



Community Planning & Permitting

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BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING

1:30 PM
March 28, 2024

*All Commissioners' public hearings and meetings will be offered in a hybrid format where attendees can join **through Zoom** or **in person** at the Boulder County Courthouse, 3rd Floor, 1325 Pearl Street, Boulder.*

PUBLIC HEARING with PUBLIC TESTIMONY

STAFF: Hannah Hippely, AICP

Docket IGA-24-0002 City of Longmont - Boulder County Comprehensive Development Plan Intergovernmental Agreement (IGA)

Adoption of a comprehensive development plan intergovernmental agreement to plan for and regulate land uses, in order to minimize the negative impacts on the surrounding areas and protect the environment, and to cooperate and contract with each other for the purposes of planning and regulating the development of land by means of a "comprehensive development plan".

Action Requested by Board of County Commissioners: Approval and signature.

PACKET CONTENTS

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Staff Recommendation	1-2
City of Longmont Executed IGA	

PURPOSE AND BACKGROUND

In 1997, the County and the City of Longmont entered into an Intergovernmental Agreement ("IGA") pursuant to C.R.S. 29-20-101 et seq. This IGA provided the City and County with a tool to plan for and regulate land uses, minimize negative impacts of development, protect the environment, and identify areas of mutual cooperation and concern. The IGA was subsequently amended four times with the last amendment extending the term of the IGA to October 16, 2023. The purpose of the agreement is to reinstate an intergovernmental agreement with the City and continue the collaborative planning efforts of the community.

IGA OVERVIEW

The proposed IGA is a general land use agreement covering the City of Longmont and its perimeter area within Boulder County. This boundary is derived from the City of Longmont's comprehensive plan, Envision Longmont. The IGA establishes the area within Boulder County where the City may

annex lands and conversely establishes the area to remain in the County's jurisdiction over the term of the agreement. These areas are identified on a map (Exhibit A of the IGA). Areas within the identified Longmont Annexation Boundary but currently outside of the municipal boundary (Potential Annexation Area) may be annexed. Areas outside the Longmont Annexation Boundary (Rural Preservation Area) are to remain rural, unincorporated Boulder County. In addition to this, the County agrees that it will not make any open space acquisitions within the Longmont Annexation Boundary, the Potential Annexation Area or the Coordinated Planning Area.

Additionally, the IGA includes special provisions providing direction on a number of topics including: annexation of lands where the County holds a conservation easement, referral, the use of IGAs in lieu of the County 1041 process, continued partnership on affordable housing and participation in the Regional Housing Partnership, support for the redevelopment of the sugar factory site, reconsideration of county zoning within the Longmont Annexation Boundary, and agreement that County enclaves should be brought into the City.

The IGA becomes effective upon the signature of all parties and remains in effect for 20 years (unless terminated as described in the IGA). The IGA is automatically extended by 10 years unless one of the Parties acts to avoid automatic extension.

CITY OF LONGMONT ACTION

The City of Longmont considered the IGA during the first reading of the adoption ordinance on February 13, 2024, and formally adopted this Intergovernmental Agreement at the second reading of the ordinance on February 27, 2024. The City executed agreement is included in this packet.

RECOMMENDATION:

Staff recommends the Board of County Commissioners approve IGA-23-0002 and sign the agreement.

**LONGMONT PLANNING AREA
COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT**

This Intergovernmental Agreement (“Agreement”) is entered into by the City of Longmont, a Colorado home rule municipal corporation (“Longmont” or “City”), and Boulder County, a body politic and corporate of the State of Colorado (the “County”) (individually a “Party” and collectively, the “Parties”) as of the date of the latest signature below.

