



## Legislation Text

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### *Department of Community Development*

**Reference:** Brighton and Fort Lupton Intergovernmental Agreement

**To:** Mayor Kenneth J. Kreutzer and Members of City Council

**Through:** Philip A. Rodriguez - City Manager

Marv Falconburg, AICP - Assistant City Manager

Holly Prather, AICP - Community Development Director

**Prepared By:** Mike Tylka, AICP - Senior City Planner

**Date Prepared:** February 21, 2019

### **PURPOSE**

To review and make a decision on a new Intergovernmental Agreement (IGA) with Fort Lupton to primarily set forth a growth boundary and land use planning between the two municipalities. At City Council's Study Session on February 12, 2019, City staff presented what the existing agreement entails, the process staff has gone through over the last few months to prepare for a renewal of the agreement, and what staff is recommending in regards to revisions from the existing agreement to the new agreement. At that meeting, City Council signified its general consent to bring the proposed IGA to a formal City Council meeting for a vote.

### **STRATEGIC FOCUS AREA**

Strong Regional Relationships and Partnerships

### **BACKGROUND / STAFF ANALYSIS**

In March of 2009, the City of Brighton and the City of Fort Lupton entered into an IGA establishing, among other things, a growth boundary line generally following Weld County Road 6 (WCR 6). A few other notable inclusions in this 2009 IGA were provisions discussing cooperation between the two communities, annexation language, and an IGA term length of ten years. A copy of the 2009 IGA has been included as part of this packet. With a term written into the IGA of ten years, it is set to expire on March 10, 2019.

With this expiration date in mind, staff has had meetings with Fort Lupton staff to discuss a renewal of the IGA, along with any changes either City may be interested in entertaining. In those meetings, both staffs expressed a desire to have an IGA that is simple to interpret and execute. Within the existing IGA, WCR 6 is generally the boundary line though there are a few areas where the cities agreed to allow each other to cross WCR 6, mostly due to existing annexed areas or existing agreements. Under the new IGA, staff is proposing that WCR 6 remains as the boundary line, except for the land areas that have already been annexed by either City. Currently, Brighton is the only city to have crossed WCR 6. Keeping this in mind, staff recommends that WCR 6 be an adaptive boundary such that should either city want to cross WCR 6 in the future, they would need to seek permission from the other city.

Staff has included some new language in the proposed new IGA. One item that has been included sets forth that each community shall send the other a review for projects near WCR 6 so that both communities are aware of proposed development, and the communities can work together on transportation and recreational planning efforts for the area. Staff also included language to keep a ten-year term for the new IGA. Both staffs believe a ten-year term will meet the needs of the respective cities. Fort Lupton plans to purchase five parcels south of WCR 6 for future water storage

generally known as the Perry Pit. This land is currently in operation as a gravel pit and is nearing being mined out. As drafted in the agreement, Brighton will not contest the annexation of these parcels to Fort Lupton if the purpose is for water storage. Lastly, this agreement does not seek to interfere with Fort Lupton's IGA with Todd Creek Village North for wastewater treatment.

The City Council of the City of Fort Lupton will be voting on the attached drafted IGA on March 4, 2019 at a regularly scheduled meeting.

#### **PUBLIC NOTICE**

Colorado Revised Statutes § 29-20-105 dictates that an IGA regarding comprehensive development plans requires public notice and a hearing. Therefore, notice of the proposed IGA was published in the *Brighton Standard Blade* on February 27, 2019.

#### **STAFF RECOMMENDATION**

The intent of this IGA is for both cities to work together on items such as transportation, utility service, recreation, and land use via designated planning areas. As is typical with most IGAs between municipalities that address growth boundaries, the main goal is to prevent the "annexation wars" of years ago as this IGA sets reasonable expectations as to where each city will grow and eventually support with infrastructure and services. Without such an IGA, either city could annex land within areas contemplated within the other jurisdiction's Comprehensive Plan and anticipated growth areas.

Staff recommends approval of the renewal of a revised IGA between Fort Lupton and Brighton as the IGA will provide collaboration on the Brighton and Fort Lupton planning areas, and shall continue the already established growth boundary line along WCR 6. Ultimately, the proposed IGA meets the Strategic Focus Area of forming a "strong regional relationship and partnership" between the two cities.

#### **CITY COUNCIL OPTIONS**

City Council has the following four options, to:

- 1.) Approve the IGA via Resolution as drafted,
- 2.) Approve the IGA via Resolution with any changes deemed necessary,
- 3.) Deny the IGA via Resolution, or
- 4.) Continue the item to be heard at a later date.

#### **ATTACHMENTS**

- Draft City Council Resolution
- Draft Brighton-Fort Lupton IGA with Exhibits
- Existing Brighton-Fort Lupton IGA
- City Staff's Draft PowerPoint Presentation
- Newspaper Publication Proof