



INTERGOVERNMENTAL AGREEMENT

**AMENDMENT TO
EAST CENTRAL BOULDER COUNTY COMPREHENSIVE DEVELOPMENT PLAN**

ISABELLE RANCH TDR/PUD

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This Isabelle Ranch TDR/PUD Amendment ("Amendment") to the East Central Boulder County Comprehensive Development Plan Intergovernmental Agreement ("IGA") by and between the City of Lafayette, a Colorado home rule municipal corporation ("Lafayette"), the Town of Erie, a Colorado statutory town ("Erie"), and the County of Boulder, a body politic and corporate of the State of Colorado ("the County") (collectively "the Parties"), is entered into and made to be effective on the 12th day of October, 2004.

WITNESSETH:

WHEREAS, C.R.S. Section 29-20-101, et seq., as amended, enables the Parties to enter into intergovernmental agreements to plan for and regulate land uses to minimize the negative impacts of development on the surrounding areas and protect the environment, and specifically authorizes local governments to cooperate and contract with each other for the purpose of planning and regulating ~~the development of land by means of a "comprehensive development plan";~~ and

WHEREAS, the Parties have entered into the IGA, as amended, which places certain restrictions on discretionary land use approvals by the County and on the annexation of lands by Lafayette and Erie within the IGA's designated Plan Area, all as further set forth in the IGA; and

WHEREAS, the IGA maps certain lands within its Plan Area as "Rural Preservation" areas, and allows such lands to be "sending parcels" under the Transferred Development Rights Planned Unit Development ("TDR/PUD") regulations of the County as set forth in Article 6-700 of the Boulder County Land Use Code ("the County Land Use Code"), but the IGA expressly prohibits such areas as being eligible "receiving areas" for TDR/PUD development without an IGA amendment; and

WHEREAS, Isabelle Ranch LLC and Chip One LLC ("Developers") have sought approval from the County for a non-binding, conceptual review of a proposed TDR/PUD subdivision known as Isabelle Ranch TDR/PUD ("the Proposed TDR Development"), pursuant to Boulder County Land Use Docket #SD-03-02, to be platted on what is currently three parcels of property located at 10400, 10420, and 10500 Isabelle Road, in Section 22, T1N, R69W, unincorporated Boulder County, as further described in Exhibit A hereto ("the Subject Property"); and

WHEREAS, the Subject Property is mapped as a Rural Preservation area under the Comprehensive Development Plan Regulations of the IGA; and

12

WHEREAS, the County's Board of County Commissioners ("the County Board) approved the conceptual plan for the Proposed TDFUPUD Development, as further set forth in Resolution 2003-90 of the County Board duly adopted on August 12, 2003, a true and correct copy of which is attached hereto as Exhibit B ("the County Conceptual Plan Approval"); and

WHEREAS, the County Conceptual Plan Approval made as an express condition of approval the requirement that the Developer receive authorization from Lafayette, Erie, and the County of a formal amendment to the IGA, "to allow the Subject Property as a TDR receiving site under the IGA," prior to the County proceeding with any further subdivision review of the Proposed TDR/PUD Development (see Exhibit B, p. 3, Condition #1); and

WHEREAS, the Parties desire to amend the IGA in order to plan for and regulate the use of the lands within the designated IGA Plan' Area through joint adoption of a mutually binding and enforceable comprehensive development plan, and, specifically in this Amendment, wish to authorize the use of the Subject Property as a TDR/PUD receiving site to accommodate the Proposed TDR/PUD Development; and

WHEREAS, the Parties have determined that it is in the best interest of the citizens of their respective jurisdictions to amend the IGA to permit the County's consideration of the Proposed ~~TDR/PUD Development pursuant to subsequent subdivision applications (for sketch plan, preliminary plan, and final plat)~~ as they may be received by the County, and to permit the County to approve said applications if the County Board, after completing the processing of the applications and holding the requisite public hearings and in the exercise of its decision-making authority, finds that the applications meet the standards of the County Land Use Code for a TDR/PUD subdivision; and

WHEREAS, Lafayette desires also to review and have approval authority over the Proposed TDR/PUD Development, in accordance with the terms and conditions established in the Intergovernmental Agreement for City of Lafayette, Boulder County TDR Comprehensive Development Plan dated December 5, 1995 ("the Lafayette-County TDR IGA"); and

WHEREAS, the Parties understand that approval of this Amendment is not a determination by any Party hereto that any ensuing subdivision application which the Developer may file with the County, meets applicable County TDR/PUD regulations or meets the applicable regulations of Lafayette; and

WHEREAS, the Parties have each held public hearings after proper public notice for the consideration of entering into this Amendment.

