

RESOLUTION NO. 9-14

**A RESOLUTION OF THE TOWN OF BERTHOUD DECLARING THE
VOTE ON THE INITIATED ORDINANCE REFERRED TO THE
PEOPLE OF THE TOWN AT THE REGULAR BIENNIAL ELECTION
HELD ON APRIL 1, 2014**

WHEREAS, residents of the Town of Berthoud drafted an initiated ordinance requiring amendment of the land development ordinances and providing other guidelines to the Town ("Initiated Ordinance"), a copy of which is attached hereto and incorporated by reference as Exhibit "A"; and

WHEREAS, the Initiated Ordinance received a sufficient number of signatures to be placed on the ballot at the regular biennial election held on April 1, 2014; and

WHEREAS, a majority of the votes cast at the regular biennial election were in favor of approving and adopting the Initiated Ordinance;

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF BERTHOUD, COLORADO AS FOLLOWS:**

The measures referred to the people of the Town of Berthoud in the Initiated Ordinance shall take effect from and after the date of this Resolution. Effective immediately, the Initiated Ordinance attached hereto and incorporated by reference as Exhibit A, shall take effect and is styled as Initiated Ordinance No. 1180.


RESOLVED THIS 6th day of May, 2014.

TOWN OF BERTHOUD

BY:


David Gregg, Mayor

ATTEST:


Mary K. Cowdin, Town Clerk

INITIATED ORDINANCE NO. 1180

AN INITIATED ORDINANCE REQUIRING AMENDING THE LAND DEVELOPMENT ORDINANCES
AND GUIDELINES OF THE TOWN OF BERTHOUD, COLORADO

WHEREAS, Colorado Revised Statute § 31-23-206 (1) provides that it is the duty of the {Town's Planning and Zoning} commission to make and adopt a master plan for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof, which in the commission's judgment bear relation to the planning of such municipality, and

WHEREAS, the same statute provides that such master plan shall be an advisory document to guide land development decisions; however, the plan or any part thereof may be made binding by inclusion in the municipality's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate, and

WHEREAS, The Town has properly adopted the Berthoud Comprehensive Plan, and

WHEREAS, the Berthoud Comprehensive Plan identifies areas eligible for future growth of the Town by annexation, such area being defined as the Berthoud Growth Management Area, the Berthoud Growth Management Area having been approved by the Town Planning and Zoning Commission as of December 31, 2012 (the "Berthoud Growth Management Area as designated as of December 31, 2012"), and,

WHEREAS, the Berthoud Comprehensive Plan further defines areas within the Berthoud Growth Management Area as designated as of December 31, 2012 as including the I-25 Master Plan Area, which area was defined as of December 31, 2012 (the "I-25 Master Plan Area as designated as of December 31, 2012"), and

WHEREAS, the I-25 Master Plan Area is subject to unique planning characteristics based on the area's proximity to other municipalities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITIZENS OF THE TOWN OF BERTHOUD, LARIMER
AND WELD COUNTIES, COLORADO:

Section 1.

Any future proposed annexation outside the December 2012 Berthoud Growth Management Area will be referred to the voters of the Town of Berthoud by the Berthoud Town Board of Trustees for voter approval. No future annexation will occur in the area outside the Berthoud Growth Management Area as designated as of December 31, 2012, without a majority of "yes" votes by the registered Berthoud electors casting ballots in that election.

The I-25 Master Plan Area as designated as of December 31, 2012 and property owned by the Town of Berthoud for recreational, open space, or utility uses will be exempt from this requirement.

We the undersigned registered voters of the Town of Berthoud, hereby petition to have the Initiated Ordinance requiring amending the land development ordinances and guidelines of the Town of Berthoud, Colorado placed on a ballot to be approved or rejected by the electors of the Town.

Designated representatives of proponents for the matter related to this petition:

Name and address:

Stephen Randall Byers
201 E. Michigan Ave
Berthoud, CO 80513

Name and address:

Craig Marshall Wilks
406 Longs Peak Ave
Berthoud, CO 80513

Passed by a vote of the registered electors on April 1, 2014.