

ANNEXATION FEASIBILITY STUDY - SECTION ONE

GENERAL INFORMATION

How to Use this Attachment

Section One of this attachment contains general information about the review type, and the process used to review your application. Keep this section as a reference while your application proceeds through review.

Section Two contains material that **you are required to fill out, detach, and submit with your application**. The Application Submittal Requirements checklist describes the minimum information to include in your application. Your application will not be accepted for review unless all the information is present.

Annexation Feasibility Study Summary

What is an Annexation Feasibility Study?

Property may be annexed to the city of Boulder if it meets a variety of location criteria established by state law and Boulder Valley Comprehensive Plan (BVCP) policies. If the location makes a property eligible for annexation, the BVCP specifies the type of zoning that may be established upon annexation. The zoning determines how the property may be used. Certain fees and taxes must be paid to the city upon annexation to offset the cost to the community of providing the full range of services to the property. In addition, the property owner is required to pay the cost of extending required utilities to the site. If the zoning to be established allows additional future development on the site, the property owner may be responsible for additional costs to offset the impact to the community of the future development. Certain dedications may also be required at time of annexation to provide for future infrastructure improvements. Although all the above requirements and costs are established by ordinance, and may be researched by anyone, their specifics vary based on the conditions and location of an individual property and the specific annexation proposal.

An Annexation Feasibility Study is an analysis of the potential for annexation of a specific property, the standard terms, conditions and requirements that would apply, and the standard fees, taxes and other costs the property owner would have to pay. It provides the property owner an optional way to determine the annexation potential and standard requirements without undertaking the complete annexation process.

Can I determine annexation feasibility and costs myself, without applying for an Annexation Feasibility Study?

Yes. You can conduct your own research, by examining the BVCP to determine if your property is eligible, policies for annexation based on community impact or benefit, land use designation and probable zoning. You can then review the Title 9 Land Use Regulations, Title 3-8 Development Excise Taxes, Title 3-9 Housing Excise Tax, in the Boulder Revised Code, to determine what requirements and fees may apply to your property upon annexation. The regulations are available at the Boulder Public Library, and on our website at www.boulderplandevop.net. In addition, Project Specialists are available in the Planning and Development Services Center who can assist you in understanding the applicable policies and regulations. Since it may be very time-consuming to do all the research yourself, you may find it worthwhile to apply instead for an Annexation Feasibility Study. However, **we suggest you do at least some of this research to**

determine if your property meets minimum eligibility requirements for annexation (i.e. in BVCP Area II and at least one-sixth contiguous with existing city boundaries), before you proceed further.

What will I receive from the city if I apply for an Annexation Feasibility Study?

After we determine that your application is complete with all the data needed for us to begin the study, you will be notified when the review will begin, and when our findings will be issued to you. Generally, our review will take at least three weeks. When complete, we will send you written comments from our staff Development Review Committee that will describe in detail whether annexation is feasible, the zoning category that would be established, and the standard requirements and costs associated with the annexation. If your annexation proposal includes elements that do not meet standard requirements, such as land uses or development intensity not permitted by the zoning, we will inform you if the city is interested in negotiating a special agreement to permit your proposal, through the Annexation and Initial Zoning application process. Issuance of our written comments to you will conclude the service covered by the study application fee you paid.

What information will I NOT receive through the Annexation Feasibility Study?

You will **NOT** receive:

- Fee estimates for any future building permits – these are based on the specifics of a future application, though we can direct you to rate information that will allow you to estimate those costs as you refine your plans.
- Fee estimates associated with constructing public improvements – these are based on construction details that cannot be determined until the plans are finalized; we can direct you to rate information that will allow you to estimate those costs as you refine your plans.
- Identification of design and construction costs – those are private costs that must be determined by your architect, engineer or contractor.
- Review of engineering plans, traffic studies, or site plans – those types of plans are subject to review through other processes.
- Negotiation of a special annexation agreement – the feasibility study will identify standard requirements. If you propose to negotiate a special agreement that allows you to vary from the standard requirements, you must first submit an application for Annexation and Initial Zoning. The feasibility study can determine, however, if the city is interested in negotiating a special annexation agreement.

Can the fee I pay for the Annexation Feasibility Study be deducted from the application fee for Annexation and Initial Zoning?

Yes, if you submit the Annexation and Initial Zoning application in the same calendar year in which the feasibility study was done. Fees generally change every year on January 1. If your feasibility study is done in different calendar year than your Annexation and Initial Zoning application, it is likely that the fee information will be out of date and will have to be recalculated.

