

Town of Berthoud/Larimer County Intergovernmental Agreement

This agreement is executed this 22nd day of August, 2000, by and between Larimer County, Colorado, a body politic organized under and existing by virtue of the laws of the State of Colorado, hereinafter referred to as the "County" and the Town of Berthoud, a Colorado statutory town, hereinafter referred to as "Town".

Whereas, the Town of Berthoud and Larimer County desire to manage development in a coordinated manner in the vicinity of the Town of Berthoud;

Now Therefore, in consideration of the provisions expressed herein, it is hereby agreed by and between the parties as follows:

- A. The Berthoud Growth Management Area (GMA) shall be that geographic area within Larimer County that is contained within the GMA as shown on the Berthoud Land Use Plan map, attached hereto and dated July 14, 2000.
- B. The Berthoud Cooperative Planning Area (CPA) shall be that geographic area within Larimer County that is contained within the CPA as shown on the Berthoud Land Use Plan map, attached hereto and dated July 14, 2000.
- C. The Berthoud Community Influence Area (CIA) shall be that geographic area within Larimer County that is contained within the CIA as shown on the Berthoud Land Use Plan map, attached hereto and dated July 14, 2000.
- D. Within the GMA, the County agrees to:
 1. not accept, process or approve an application for subdivision, conservation development, special review or rezoning for a parcel of land that is eligible, per State Statutes, for annexation to the Town unless the Town has denied its standard petition for annexation;

2. require, as a condition of approval for all subdivision, conservation development, special review, site plans, or rezoning approvals, an agreement to annex into Berthoud when eligible per State Statutes;
3. refer all applications for subdivision, conservation development, special review or rezoning to the Town for review and comment;
4. require all land divisions to be processed per the Larimer County Land Use Code and County zoning;
5. collect a Town community and neighborhood park fee in lieu of land dedication for parks for land divisions approved by the County, with the amount of such fees determined as provided in Sec. 9 of the County Land Use Code. Larimer County may add an administrative fee to the park fee for its collection services to the Town;
6. not approve an application for a Rural Land Plan unless the Town recommends approval;
7. encourage developers to consult Town officials and follow the Town's Land Use Plan and meet other Town goals; and
8. encourage developers to follow other guidelines for the area that are jointly adopted by the Town and County as part of a Community Separator Plan.

E. Within the GMA, the Town agrees to:

1. consider adopting an ordinance, which requires the collection of the Larimer County regional road and park fees. The Town may add an administrative fee to these fees for its collection services to the County;
2. respond to any County referrals for subdivision, conservation development, special review or rezoning within the time period specified for such review by the County.

F. Within the CPA, the County agrees to:

1. refer all applications for subdivision, conservation development, special review or rezoning to the Town for review and comment in lieu of the two (2) mile limit provided for in State Statutes;
2. require all land divisions to be processed per the Larimer County Land Use Code and County zoning.

G. Within the CPA, the Town agrees to:

1. respond to any County referrals for subdivision, conservation development, special review or rezoning within the time period specified for such review by the County.

H. Within the CIA, the County agrees to:

1. refer all applications for subdivision, conservation development, special review or rezoning to the Town for review and comment in lieu of the two (2) mile limit provided for in State Statutes;
2. require all land divisions to be processed per the Larimer County Land Use Code and County zoning.

I. Within the CIA, the Town agrees to:

1. respond to any County referrals for subdivision, conservation development, special review or rezoning within the time period specified for such review by the County.

J. In reviewing and deciding land use applications, the County agrees to apply the County Land Use Code, including the “cluster” requirements of Sec. 5.3, in the GMA, CPA and CIA.

K. The County agrees to maintain its policy, adopted as a part of the County Master Plan, to not upzone property in the Berthoud GMA, CPA and CIA.

L. The Town and County agree to jointly develop a plan for the Berthoud CPA in a time frame that is mutually acceptable.

- M. The Town and County agree to require new development within the Town or County that impacts any drainage area in the Town or County for which there is a master drainage plan to pay the standard fees established by the Town or County as required of Town or County developments for drainage improvements.
- N. The Town and County agree to consider adopting an ordinance or regulation which requires new development in their respective jurisdiction that utilizes public improvements paid for by developers outside the jurisdiction to equitably reimburse, via reimbursement agreements, those who originally paid for those public improvements.
- O. The Town and County agree to consider adopting an ordinance or regulation which requires new development in their respective jurisdiction to mitigate the impacts and/or participate in the cost of required improvements in the other party's jurisdiction to the extent new development creates impacts on the existing infrastructure that will result in damage to existing improvements or will require improvements to increase capacity or maintain safety.
- P. In future annexations, the Town agrees to annex the entire width of any roadways being annexed and all roadways adjacent to Town limits.
- Q. The Town recognizes that the GMA defined in this agreement will not be rezoned to GMA Overlay Zone and therefore will not have requirements or an effect similar to other GMAs or intergovernmental agreements that Larimer County may have with other municipalities.
- R. Nothing in this agreement shall be construed or applied to limit the County's legislative authority to adopt or amend its land use regulations.
- S. This agreement shall remain in force and effect for a period of 5 (five) years from the date of its execution. Thereafter, it shall be automatically renewed for successive 5 (five) year terms unless at least six (6) months prior to its scheduled expiration, either party shall notify the other party of its decision that the agreement not be renewed.

In Witness thereof, the parties hereto have executed this Agreement this day.

TOWN OF BERTHOUD

Attest:

By Milan Karspeek
Mayor

Suzanne K. Roberts
Town Clerk, Deputy

August 22, 2000
Date

APPROVED AS TO LEGAL FORM:

APPROVED AS TO CONTENT:

R. B. Ziebel
Town Attorney

Steph. Parker
Town Administrator

THE COUNTY OF LARIMER

ATTEST:

By Charles Olson
Chair, Board of Commissioners

Leah M. Conner
Secretary Clerk to the Board

August 22, 2000
Date

APPROVED AS TO LEGAL FORM:

APPROVED AS TO CONTENT:

AAAG 8-17-00
County Attorney

[Signature]
County Manager