
2. A community of interest exists between the area proposed to be annexed and the municipality
3. The area is urban or will urbanize in the near future
4. The area is integrated with or is capable of being integrated with the municipality

Contiguity  
is basis for  
these  
criteria,  
unless...



# Annexation Ineligibility

Council finds that at least two of the following exist through competent evidence at the hearing :

1. <50% adult residents of the area utilize recreation, social, civil commercial in the municipality; AND <25% are employed in the municipality
2.  $\geq$ 50% land in the area is agricultural, and landowners express intention to use the land agriculturally for not less than 5 years
3. Not physically practicable to extend urban services to the area



# Annexation Process

- Required notice - 5 consecutive weeks of posting in newspaper
- Annexation Impact Report (if for more than 10 acres)
- Substantial Compliance resolution
- Setting of public hearing to determine eligibility (must occur within 30-60 days of finding of substantial compliance)
- Public Hearing(s)
  - Mailings sent; signs posted 15 days prior to hearing
  - Initial Zoning case is typically concurrent with Annexation



# Annexation Eligibility – Findings of Fact

- Contiguity and eligibility requirements are met
- No annexation proceedings have started with another municipality
- Will not result in detachment of area from a school district
- Will not extend the municipal boundary more than 3 miles
- There is a three-mile plan in place
- Entire width of street or alley is included (prohibited from annexing half ROW)
- Annexation election is not required
- If there are conditions or terms of annexation, those are captured in an Annexation Agreement, considered by separate action



# Annexation Process – Action

- Council adopts ordinance
  - Annexation ordinance can also include zoning, or zoning accomplished by separate ordinance
- Sets the tax collection timeframe
- Executed ordinance and annexation map filed with the county clerk and recorder
  - Following recordation, certified copy sent to Division of Local Affairs (DOLA) and Colorado Department of Revenue (CDR)



# Comprehensive Plan Guidance - Goals

C4. Preserve areas of rural and agricultural character.

- Protect natural and environmentally sensitive areas.

C5. Promote a sustainable development pattern.

- Ensure a fair share approach to the cost of growth and consider annexation, development phasing and form thoughtfully and in concert with available resources and services.



# Comprehensive Plan Guidance – Policies

C.4.2. Ensure Erie retains a mix of built and rural environments that reflect the Town’s history and geography.

- Work with neighboring communities and counties to identify areas to preserve as rural and agricultural in character and use. Approaches may include intergovernmental agreements, conservation easements, acquisitions, or incentives to maintain rural and agriculture uses.



# Comprehensive Plan Guidance – Policies

## C.5.2. Consider costs and benefits of annexations on a case-by-case basis.

- Ensure annexations have demonstrated significant benefit to the Town. Tangible and intangible benefits to consider include sales tax generation, employment base expansion, surplus water rights acquisition, unique open space or recreational amenities, housing opportunities for the elderly or other special populations, and utility or service upgrades or benefit to other areas of the Town.
- The annexed property can be integrated into the Town’s existing or planned utility, transportation, public safety, and general services system in a financially responsible manner. Necessary infrastructure improvements should not be planned, constructed, or funded in such a manner as to impose an unreasonable level of public or private debt relative to realistic build-out as based upon sound demographic and growth projections annually estimated by the Town.



