



Community Planning & Permitting

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BOULDER COUNTY PLANNING COMMISSION AGENDA ITEM #4

March 15, 2023, at 1:30 p.m.

All Commissioners' public hearings and meetings will be offered in a hybrid format where attendees can join through **Zoom** or **in-person** at the Boulder County Courthouse, 3rd Floor, 1325 Pearl Street, Boulder.

PUBLIC HEARING with PUBLIC TESTIMONY

STAFF: Hannah Hippely – Community Planning and Permitting

Kanemoto Estates Conservation Easement Termination

Request to terminate a conservation easement on Outlot A of Kanemoto Estates pursuant to the terms of the conservation easement. Termination is required to allow the annexation of Kanemoto Estates into the City of Longmont for the construction of a mixed housing development. The property is located east of Airport Road approximately 0.5 miles north of the intersection of Airport Road and SH 119 at 8702 N 87th Street.

Action Requested by Planning Commission: Approval

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BACKGROUND

The Kanemoto Estates Subdivision was approved in 1982. The plat (Exhibit A) was signed by the Planning Commission on April 21st, 1982, by the Board of County Commissioners on April 29th, 1982 and recorded on May 17, 1982. The subdivision consists of three parcels:

Lot 1- 3.9 acres with one house; Lot 2 - 5.6 acres with one house; and Outlot A - 28.76. The subdivision regulations in the Land Use Code allowed for the creation of the two building lots and required the creation of Outlot A (Figure 1) and the granting of a conservation easement over Outlot A (see Exhibit B). The conservation easement (Conservation Easement) was granted to the county as required. Since the granting of the conservation easement was a requirement of the subdivision process, the county did not purchase the Conservation Easement, which is a real property right held by the county.

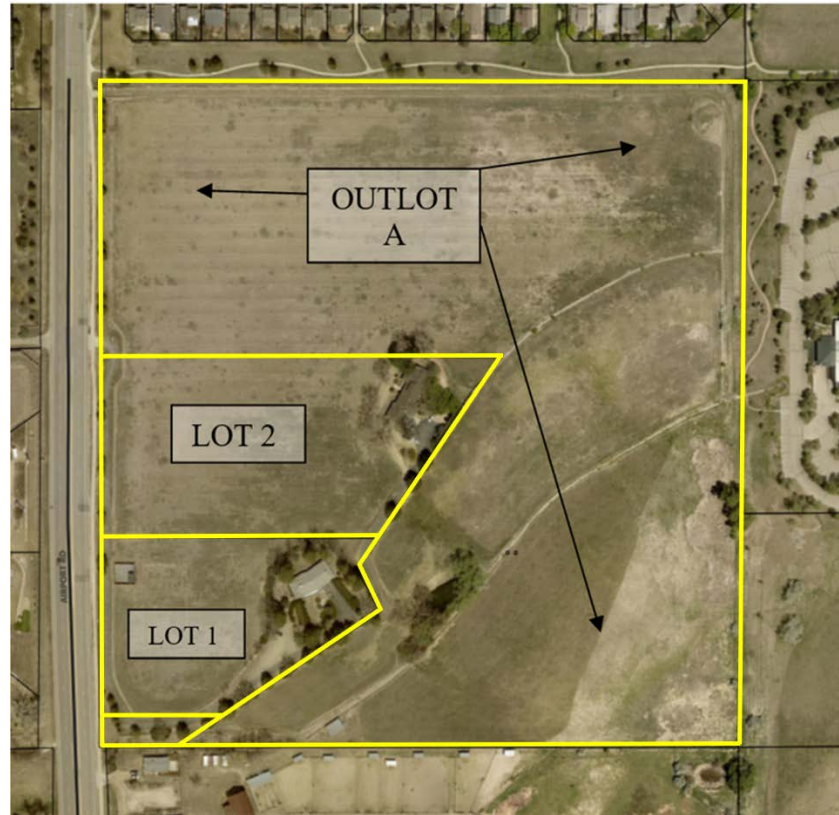


Figure 1: Aerial view of the Kanemoto subdivision

The applicant is proposing to annex the entire area of the Kanemoto Estates Subdivision into the City of Longmont. The annexation area is 40.5 acres: 2.25 acres of Airport Road right of way and 38.25 acres within the Kanemoto Estates Subdivision. The proposed development is for a mixed residential community referred to as Somerset Village. The planned community includes single family and paired homes, four-plexes, townhomes and flats along with community amenities (Figure 2).



Figure 2: Concept Plan of Somerset Village

The applicant's request for termination of the conservation easement and additional information on the redevelopment of the property are included as Exhibit C. Staff is asking the Planning Commission to consider the termination of the Conservation Easement pursuant to the terms outlined in the Conservation Easement. To proceed with the development as proposed, the Conservation Easement must be terminated. Lefthand Ranch LLC has elected to develop the property within Longmont's jurisdiction, so the property must also be annexed into the City of Longmont. Decisions regarding the annexation, zoning and redevelopment of the site would be made by the City of Longmont once a decision regarding the Conservation Easement termination has been made by the county.

DISCUSSION

Outlot A, as required when the subdivision occurred, was created subject to the Conservation Easement that was granted to Boulder County. Paragraph 3 of the Conservation Easement allows for termination of the Conservation Easement under this subsection:
(This language is the reason for this topic being presented to you for consideration.)

3.A. Where the Boulder County Planning Commission and Boulder County Board of Commissioners have determined that the proposed and/or allowed development and/or land use resulting from such termination or transfer is consistent with the current Boulder County Comprehensive Plan and Boulder County Land Use Regulations.

The county's intention for allowing termination of this Conservation Easement as spelled out in its terms was based upon the concept that the community may decide in the future (sometime after 1982) that future development of the property would be appropriate.

(1) Consistent with the current Boulder County Comprehensive Plan (the “Comprehensive Plan”)

As part of the county’s efforts to implement the Comprehensive Plan, the county enters into intergovernmental agreements with local governments effecting collaboration and cooperation for planning and regulating land development in Boulder County. The Boulder County Comprehensive Plan Introduction includes a section on Intergovernmental Agreements (IGAs) where the role of these agreements in implementing the Comprehensive Plan is explained:

Colorado government has a long history of local control over planning issues versus a more regional approach as seen in states where the state government or county governments have authority to control the land use decisions of municipalities. In Boulder County, each municipality has the authority to make their own plans, annex land, and develop without approval of the county. Intergovernmental Agreements (IGAs) balance the concept of local control with the need to plan for regional impacts because the plans are jointly created and voluntarily adopted by the involved governments.

IGAs between Boulder County and one or more cities are used to address land use planning issues in a specific geographic area. IGAs are like localized comprehensive or master plans, but instead of being advisory like the Boulder County Comprehensive Plan, IGAs are legally binding contracts between the governmental entities.

Boulder County and the City of Longmont entered into the Longmont Area TDR Intergovernmental Agreement (TDR IGA) in 1996 (Exhibit D). This agreement designated the Kanemoto Estates Subdivision as a receiving site for development as shown on the Longmont Area TDR Map (Exhibit E). In addition, Boulder County and the City of Longmont entered into the current Comprehensive Plan Intergovernmental Agreement (CDP IGA) in 1997. The CDP IGA has been amended over the years and the most recent 2003 CDP IGA is included in the packet (Exhibit F). The CDP IGA defined the Longmont Planning Area (LPA) and recognizes the area of potential urbanization within the LPA as shown on the associated map (Exhibit G). Kanemoto Estates is located within the LPA and is also a designated receiving site under the TDR IGA. Together these documents articulate where future growth and rural preservation is intended to occur. Kanemoto Estates has been identified as a future development site since 1996.

