



Disconnections

CCI Presentation: December 3, 2019

Once upon a time in a kingdom not so far away...

- There was a developer with some vacant land to develop.
- He needed help with the development, and he had an idea. I'll see if the kingdom will help me.



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Let's make a deal!

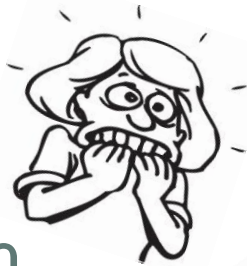
- The developer goes to the kingdom and says I want to annex into your kingdom – ***let's make a deal.***
- So, the developer and the kingdom make plans.
- And, the developer annexes the property into the kingdom and rezones the property within 90 days after the annexation.



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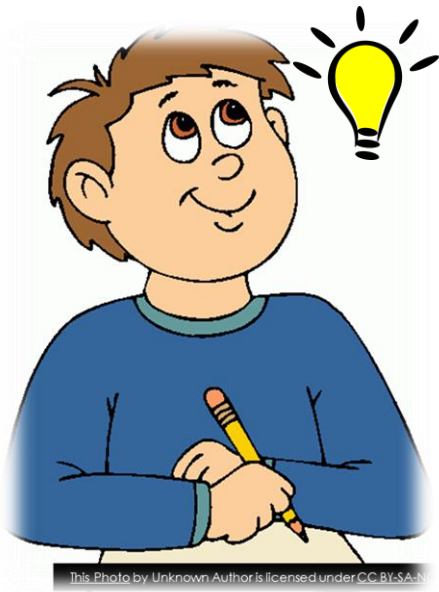
Years go by and no development happens...

- One day the developer decides it's time to build that project he has always wanted to build.
- When the kingdom finds out the developer is planning to build 1,300 homes and the current population of the kingdom is 413, the kingdom gets very nervous.



What are they going to do?

The kingdom no longer wants the development but the developer still wants to develop his land...



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So, the developer consults an attorney and he has a great idea - -

You should DISCONNECT!



The Plan.....

So the kingdom, the lawyer and the developer finalize their diabolical plan...

- First, we'll rezone the property to allow whatever the developer wants in the kingdom and, as allowed by law, the kingdom will give the developer vested rights for 10 years.
- Second, we'll immediately disconnect the property into the county. They won't be able to do anything to stop us. [Insert evil laugh here]



NOT a Fairytale... coming to a Kingdom near you!

So the developer disconnects the property from the kingdom and the property goes back into the county and he develops happily ever after and the county could do nothing to stop him!



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Disconnection (De-Annexation) Statute

- Annexation Statute was repealed and re-enacted in 1975
 - Statute is silent on the zoning/entitlement status of property when the property disconnects or de-annexes
 - Disconnection section was not well thought out in 1975
- No changes to the statute until 2016
- In 2016, Jefferson County was able to pass HB16-1272
 - Goal was to give the County a voice and a say in the disconnection process
 - Outcome – The municipality must notify the County and the County can elect to have a meeting with the municipality to discuss concerns
 - End result is the County still has no power to influence the disconnection process

NO Fairytale....

Town of Morrison Disconnection Timeline

- November 2016
 - County gets an initial letter from the developer they intend to disconnect the property per the newly adopted legislation
 - Initial plan was for the 310 acres of land to disconnect from the Town of Morrison and immediately annex into the City of Lakewood
- August 2017
 - County receives another notice of a replacement disconnection letter – this indicates the property will vest to the County
- October 4, 2018
 - Disconnection occurred immediately after the property is rezoned with vested rights established
- November 2019
 - Board of County Commissioner hearing on the preliminary and final plat for a portion of the development – 421 homes in the 1st phase

Changing Landscape

- NIMBYs and BANANAs (Build Absolutely Nothing Anywhere Near Anything)
- No or Slow Growth Initiatives
 - City of Lakewood's Proposition 200 passed (July 2019)
 - Cap annual residential growth to no more than 1 percent of the existing housing stock
 - Developments over 40 units required City Council Approval
 - Similar growth-related discussions are happening around the state
- Growing interest of developers to use statute to their advantage
 - Examples
 - Our story: Town of Morrison
 - Eagle County
 - El Paso County

What can counties do?

2020 Proposed Disconnection Legislation

- Let Counties have a Say
 - Mirrors the process for property to annex into a municipality but in reverse
 - 90 days to rezone the property once back in the county
 - Property cannot be disconnected if there is an existing vested property right
 - Same process for a legislative or judicial disconnection (CRS 31-12-501 or 601)
 - Desired Outcome:
 - More control by counties of land use within unincorporated areas
 - Provides clarity
 - Avoids developers taking advantage of the vested rights statute

What can YOU do?

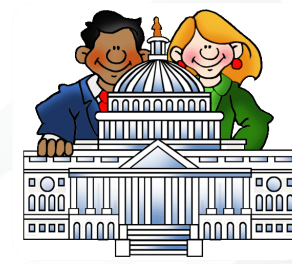
- Call your representative and support the disconnection bill
- Write letters of support
- Testify



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