

ORDINANCE NO. 929

AN ORDINANCE AMENDING A PORTION OF ORDINANCE NO. 874 AS IT APPLIES TO THE I-25 AND HIGHWAY 56 AREA OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

This Board of Trustees has been involved in the annexation, planning and development of the I-25/Highway 56 area for several years and has come to the following conclusions:

WHEREAS, the Board of Trustees believes that in the relatively near future the I-25/Highway 56 area will develop; and,

WHEREAS, this development will occur whether or not this property is located in the Town of Berthoud; and,

WHEREAS, the Board of Trustees has determined that it is in the best interests of the Town of Berthoud to be actively involved in the planning, development and management of the I-25/Highway 56 area; and,

WHEREAS, Berthoud has therefore proceeded since 1996 to annex a large portion of the area surrounding the I-25/Highway 56 intersection, and has repeatedly shown its intent to permit high-quality development in this area through its intergovernmental agreement with the Little Thompson Water District (1999), the Urban Land Institute Study (2000), the Town of Berthoud Land Use Plan (2001), the adoption of the I-25 Corridor Study (2001), and the adoption of I-25 Design Regulations (2002); and,

WHEREAS, on October 16, 2001 a majority of the Board of Trustees passed Resolution No. 24-01 which mandated the following development mix:

- (a) A minimum of 30-40% open space, not including roads or rights of way;
- (b) A minimum of 25% commercially zoned area to ensure future revenue for the Town;
- (c) A maximum of 40% residentially zoned areas;
- (d) All development will meet the I-25 Design Regulations from the I-25 Corridor Study, as adopted or amended, by the Town of Berthoud;
- (e) All infrastructure layout will conform with the I-25 Corridor Study;
- (f) The population of the I-25 area will never exceed that of old town Berthoud; and,

WHEREAS, Berthoud's annual growth has been less than 5% for the period from 1990 to 2002; and,

WHEREAS, Berthoud's written policy and implemented practices are to have growth pay its own way; and,

WHEREAS, in December of 1998 Berthoud committed to Wilsons, as part of their agreement, to annex 1600 acres which they owned on the east side of I-25 to allow them to build up to 64 single family residences on a property known as Serenity Ridge; and,

WHEREAS, in order to ensure that the inevitable development of the I-25/Highway 56 area is accomplished with management by Berthoud, Berthoud must provide the property owners and developers of this area with sufficient residential building permits to ensure that the economics of high-quality development provide positive benefits to all parties concerned;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, THAT ORDINANCE NO. 874 IS AMENDED IN PART.

Section 1. Effect on the Town's Core Area

This ordinance shall have no effect on the growth cap imposed by Ordinance No. 874 in the Town's core area, provided that the basis for the permit cap in any calendar year shall be the total housing stock in the core area as of December 31st of the previous year.

Section 2. Application to the I-25/Highway 56 Area

Commencing in 2002, and in each future calendar year, 100 new residential building permits shall be available to the 4200-acre area surrounding the I-25/Highway 56 interchanges that is designated to be separately master planned according to the Berthoud Land Use Plan. These building permits, if not used in any year, may also be carried over from year to year for a period not to exceed ten (10) years to better accommodate the economic cycles.

Section 3. Exemption as to Serenity Ridge

Berthoud contractually agreed with the owners of the Serenity Ridge Development that it would issue 64 residential building permits and that Berthoud would impose no restrictions upon this development except those which were set forth in the supplement to the annexation petition. A maximum of 64 residential building permits to be used within the Serenity Ridge Subdivision are therefore exempt from the restrictions of Ordinance No. 874.

Section 4. Future Development Mix at the I-25/Highway 56 Area

It is the intent of the Board of Trustees to require that future development at the I-25/Highway 56 area in the Town shall comply with the provisions specified in Resolution No. 24-01.

Section 5. Effective Date

This ordinance was read, passed and ordered published by a vote of 6 in favor and 1 opposed at the regular meeting of the Board of Trustees on the 9th day of April, 2002, which shall take effect and be in force thirty (30) days after publication.

TOWN OF BERTHOUD:

ATTEST:

Milan Karspeck
Milan Karspeck - Mayor

Mary K. Cowdin
Mary K. Cowdin - Town Clerk

Published: 4-11-02