The county Transferrable Development Rights program was developed as a mechanism for moving development out of the rural areas of the county into areas where development was found to be consistent with the Comprehensive Plan. This program supports the agricultural goals found in the Comprehensive Plan since development rights were removed from land that is now perpetually preserved through county open space purchases and conservation easements. The development rights from these lands can then be used only in locations identified as specific receiving sites. The funds generated by these sales are rolled back into the open space fund to be used in the preservation of additional lands supporting the goals found in the Agricultural and Open Space Elements of the Comprehensive Plan.

Additionally, the TDR program and the associated IGAs support the Comprehensive Plan of directing development to urban areas and minimize the potential that the development in the county would compete with or undermine the goals of the municipalities for their own development. These ideas are articulated in the Comprehensive Plan:

Countywide Goals Element:

Design of the Region:

1. Cluster Development. Future urban development should be located within or adjacent to existing urban areas in order to eliminate sprawl and strip development, to assure the provision of adequate urban services, to preserve agriculture, forestry, and open space land uses, and to maximize the utility of funds invested in public facilities and services.
2. Appropriate Rate of Growth. Existing communities should grow at whatever rate they consider desirable, within the limits of what is acceptable to the citizens of areas potentially affected by that growth, and to the citizens of the county, while preserving and improving the quality of life and the aesthetic and functional fitness of land uses within the county.

Boulder County has grown substantially since the IGAs were adopted and these agreements sought to plan for that growth in a way that would support the needs of the growing region while remaining consistent with the goals of the Comprehensive Plan. Secure housing is essential to the wellbeing of community members, housing in areas where employment is located supports sustainability goals and collaboration by the county with its municipal partners supports the economic vitality of the region. These ideas are articulated in the Comprehensive Plan:

Housing:

PH 5.01 *Affordable Housing*. Boulder County recognizes there is a connection between individuals having safe, affordable housing and their physical and mental health, and the county supports efforts to create, conserve and preserve affordable housing.

Sustainability:

4. Employment & Housing: Within Community Service Areas a suitable balance between employment opportunities and available housing, in light of the labor force and other demographic characteristics of the community, should be established and maintained.

Economics Element:

Goal 2. Steward: EC 2.02 Intergovernmental Collaboration. Boulder County collaborates with and supports the economic vision of municipalities by fostering well planned development efforts that contribute to economic vitality for the region, without placing an undue burden on resources and infrastructure available within the municipalities and the county, and without exacerbating challenges related to balancing economic growth with housing supply in the region.

Staff finds the proposal consistent with the Boulder County Comprehensive Plan.

(2) Consistent with the Current Boulder County Land Use Regulations

Due to the proposed annexation of this property into the City of Longmont, it will be developed and administered by the Longmont Development Code. Analysis of the County Land Use Code would only be necessary if the property were to remain unincorporated. Therefore, staff finds the proposal consistent with the Boulder County Land Use Regulations.

PUBLIC COMMENT

Property owners who live within 1,500 feet of the Kanemoto Estates Subdivision were notified of this public hearing. Staff also notified additional individuals who requested such notification. Public comment on this matter is included as Exhibit H.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission find that termination of the Conservation Easement on Kanemoto Estates Outlot A is consistent with the current Boulder County Comprehensive Plan and Boulder County Land Use Regulations.

Unofficial Copy

EXHIBIT A

KANEMOTO ESTATES SUBDIVISION

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 17 T2N, R69W OF THE 6TH. PM. BOULDER COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER NORTH 00°07'30" EAST 1316.88 FEET TO THE SOUTH ONE-SIXTEENTH CORNER OF SECTIONS 17 AND 18; THENCE SOUTH 89°56'05" EAST 1330.64 FEET TO THE SOUTHWEST ONE-SIXTEENTH CORNER; THENCE SOUTH 00°07'27" WEST 1312.42 FEET TO THE WEST ONE-SIXTEENTH CORNER OF SECTIONS 17 AND 20; THENCE SOUTH 89°52'24" WEST 1330.67 FEET TO THE POINT OF BEGINNING CONTAINING 40.159 ACRES MORE OR LESS.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS:

THAT JIMMIE T. KANEMOTO & GEORGE K. KANEMOTO ARE THE OWNERS OF THAT REAL PROPERTY SITUATED IN BOULDER COUNTY, COLORADO AND LYING WITHIN THE EXTERIOR OF KANEMOTO ESTATES SUBDIVISION. THAT IT HAS CAUSED SAID REAL PROPERTY TO BE LAID OUT AND SURVEYED AS KANEMOTO ESTATES SUBDIVISION, A SUBDIVISION IN THE COUNTY OF BOULDER, STATE OF COLORADO AND DOES HEREBY ACCEPT THE RESPONSIBILITY FOR THE COMPLETION OF REQUIRED IMPROVEMENTS AND DOES HEREBY DEDICATE AND SET APART ALL THE ROADS AND OTHER PUBLIC IMPROVEMENTS AND PLACES AS SHOWN ON THE ACCOMPANYING PLAT TO THE USE OF THE PUBLIC FOREVER, AND DOES HEREBY DEDICATE THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE INDICATED AS EASEMENTS ON THE ACCOMPANYING PLAT AS EASEMENTS FOR THE PURPOSE SHOWN HEREON, AND DOES HEREBY GRANT THE RIGHT TO INSTALL AND MAINTAIN NECESSARY STRUCTURES TO THE ENTITY RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED.

IN WITNESS WHEREOF
HAS CAUSED THEIR NAMES TO BE HEREUNTO SUBSCRIBED, THIS 21ST DAY OF APRIL, A.D. 1982.

Jimmie T. Kanemoto
JIMMIE T. KANEMOTO

George K. Kanemoto
GEORGE K. KANEMOTO

NOTARIAL CERTIFICATE:

(STATE OF COLORADO) SS
(COUNTY OF BOULDER)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 21ST DAY OF APRIL, A.D. 1982, BY JIMMIE T. KANEMOTO AND GEORGE K. KANEMOTO.

MY COMMISSION EXPIRES JUNE 24, 1985

Michael A. McMan
NOTARY PUBLIC
500 COFFMAN ST., SUITE 107
LONGMONT, COLORADO 80501

SURVEYOR'S CERTIFICATE:

I, RONALD W. ADAMS, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF KANEMOTO ESTATES SUBDIVISION TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.

Ronald W. Adams
RONALD W. ADAMS COLORADO R.L.S. NO. 13446

PLANNING COMMISSION CERTIFICATE:

APPROVED THE 21ST DAY OF April, A.D. 1982, COUNTY PLANNING COMMISSION, BOULDER COUNTY, COLORADO.

Leona P. Stacker
CHAIRMAN

COMMISSIONER'S CERTIFICATE:

APPROVED THIS 29th DAY OF April, A.D. 1982, BOARD OF COUNTY COMMISSIONERS, BOULDER COUNTY, COLORADO. THIS APPROVAL DOES NOT GUARANTEE THAT THE SIZE, SOIL CONDITIONS, SUBSURFACE GEOLOGY, GROUND WATER CONDITIONS, OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT, WELL PERMIT, OR SEWAGE DISPOSAL PERMIT WILL BE ISSUED. THIS APPROVAL IS WITH THE UNDERSTANDING THAT ALL EXPENSES INVOLVING REQUIRED IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES, AND ALL OTHER IMPROVEMENTS THAT MAY BE REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER AND NOT THE COUNTY OF BOULDER.

