

RESOLUTION NO. 10-02

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, DIRECTING THE TOWN'S STAFF TO PROVIDE THE BOARD WITH PROPOSALS TO PROMOTE BETTER PLANNING, GROWTH MANAGEMENT AND ECONOMIC STABILITY.

RECITALS

By voter initiative Ordinance No. 874 was created and subsequently affirmed at two municipal elections. The stated concern in this ordinance was that the "...rapid, unplanned, and unregulated housing growth through development and issuance of building permits is a matter of town wide concern. Excessive growth, greater than 2% to 5% is likely to cause serious harm to the health, safety, and welfare by overburdening police protection, emergency services, schools, roads, water supplies, and other public facilities and services, imposing unfair tax burdens on existing residents, creating increased levels of traffic congestion, increasing levels of air and water pollution, consuming large tracts of open space, and impairing the ability of Berthoud to maintain its vital community character."

The Board of Trustees shares these concerns about excessive growth. The Board is required by the Town's ordinances and Colorado Statutes to ensure that Berthoud's growth be planned and managed in order to preserve the lifestyle that Berthoud's residents deserve and expect.

TOOLS FOR PLANNING AND MANAGEMENT

In order to implement Berthoud's planning and management goals, the Board of Trustees has adopted the following:

Ordinances:

Ordinance 707, professional fees reimbursement – adopted 8/9/94.

Ordinance 708, water/wastewater line extension – adopted 8/9/94.

Ordinance 722, Town of Berthoud Development Code – originally adopted 2/28/95. Modified routinely as needed.

Zoning, Subdivision, Site Plan and Annexation Regulations.

Dedications and Fees (Impact Fees)

Infrastructure Improvements.

Design Regulations.

Landscape Regulations.

Development Review Process.

Ordinance 779, 1% sales tax for open space and other purposes – adopted at a municipal election on 11/4/97.

Ordinance 786, R2-J land dedication/fees – adopted 1/27/98.

Ordinance 874, 5% growth cap – adopted at a municipal election on 11/7/00.

Ordinance 918, R2-J land dedication/fees – adopted 2/12/02.

Ordinance 929 amended Ordinance 874 to provide additional building permits and carry-over of permits for the 4,200 acres at I-25 and Hwy. 56 interchange.

Ordinances 948 and 949 modified the impact of Ordinance 874 to permit allocated building permits to be carried over from 2002 by paying the system development fee for the water enterprise.

Plans:

Comprehensive Plan

Land Use plan

Parks Plan

Street Plan (pending)

Northern Colorado I-25 Corridor Plan – May 2001

Transportation Element

Open Lands and Natural Areas Element

Development Design Standards

Northern Colorado Regional Planning Study – May 1995

Northern Colorado Community Separator Study – 1999

Berthoud-Loveland Community Separator Study – 2000

Intergovernmental Agreements:

Regional cooperation on managing urban development – 12/10/97

R2-J: Joint Planning – effective 3/29/96

R2-J: Joint Use of Facilities – effective 3/26/96

R2-J: Land Dedication/Fees – effective 1/27/98

Re-5J: Land Dedication – effective 2/23/00

Little Thompson Water District: water service boundaries – effective 9/15/99.

Larimer County: growth in surrounding areas – effective 8/22/00 (See also Resolution 15-00).

Open Space Programs:

Larimer County Open Space Tax (Membership in Open Lands Advisory Board).

Berthoud Land Conservation Fund.

Conservation easements purchased.

Other:

Resolution 5-95, Support for regional planning – adopted 9/26/95.

Resolution 24-01, Development at I-25 and Highway 56 – adopted 10/16/01.

Memo from building official re: 200, 2001 Town of Berthoud dwelling unit inventory, 1/9/02.

Standard annexation petition.

Standard development agreement, revised 11/27/01.

ANNUAL REVIEW

Pursuant to the Colorado Municipal Annexation Act, Berthoud annually updates its plan for the three-mile area surrounding the Town's limits. "Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of

streets, subways, bridges, waterways, waterfronts, parkways, play grounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually."

PLANNING AT I-25 AND HIGHWAY 56

The Town has contracted with Downing, Thorpe and James to develop a comprehensive master plan for the I-25/Highway 56 area where approximately 160 acres are currently annexed with the potential of re-annexing an additional 1600 acres of the Wilson/McWhinney property.

UPDATE TO COMPREHENSIVE PLAN

The Board of Trustees is in the process of updating the entirety of the Town's Comprehensive Plan and building permit allocation system.

ECONOMIC IMPACT

During the past two years the Town of Berthoud has experienced a significant reduction in its revenues. In order to ensure its utility rates remain competitive, its municipal services are preserved and the Town's infrastructure and public facilities are maintained, it is necessary to expand the economic bases which provide revenue to the Town and ensure that sufficient utility and transportation infrastructure is provided to accommodate growth.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO THAT:

Staff is directed to identify any persons or entities that may be able to assist the Town in improving its comprehensive planning, growth management, economic viability and stability so as to comply with the guidelines, policies, ordinances and statutes cited above and advise this Board as to any proposed modifications to these guidelines, policies and ordinances which are necessary establish a framework to implement these goals.

An example of this type of opportunity is the proposal presented on November 11, 2002 by McWhinney Enterprises expressing interest in having the Wilson's 1600 acres annexed into the Town. The Board has reviewed the proposal and believes that the issues raised are reasonable and merit further consideration as to the specifics. This Board has previously passed a resolution that authorizes the Town's staff to enter into negotiations with McWhinney Enterprises and return to the Board with an annexation agreement. The Board hereby directs staff to proceed with all due diligence to enter into negotiations with McWhinney Enterprises and, if appropriate, generate an annexation agreement and provide it to the Board for consideration and adoption by the end of December 2002.

This resolution was read and adopted by the Board of Trustees at a special meeting on November 21, 2002 by a vote of six in favor and none opposed.

ATTEST:

Mary K. Cowdin

Mary K. Cowdin - Town Clerk

TOWN OF BERTHOUD:

Milan Karspeck

Milan Karspeck - Mayor