How should I use this Annexation Feasibility Study Attachment?

Retain Section One as general information to which you may refer in the future. Fill out the checklists and data sheets contained in Section Two as completely as possible. Some of the requested information may not be pertinent to your particular annexation proposal. If that is the case, indicate “Not Applicable” on that portion of the form. Submit all those pages with your application, retaining a copy for your records. If you later submit an application for Annexation and Initial Zoning, you will be required to re-submit this information.

BOULDER VALLEY COMPREHENSIVE PLAN ANNEXATION POLICIES

POLICY 1.25

ANNEXATION. The policies in regard to annexation to be pursued by the city are:

- (a) Annexation will be required before adequate facilities and services are furnished;
- (b) The city will actively pursue annexation of county enclaves, Area II properties along the western boundary, and other fully developed Area II properties. County enclave means an unincorporated area of land entirely contained within the outer boundary of the city. Terms of annexation will be based on the amount of development potential as described in (c), (d), and (e) of this policy. Applications made to the county for development of enclaves and Area II lands in lieu of annexation shall be referred to the city for review and comment. The county shall attach great weight to the city's response and may require that the landowner conform to one or more of the city's development standards so that any future annexation into the city will be consistent and compatible with the city's requirements.
- (c) Annexation of existing substantially developed areas will be offered in a manner and on terms and conditions which respect existing lifestyles and densities, and the city will expect these areas to be brought to city standards only where necessary to protect the health and safety of the residents of the subject area or of the city. The city, in developing annexation plans of reasonable cost, may phase new facilities and services. The County, which now has jurisdiction over these areas, shall be a supportive partner with the city in annexation efforts to the extent the county supports the terms and conditions being proposed.
- (d) In order to reduce the negative impacts of new development in the Boulder Valley, the city shall annex Area II land with significant development or redevelopment potential only on a very limited basis. Such annexations will be supported only if the annexation provides a special opportunity or benefit to the city.

For annexation considerations, emphasis shall be given to the benefits achieved from the creation of permanently affordable housing. Provision of the following may also be considered a special opportunity or benefit: receiving sites for transferable development rights (TDRs), reduction of future employment projections, land and/or facilities for public purposes over and above that required by the city's land use regulations, environmental preservation, or other amenities determined by the city to be a special opportunity or benefit. Parcels that are proposed for annexation that are already developed and which are seeking no greater density or building size would not be required to assume and provide that same level of community benefit as vacant parcels unless and until such time as an application for greater development were submitted.

- (e) Annexation of substantially developed properties that allows for some additional residential units or commercial square footage will be required to demonstrate community benefit commensurate with their impacts. Further, annexations that resolve an issue of public health without creating additional development impacts should be encouraged.

- (f) There will be no annexation of areas outside the boundaries of the Boulder Valley Planning Area, with the possible exception of annexation of acquired open space.
- (g) Area II is anticipated to become part of the city within the planning period. Area III is not anticipated to become part of the city within the planning period. However, publicly owned property located in Area III and intended to remain in Area III may be annexed to the city if the property requires less than a full range of urban services or requires inclusion under city jurisdiction for health, welfare and safety reasons.
- (h) The Gunbarrel-Heatherwood subcommunity, which is unique because of its size, developed at an urban density with city water and sewer service. The commercial and industrial portion of Gunbarrel-Heatherwood is annexed to the city, while much of the residential development is still unincorporated. The Gunbarrel-Heatherwood Subcommunity is also unique because of the shared jurisdiction for planning and service provision among the county, the city, the Gunbarrel General Improvement District and other special districts. Those areas annexed to the city are provided with city services, although deficiencies exist in developed park facilities and services. In the unincorporated area, a variety of arrangements for service provision exist. Some services, such as road maintenance, flood control, and law enforcement, are primarily provided by the county. Area residents now tax themselves through the Gunbarrel General Improvement District to pay for open space acquisitions and possible park and major roadway improvements. Fire protection is provided to the unincorporated area by Boulder Rural Fire District. Although interest in voluntary annexation has been limited, the city and county continue to support the eventual annexation of Gunbarrel-Heatherwood. If resident interest in annexation does occur in the future, the city and county will negotiate new terms of annexation with the residents.

SIDEBAR INFORMATION: See Policy 3.02. Definition of Adequate Urban Facilities and Services.

