



**9557 PARADISE LANE AMENDMENT TO SOUTHEAST BOULDER COUNTY,
SOUTH 96TH STREET, DILLON ROAD AND US 287 AREA COMPREHENSIVE
DEVELOPMENT PLAN INTERGOVERNMENTAL AGREEMENT**

This 9557 Paradise Lane Amendment to Southeast Boulder County, South 96th Street, Dillon Road and US 287 Area Comprehensive Development Plan Intergovernmental Agreement (“Amendment”), by, between and among the City and County of Broomfield (“Broomfield”); the City of Lafayette, a Colorado home rule municipal corporation (“Lafayette”); the City of Louisville, a Colorado home rule municipal corporation (“Louisville”) and the County of Boulder, a body corporate and politic of the State of Colorado (“Boulder County”); (collectively the “Parties”) is made to be effective on the 15th day of March, 2016.

WITNESSETH:

WHEREAS, § 29-20-101 et seq., C.R.S., 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 it 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 entered into the Southeast Boulder County, South 96th Street, Dillon Road and US 287 Area Comprehensive Development Plan Intergovernmental Agreement, as previously amended (the “Plan” or “IGA”) to plan for and regulate the use of the lands within the Plan Area through joint adoption of a mutually binding and enforceable comprehensive development plan; and

WHEREAS, the Parties amended the IGA with the Campus Drive Amendment, which modified the map portion of the IGA and Section 4.16 of Exhibit A (Text Portion) of the IGA; and

WHEREAS, the Rock of Panama City, Inc., the owner of parcel number 157520000004, desires to construct a 5000 square foot church on the Southwest corner of the parcel, which use was not specifically addressed in the IGA or the Campus Drive Amendment; and

WHEREAS, the Plan permits the Parties to amend the Plan to ensure that the proposed development or use of a parcel is consistent with the Plan; and

WHEREAS, this change in the IGA is consistent with the Plan’s goals of reducing rural development, buffering, and traffic-reduction; and

WHEREAS, the Parties have determined it is appropriate to amend the Plan to accommodate a church use on the parcel, with amendments to Section 4.16 of Exhibit A (Text Portion) intended to mitigate the impacts of such use upon the objectives of the Plan; and

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WHEREAS, the Parties have held public meetings or hearings after proper public notice to consider entering into this Amendment.

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

1. Section 4.16 of Exhibit A (Text Portion) of the IGA is amended to read as follows:

4.16

(a) Parcels numbered 157520000002, 157520000003, 157520000004, 157520000005, 157520000020, 157520000019, and 157520000007 (now 157520000034) (a total of approximately 78 acres) on the attached map are currently unincorporated Boulder County and are designated Rural Preservation. Future use shall be limited to agriculture and low density residential development as further specified below. The parties agree that Louisville may annex these Parcels in that the community of interest for these parcels is with Louisville for annexation purposes and that, if and when annexed to the City of Louisville, future use shall be as set forth below. Upon annexation, said Parcels are designated City Preservation Area.

(b) If and when parcels 157520000019 and 157520000007 (now 157520000034) (a total of approximately 20 acres) are annexed to the City of Louisville, future use shall be limited to right-of-way uses, agriculture, and open space, subject to the following:

- (i) no residential units shall be permitted on these parcels;
- (ii) prior to the commencement of development of new right-of-way uses on these parcels, there shall be dedicated by the owner(s) thereof a conservation easement to all IGA parties limiting the use of these parcels to right-of-way uses, agriculture, and open space; and
- (iii) at the time of annexation of these parcels, Louisville shall annex the full length of the existing Paradise Lane right-of-way and the proposed Campus Drive right-of-way. Boulder County hereby consents to annexation by Louisville of said rights-of-way. Right-of-way, agriculture, and open space uses on parcels 157520000019 and 157520000034 may include, without limitation, street and streetscape improvements; pedestrian and bicycle paths and trails; trailhead facilities (including parking, interpretative/education kiosks or similar structures, and accessory picnic and shade structures, provided there are no more than 3,200 square feet of covered structures); fencing; utilities; and entry and gateway signage.

(c) If and when parcels 157520000002 and 157520000003 (a total of approximately 30 acres) are annexed to the City of Louisville, future use shall be limited to right-of-way uses, agriculture, and low density residential development, subject to the following:

- (i) the total, aggregate residential density on Parcel 157520000002 shall not exceed 6 units, which units and any accessory residential buildings/uses shall be clustered together;
- (ii) no residential units shall be permitted on Parcel 157520000003;
- (iii) all existing residential improvements on parcel 157520000003 must be removed prior to the issuance of a building permit for any residential structure on parcel 157520000002;
- (iv) new residential density on parcel 157520000002 may only be approved provided that a perpetual conservation easement granted to all IGA parties and limiting development of said parcel to the density and location limits of this Section 4.16(c) is secured as part of the approval of the new density; and
- (v) right-of-way uses may include, without limitation, street and streetscape improvements, pedestrian and bicycle trails and paths, fencing, and utilities.

