

City of Longmont

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT
BETWEEN THE CITY OF LONGMONT AND
THE COUNTY OF BOULDER**

**FOR THE PURPOSE OF ENSURING THE MOST EFFICIENT
AND DESIRABLE GROWTH OF THE CITY OF LONGMONT AND VICINITY**

THIS COOPERATIVE AGREEMENT is made and entered into between the Board of County Commissioners of the County of Boulder, State of Colorado, hereinafter referred to as the "County," and the City Council of the City of Longmont, hereinafter referred to as the "City." WITNESSETH:

RECITALS

WHEREAS, the County is the governmental authority with regard to land use control and development in the unincorporated areas of the County, which areas include certain land surrounding the City of Longmont; and

WHEREAS, the City is the governmental authority that is best able to provide the services and facilities incidental to annexation in furtherance of efficient and desirable urban development; and

WHEREAS, pursuant to C.R.S. 31-23-202, as amended, the City Council, Planning and Zoning Commission, and Long Range Planning Commission have adopted the goals, policies and supportive data of the Longmont Area Comprehensive Plan in order to plan for the orderly growth of the City.

WHEREAS, pursuant to C.R.S. 30-28-106 and 30-28-108, as amended, the Boulder County Planning Commission and the Boulder County Board of Commissioners, have adopted a Master Plan for the physical development of the unincorporated area of the County; and

WHEREAS, C.R.S. 31-23-206, as amended, requires the approval of the Longmont Area Comprehensive Plan as it relates to unincorporated areas by the Boulder County Planning Commission and by the Boulder County Board of Commissioners; and

WHEREAS, the Longmont Area Comprehensive Plan and the Boulder County Comprehensive Plan (master plans developed pursuant to C.R.S. 30-28-106 and 31-23-206, as amended) have been made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and County which, in accordance with present and future needs and resources, will best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, as well as efficiency and economy in the process of development, tend to reduce the waste of physical, financial and human resources which result from either excessive congestion or excessive scattering of population; and will tend toward an efficient and economic utilization, conservation and reduction of the supply of food and water and of drainage, sanitary and other facilities and resources; and

WHEREAS, the State General Assembly has declared that the purpose of the annexation statutes is to encourage natural and well-ordered development of municipalities; to distribute fairly and equitably the cost of municipal services among those persons who are benefited therefrom; to extend municipal government services and facilities to eligible areas which form a part of the whole community; to simplify governmental structure in urban areas; to provide an orderly system for extending municipal regulations to newly annexed areas; to reduce friction among contiguous or neighboring municipalities; and to increase the likelihood of municipal corporations being able to provide their citizens with the services they require; and

WHEREAS, the City and County have jointly approved certain policy statements and maps contained in the Longmont Area Comprehensive Plan and the Boulder County Comprehensive Plan; and

WHEREAS, local governments are encouraged and authorized to cooperate or contract with other units of government, pursuant to C.R.S. 29-20-10; for the purpose of planning or regulating the development of land, including, but not limited to, the joint exercise of planning, zoning, subdivision, building and related regulations.

NOW, THEREFORE, the City and County agree to cooperate as follows:

- I. The jointly adopted Longmont Area Comprehensive Plan and the Boulder County Comprehensive Plan are incorporated herein by reference. The jointly adopted element includes:
 - A. The Longmont Area Comprehensive Plan 1986 as set forth in the July 30, 1986, Boulder County Planning Commission Resolution.
 - B. Longmont Area Comprehensive Plan Map with notes on County adoption dated May 12, 1988.
 - C. Volume I, pages 1-1 to 1-67 and 1-91 and 1-92, including maps of the 1985 Boulder County Comprehensive Plan, with City interpretation of the "Lyons/St. Vrain Valley Subregional Element" and the maps with notes on City adoption.
- II. To the extent legally permissible, the County shall exercise its planning, zoning, subdivision, capital improvements program and related functions in a manner consistent therewith and to the end of attaining the goals and objectives of the Longmont Area Comprehensive Plan/Boulder County Comprehensive Plan. To the extent legally permissible, such actions shall include, but not be limited to:
 - A. Refer proposed major Comprehensive Plan amendments within the area jointly adopted as the St. Vrain Valley Planning Area to the City for review and comment. The referral period shall be a minimum of 45 days and preliminary County staff analysis of proposals shall be included. Major amendments consist of:
 1. Modifications in non-urban residential density;