ATTEST *Carol J. Lordinier*
CLERK OF BOARD

James J. Lordinier
CHAIRMAN

CLERK AND RECORDER'S CERTIFICATE:

(STATE OF COLORADO) SS
(COUNTY OF BOULDER)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT 2:20 PM CLOCK, THIS 17th DAY OF May, A.D. 1982, AND IS DULY RECORDED IN PLAN FILE P-12 F-3. FEES 410.00 PAID.

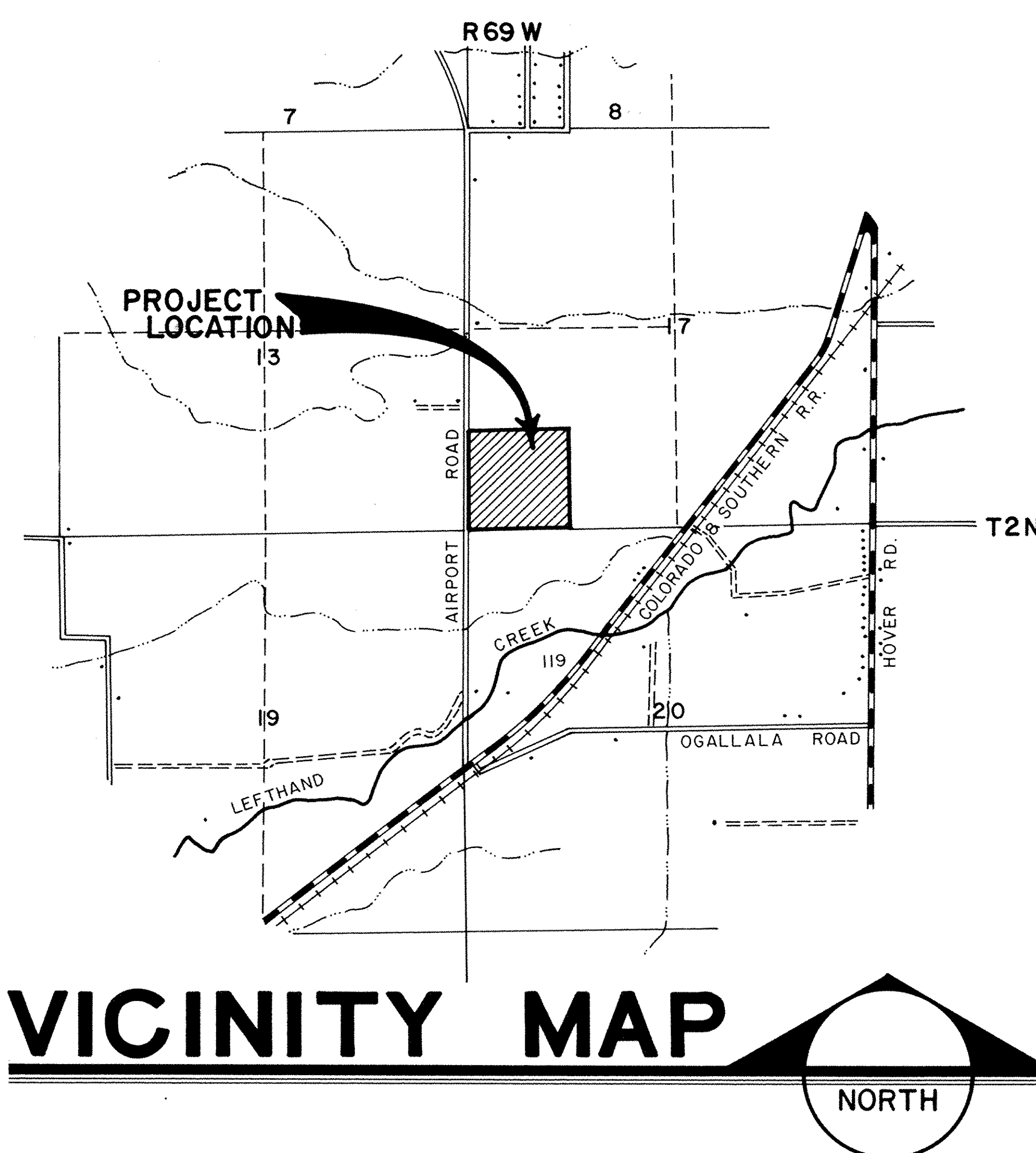
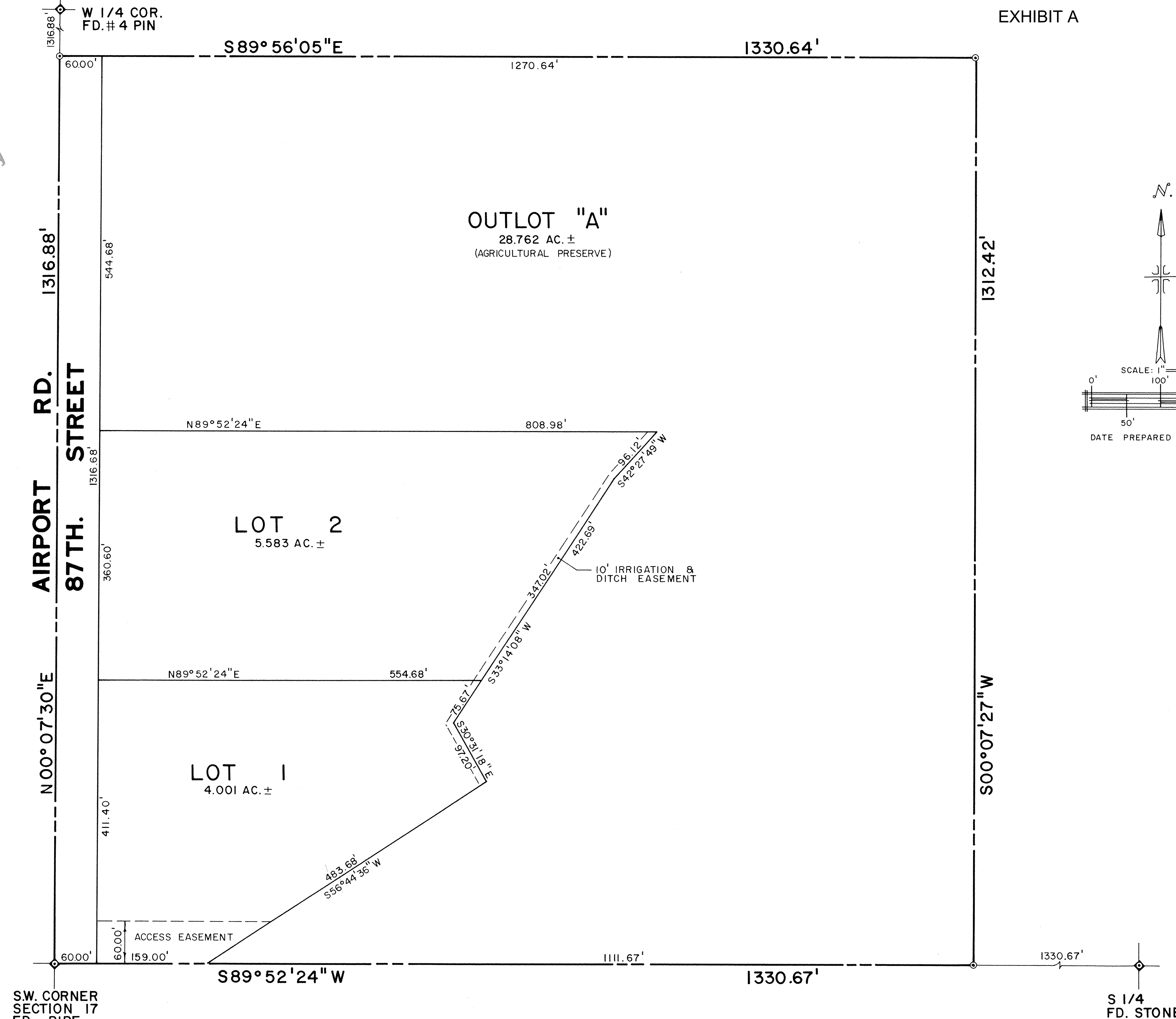
Charlotte Hansen
RECORDER