(d) If and when parcels 157520000004, 157520000005 and 157520000020 (a total of approximately 30 acres) are annexed to the City of Louisville, future use shall be limited to right-of-way uses, agriculture, and low density residential development, subject to the following:

- (i) Louisville agrees to consider approval of residential use on said parcels with a density of no more than 1 unit per 4.5 acres, provided that a perpetual conservation easement granted to all IGA parties and limiting development to no more than 1 unit per 4.5 acres is secured as part of the approval of the new density;
- (ii) within or among such parcels, residential units and any accessory residential buildings/uses may be clustered together; and
- (iii) right-of-way uses may include, without limitation, street and streetscape improvements, pedestrian and bicycle trails and paths, fencing, and utilities.
- (iv) While any such parcel remains unincorporated, Boulder County agrees to consider approval of residential use with a density of no more than 1 unit per 4.5 acres on said parcel(s),

provided that a perpetual conservation easement limiting development to no more than 1 unit per 4.5 acres is secured as part of the approval of such additional density.

- (v) Subject to all required approvals and conditions established by the Boulder County Land Use Code or associated approval process, parcel 157520000004 may be used for the construction and operation of a church, subject also to the following: (i) the building shall be located on the Southwest corner of the parcel; (ii) the building shall be oriented with its narrowest elevation facing east to preserve views through the parcel; (iii) the building and site plan shall incorporate design and landscape features furthering rural and agricultural character while preserving views through the parcel; and (iv) the building(s) on the parcel shall not exceed a total size of 10,000 square feet in the aggregate, which is the current limit under the Boulder County Land Use Code for this type of use on the parcel, while the Plan remains in effect. Upon approval of a church use on parcel 157520000004, the parcel, whether unincorporated or annexed, will no longer be eligible for a density of 1 unit per 4.5 acres.

2. This Amendment shall be recorded with the County Clerk and Recorder of Boulder County. The provisions of this Amendment shall be covenants running with the land and shall be binding upon all persons or entities having an interest in the lands described in and subject to this Amendment.

3. All other terms and conditions of the IGA shall remain in force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment to be effective as of the date first set forth above.

CITY AND COUNTY OF BROOMFIELD

By: _____
Randy Aherns, Mayor

Date

ATTEST:

APPROVED AS TO FORM:

By: _____
City Clerk

William A. Tuthill III
City and County Attorney

development to no more than 1 unit per 4.5 acres is secured as part of the approval of such additional density.

- (v) Subject to all required approvals and conditions established by the Boulder County Land Use Code or associated approval process, parcel 157520000004 may be used for the construction and operation of a church, subject also to the following: (i) the building shall be located on the Southwest corner of the parcel; (ii) the building shall be oriented with its narrowest elevation facing east to preserve views through the parcel; (iii) the building and site plan shall incorporate design and landscape features furthering rural and agricultural character while preserving views through the parcel; and (iv) the building(s) on the parcel shall not exceed a total size of 10,000 square feet in the aggregate, which is the current limit under the Boulder County Land Use Code for this type of use on the parcel, while the Plan remains in effect. Upon approval of a church use on parcel 157520000004, the parcel, whether unincorporated or annexed, will no longer be eligible for a density of 1 unit per 4.5 acres.

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CITY AND COUNTY OF BROOMFIELD

By: [Signature]
Randal E. Ahrens, Mayor

March 8, 2016
Date



By: [Signature]
City and County Clerk, Deputy

APPROVED AS TO FORM:
[Signature]
William A. Tuthill III
City and County Attorney

CITY OF LAFAYETTE

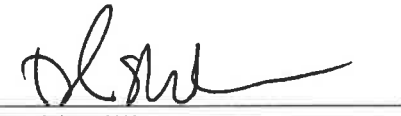
By: 
Christine Berg, Mayor

3/15/2016
Date

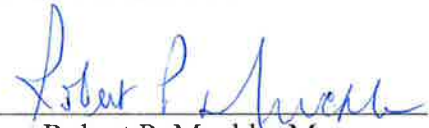
ATTEST:

APPROVED AS TO FORM:

By: 
City Clerk


David Williamson
City Attorney

CITY OF LOUISVILLE

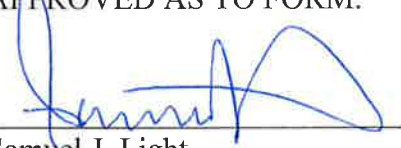
By: 
Robert P. Muckle, Mayor

3-8-16
Date

ATTEST:

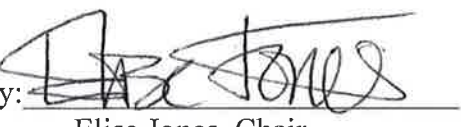
APPROVED AS TO FORM:

By: 
City Clerk

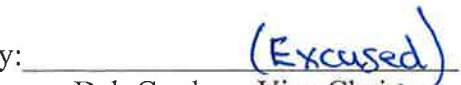

Samuel J. Light
City Attorney

COUNTY OF BOULDER

BY: BOARD OF COUNTY COMMISSIONERS

By: 
Elise Jones, Chair

2/18/16
Date

By:  (Excused)
Deb Gardner, Vice Chair

Date

By: 
Cindy Domenico, Commissioner
V-c

2/18/16
Date

ATTEST:

By: 
Clerk to the Board

APPROVED AS TO FORM:


Ben Pearlman
County Attorney