2. Designation of new or expansion of existing service areas within or in close proximity to the St. Vrain Valley Planning Area; or
 3. Boulder County Comprehensive Plan Land Use Map changes and changes to the Geology, Transportation, Open Space or Environmental Resources Maps of the Boulder County Comprehensive Plan;
- B. Refer other Comprehensive Plan amendments within the area jointly adopted as the St. Vrain Valley Planning Area to the City for review and comment. The referral period shall be a minimum of 14 days;
 - C. Refer proposed rezonings, subdivisions, special use reviews, lot split exemptions and open space acquisitions within the area jointly adopted as the St. Vrain Valley Planning Area to the City for review and comment. If the proposal does not require a major Comprehensive Plan amendment, the referral period shall be a minimum of 14 days. If a major Comprehensive Plan amendment is required, the referral period shall be a minimum of 45 days;
 - D. Refer new techniques and programs proposed to implement the Boulder County Comprehensive Plan which may be used in the St. Vrain Valley Planning Area. The referral period shall be a minimum of 14 days;
 - E. Refer the location and extent of proposed County facilities within the City to the City for review and comment. To the extent feasible, the location of these facilities shall be in conformance with the Longmont Area Comprehensive Plan/Boulder County Comprehensive Plan. The referral period shall be a minimum of 30 days;
 - F. Maintain the area outside the Municipal Service Area but within the St. Vrain Valley Planning Area as non-urban in character in character by providing for the agricultural uses and residential uses and densities called for in the Boulder County Comprehensive Plan as it pertains to this area;
 - G. Maintain the unincorporated portions of the Municipal Service Area as non-urban in character;
 - H. Consider City referral comments based upon the jointly adopted Longmont Area Comprehensive Plan/Boulder County Comprehensive Plan as important factors in decision making on Comprehensive Plan amendments and land use development requests; and
- III. To the extent legally permissible, the City shall exercise its planning, zoning, subdivision and related functions and its annexation powers and capital improvements program in a manner consistent therewith and to the end of attaining the goals and objectives of the Longmont Area Comprehensive Plan/Boulder County Comprehensive Plan. To the extent legally permissible, such actions shall include, but not be limited to:

- A. Refer major Comprehensive Plan amendments within the area jointly adopted as the St. Vrain Valley Planning Area to the County for review and comment. The referral period shall be 45 days and preliminary City staff analysis shall be included. For the purpose of this agreement, major Comprehensive Plan amendments shall be defined as follows:
1. Expansion of the Municipal Service Area within Boulder County;
 2. Expansion of the Longmont Planning Area within Boulder County;
 3. Annexation of land outside the Municipal Service Area and within Boulder County;
 4. Changes in land use to land within the Municipal Service Area in Boulder County that exceeds 80 acres in size and requires significant modifications in the Capital Improvements Program of Boulder County or unanticipated State Highway improvements; and
 5. Changes to the goals, policies and strategies of the Longmont Area Comprehensive Plan.
- B. Refer other amendments to the Longmont Area Comprehensive Plan to the County for review and comment. The referral period shall be a minimum of 14 days;
- C. Refer new techniques and programs proposed to implement the Longmont Area Comprehensive Plan which may be used in the St. Vrain Valley Planning Area. The referral period shall be a minimum of 14 days;
- D. Refer proposed annexations of land within the Municipal Service Area in Boulder County for review and comment. The referral period shall be a minimum of 14 days;
- E. Refer proposed open space acquisitions of unincorporated land in Boulder County for review and comment. The referral period shall be a minimum of 14 days;
- F. Pursuant to C.R.S. 30-28-110, refer the location and extent of proposed City facilities within Boulder County to the County for review and comment. The referral period shall be a minimum of 30 days; and
- G. Consider County referral comments based upon the jointly adopted Longmont Area Comprehensive Plan/Boulder County Comprehensive Plan as important factors in decision making on Comprehensive Plan amendments and land use development requests.

