

ORDINANCE 472

AN ORDINANCE OF THE TOWN OF BAYFIELD, COLORADO APPROVING THE MUSTANG CROSSING ANNEXATION AND ZONING.

WHEREAS, J-Bar Development LLC, a Colorado limited liability company (the “**Property Owner**”) own 100% of a property that is legally described as Parcel 2 of the Land Survey Plat Parcels 1 & 2 Ludwig Family Partnership as recorded at Reception Number 1170591 (“the “**Property**”).

WHEREAS, Mustang Crossing, LLC, a Colorado limited liability company, is under contract to purchase the Property from the Property Owners.

WHEREAS, the Property Owner filed an annexation petition for the Property along with required application materials in November of 2021, including but not limited to the annexation map and annexation impact report.

WHEREAS, the Board of Trustees approved Resolution No. 504 on December 7, 2021 that found the Property is eligible for annexation due to substantial compliance with Colorado Revised Statutes (the “**CRS**”) 31-12-107(1) as required by the Bayfield Land Use Code (the “**Land Use Code**”) Section 3-15 and initiated annexation proceedings.

WHEREAS, the Town of Bayfield Planning Commission conducted a hearing on the proposed Property R-10 zoning on January 11, 2022, with public notice of such hearing provided as required by the Land Use Code, and passed a motion recommending approval subject to conditions that have been incorporated into the annexation agreement.

WHEREAS, a Public Hearing on the Mustang Crossing annexation and zoning was held by the Board of Trustees on January 18, 2022, at the Bayfield Town Hall, with public notice as required by law, to determine if the annexation complies with the CRS 31-12-101 *et seq.* and if the zoning complies with the Land Use Code.

WHEREAS, the Board of Trustee finds:

1. The annexation complies with CRS 31-12-104 with the Property having more than one-sixth of its perimeter contiguous to the Town boundary; and that a community of interest exists between the Property and the Town, the Property is surrounded by urban development, and the Property will be urbanized with the proposed development and can be integrated into the Town.
2. The annexation complies with CRS 31-12-105 with the Property Owners owning 100% of the Property and not holding adjacent land in identical ownership; and the annexation will not split the land into another school district.
3. The annexation complies with the Colorado Constitution Article II, Section 30 because the Town received a petition for the annexation of the Property signed by the Property Owners who comprise more than fifty percent of the landowners of the Property and owning more than fifty percent of the area, excluding public streets, and alleys and any land owned by the annexing municipality.
4. The rezoning meets the zoning criteria found in Land Use Code Section 3-10(B)(15):
 - a. A need exists for the proposal because the Bayfield Master Plan envisions additional residential development in the town, and Recommendations 5.1 and 5.1.2 set policies encouraging the proposed housing development.
 - b. The Property is the correct site for the requested commercial development because the Master Plan’s Future Land Use Map identifies the Property for “Medium Density” residential land use.

- c. The Property does not have Town zoning, so there cannot be an error in the original Town zoning of the Property.
- d. There have been significant changes in the area to warrant a zone change, including but not limited to significant residential housing demand, population growth in the town and region, and the Future Land Use Map change that envisions residential development of the Property.
- e. The Mustang Crossing Annexation Agreement access requirements, Land Use Code and other Town codes and standards will ensure that adequate circulation will be provided and traffic movement will not be impeded by the proposed development.
- f. Additional municipal service costs will not be incurred because the developer of the Property will have to install all the required subdivision infrastructure including new streets, water lines, sewer lines and other required infrastructure; and the Developer will have to pay the required plant investment fees that allow for the Town to maintain and upgrade existing systems.
- g. There are no natural environmental resources on the Property; the water quality of the irrigation systems through the Property will be protected; and water quality will be protected through on-site detention and natural infiltration and the use of best management practices during construction.
- h. The proposed development is consistent with the Master Plan because the residential use is envisioned in the Future Land Use Plan, and the development provides for residential housing consistent with Mater Plan Recommendations 5.1 and 5.1.2.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD, COLORADO HEREBY ORDAINS:

Section 1. Subject to a conditioned upon the execution and recording of a satisfactory Annexation Agreement and Annexation Plat, the annexation of the Property is hereby approved.

Section 2. The annexation of the Property to the Town of Bayfield shall become a part of the incorporated Town of Bayfield following the Effective Date of this ordinance but not until the completion and recording of the Mustang Crossing Annexation Agreement and Annexation Plat for the Property.

Section 3. The Property shall be zoned R-10 and subject to the requirements of the Land UseCode and other adopted Town codes and standards.

Section 5. This ordinance shall become effective on February 20th, 2022 (the “**EffectiveDate**”) subject to the requirements of Section 2.

Section 6. This ordinance shall become void and the Town approval of the zoning and annexation will expire if the Annexation Agreement and Annexation Plat are not recorded by January 12, 2023.

APPROVED BY THE BOARD OF TRUSTEES on this 18th day of January, 2022.

TOWN OF BAYFIELD, COLORADO

ATTEST



Town Clerk, Kathleen Cathcart



Ashleigh Tarkington, Mayor