Maxine S. Archuleta
DEPUTY

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Reception # 494790

P-12 F-3 #29

KANEMOTO ESTATES SUBDIVISION
FINAL PLAT SH. 1 OF 1



BASIS OF BEARINGS:

THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 17, AS BEING N00°07'30"E.

NOTICE:

PUBLIC NOTICE IS HEREBY GIVEN THAT ACCEPTANCE OF THIS PLATTED SUBDIVISION BY THE COUNTY OF BOULDER DOES NOT CONSTITUTE AN ACCEPTANCE OF THE ROADS AND OTHER IMPROVEMENTS REFLECTED HEREON FOR MAINTENANCE BY SAID COUNTY.

UNTIL SUCH ROADS AND OTHER IMPROVEMENTS MEET COUNTY REQUIREMENTS AND ARE SPECIFICALLY ACCEPTED BY THIS COUNTY BY RECORDING WITH THE CLERK AND RECORDER OF THIS COUNTY AND OFFICIAL ACCEPTANCE, THE MAINTENANCE, CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO OR AFFECTING THE ROADS AND OTHER IMPROVEMENTS AND RIGHT-OF-WAY ARE THE SOLE RESPONSIBILITY OF THE OWNERS OF THE LAND WITHIN THIS SUBDIVISION. LOT 1 IS SUBJECT TO FUTURE ROAD SYSTEM IMPROVEMENT FUNDS IF ADOPTED BY THE BOULDER COUNTY COMMISSIONERS PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR LOT 1.

AGREEMENT:

THIS SUBDIVISION IS SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN SUBDIVISION AGREEMENT DATED April 21st 1982 BETWEEN Jimmie T. Kanemoto and George K. Kanemoto AND THE COUNTY OF BOULDER RECORDED AT THE FILM AND RECEPTION NUMBER IMMEDIATELY FOLLOWING THE FILM AND RECEPTION NUMBER OF THIS PLAT.

FILM1207

GRANT OF CONSERVATION EASEMENT

THIS INDENTURE, entitled Grant of Conservation Easement, made this 21 day of APRIL, 1982, by and between Jimmie T. Kanemoto and George K. Kanemoto dba Kanemoto Farms, a Partnership, Grantors, and THE COUNTY OF BOULDER, a body corporate and politic, Grantee:

WITNESSETH:

WHEREAS, the Grantor is the owner in fee simple of a certain tract of real property designated as Outlot "A" on the plat of Kanemoto Estates Subdivision, a part of the SW1/4, SW1/4 of Section 17, Township 2 North, Range 69 West of the 6th P.M. in the County of Boulder, State of Colorado; and

WHEREAS, the Grantee has determined that to accomplish the purpose of preserving agricultural land, it is desirable to acquire a conservation easement which preserves open land for agricultural purposes within the above-described property, and Grantor is willing to grant the same;

NOW, THEREFORE, the Grantor, for the sum of Ten Dollars and other good and valuable consideration to the said Grantor in hand paid by the Grantee, the receipt of which is hereby confessed and knowledge, has granted and conveyed and be these presents does grant and convey a conservation easement over Agricultural Outlot "A" of the Kanemoto Estates Subdivision to Grantee, its successors and assigns, which easement shall be described in the following manner, to-wit:

1. This conservation easement shall:

A. Prohibit the Grantor, his successors and assigns, from erecting or constructing any residential structures or structures which are not accessory to an existing principal agricultural use on Agricultural Outlot "A"; the construction of agriculturally related buildings and structures may be permitted on this property so long as they are not for residential purposes, they are constructed and used as accessory structures to a single principal use of agriculture, and are determined to be such in accordance with County Land Use Regulations.

B. Prohibit the Grantor, his successors and assigns, from dividing such Agricultural Outlot "A" onto two or more parcels, separate interests, or interest in common, unless exempted under CRS 30-28-101 (10) (d), 1973, as amended, or resubdivided under the applicable provisions of the Boulder County Subdivision Regulations;

C. Prohibit the Grantor, his successors and assigns, from erecting, constructing, or expanding any structure and/or pavement on Agricultural Outlot "A", such that the total coverage of structure and/or pavement on such Agricultural Outlot "A", exceeds 10 acres or 10% of the area of such Agricultural Outlot "A", whichever is less, unless the use of such structure and/or pavement is accessory to a principal open agricultural use and required by government regulation.

D. Require the Grantor, his successors and assigns, provide for the management and use of Agricultural Outlot "A" as a single agricultural unit, and cause the assignment of maintenance responsibility for such Agricultural Outlot "A" to a single legally responsible individual who is a resident of Boulder County.

2. The Grantor further grants through this conservation easement to the Grantee, its agents and contractors, the right to enter upon the property described above to inspect for violations of the terms and covenants of this easement and to remove or eliminate any conditions or operations which violate the same as may be desirable or necessary. No further right of access, entry or possession is conveyed hereby.

3. The easement granted herein shall run with the land and shall remain an easement on the land until terminated or transferred by the Grantee by the operation of all of the following provisions:

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2-2

A. Where the Boulder County Planning Commission and Boulder County Board of Commissioners have determined that the proposed and/or allowed development and/or land use resulting from such termination or transfer is consistent with the current Boulder County Comprehensive Plan and Boulder County Land Use Regulations

B. And the recipient(s) of these transferred interests or rights is (are) a municipality and/or the owner(s) of fee title; and in the instance where these interests or rights are to be transferred to a municipality which is not owner of fee title, Boulder County will:

- I. require the consent of or compensation to the owner(s) of fee title at an amount equal to the fair market value of such interest or rights, less costs of transfer, and
- II. condition or restrict the transfer to prohibit use

It is understood, that Grantee may require compensation for and attach conditions to these transfers, and that these conditions may include restrictions of the future use of Agricultural Outlot "A".

IN WITNESS WHEREOF, the said Grantor has caused his name to be hereunto subscribed the day and year first above written.

STATE OF COLORADO

COUNTY OF BOULDER

Jimmie T. Kanemoto
Jimmie T. Kanemoto, Grantor

George K. Kanemoto
George K. Kanemoto, Grantor

The foregoing instrument was acknowledged before me this 21ST day of APRIL, 1982, by JIMMIE T. KANEMOTO & GEORGE K. KANEMOTO

Witness my hand and official seal.

My commission expires: JUNE 24, 1985

Notary Public
Boulder County, Colorado

IN WITNESS AND ACCEPTANCE WHEREOF, the said Grantee has caused its name to be hereunto subscribed the day and year first above written.