RECITALS

- A. The Parties are authorized by §§ 29-20-101 et seq., C.R.S., and encouraged by Colorado Constitution, article XIV, section 18(2), to enter into intergovernmental agreements to plan for and regulate land uses, in order to minimize the negative impacts on the surrounding areas and protect the environment, and to cooperate and contract with each other for the purposes of planning and regulating the development of land by means of a “comprehensive development plan;” and
- B. The Parties agree that an intergovernmental agreement providing a comprehensive development plan that recognizes the urbanization potential of certain lands in the County near Longmont and the rural character of adjacent lands in the County, along with restrictions on development or purchase of open space lands in those areas as defined in this Agreement, is in the best interests of the citizens of each of the Parties for the preservation of the character and potential of those areas; and
- C. The Parties agree that designating portions of Boulder County to remain in Boulder County’s jurisdiction and in a rural character as defined in this Agreement is in the economic and civic interests of their citizens and meets the goals of the Boulder County Comprehensive Plan and the Longmont Comprehensive Plan, known as Envision Longmont; and
- D. Consistent with municipal annexation, utility service, and land use laws of the State of Colorado, this Agreement is intended to (i) encourage the natural and well-ordered development of Longmont and the County; (ii) promote planned and orderly growth in the affected areas; and (iii) promote the economic viability of the Parties; and
- E. The Parties have each held duly noticed public hearings for consideration of this Agreement and the comprehensive development plan terms it contains for the subject lands as defined in the Agreement and depicted on the map attached as Exhibit A; and

- F. The Parties are authorized to perform the functions described in this Agreement by article 20 of title 29, part 1 of article 28 of title 30, part 1 of article 12 of title 31, and parts 2 and 3 of article 23 of title 31, C.R.S.; and
- G. The Parties desire to enter into this Agreement to plan for land uses in a mutually binding and enforceable comprehensive development plan.

DEFINITIONS

The City. The area within the current municipal boundaries of the City of Longmont, as depicted on Exhibit A.

Longmont Annexation Boundary or LAB. The LAB, depicted on Exhibit A, is based on the Longmont Planning Area established, Envision Longmont. The County agrees not to purchase lands for open space preservation within the LAB, subject to the terms of this agreement.

Potential Annexation Area or PAA. The PAA includes those areas within the LAB, as depicted on Exhibit A, that are currently not in the City. Within the PAA, Longmont may annex parcels and the County agrees not to purchase lands for open space preservation, subject to the terms of this Agreement.

Rural Preservation Area or RPA. The lands outside the Longmont Annexation Boundary in unincorporated Boulder County, are considered the Rural Preservation Area (RPA). The City may not annex lands within the RPA. The City or the County may purchase lands for open space preservation, subject to the terms of this Agreement.

Coordinated Planning Area or CPA. The CPA, as depicted on Exhibit B is Longmont's urban growth area in Weld County that is subject to the City's Comprehensive Planning Intergovernmental Agreement with Weld County.

AGREEMENT

1. Longmont Planning Area Comprehensive Development Plan

This Agreement, including Exhibit A, is adopted to set forth the Longmont Planning Area ("LPA") Comprehensive Development Plan as that term is used in § 29-20-105(2)(a), C.R.S. The LPA constitutes the City, LAB, PAA and the RPA. The Agreement also governs the Parties' use of lands and procedures within the LPA.

2. Potential Annexation Area (PAA).

- (a) The PAA is in the County's regulatory jurisdiction but may be annexed to Longmont in the future. With its approval and adoption of this Agreement, the Board of County

Commissioners for Boulder County determines that a community of interest exists between lands in the PAA and Longmont.

- (b) In Boulder County, Longmont agrees that it may annex only lands within the PAA and Longmont agrees that it will not annex lands outside the PAA.
- (c) The County agrees that it will not make any acquisitions for open space inside the PAA, LAB or CPA, except for lands subject to existing or prior approval for such acquisitions from Longmont.
- (d) Longmont agrees that the PAA cannot expand within Boulder County except by disconnection, which is the movement of property out of the municipal jurisdiction returning it to county jurisdiction.
- (e) Longmont will make prompt written referral to the County of any application for annexation or development of any parcel in the PAA and of any amendment to the Longmont Comprehensive Plan affecting such parcels. The County will submit responses to referrals as soon as feasible.
- (f) Changes to the PAA may be made by mutual agreement of the parties pursuant to Section 6.