IV. Referrals.

The purpose of the mutual referral procedure is to ensure the mutual availability of notice and intent within the confines of the mutual interest herein contemplated.

V. Process.

A. Both parties shall adhere to the following procedures for the mutual referral of a major Comprehensive Plan amendment:

1. The staff of the entity that is considering an amendment (referring agency) shall send the receiving agency the pertinent information in the proposal and a preliminary staff analysis.
2. The staff of the receiving agency shall review the proposal and comments, and make a recommendation to their Planning Commission and City Council/Board of County Commissioners; and
3. The City Council/Board of County Commissioners shall consider the proposed amendment and forward any recommendations to the referring agency, prior to the final consideration by the referring agency.

B. Both parties shall adhere to the following procedure for all other referrals:

1. The staff of the referring agency shall send the receiving agency the pertinent information in the proposal and a preliminary staff analysis;
2. The staff of the receiving agency shall review the proposal and comments, and send their comments to the referring agency.

C. If no response is made by the receiving agency, the referring agency shall deem that there are no conflicts or concerns.

VI. After completion of the procedures described in Section V, each party (City or County) shall provide the other party with a written notice of final effective action with regard to major and other Comprehensive Plan amendments. The receiving party shall take action to accept or disapprove the amendment within 90 days after receipt. If the party receiving notice disapproves the amendment, such disapproval shall be referred back to the first party. Any such disapproved amendments shall not be considered a part of the jointly adopted Longmont Area Comprehensive Plan/Boulder County Comprehensive Plan and shall not be subject to the terms of this agreement.

VII. It is understood that the goals and objectives of the Longmont Area Comprehensive Plan and the Boulder County Comprehensive Plan can only achieve the purposes of the agreement through mutual and cooperative efforts. The City and County recognize that each is endeavoring to facilitate the orderly growth of the City of Longmont in a responsible and orderly fashion based on the comprehensive plans. To accomplish this, the City will use its annexation powers, capital improvements program, zoning and development ordinance, other applicable regulations, and coordination of road maintenance and management; and the County will use its powers of zoning, subdivision regulation, the control of special districts, and coordination of road maintenance and management.

VIII. The City and County each agree that the Longmont Area Comprehensive Plan/Boulder County Comprehensive Plan will be reviewed on a periodic basis of at least every five years, so as to ensure that the plan is consistent with conditions and the desire of each community. Following a comprehensive update of either plan, this cooperative agreement shall be reviewed by both parties and amended if warranted.

IX. This agreement shall extend to all revisions and amendments of the Plan that are jointly adopted from time to time by the City and the County.

X. This is an understanding and cooperative agreement between the City and County and no third party rights or beneficiaries exist or are created thereby.

XI. This agreement shall continue in full force and effect, unless either of the parties submits a written notice of termination to each other, which termination shall become effective upon receipt by the other. However, amendments to this Agreement may be enacted upon approval by both signatory parties at any time.

CITY COUNCIL OF THE CITY OF LONGMONT

Clavin E. Sullivan
 Mayor

ATTEST:

Sammy J. Golden
 City Clerk
 (Deputy)

Date *July 13, 1988*

BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF BOULDER, STATE OF COLORADO

Josephine W. Heath
Chairman

ATTEST:

Barbara Bojars
Clerk to Board

July 13, 1988
Date

