

**TOWN OF PAGOSA SPRINGS, COLORADO
TOWN COUNCIL**

RESOLUTION NO. 2012-16

**A RESOLUTION ADOPTING THE
2012 - THREE MILE PLAN AND MAP
OF THE TOWN OF PAGOSA SPRINGS, COLORADO.**

WHEREAS, the Town of Pagosa Springs is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town's home rule charter; and

WHEREAS, Section 31.12.105(1)(E), C.R.S., provides that no annexation may take place that will extend the municipality boundary more than three miles in any direction from any point of the Town of Pagosa Springs ("Town") in any one year, and that no annexation may take place within the three-mile area unless the town has in place a plan that is updated at least once annually describing the proposed location, character and extent of various public services to be provided by the "Town"; and

WHEREAS, the "Town" has previously adopted the 2010 three mile plan pursuant to section 31.12.105(1)(e), C.R.S., and wishes to adopt the 2012 three mile plan; and

WHEREAS, the "Town" adopted the 2006 Pagosa Springs Comprehensive Plan, that among other topics, generally provides analysis of needed services and infrastructure and discusses provisions for future development in new annexed areas; and

WHEREAS, the 2012 Three Mile Plan is attached hereto as Exhibit A, and incorporated herein, generally describes the infrastructure and services needed to accommodate new annexed areas, and refers to the "Town" 2006 adopted Comprehensive Plan; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO as follows:

1. The recitals contained above are resolved as if set forth herein in full.
2. In accordance with Section 31.12.105, C.R.S., The Town Council of Pagosa Springs The 2012 - Three Mile Plan and Map hereby approves the adoption of the 2012 - Three Mile Plan.
3. A Copy of the 2012 - Three Mile Plan and Map as adopted hereby shall be kept on file at the office of the Town Clerk for inspection by the Public during normal business hours.

4. Any portion of this resolution or the 2012-Three Mile Plan and Map that is adjudged to be illegal, invalid, or unauthorized shall be severed from the remainder, which shall remain in full force and effect.

ADOPTED THIS 9 DAY OF October, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, BY A VOTE OF 7 IN FAVOR, 0 AGAINST, ON THE 9 DAY OF Oct, 2012.

TOWN OF PAGOSA SPRINGS

By: Ross Aragón
Ross Aragón, Mayor

ATTEST:

By: April Hessman
April Hessman, Town Clerk



EXHIBIT A

Pagosa Springs 2012 Three Mile Plan for Annexation

Adopted by the Pagosa Springs Town Council

October 9, 2012

Resolution No. 2012-16

I. Purpose, Methodology and Criteria

A. Purpose

Colorado Revised Statutes Section 31-12-105(1)(e)(I) of the Municipal Annexation Act of 1965 requires that each municipality have a plan that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power for any annexation within three miles of the municipality. The plan shall be in place prior to the annexation of additional lands. An update of the plan is required annually. Accordingly, the intent of the Town of Pagosa Springs Three Mile Plan (or the "Plan") is to fulfill the requirements of the Municipal Annexation Act pertaining to such plans. This Plan anticipates that requests will be made over time for the incorporation of adjacent unincorporated areas into the limits of the Town of Pagosa Springs (the "Town").

B. Criteria

The town will annex properties in accordance with annexation policies and criteria set forth in the adopted Town Land Use Development Code, and will use a process to evaluate benefits and costs of proposed annexations to ensure that the annexations will offer an overall benefit to the community. Annexation should be consistent with the adopted Comprehensive Plan. Ensure that annexation and development of properties is consistent with the Future Land Use Plan and the policies of the Comprehensive Plan. Benefits and costs of annexation should be considered on a case - by - case basis. The annexation of county enclaves should take into consideration fiscal, social, and land use factors.

II. Statutory Requirements

According to Colorado Revised Statutes Section 31-12-105(1)(e)(I) of the Municipal Annexation Act of 1965, requires that each municipality have a plan that generally describes the proposed location , character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power for any annexation within three miles of the municipality. The plan shall be in place prior to the annexation of additional lands. An update of the plan is required annually. Accordingly, the intent of the Town of Pagosa Springs Three Mile Plan (or the "Plan") is to fulfill the requirements of the Municipal Annexation Act pertaining to such plans,

III. Annexation Eligibility and Processing Criteria

Annexation requests that demonstrate favorable benefits to the residents and taxpayers of the Town and contribute to the Town's goals for quality growth and enhanced community character will be favorably considered for inclusion into the Town. In addition, the Town desires to control the development of adjacent private lands in order to preserve and promote the best interests of the Town and its citizens. Forms have been developed for the Town of Pagosa Springs following the state statutes. An annexation petition must meet all of the requirements of the Municipal Annexation Act and its amendments as well as applicable specific town of Pagosa Springs Municipal Code criteria. In addition, a conceptual planning map(s) shall be provided that illustrates all streets and other right-of-way connections in the subject property to the existing Town streets and right-of-way; location of the current and proposed Town boundary; location of utilities to which the property will connect; and proposed land use and zoning concepts, if developed. It shall be the general policy of the Town with respect to annexations and the consideration of annexation petitions that:

- a) Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Town Council shall exercise its sole discretion in the annexation of territory to the Town.
- b) The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the most recent Town Land Use Plan, Comprehensive Plan, and annexation plan, as amended. The land to be annexed shall not create an unreasonable burden on the physical, social, economic or environmental resources of the Town.
- c) Certain public facilities and amenities are necessary and must be constructed and/or upgraded to Town standards as part of any territory annexed to the Town to ensure the area is served by adequate public facilities. These facilities include, but are not limited to, arterial streets, bridges, public parks and recreation areas, school sites, fire and police station sites, and storm drainage facilities. The annexation of lands to the Town shall not create any additional cost or burden on the then-existing residents of the Town to provide such public facilities to any newly annexed area.
- d) The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation petition, from initial discussion with Town staff before submittal of the petition, through the approval and recording of the final annexation documents.
- e) Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels. (For example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)
- f) All subsurface (non-tributary) water rights shall be deeded to Pagosa Area Water and Sanitation District or the Town at the time of annexation.
- g) The Town shall have in place an annexation plan for the three mile area surrounding the Town meeting the requirements of § 31-12-105(1)(e)(I), C.R.S. The annexation plan shall be updated after each annexation or annually, whichever is less.

IV. General Policy for Annexations:

A. Town Services

In all cases, annexation will be an important consideration before Town services are provided by the Town

B. Coordination with Archuleta County

The Town will use good faith efforts to work with Archuleta County to insure that the Town will be notified of any impending major development activity within one mile of the Town's existing boundary, particularly those that propose primary access through the Town or are judged to have other significant impacts on the Town. In addition, the Town will seek comments from Archuleta County as a referral entity on annexation petitions received.

C. Conformance with Existing Town Planning Documents

All annexed property shall be required to conform to the current adopted versions of the Town of Pagosa Springs Land Use Development Code, Municipal Code, Comprehensive Plan, Capital Improvements Program, Building Codes and all other applicable local and state statutes.

D. Open Space Requirements

Open space and park or trails dedication shall be required as part of any annexation request with the emphasis on protection of sensitive ecological areas, critical view areas and prime habitat areas, where appropriate, and when there subdivision or zoning requests made at the time of the consideration of the annexation petition by the Town.

E. Benefits/Liabilities

In processing and reviewing annexation requests, Town staff will prepare a list of benefits and liabilities to the Town for the proposed annexation and outline the financial costs and benefits to the taxpayers of the Town

F. Growth Projections

The Town and PAWSD should continue to develop and update the following projections in order to properly analyze the potential impact of any annexation request and update as necessary:

- ~ Sewer and sewer line capacity;
- ~ Public raw water capacity;
- ~ Public water treatment capacity;
- ~ Public water line capacity; and
- ~ Minimum water pressure.

The Town shall require that each request for annexation include projections for service needs for the above items and substantiate projections for expected population increase to Minturn as a result of the annexation request.

V. Land Use Categories within the Three Mile Plan Area

Based on the criteria previously established and consistent with the requirements of any applicable agreements and state statutes the Town has reviewed the areas within three miles of the town boundary as indicated on Three Mile Area Map (Exhibit A).

It should be noted that in the case of identical ownership of properties that are within and extend beyond the three mile area, the extended areas may be annexed so long as fifty percent of the area lies within the three mile boundary.

Transportation

All new areas of annexation will be accessed from Archuleta County Roads systems, Colorado Department of Transportation State Highways 84 and 160 or existing Town streets. Access to future annexed areas will be coordinated on a case by case basis with the Town, Archuleta County and the Colorado Department of Transportation. All new roadways shall meet the Town's Land Use Development Code standards. Bridges will be considered on a case by case basis. No subways are planned in the area. Aviation traffic is accommodated at the Pagosa Springs Airport.

Utility Provisions

Water and sewer lines would need to be extended to new areas annexed into the Town. The Pagosa Area Water and Sanitation District (PAWSD) operates the sanitation district, west of Piedra Road and the entire potable water system for the community. The Pagosa Springs Sanitation General Improvement District (PSSID) operates the sanitation district east of Piedra Road.

Community Services

The 3 mile area map area contains parcels that currently lie within the Pagosa Fire Protection District, San Juan Health Services District, and Archuleta County School District. The Archuleta County Sheriff's Department currently provides police protection; annexation would require Pagosa Springs Police Department protection.

Open Space, Parks and Recreation

Zoning of annexed areas should allow for provisions of parks, open space and recreation as referenced in the Town Comprehensive Plan and required in the Town's Land Use Development Code. Areas adjacent to Rivers, Streams and Lakes are encouraged to be incorporated into open space, parks and recreational opportunities.

