

ORDINANCE NO. 861

AN ORDINANCE AMENDING THE TOWN OF BERTHOUD DEVELOPMENT CODE FOR THE PURPOSE OF DEFINING A "VALID DEVELOPMENT APPLICATION".

RECITALS

1. The proposed 2000 statewide initiative numbered 256, entitled "Citizen Management of Growth" or Amendment 24 - Voter Approval of Growth includes within its definitional section the term "Committed Area" and generally states that land within the Committed Area for which a "Valid Development Application" has been submitted is exempt from the application of the initiative.
2. A "Valid Development Application" is defined within the initiative as "an application that substantively meets all of the rules for submission applicable to a proposal and that has been accepted as timely and complete by the local government regulating the use of land covered by the application".
3. Pursuant to §31-12-104 C.R.S., Berthoud's Board of Trustees has determined that, as to those properties which are currently annexed to Berthoud, that a community of interest exists between those areas and that they are urban or will be urbanized in the near future; and, that no landowner has stated under oath that he or she intends to devote the property to agricultural uses for the next five (5) years.
4. All properties currently annexed to Berthoud are subject to development plans which are pending in various stages.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO, THAT THE FOLLOWING AMENDMENTS BE MADE TO THE TOWN OF BERTHOUD'S DEVELOPMENT CODE.

Section 1:

The following definition shall be added to Section 30-2-102 Definitions.

**Valid Development Application** for purposes of this Development Code shall include any of the following which are submitted and processed in a timely manner in full accordance with Berthoud's "Development Code", its ordinances, rules and regulations:

All property annexed to Berthoud prior to September 13, 2000; a master plan pursuant to §30-16-500, a minor subdivision submittal pursuant to §30-16-601; a preliminary subdivision plat, pursuant to §30-16-602; a final subdivision plat pursuant to §30-16-603; a preliminary site plan, pursuant to §30-16-701; a final site plan pursuant to §30-16-702; an overall development plan, pursuant to §30-16-801; a preliminary development plan pursuant to §30-16-802; or a final development plan pursuant to §30-16-803.

## Section 2:

Section 30-16-200 is hereby amended with the addition of the following:

### **H. Submittal of Valid Development Applications.**

A Development Application must be submitted to the Town on or before September 13, 2000, and must state that the development will be served by central water and sewer. Submission of a Development Application does not guarantee approval, nor does it prevent the Board of Trustees, the Planning Commission, or the Town's staff from requesting amendments determined necessary for compliance with the Town's codes, rules and regulations, or any other requirements relating to the particular development. After the completed Development Application has been filed, the applicant shall cooperate with the Town's Planning Department, its staff and all other departments of the Town, by providing in a timely manner all the necessary subsequent documentation and information which is necessary to continue and complete the development review process. Once the Development Application is submitted, it may be amended and supplemented as deemed necessary and appropriate by the Town and the applicant.

## Section 3. Effective Date.

The Board of Trustees has determined that an emergency exists which necessitates the adoption of this Ordinance Amending the Town of Berthoud's Development Code in order to ensure that the development of real estate within the Town of Berthoud will proceed in a predictable manner under well-defined guidelines.

The failure to adopt this Ordinance would create economic instability within the community and possibly jeopardize the repayment of the Town's indebtedness.

This Ordinance was introduced, read, and a public hearing held on September 12, 2000, passed by a vote of 6 in favor and 1 opposed, to take effect immediately upon passage.

TOWN OF BERTHOUD

Milan Karspeck  
Milan Karspeck, Mayor

ATTEST:

Mary K. Cowdin  
Mary K. Cowdin, Town Clerk

9-14-00  
Published