The Applicant shall be required to comply with the following procedures, as set forth in the Boulder Valley Comprehensive Plan:

ANNEXATION PROCESS

It is anticipated in the Comprehensive Plan that Area IIA shall be annexed to the city of Boulder within three years, consistent with the phased expansion of the city's capacity to provide adequate urban facilities and services. The following statements describe very briefly and very generally the city's present annexation policies and procedures, both of which may be modified from time to time without requiring an amendment of the Comprehensive Plan. The city's annexation process may vary somewhat to fit the circumstances of any particular annexation, but shall be consistent with Policy 1.25.

State Law

Among other requirements, all annexations shall comply with requirements of Colorado State law which includes the following provisions:

- (1) Minimum Required Contiguity: At least one-sixth of the perimeter of the area to be annexed shall be contiguous to the city limits.
- (2) Annexation by Petition: A petition must be presented by more than half of the land owners owning more than fifty percent of the area to be annexed. For

enclaves and municipally owned property, the city may take the initiative without petition.

- (3) Annexation by Election: Under certain conditions, an election may be held by the property owners and registered electors within the area to be annexed.

Relationship to Existing City Boundaries and Consolidation of Petitions

The city may consolidate individual properties requesting annexation into larger aggregate parcels when the request areas are adjacent and such grouping is desirable because of contiguity, compactness, or logical extensions of then-existing city boundaries, or for the more efficient processing of numerous annexation requests.

Zoning and Land Use

While zoning classifications in the county will be recognized, annexation into the city will need to conform to city zoning categories and the land use designations of the Comprehensive Plan.

Environmental Features

Though detailed environmental impact statements generally will not be expected for lands within Area IIA, commitments may be required at the time of annexation to protect parcels having special or unique natural features or hazards.

Public Improvements

The following topics indicate the general terms and conditions that normally will be imposed for existing development at time of annexation. These conditions may vary to some degree depending upon the annexation of a particular area.

- (1) Water and Ditch Rights: The city shall follow the procedures outlined in Ordinance No.4351 concerning the acquisition of first right of refusal of water and ditch rights.
- (2) Streets: The city will permit flexibility in the design and improvements of local streets when desired by local residents. As a condition of annexation, the city shall require the improvement of streets to levels which will ensure that the city will not incur extraordinary maintenance costs as a result of new annexations. The city will consider petitions from property owners to initiate a street improvement project at any time after annexation, so long as such project will not conflict with other scheduled capital improvements.
- (3) Street Lights: Following annexation, street lights may be installed, upon petition of the residents of the area, subject to Xcel Energy (formerly Public Service Company) standards and approval.
- (4) Water and Sewer: At the time of annexation, properties shall connect to the city's water and sewer utility systems. City code allows single family residential properties to be exempted from immediate connection to the water utility in certain situations.
- (5) Payment of Water and Sewer Plant Investment Fees and Front Foot Charges: The city may consider financing and low-income deferrals for plant investment fees and front foot charges for previously developed property within the city and developed property annexing to the city. If the property is redeveloped or ownership changes, the outstanding charges will become due and payable at that time.
- (6) Other Terms and Conditions: The items listed above will normally be imposed. Other conditions may be imposed by the city to meet the particular circumstances of any annexation and will be developed in a manner to allocate equitably the burdens, if any, of a particular annexation between the property owners and the city.

Special Action by the City

The city will assist property owners in Area IIA in taking positive steps toward annexation which should be in their best interests as well as those of a majority of the population of the Boulder Valley by providing factual information for these landowners. This material is expected to include capital improvements information, petitions for annexation, legal references, land use forecasts, and recent building and subdivision records. The city will allocate administrative staff time so that such persons will be available to attend public meetings and discussions with landowners in Area IIA so that such property owners may be better informed regarding annexation policies, procedures and potentials.

ANNEXATION FEASIBILITY STUDY - SECTION TWO

APPLICATION REQUIREMENTS AND CHECKLIST

Submit with your application.

All required materials must be included in order for an application to be accepted by the Planning and Development Services Center. Incomplete applications will not be accepted and will be returned to the applicant.

All application materials must be submitted in 15 collated packets, with one complete packet marked "Original." Each packet must contain one of each required plan, statement, etc. Every packet must include a cover sheet that clearly indicates the contents of the packet. Where fewer than 15 copies of an item are required, the cover sheet should clearly indicate the packets that contain those items.