NOW THEREFORE, in consideration of the above and the mutual covenants and commitments made herein, the Parties agree as follows:



1. The Subject Property, as described in Exhibit A hereto, is eligible to be a receiving site for development pursuant to the County's TDR/PUD regulations as set forth in Article 6-700 of the County Land Use Code. This receiving site authorization is limited as follows: the Developer, through the County's subdivision review process, may plat no more than the 12, single-family residential lots anticipated to constitute the Proposed TDR/PUD Development as set forth in County Land Use Docket #SD-03-02 and the County's Conceptual Plan Approval (see Exhibit B). Also as anticipated in the County's Conceptual Plan Approval, at least eight (8) of these lots/units of density must be transferred from eligible sending parcels, which are hereby determined to be those parcels mapped as Rural Preservation area in the IGA.

2. The County may proceed to review the Proposed TDR/PUD Development through the County's TDR/PUD subdivision review process for sketch plan, preliminary plan, and final plat. As set forth in the IGA, the County shall refer each such application to Lafayette and Erie for review and comment prior to the County acting on such application, with Lafayette and Erie to provide any response within 20 days after the date of referral as provided in the IGA. The County shall make a reasonable and good-faith effort to incorporate the comments and concerns of Lafayette and Erie into its consideration of and action on any such application. Subject to such consideration the County Board may approve, conditionally approve, or deny any application based upon the applicable review criteria contained in the County Land Use Code.

3. In addition, under the Lafayette-County TDR IGA, development of receiving sites outside the municipal boundary of Lafayette requires the joint approval of the County and Lafayette. Therefore, any approval by the County of the Proposed TDR/PUD Development under this Amendment shall be subject to the review and approval of Lafayette of the Proposed TDR/PUD Development in accordance with the terms and conditions established in the Lafayette-County TDR IGA. The Proposed TDR/PUD Development shall not be considered to be finally approved under this Amendment until joint approval by the County and Lafayette is achieved.

4. This Amendment shall be come null and void if the Proposed TDR/PUD Development does not achieve final approval and is not recorded with Boulder County within three (3) years after the effective date of this Amendment.

5. All other provisions of the IGA, as amended, including but not limited to the term of the IGA, shall remain in full force and effect, except as expressly amended by this Amendment.

THIS AMENDMENT is made and entered into to be effective on the date as set forth above.

CITY OF LAFAYETTE

By: Chris Berry, Mayor 10/5/04
Date

ATTEST:

APPROVED AS TO FORM:

Suzanne Koster
City Clerk

[Signature]
City Attorney

TOWN OF ERIE

By: Andrew T. Moore, Mayor 10-12-04
Date

ATTEST:

APPROVED AS TO FORM:

[Signature]
City Clerk

Mark R. Jensen
Town Attorney

COUNTY OF BOULDER
BOARD OF COUNTY COMMISSIONERS

By: Paul D. Danish, Chair 9/21/04
Date

ATTEST:

APPROVED AS TO FORM:

Emma M. Ashcraft
Clerk to the Board

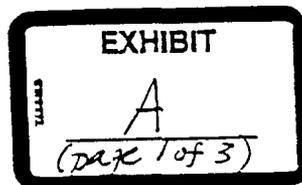
[Signature]
County Attorney



Property Description

10400 Isabelle Rd			
City:	Lafayette	ID:	0036774-03
Neighborhood:	Rural No Lgmt	Parcel:	146522000010
Subdivision:	Tr. Nbr. 450, 460, 440, 820, Brmsville,	STR:	22-1N-69
Design:		Tax Area:	4257
		Built:	0
Legal Dsc:	W1/2 Sw1/4 22-1n-69 46.40 Acsm/L Less Pts Sold Per Deed 1053929-30 7/23/90 Bcr See G/97 010400 Isabelle Rd		
Square Footage		Rooms	
Level	Total	Finished	Total: 0
Main:	0	0	Bedrooms: 0
Above:	0	0	Baths-Full: 0
Basement:	0	0	3/4: 0
Other:	0	0	Half: 0
Garage:	0	0	
Deeds		Current Value	
Deed #	Date	Fee	Actual: 518,900
1736646:	10/03/97	150.00	Assessed: 139,920
			Mill Levy: 63.328
Owner			
Name:	Chip One Llc		
Address:	5777 Central Ave. 4110		
City/St/Zip:	Boulder, CO 80301		