3. Rural Preservation Area (RPA).

- (a) Land outside the Longmont Annexation Boundary, as depicted on Exhibit A, is defined as the Rural Preservation Area (RPA).
- (b) The Parties agree that lands outside the Longmont Annexation Boundary will remain in the County's regulatory jurisdiction for the term of this Agreement, unless changed by mutual agreement of the parties.
- (c) Lands in the Rural Preservation Area within Boulder County may be acquired by either Party for open space preservation.
- (d) With its approval and adoption of this Agreement, Longmont determines that there is no community of interest between the RPA and Longmont during the term of this Agreement, and Longmont will not annex lands in the RPA.
- (e) Longmont certifies that it is not currently pursuing annexations within the RPA.

- (f) Changes to the RPA may be made by mutual agreement of the parties pursuant to Section 6.

4. Special Provisions.

- (a) The Parties intend this Agreement be the sole jointly adopted comprehensive development plan related to County conservation easement lands in the PAA. Longmont agrees that it will only annex lands in the PAA over which the County owns a conservation easement if:
 - (1) Permitted by the Conservation Easement and the owner of the property that is subject to a county-held Conservation Easement wishes to annex solely for providing utilities and services to the subject property; or
 - (2) The Conservation Easement includes terms for the release of the easement and the County agrees to release the conservation easement, unless the easement automatically terminates upon annexation by its terms.
- (b) The County will refer any discretionary development applications in the PAA, and any amendment to the Boulder County Comprehensive Plan affecting such parcels, to the City.
- (c) The County and the City agree to utilize an intergovernmental agreement, when such an agreement can be reached, in lieu of the County 1041 review process when such process would be applicable to City utility and infrastructure projects, such as the expansion of the Nelson-Flanders Water Treatment Facility.
- (d) The City and the County recognize that addressing housing affordability is a regional concern and agree to continue to participate in the Regional Housing Partnership and work collaboratively along with other jurisdictions to address this issue.
- (e) Annexation and subsequent redevelopment of the nonoperational sugar factory site, located in the PAA at the northwest corner of Ken Pratt Boulevard and 119th Street, is a priority for the City of Longmont and Boulder County. If remediation of the existing environmental hazards at the site must occur prior to annexation, the County agrees to use its best efforts to expedite any required approvals or permits, which may include grading and demolition permits.
- (f) County zoning of unincorporated areas within the PAA are in need of reconsideration given the changes that have occurred in the years since it was adopted. The County agrees to reevaluate and consider rezoning of these areas to ensure the zoning is consistent with existing development patterns and the goals of the City of Longmont and the Boulder County Comprehensive Plan.

- (g) The City agrees that County enclaves within the PAA should be brought into the City to ensure adequate facilities and services are provided and to ensure that any future development is consistent with the goals and policies of the City.

5. Implementation Procedures

The Parties agree to take all necessary steps to adopt procedures, plans, policies, and ordinances or conduct other proceedings necessary to implement and enforce this Agreement. In doing so, each Party will give the other sufficient advance notice to enable the other Party to comment on the planned action if so desired.

6. Amendments

This Agreement contains the entire agreement between the Parties. Any annexation, property acquisition, or land use or development that does not comply with this Agreement is prohibited without an amendment to the Agreement agreed to by the Parties. Amendment of the Agreement requires approval by resolution or ordinance and adoption by the governing body of both Parties after notice and hearing as required by law. No action inconsistent with this Agreement may be taken by any Party before this Agreement is amended as required in this Section.

7. Non-severability

If any portion of this Agreement is held by a court in a final, non-appealable decision to be per se invalid or unenforceable as to any Party, the entire Agreement shall be terminated, the Parties understanding and intending that every portion of the Agreement is essential to and not severable from the remainder.