Complete the checklist below, marking those items as they are included in your application submittal, and sign at the end. The checklist is intended to assist the applicant in collecting all of the required materials and to assist the Planning and Development Services Center in determining that all of the application requirements are met.

Annexation Feasibility Study Application Requirements

- 1. A complete Land Use Review application form, including the Annexation Feasibility Study application fee.
- 2. Three (3) copies of an **improvement survey or improvement location certificate**, prepared by a registered surveyor, showing all of the subject property.
- 3. One (1) copy of a **legal description** of the subject property, printed clearly on an 8 ½" x 11" sheet.
- 4. Fifteen (15) copies of a **vicinity map** (8 ½"x 11") indicating the site and adjacent streets. If the site is less than one acre, the map must be drawn at a minimum scale of 1" = 200'.
- 5. Fifteen (15) copies of a **written statement** which describes the location and existing conditions of the site, the specifics of your annexation proposal, and **how the annexation would comply with the Boulder Valley Comprehensive Plan policies** related to annexation (see attached policies).
- 6. Fifteen (15) copies of a completed **Land Use Review Project Fact Sheet** (attached).
- 7. Three (3) copies each of a completed **Housing and Development Excise Tax form**, and a completed **Plumbing Fixture Count form** (attached).

(signature of person who filled out checklist)

(print name)

PROJECT FACT SHEET

For Land Use Review Applications

Accurate and complete information about a project is integral to a timely and thorough city review. **Please type or print complete answers to the items listed under the boxes that relate to your project.** While some of this information may be included on the project site plans or discussed in the written statement, please also enter it here. If you choose to recreate this document, please only include the items that relate to your project. An electronic version of this document is available on the Web at www.boulderplandevlop.net

ALL PROJECTS

Key Information

Subject property address/location: _____

Owner name and address: _____

Legal Description (or attach): _____

Age of existing structures: _____

Size of site in square feet and acres. Gross: _____
Net (after public dedications): _____

Current Zoning Designation: _____

For rezoning and annexation applications,
Proposed Zoning Designation: _____

Boulder Valley Comprehensive
Plan Land Use Designation: _____

Previous Approvals (specify
project name, review type): _____

Solar Access Area Designation (circle one): Area I Area II Area III

Does the project include the demolition of any structures? Yes No
If yes, what year was the structure built? _____

Please list any requested variations to the land use regulations (specific variance information is requested later in the project fact sheet):

Projects with residential dwelling units (existing or proposed)

	Existing	Proposed
Total # of lots	_____	_____
Size of lots	_____	_____
Total # of buildings	_____	_____
Size of each building	_____	_____
	_____	_____
	_____	_____
Total # of dwelling units	_____	_____
Total # of kitchens	_____	_____
Total floor area	_____	_____
Number of stories	_____	_____
Maximum building height	_____	_____

	Existing	Proposed	Floor Area/unit
Specify the number of units with each bedroom configuration.	_____ ELU*	_____ ELU*	_____ ELU*
	_____ 1 BR	_____ 1 BR	_____ 1 BR
	_____ 2 BR	_____ 2 BR	_____ 2 BR
	_____ 3 BR	_____ 3 BR	_____ 3 BR
	_____ 4 BR	_____ 4 BR	_____ 4 BR
	_____ other	_____ other	_____ other

* *efficiency living unit*

Project density:	Existing	Proposed
Gross units/acre	_____	_____
Net units/acre	_____	_____
Lot area/unit	_____	_____
Total useable open space	_____	_____
Useable open space/unit	_____	_____
Floor area ratio	_____	_____

Is open space reduction requested**? (If yes, specify %) _____

** *Open space reduction requests may only be made for properties in the RH-1 or RH-2 zoning district.*

Projects with non-residential uses (existing or proposed)

	Existing	Proposed
Total # of lots	_____	_____
Total # buildings	_____	_____
Size of each building	_____	_____
	_____	_____
	_____	_____
Total floor area	_____	_____
Floor area ratio	_____	_____
Total building coverage	_____	_____
Number of stories	_____	_____
Maximum building height	_____	_____
Ratio of non-residential floor area to number of parking spaces	_____	_____
Ratio of non-residential floor area to residential floor area	_____	_____

What type of building code occupancy classification is required? _____

Projects with a mix of non-residential and residential uses

In addition to the information above, please describe the proposed project, and any project characteristics or requested variations of the mixed-use project.
