



To: Mayor Schmidt and Town Council
From: Michael Yerman, Community Development Director
Subject: **Slate River Annexation Public Hearing Continued from December 16, 2019**
Date: April 6, 2020

Background:

The Slate River Major Development application started with an annexation petition request to the Town in the fall of 2014 by Cypress Equities (Developer). After a year of negotiations, the proponents withdrew their application for annexation with the Town. At this time, the County was approached by the developer about the possibility of a major subdivision in the County.

In 2016, negotiations with the Town about extending sewer service to the development resulted in the Town and the developer executing the first of three agreements: a pre-annexation agreement, an amended pre-annexation agreement and a second amendment to the pre-annexation agreement. The Pre-Annexation Agreement, Reception #638399, created a hybrid development project in which a portion of the development would occur in the unincorporated area of the County (Aperture Subdivision), followed by the annexation of the remaining property into the Town (West Remainder Parcel, aka Slate River Subdivision). The Slate River would serve as the dividing line between the Town and unincorporated development. In exchange for sewer service, the developer dedicated six parcels to the Town on the western portion of the development to serve as public uses, affordable housing, passive park space, and open space. These parcels will be platted and annexed under the Town's Municipal Code regulations.

An amendment to the Pre-Annexation Agreement was negotiated after the developer went before the County Planning Commission and Board of County Commissioners (BOCC). Concerns about the developer's plans for water supply resulted in an additional request for Town water. At this time, the Amendment to the Pre-Annexation Agreement, Reception #643828, was agreed upon to extend water service to the development in the County in exchange for senior water rights in the McCormick Ditch among other conditions. These two recorded agreements will be referenced as "Pre-Annexation Agreements" for the remainder of the memo.

Both, the Pre-Annexation Agreement and the Amended Pre-Annexation Agreement, were bound to the County's approval of the Aperture Major Subdivision of 23 residential lots on the eastern portion of the site. The County has approved the Aperture Major Subdivision which has set in motion the need for the execution of several agreements. The approval of the Aperture Major Subdivision in the County sets in motion the Town's annexation process and voluntary clean up (VCUP) of the former landfill area.

After approval of the County's Aperture Major Subdivision, the Second Amendment to the Pre-Annexation Agreement, Reception #656557 was executed to clarify additional provisions that were necessary for the VCUP, construction of landscaping and fencing on Town property, and the construction of utilities. A working draft document was prepared by the Town Attorney that combined the Pre-Annexation Agreement and amendments.

Slate River Annexation Public Hearing:

The Town received an annexation petition and prepared a Sketch Plan Application for annexation. Resolution 4, Series 2019 found the annexation petition in substantial compliance and set the first of a series of annexation public hearings for April 15, 2019.

The Colorado Annexation Act requires the annexation hearing to begin no less than 30 or more than 60 days from the Resolution of Substantial compliance. The first public hearing occurred on April 15, 2020 has been continued on four separate occasions. The Town anticipates the final public hearing will be held on May 18, 2020.

Recommendation:

Following opening the public hearing and taking public testimony, a Council member make a motion followed by a second to continue the Slate River Annexation public hearing to May 18, 2020.