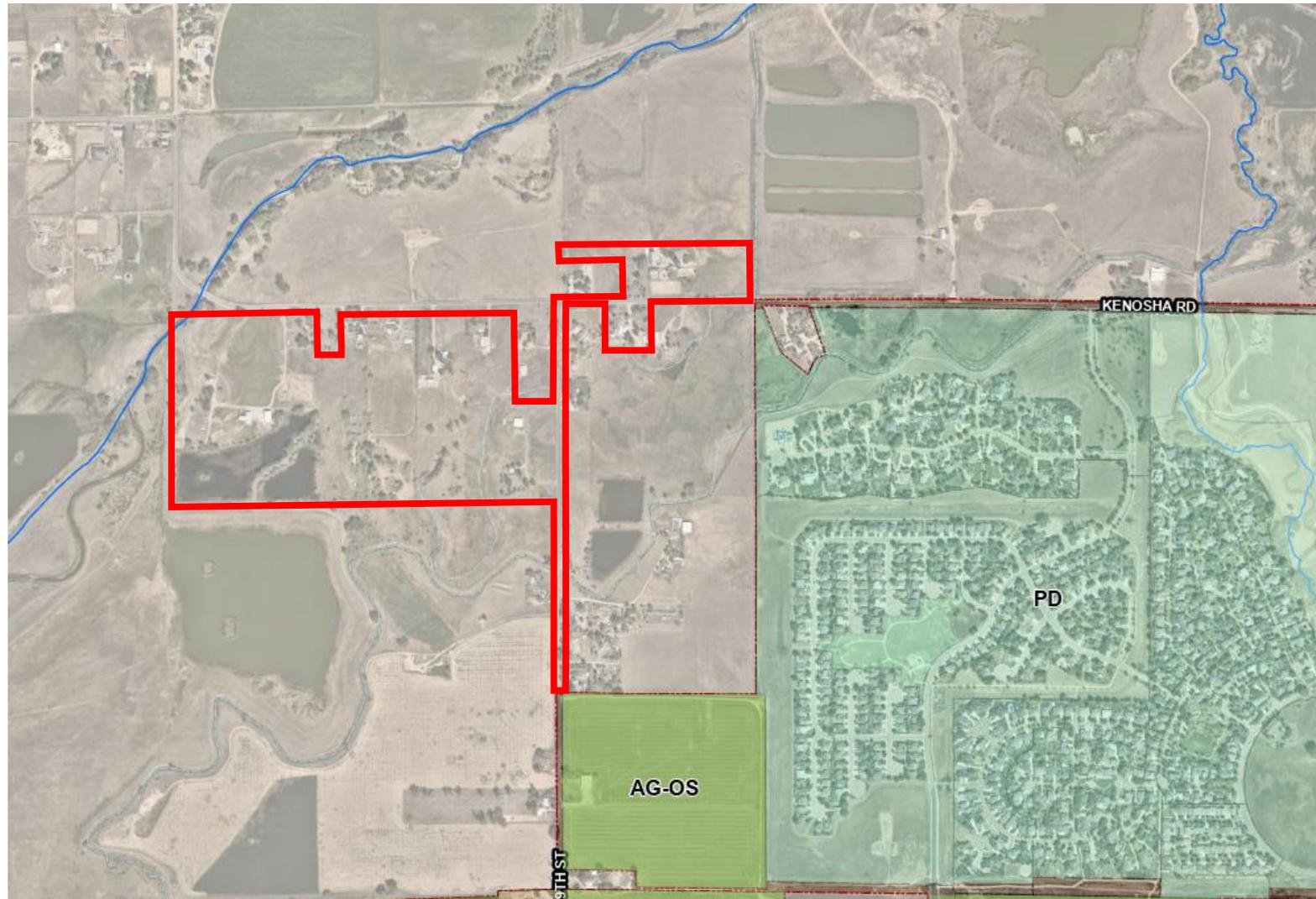
# Erie West Background

- **Initiated early 2021** in response to BOCO proposed compost facility
- **Area:** 86.65 acres
- **Existing Zoning:** Agriculture (Boulder County)
- **Existing Use:** Single Family Dwelling (SFD) & Agricultural



# Location

Around the intersection of N 119<sup>th</sup> St and Kenosha Road



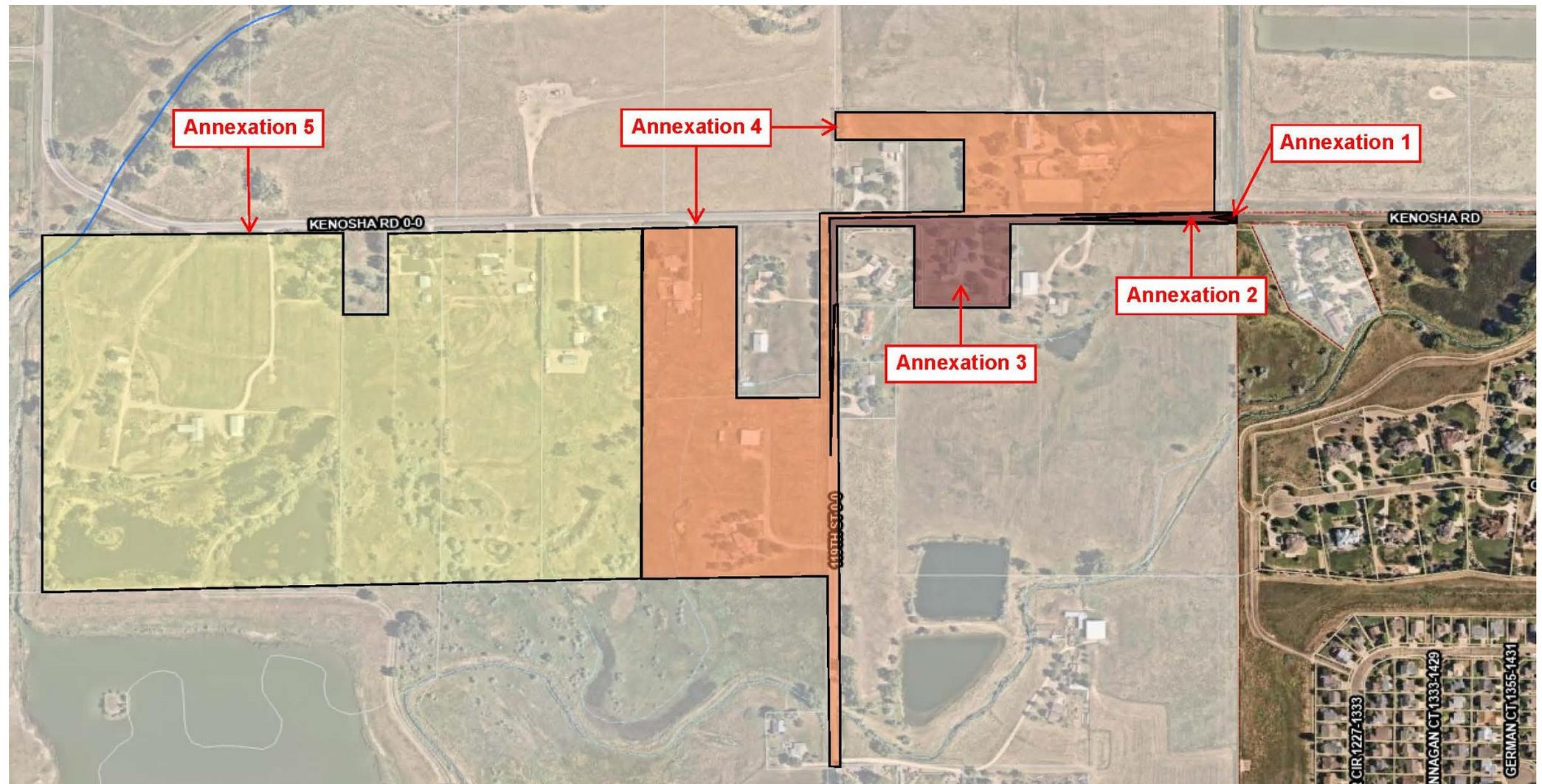
# Location



# Location



# Annexation Maps & Sequence





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# Q&A

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