

REVIEW

4/4/07

BOULDER COUNTY COUNTYWIDE COORDINATED COMPREHENSIVE DEVELOPMENT PLAN INTERGOVERNMENTAL AGREEMENT "SUPER IGA"

BACKGROUND

Over the span of three decades, the municipalities in Boulder County entered into intergovernmental agreements (IGAs) that jointly defined the comprehensive development plans of their neighbors and County unincorporated land surrounding them. These IGAs were adopted by one or more of the county's municipalities and the County to cooperatively plan for and regulate land uses.

About two and a half years prior to its final adoption, several communities requested that Boulder County facilitate the countywide adoption of this cooperative, umbrella agreement so that each community in the County could recognize and affirm the comprehensive development plans (IGAs) of others. Thus, work began on the Super IGA. After hundreds of meetings among city and town managers, mayors, council members municipal attorneys and staff and County Commissioner Ron Stewart, County Attorney Larry Hoyt and county staff; and after public hearings and formal action taken to adopt it by the 10 parties involved; and in its 32nd draft, the Super IGA was signed and made effective in an historic meeting and celebration on October 16, 2003.

OUTLINE OF THE "SUPER IGA"

This agreement is intended to supplement, not supercede, the various comprehensive development plan IGAs (ten of them as named in the 2nd "WHEREAS" of the final document).

This agreement and associated map, defines lands in Boulder County in three major categories: "Rural Preservation Areas", "Municipal Influence Areas" or "Unincorporated Rural Land Areas." These areas are defined in the Super IGA as follows:

Rural Preservation Areas – are those areas where municipalities each commit that they will not initiate or approve an annexation. The County, in cooperation with the municipalities, pursues preservation of these lands through promotion of agricultural and other rural uses, and open space acquisitions.

Municipal Influence Areas – are defined by specific, designated municipalities as their sole influence area that can be annexed for development solely by that designated municipality and no other municipality. Further, Boulder County consents to the annexation of such influence areas by the designated municipality. Additionally, no party (municipality or the County) can purchase any parcel of land within the incorporated limits or Influence Area of another party without the consent of that party. However, this requirement does not apply to the acquisition of land for municipal utilities.

Unincorporated Rural Land Areas - are subject to the same restrictions on, and procedures concerning, annexation as the lands designated as Rural Preservation Areas. An exception is any unincorporated, platted, residential subdivision [excluding the County's Non-urban Planned Unit Developments (NUPUDs)] to which a municipality has been adjacent for one year or more.

AMENDMENTS TO UNDERLYING PLANS AND THE "SUPER IGA"

In order to change an underlying IGA, only the signatory parties of that specific IGA need agree. When an underlying IGA is amended the Super IGA is automatically changed to accept the underlying IGA amendment, provided it is not in conflict with the basic elements of the "Super IGA."

Thus, nothing in this agreement will require the approval or consent to an amendment of an Underlying IGA by parties to this agreement that are not signatory parties of that specific Underlying IGA. However, amendments specific only to the Super IGA must be referred to and agreed upon by all the parties of this agreement before they are effective. An example of when the Super IGA would require amendment would be when a municipality wants to annex and develop in "unincorporated land areas" or another municipalities "municipal influence area."

EFFECTIVE DATE AND DURATION

The Super IGA became effective October 16, 2003.

The Super IGA will remain in effect for 20 years from the date of its execution with a 10-year "opt out" provision. At any time until 90 days prior to the tenth anniversary of the effective date of this agreement, any municipal party to the Super IGA may give notice to the other parties to the agreement that it intends to opt out. In this instance, any other municipal party has the opportunity to opt out within 45 days from the date of such notice by providing notice that it intends to withdraw from the agreement. On the tenth anniversary of the effective date of this agreement, all parties who have provided notice to opt out shall no longer be parties to this agreement.

ISSUES FOR CONTINUED DISCUSSION

The Super IGA also states that all the parties agree to pursue regional approaches that would forward revenue sharing, in particular, sales tax revenues, affordable housing and library services.

BENEFITS OF THE SUPER IGA AND ITS UNDERLYING AGREEMENTS

We currently are seeing a number of the benefits that were contemplated by the underlying agreements and the Super IGA. They include 1) minimizing the negative impacts of development on surrounding communities and areas – prevention of "SPRAWL"; 2) protecting important riparian and wildlife corridors and other environmental qualities, 3) preserving agriculture and the rural character of unincorporated Boulder County, 4) preserving the separation and unique character of the various urban communities and 5) ensuring the municipalities' ability to develop in an orderly fashion within their own service areas.

LEGAL AUTHORITY

Legal authority for these land use IGAs is found in 29-20-105, C.R.S. as amended and is part of the Local Government Land Use Control Enabling Act. It authorizes "...mutually binding and enforceable comprehensive development plans..." and as such, overcomes the common law doctrines concerning binding successors and delegating legislative powers.