Chairman

Boulder County Board of Commissioners

Attest:

Carol J. Gardiner
Clerk of Board

February 1 2023

Hannah Hippley
Planning Division Manager
Long Range Planning & Policy Team
Boulder County Land Use Department
2045 13th Street Boulder, CO 80302

Re: Kanemoto Estates NUPUD
Termination Request: Outlot A - Agricultural Conservation Easement

The owners of Kanemoto Estates, Lefthand Ranch LLC, request termination of the agricultural conservation easement encumbering the Kanemoto Estates Subdivision NUPUD Outlot A.

TDR IGA Policy Conformance. Currently in unincorporated Boulder County, the property is designated as a Municipal Influence Area and as a TDR receiving site under a prior Longmont Area TDR IGA. Boulder County and the City of Longmont have recognized and maintained the policy documented in the IGA since it lapsed. The termination of the agricultural conservation easement is provided for under terms of the easement and land use policy of Boulder County and the City of Longmont; and an agreement has been reached with Boulder County Parks & Open Space and Lefthand Ranch LLC to terminate the easement.

Annexation Regulatory Conformance. Within the Longmont Planning Area and adjacent the City's service area – the property meets all of requirements of the City of Longmont and State of Colorado for annexation into the City of Longmont. The property was referred by the Longmont City Council to be considered for annexation; and Lefthand Ranch, LLC has made formal application to the City for annexation – and have made Submittal 3 in response to the City's comments regarding Lefthand Ranch's plans for development of the property once it is annexed.

City of Longmont Comprehensive Plan Conformance. The Envision Longmont Multimodal & Comprehensive Plan provides Longmont's future policy guidance. A land use plan amendment has been requested as part of the annexation to provide for a more compact development plan that supports greater sustainability and provision of attainable housing. The plan has a high degree of compliance with the Envision Longmont plan goals.

The area around the Kanemoto Estates property is identified as an area of change in the plan - where future growth is most desirable and/or beneficial to the community. This site was originally designated as rural neighborhood, in part out of recognition of the agricultural conservation easement. The site will continue to be designated primarily for residential land uses, although at higher densities than originally contemplated; this change will increase the types of housing that can be constructed within this neighborhood, including much needed affordable and attainable housing. This property is also located near Primary Employment, which may provide a benefit of more residents joining the workforce for local jobs.

The Concept Plan is compliant with the following Envision Longmont Plan goals and policies:

Goal 1.2 – Promote a sustainable mix of land uses

Policy 1.2A: Overall mix of uses. This policy encourages a balanced mix of residential, employment, retail, commercial, and other uses to increase the self-sufficiency of the community.

- *The plan increases the type and amount of residential uses; and community facilities which will improve the overall mix of uses and increased walkability.*

Policy 1.2E: Mix of Housing Types and 1.2F Higher Density Housing.

Both policies aim at addressing the changing needs of the community by diversifying Longmont's housing stock to include a wide range of types, sizes, prices and densities.

- *The change to Mixed Neighborhood for this plan creates the potential for a truly mixed, diverse neighborhood and encourages working with the private sector to promote and potentially incent the construction of housing in short supply, which currently includes affordable and attainable housing.*

Goal 3.1 – Ensure there are affordable and accessible housing options that meet the needs of residents of all ages, abilities, and income levels.

Policy 3.1A: Housing Options and 3.1B: Affordable Housing. Policy 3.1A aims to further diversify the City's housing stock to meet a variety of groups and lifestyles through allowing a mix of housing types; providing incentives for projects with affordable housing in corridors and centers, and seeking public/private partnerships to support the construction of permanently affordable homes.

- *This proposal supports by increasing the types of housing that can be constructed and directly supporting the provision of affordable and attainable housing.*

Goal 3.4 - Ensure all Longmont residents have access to arts, cultural, and education by encouraging the growth of educational institutions, community facilities and programs that increase literacy and provide opportunities for learning.

- *The plan supports this policy through the inclusion of the early childhood education center and community center.*

We appreciate your consideration of this request.

Thank you.



Jack Bestall

Owner's Representative - Lefthand Ranch LLC
Principal – Bestall Collaborative Limited

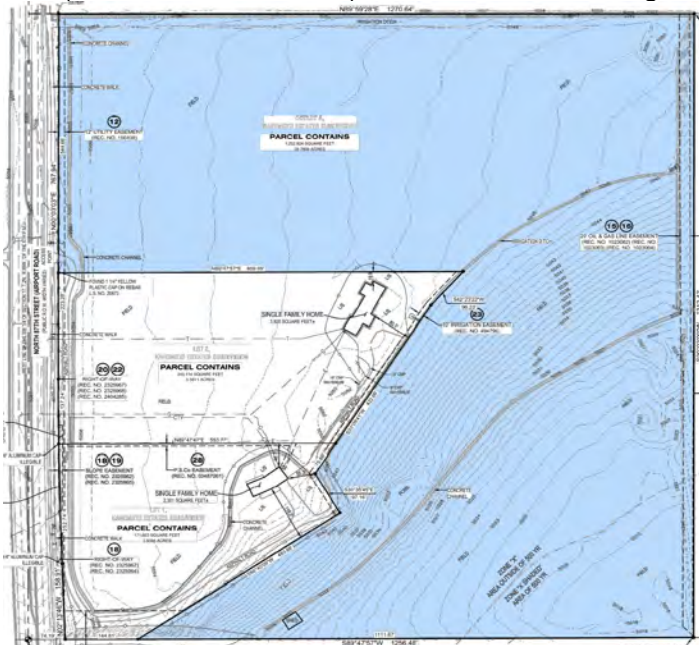
Exhibit C

Kanemoto Estates is a subdivision within Boulder County along Airport Road north of the Diagonal Highway. Within a Municipal Influence Area and designated a TDR Receiving Site – the property is in a Longmont Planning Area adjacent the City's service area. The property was referred by the City of Longmont Council to be considered for annexation at the owner's request – Lefthand Ranch LLC.