8. Beneficiaries

The Parties, in their corporate and representative governmental capacities are the beneficiaries of this Agreement.

9. Enforcement

Any one or more of the Parties may enforce this Agreement by any legal or equitable means, including specific performance, declaratory and injunctive relief. No other person or entity will have the right to enforce the provisions of this Agreement.

10. Indemnification

Each Party agrees to be responsible for its own actions or omissions, and those of its officers, agents and employees in the performance or failure to perform work under this IGA. By agreeing to this provision, neither Party waives or intends to waive, as to any person not a

party to the IGA, the limitations on liability that are provided to the Parties under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq.

11. Governing Law and Venue

This Agreement will be governed by Colorado law, and venue for any dispute involving the Agreement will be exclusively in Boulder County.

12. Term and Effective Date

This Agreement will become effective when signed by authorized representatives of the governing bodies of each of the Parties. Unless otherwise stated in this Agreement, the Agreement shall remain in effect for a period of 20 years from the effective date unless terminated earlier by written agreement of the Parties pursuant to terms of this Agreement or extended as provided below.

At 10 years after the current effective date, the effective date of the Agreement will automatically update to that date 10 years after the previous effective date. In order to avoid automatic extension, a Party must hold a duly noticed public hearing at least 90 days before the date 10 years after the current effective date and make such determination. The current effective date will then remain in place. Notices of the hearing and subsequent Party action must be provided to the other Party.

13. Party Representatives

Referrals and notices required by this Agreement will be made to the following:

For Boulder County:

Director, Community Planning & Permitting Department
PO Box 471
Boulder, CO 80306

For Longmont:

Director of Planning and Development Services
Development Services Center
385 Kimbark St.
Longmont, CO 80501

Changes of name or address for Party representatives will be made in writing, mailed as stated in this Section 13.

THIS AGREEMENT made and entered into as of the latest date set forth below.

CITY OF LONGMONT

DocuSigned by:
By: Joan Peck
61A53AA1F9B1453...
Mayor

Attest:

DocuSigned by:
[Signature]
4657F252EE6E4CC...
City Clerk

Approved as to form:

DocuSigned by:
[Signature]
6EAEB2947FB24AA...
Assistant City Attorney

Approved as to form and substance:

DocuSigned by:
[Signature]
7B3ABE4F848D45A...
Originating Department

BOULDER COUNTY
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Chair

Attest:

Clerk to the Board

Approved as to form:

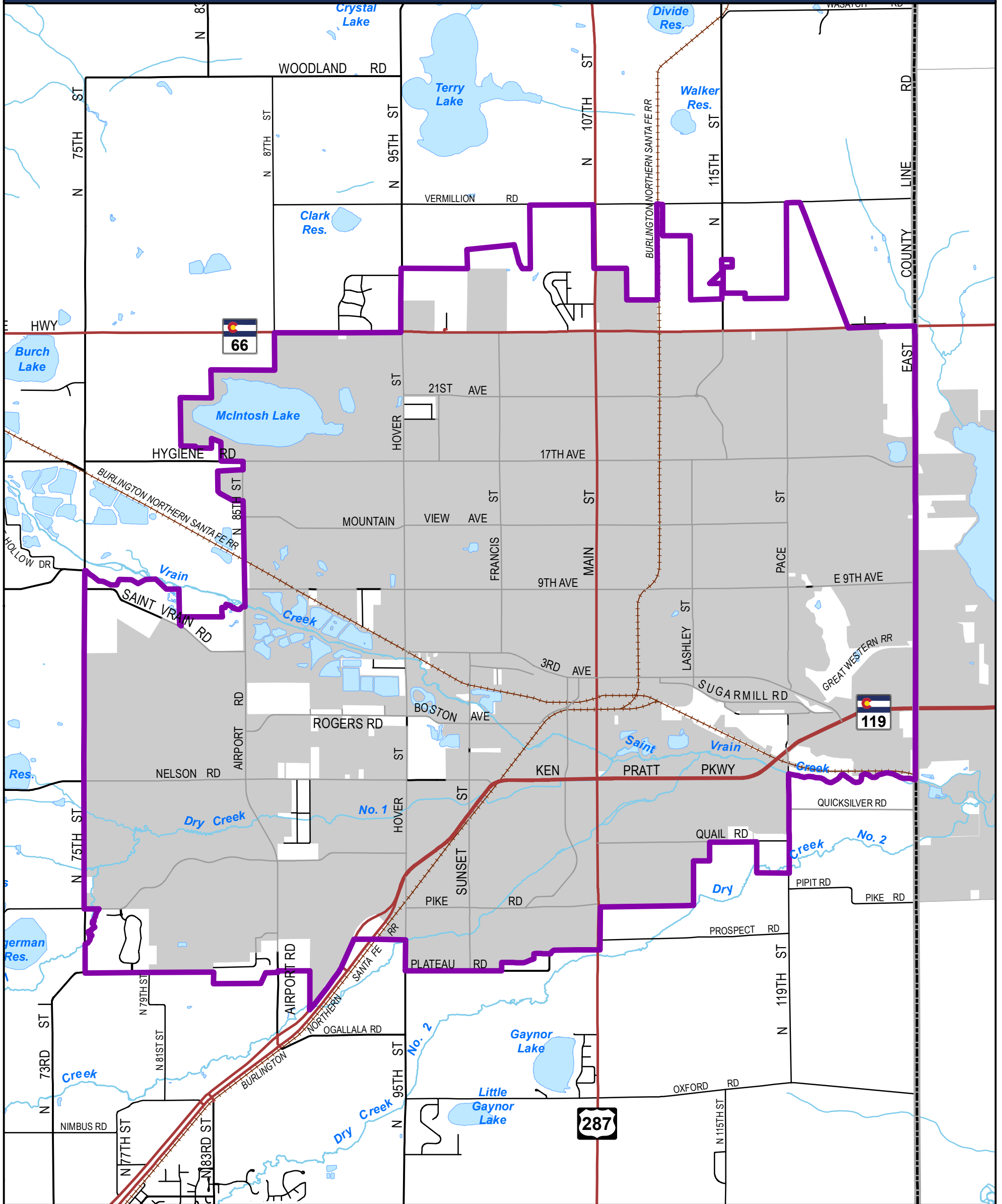
County Attorney



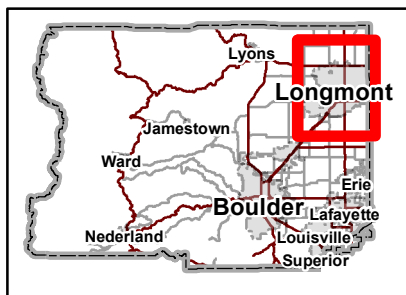
BOULDER COUNTY - CITY OF LONGMONT INTER-GOVERNMENTAL AGREEMENT



EXHIBIT A

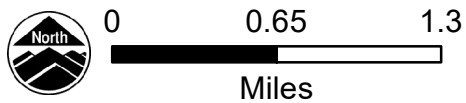


Area of Detail Date: 1/22/2024



Legend

- Longmont Annexation Boundary
- City of Longmont
- County Boundary