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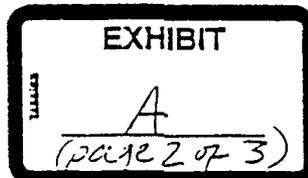


Property Description

(Parcel denominated as 10420 on County Land Use records)

* 10443 Isabelle Rd			
City:	Lafayette		
Neighborhood:	Lafayette		Parcel: 146522000013
Subdivision:	Tr. 390, 490, 495 Commerc		Tax Area: 4257
Class:			
Design:			
Legal Desc:	5 Ac N 1/2 Ne 1/4 Sw 1/4 Sw 1/4 & 5 Ac S 1/2 Se 1/4 Nw 1/4 Sw 1/4 22-1n-69 See G/97.010443 Isabelle Rd Lafayette		
Square Footage		Rooms	
Level	Total	Finished	Total: 0
Main:	116	116	Bedrooms: 0
Above:	0	0	Baths-Full: 0
Basement:	0	0	3/4: 0
Other:	0	0	Half: 0
Garage:	0	0	
Deeds		Current Value	
Deed #	Date	Fee	
1651954:	10/21/96	120.00	
	0Y01/94	70.00	Mill Levy: 63.328
178795:	06/03/76	35.00	
Owner			
Name:	Isabelle Ranch Llc		
Address:	3762 Eureka Way Ste A		
City/St/Zip:	Frederick . CO 80516		

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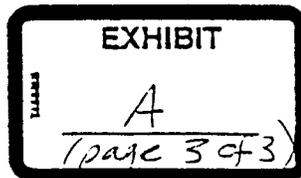




Property Description

10500 Isabelle Rd				
City:	Lafayette	ID:	0036773-01	
Neighborhood:	Lafayette	Parcel:	146522000012	
Subdivision:	Tr. 390, 490, 495 Commerc	STR:	22-1N-69	
Class:		Tax Area:	4257	
Design:		Built:	0	
Legal Dsc:	E 1/2 Nw 1/4 Sw 1/4 Less W 30ft & Less S 1/2 Se 1/4 Nw 1/4sw 1/4 22-1n-69 Total 13.73 Acs M/L Per Deed 965670 & 73 2/2/89 Bcr Per Docket Se 88-23 Boundary Line Adjmt/See G 97 010500 Isabelle Rd Lafayette			
Square Footage			Rooms	
Level	Total	Finished	Total:	0
Main:	17976	17976	Bedrooms:	0
Above:	0	0	Baths-Full:	0
Basement:	0	0	3/4:	0
Other:	0	0	Half:	0
Garage:	0	0		
Deeds			Current Value	
Deed #	Date	Fee	Actual:	582,800
1651954:	10/21/96	120.00	Assessed:	169,010
965670:	02/02/89	6.75	Mill Levy:	63.328
Owner				
Name:	Isabelle Ranch Llc			
Address:	3762 Eureka Way Ste A			
City/St/Zip:	Frederick . CO 80516			

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RESOLUTION 2003-90

A RESOLUTION CONDITIONALLY APPROVING BOULDER COUNTY LAND USE DOCKET #SD-03-02 ("ISABELLE RANCH TDR/PUD CONCEPTUAL PLAN REVIEW"): A REQUEST FOR A CONCEPTUAL PLAN REVIEW FOR A TRANSFERRED DEVELOPMENT RIGHTS (TDR)/PLANNED UNIT DEVELOPMENT (PUD) FOR A RECEIVING SITE CONSISTING OF A TOTAL OF 12 RESIDENTIAL LOTS ON APPROXIMATELY 68 ACRES, ON PROPERTY LOCATED AT 10400, 10420, AND 10500 ISABELLE ROAD, APPROXIMATELY 1/2 MILE WEST OF HIGHWAY 287 ON THE SOUTH SIDE OF ISABELLE ROAD, IN SECTION 22, T1N, R59W

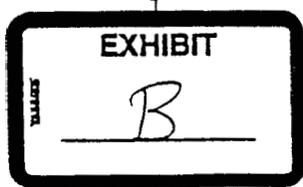
WHEREAS, Isabelle Ranch LLC and Chip One LLC ("Applicants") have requested approval of a conceptual plan review, as authorized under Section 6-700.I.2. of the Boulder County Land Use Code ("Land Use Code"), for a receiving site for a proposed PUD subdivision consisting of 12 residential lots, under the County's transferable development rights (TDR) program, on 68+/- acres of property which are located as described in the caption to this Resolution, above ("the Subject Property"), in the Agricultural Zoning District in unincorporated Boulder County; and