Kanemoto Estates Property View North



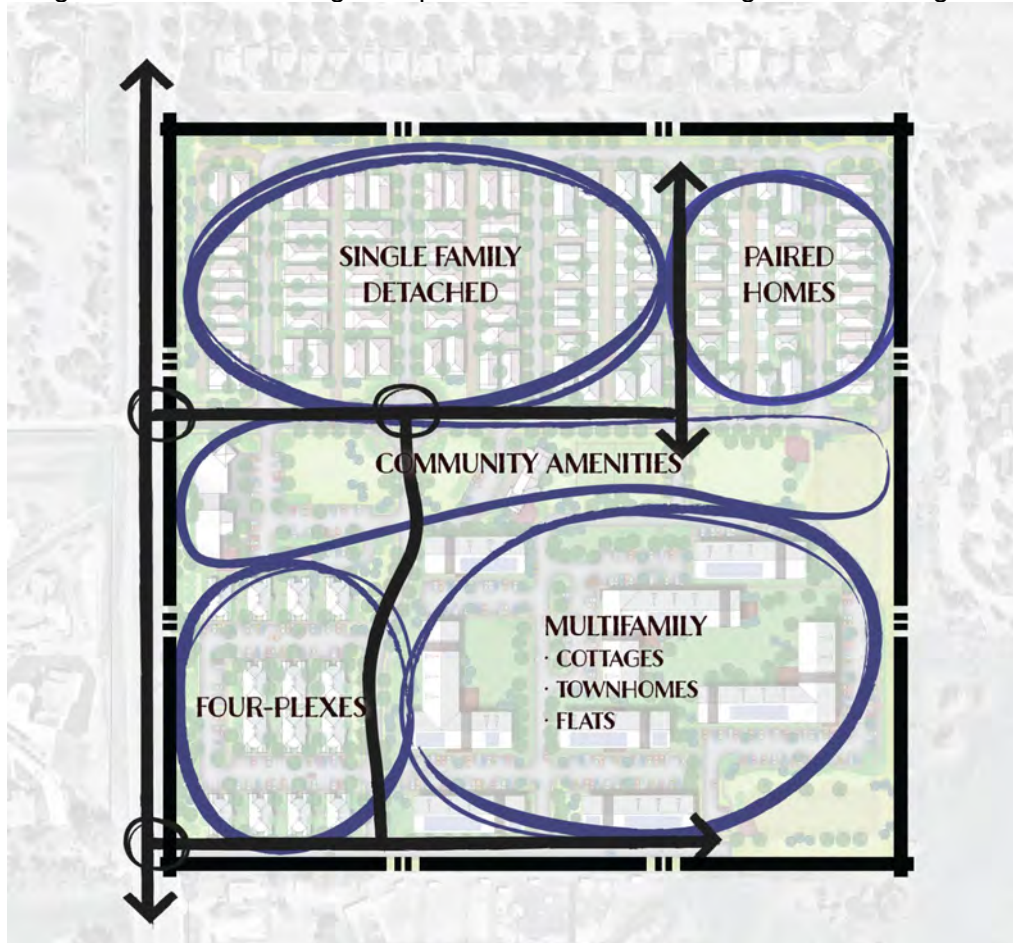
Consisting of fallow agricultural land and two private residences - adjacent parcels to the north and west previously in agriculture were annexed and developed in the City of Longmont; including Clover Creek subdivision (zoned R-SF 1-8du/ac) and AMD/Western Digital (zoned Primary Employment).



Kanemoto Estates - Agricultural Conservation Easement (blue)

The annexation area is 40.5ac: 2.25 acres in Airport Road right of way and 38.25ac in the Kanemoto Estates subdivision. The subdivision consists of three lots: Lot 1- 3.9ac; Lot 2 - 5.6ac with one house each; and Outlot A - 28.8ac in the agricultural conservation easement held by Boulder County Parks & Open Space. An agreement is in place between the Lefthand Ranch LLC and Boulder County to terminate the conservation easement.

Somerset Village Concept Plan Intent. The concept is focused on achievement of Envision Longmont goals for properties like Kanemoto Estates in a compact, village pattern. Along transportation corridors and in designated areas of change the plan focuses on achieving Envision Longmont Plan Goals.



Somerset Village Concept Plan

Longmont Envision Goals incorporated into the Somerset Village Concept Plan.

- Energy conservation in support of the City's 2035 Net-0 goal
- A livable neighborhood along major transportation corridors
- New and diversified housing in areas of change
- Attainable housing - affordable & middle tier
- Amenities: early childhood & community centers, ride-share plaza, bodega, OS
- Additional housing near employment
- Reduced vehicle dependency, walkable environment
- Increased City density with a sustainable, buffered plan

Circulation & Transportation. Primary access is planned on Airport Road - a Principal Arterial that includes regional transit. No daily travel is planned thru the existing residential neighborhoods. The Diagonal Highway (SR-119) - a regional arterial is approximately one-third of a mile to the south. Major employment facilities, located to the east and northeast, are connected by a trail system extending northeast into downtown Longmont.

The plan is supports walkability with an interconnected sidewalk and trail system tied to community amenities and the open space system. It is planned to link to trails on adjacent properties and the existing and regional trail system



Local Streetscape: porch fronts, treelawns, pedestrian connectivity

Sustainability. Energy conservation building guidelines will frame the design of all structures to achieve a high level of self-sufficiency; minimizing carbon footprints in support of the Longmont 2035 Net-0 goal. The Natural Resources Assessment conducted on the property indicates little natural habitat because of the years of onsite agricultural production practices; no endangered species and raptor habitation (nests).



Sustainable Forms of Community

Water, Sanitary Sewer, Storm Sewer & Public Utilities. The property is adjacent the municipal service area and water, sanitary sewer, power, and public safety services will be provided by the City of Longmont. Water and sanitary sewer connect to existing infrastructure to the north and east. LPC power will connect from the northeast. Water quality ponds are planned to fit the historic drainage pattern to the southeast.

Attainable Housing. The intent the concept plan is to develop a diverse mix of attainable and market-priced forsale and rental homes onsite. Bolstered with proximity to an arterial with regional bus service, one minute from the Diagonal Highway, a ride-share program, and a planned interconnected community trail system – these elements will bolster the attainable housing segment. As much as 20% of the residential has been targeted to be attainable (85 units); recognizing the achievement of these goals is dependent on cost, development standards, fees, and market factors.



Attainable Choices: townhomes and paired homes typical

Community Character. The predominate development pattern and massing at Somerset Village is horizontal – emphasizing detached, low-scale residential building types nearest the existing residential on the periphery in the neighborhoods to the north and west. A major effort has been made to study the architectural forms and character of the residential at this conceptual stage of design.

Land Use. The requested Residential – Mixed Neighborhood (R-MN) zone designation allows a sustainable mix of residential homes; integrated with community amenities which will allow include the Somerset Early Child center; a bodega and community center. The planned residential includes: single family, paired, 4-plexes, townhomes and flats; sized from 450sf to 2,800sf. This mix provides housing choices and opportunities for attainable housing. The range also provides the flexibility necessary to address changing economic, lifestyle and demographic conditions in order to develop a plan of this scale. A range of residential options in different neighborhoods are offered in the Concept Plan; including cottages, townhomes and flats in the middle neighborhood which is-buffered from existing neighborhoods (550'-700'); adjacent major employment at AMD and Western Technologies.



Illustrative Plan – Middle Neighborhood Cottage Concept

Exhibit C



Cottages



Townhomes



Flats

Middle Neighborhood Architecture.

Community Amenities. Facilities targeted to support livability at Somerset Village include an early childhood education and community centers; active/passive open space; a bodega; and a ride share program located near the Bodega and Early Child Education Center at the entrance on Airport Road. TLC Learning Center and Wild Plum Center are advising on the Child Education Center.



Child Center, General Store, Ride Share Plaza

Open Space. Approximately 20% of the project is allocated to an integrated open space system of active and passive open space consisting of fields, pocket parks, plazas, water quality basins and landscape buffers, with trails.