Land Use

Land Uses will be consistent with current Town zoning district allowed uses and compatible with adjacent properties and should be analyzed on a case by case basis.

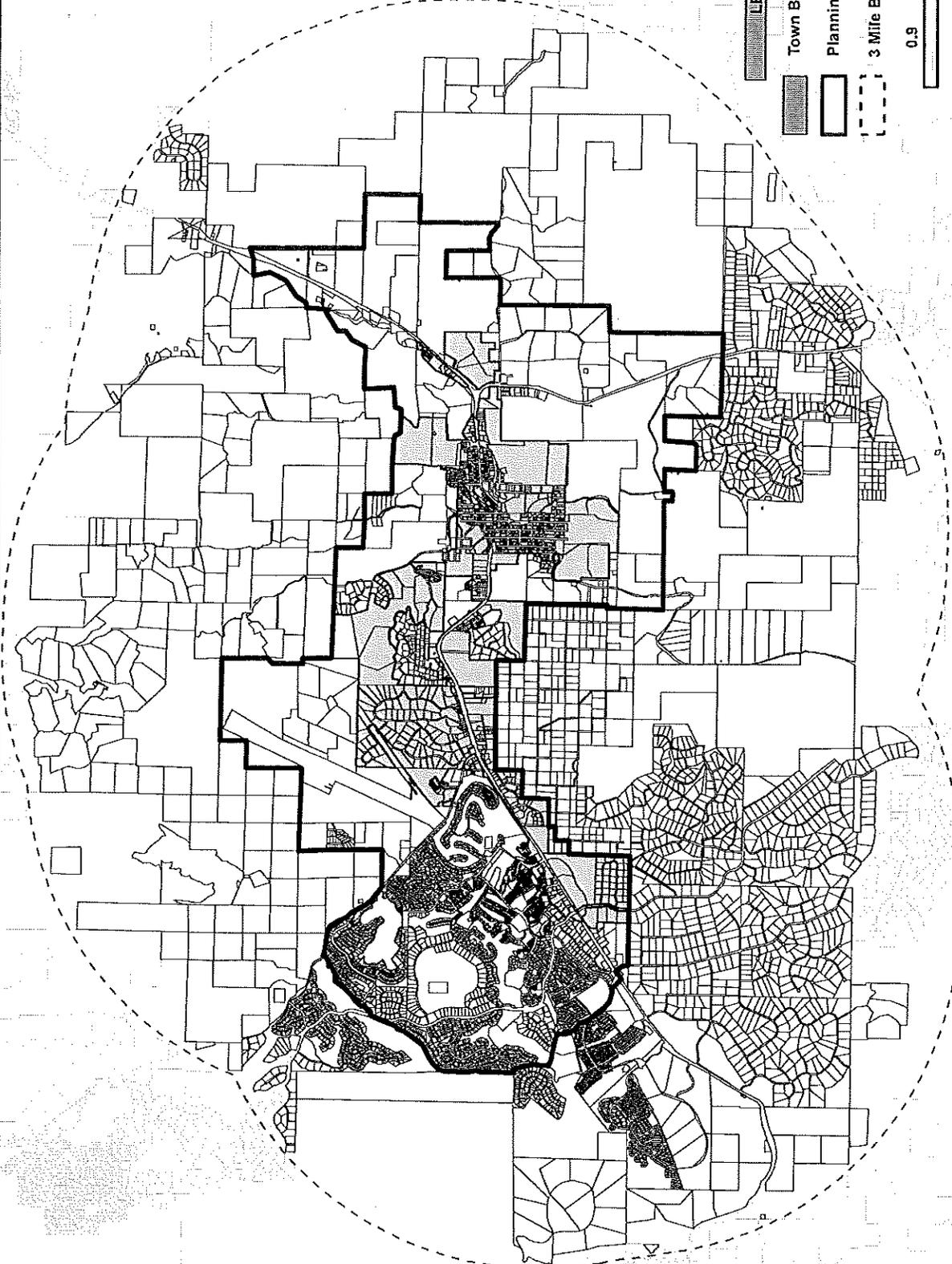
VI. Three Mile Area acreage tabulation

The total acreage of the 3 mile area map is approximately 47,000 Acres.

*It should be noted that in the case of identical ownership of properties that are within and extend beyond the three mile area, the extended areas may be annexed so long as fifty percent of the area lies within the three mile boundary.

VII. Summary

The Town of Pagosa Springs considers this an important guiding document for our potential growth. It is expected that any annexation consideration, county development, or known or unknown competing interests will follow the principals of this and other community planning documents in the areas identified. Future expansions of the Town of Pagosa Springs Boundary should consider the current residents needs and ensure proper expansion of community services paid in whole by the annexation, not current residents.



LEGEND

-  Town Boundary
 -  Planning Boundary/Comp. Plan
 -  3 Mile Boundary
- 0.9 Miles

