

ANNEXATION-RELATED CODE CHANGES



Proposed Changes to Sections of City Code
Chapters 7 and 12

City Planning Commission

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BACKGROUND



1. Applicable Law

1. State Law: Municipal Annexation Act of 1965
2. City Code: UDC section 7.5.701

2. Purpose of Changes

1. Make Code consistent with practice

3. Important to Remember

1. Annexation is a legislative decision
 1. 7.5.701C3: "After the foregoing have been studied in such depth as the City Council shall require, the City Council in its discretion may annex or not annex the proposed area."
2. Annexation Agreement vs. Agreement to Annex

NATURE OF CHANGES



1. Reorganization
2. Changes to the Annexation section
Chapter 7, UDC section 7.5.701
3. Changes to Chapter 12

REORGANIZATION



1. Made the organization of sections more logical
 1. Put like things together
 2. Moved the sections on outside city service from Chapter 7 to Chapter 12
 3. Moved the “Rights of the City” in the annexation section to the beginning of the section
 4. Made the analysis for annexation consistent with the analysis for outside city service
 1. Example: the section on financial analysis is currently only in the outside city service section. The proposed changes copy the financial analysis into the annexation section.

CHANGES TO SECTION 7.5.701 ANNEXATION



1. Highlights of Changes to 7.5.701

1. No obligation to reserve expanded to include WW
2. Change review from only looking at water and wastewater to looking at all 4 services
3. Clarifies resource and facility requirements*
4. Makes transfer of water rights more robust
5. Clarifies obligation to get necessary easements
6. Clarifies annexor's obligations when annexation invades service territory
7. Improves financial analysis sections

CHANGES TO SECTION 7.5.701 ANNEXATION



1. Example

1. From: “There is a projected available water surplus at the time of request”
2. To: “at the time of request there is projected available surplus capacity and resources across all Utilities’ service lines for the foreseeable future to serve all present users and the projected new users from the area proposed to be annexed, taking into account City Code section 12.4.305, and that performance criteria, as defined for each service line in standards adopted by Utilities, will not be impaired.”

2. 12.4.305 is the water extension ordinance

CHANGES TO CHAPTER 12



1. Exclusive Provider
2. Move outside city service to 12.1.116
3. Add policy considerations to outside city service sections of water and wastewater
4. Streamline water extension ordinance

APPROVAL PROCESS



- City and Utilities staff and administration reviewed and approved proposed changes
- Chapter 12 changes were recommended for approval by Utilities Board on January 17, 2024
- If Planning Commission recommends approval of Chapter 7 changes, goes to Council February 27, 2024
- Ordinance: will require 2 readings at Council

REQUEST



- Planning Commission
 - Motion to recommend approval of the proposed Ordinance amending and restating Section 7.5.701

Questions?