Community Commons adjoining cottages and Community Center

Community Center. A community center for meeting, recreation, and receptions for residents is currently planned in the repurposed, existing north residence

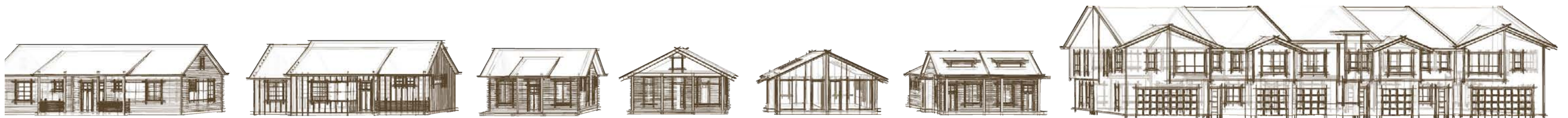


Community Center conceptual repurposing of the north residence



SOMERSET VILLAGE

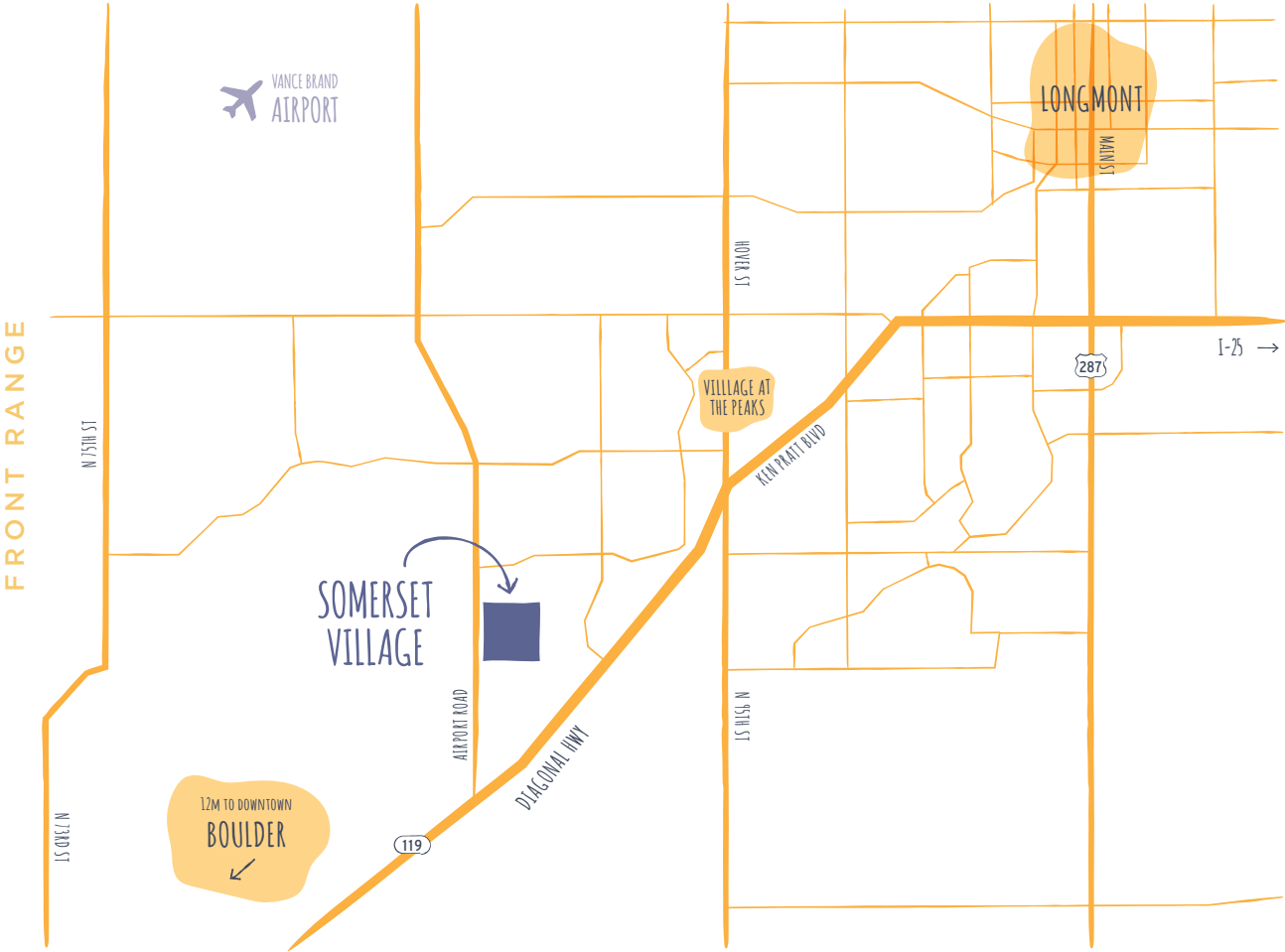
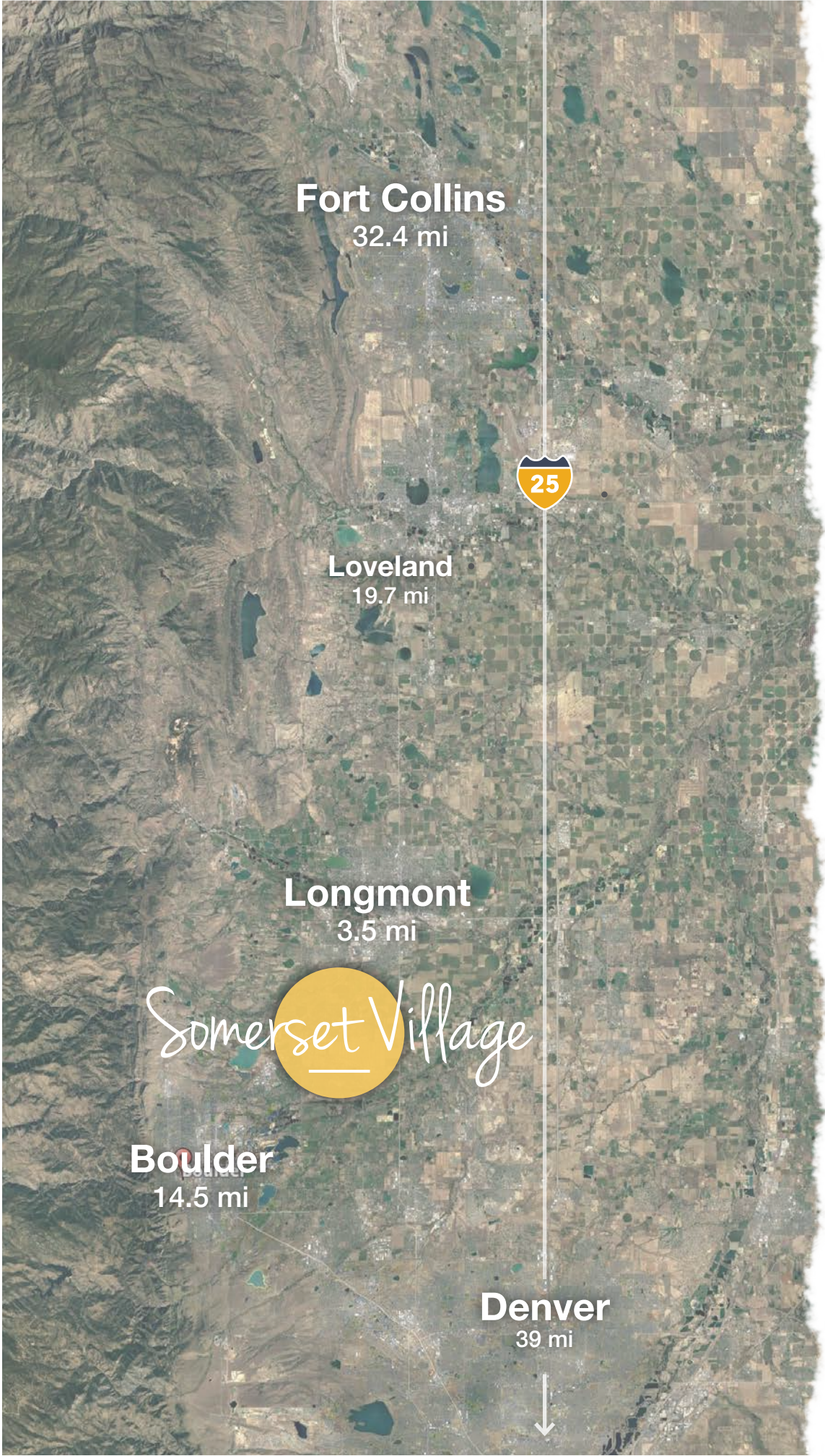
Planning & Vision Workbook - Notes & Illustrations



Imagine a home in a community that
is welcoming, secure and sustainable.