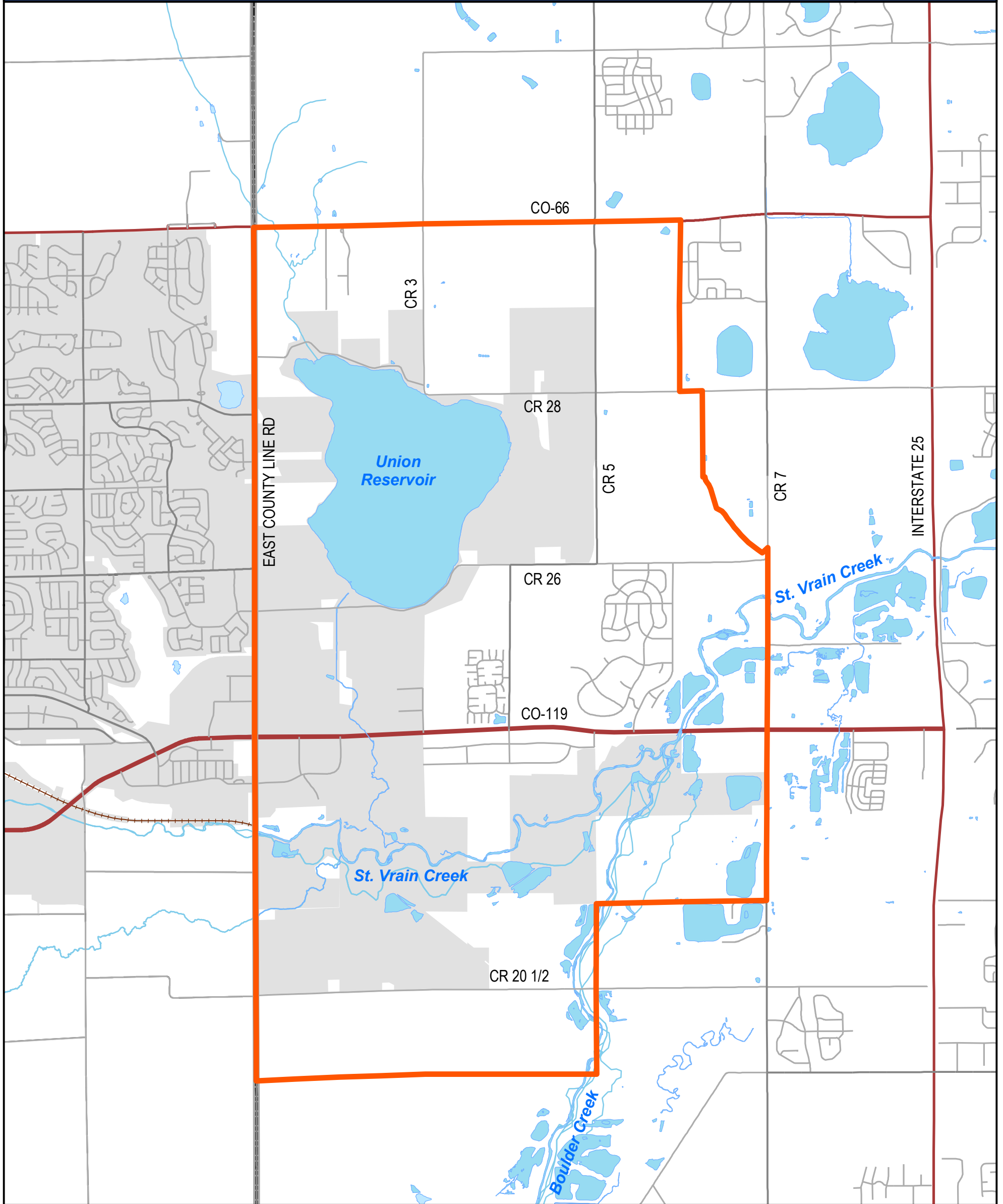




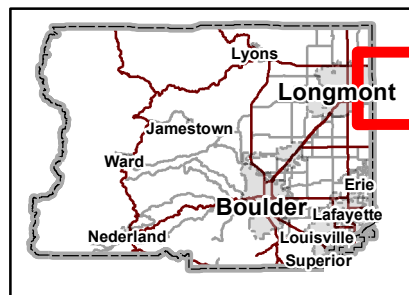
BOULDER COUNTY - CITY OF LONGMONT INTER-GOVERNMENTAL AGREEMENT





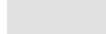
EXHIBIT B



Area of Detail Date: 1/22/2024



Legend

-  Coordinated Planning Area
-  County Boundary
-  City of Longmont