WHEREAS, Boulder County established a conceptual plan review process for TDR/PUD applications for a receiving site, in order to give an applicant direction before submitting a formal sketch plan application; and

WHEREAS, the Subject Property is designated as a Rural Preservation Area in the East Central Boulder County Comprehensive Development Plan, which is the Intergovernmental Agreement between Boulder County, City of Lafayette, and the Town of Erie ("the IGA"), and states that parcels within the Rural Preservation Area may be "sending parcels" for purposes of transferring development rights (TDRs), but may not serve as "receiving parcels" without amendment of the IGA; and

WHEREAS, the Subject Property currently contains approximately 411,566 square feet of permanent greenhouse structures and approximately 22,162 square feet of shop space and several residential uses; and

WHEREAS, the Applicant is proposing to remove the current nursery/greenhouse use on the Subject Property, and plat the property for large-lot, single-family residential/agricultural use; and





WHEREAS, the Subject Property is considered to be eligible for three legal building lots, and because one of the parcels comprising the Subject Property is greater than 35 acres (43 acres); the receiving site will include 2 units per 35 acres plus the density transferred to the site; and

WHEREAS, the Applicant is thus proposing to transfer eight TDR's along with four units by right, for a total of 12 lots; and

WHEREAS, the above-described request was processed and reviewed as Boulder County Land Use Docket #SD-03-02 ("the Docket"), all as further described in the Boulder County Land Use Planning Staff's Memorandum and written recommendation to the Boulder County Board of County Commissioners ("the Board") dated July 15, 2003, with its attachments ("the Staff Recommendation"); and

WHEREAS, on June 18, 2003, the Boulder County Planning Commission ("the Planning Commission") held, a duly-noticed public hearing on the Docket, and recommended denial of the Docket to the Board; and

WHEREAS, on July 15, 2003, the Board held a duly-noticed public hearing on the Docket ("the Public Hearing"), at which time the Board considered the Staff Recommendation and the recommendation of the Planning Commission, and also considered the documents and testimony of the Land Use Department Planning Staff, as well as by the Applicant and several members of the public; and

WHEREAS, based on the Public Hearing, the Board finds that the Subject Property meets the criteria in Article 6-700 of the Boulder County Land Use Code ("the Land Use Code") to be eligible for a TDR/PUD receiving site, and that the conceptual plan for a receiving site on the Subject Property as presented to the Board in the Docket can be approved, subject to the conditions stated below.



NOW, THEREFORE, BE IT RESOLVED that the Docket is hereby approved, on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Applicant shall receive approval from the Town of Erie, City of Lafayette, and Boulder county for a formal amendment to the IGA (East Central Boulder County Comprehensive Development Plan Intergovernmental Agreement) to allow the Subject Property as a TDR receiving site under the IGA, prior to Sketch Plan submittal.
2. The receiving site shall only recognize a total of 12 units, and eight of those units must be transferred to the Subject Property (receiving site) from eligible sending sites
3. Development within the Isabelle Ranch TDR-PUD shall be subject to the appropriate County growth management plan and/or open space-impact fee and school impact fee plans, if and when adopted.
4. The County reserves the right to review and decide lot size and location (including lot clustering), building heights, building envelopes, landscaping requirements, and appropriate TDR sending sites at sketch plan review.
5. The Applicant shall be subject to all applicable requirements of the Boulder County Road Standards and Specifications and Access Standards, Boulder County Storm Drainage Criteria Manual, Boulder County Health Department, Left Hand Water District, and the Mountain View Fire Protection District.
6. The Subject Property shall be subject to the requirements of Article 15 Historic Preservation of the County Land Use Code.
7. This approval is for a conceptual plan only: the proposed subdivision may proceed only if the requirements for all subsequent phases (sketch plan, preliminary plan, and final plat), as well as all other prerequisites to development as stated herein, are met.

A motion to approve the Docket, subject to the conditions stated above, was made by Commissioner Stewart, seconded by Commissioner Danish, and passed by a 2-0 vote, with Commissioner Mayer being excused.



ADOPTED this 12th day of August, 2003, nunc pro
tunc the 15th day of July, 2003.

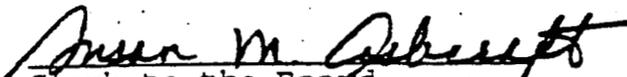
BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:


Paul D. Danish, Chair


Ronald K. Stewart, Vice Chair

EXCUSED
Thomas A. Mayer, Commissioner
(EXCUSED)

ATTEST:


Clerk to the Board