SOMERSET VILLAGE

LONGMONT, COLORADO



PROJECT INTRODUCTION

A part of the Longmont community with convenient access to major employment, Downtown Longmont and multi-modal connectivity to Boulder, Fort Collins and Denver for regional employment, education, culture and recreation – the property is central, connected, and represents a complete opportunity for sustainable community.

Located on Airport Road in East Boulder County the Kanemoto family farmed and built two homes on the land in the early 1980's. The family's estate homes have been conserved in the Village plan – to be repurposed as community amenities. The property was included in the City of Longmont Planning and Service Areas to be considered for annexation and development in the City as a designated 'area of change' in 1997. The property is immediately adjacent Xilinx and a major employer area to the east; and Clover Creek - a large small-lot single family subdivision to the north.

GUIDING PRINCIPLES

The **Envision Longmont Goals** provide a framework and vision for the planning of Somerset Village - blending the needs and desires of Longmont residents with best practices in sustainability and community design - to provide value and choices for future residents.

Longmont Goals that form Guiding Principles for planning Somerset Village include:

- Develop in areas of change with new dwellings.
- Provide greater opportunities for home ownership.
- Target energy conservation principles and new energy technologies.
- Plan livable, self-sustaining neighborhoods.

CREATE LASTING VALUE

During the planning process the planning team is focusing on **people-centric design of homes and amenities - supported by sustainable technologies. This can provide lasting value and least cost over time**

Value-actions:

- > Create a true sense of place and belonging.
- > Avoid 'trendy' decisions - focus on decisions that create timeless value.
- > Create enduring character and quality for residents of all walks of life.
- > Counter sprawl with compact development integrated with open and usable space.

PLAN FOR FUTURE ADAPTABILITY

The value of this place is how it appeals and works for today's and tomorrow's homeowner.

- > Integrate sustainable technology applications and value-added design elements into the planning process.
- > Design-in flexibility to provide a community framework that is adaptive to people's changing needs while maintaining the long-term vision of the Village.
- > Prepare guidelines that maintain a quality and vibrant community character.
- > Incorporate energy conservation in building design.
- > Support non-fossil fuel vehicles and multi-modal transportation options.

PLAN A PLACE TO GROW

Plan infrastructure that will support a community of diversity and those who aspire to live in unity.

- > Plan for community facilities that support multi-modal transportation; early child development, community gathering and health/wellness.
- > Plan a safe and walkable environment encouraging people to spend time in various locations throughout the village.
- > Plan for "porch front living" - to support interactive gathering with neighbors.
- > Design attractive, affordable, energy conservative homes that live larger than their footprint through innovative plans that appeal to a range of people.



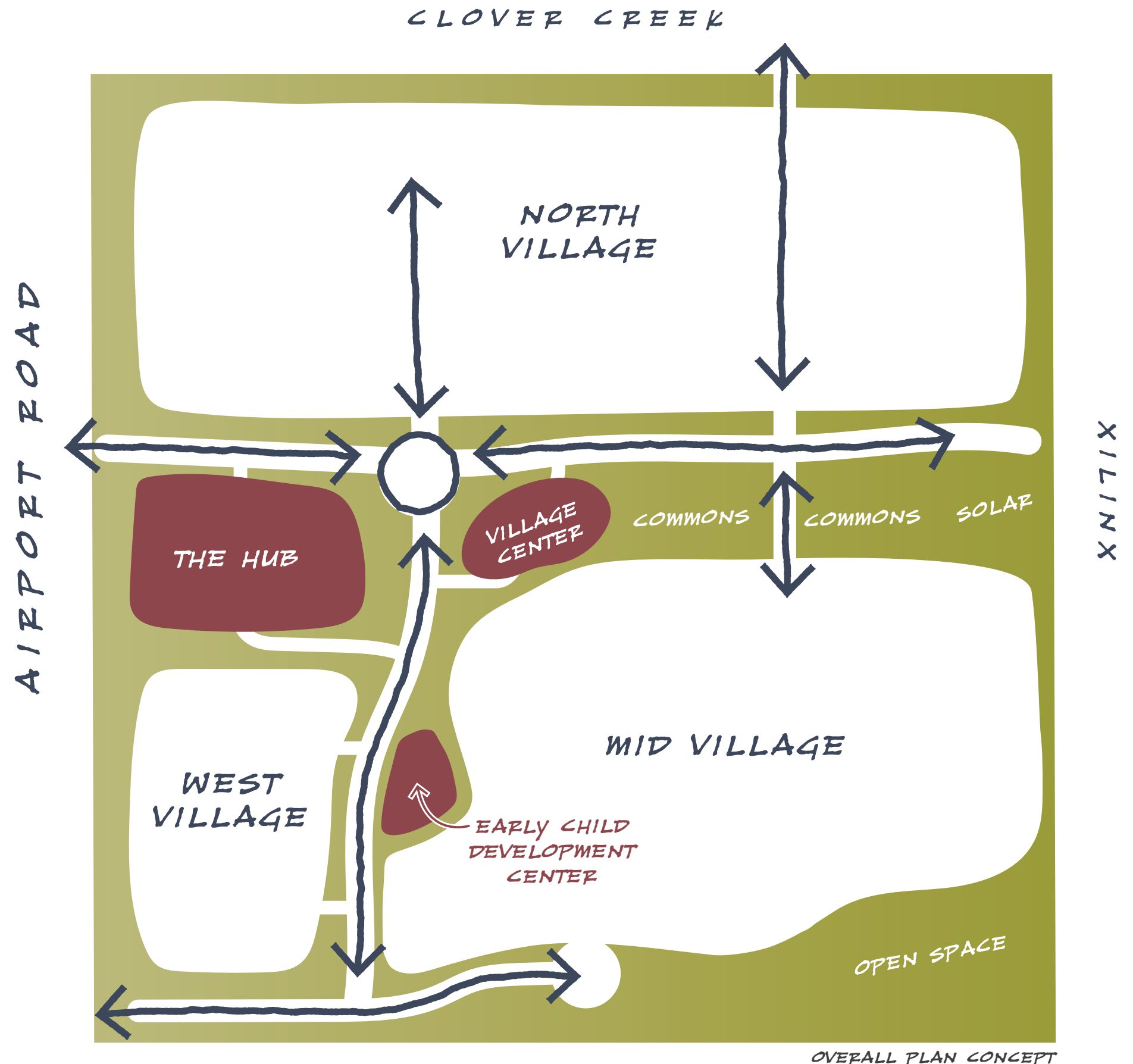
INITIAL CONCEPTS

Traditional neighborhood compact patterns of development have been integrated with energy conservation & sustainable design in the initial planning stages of the Village. Best practices and the values from these traditions add to the resident's quality of life.

- Multi-generational
- Shared Spaces
- Walkable & Connected
- Conversation
- Warmth of Hearth & Home

VILLAGE PLACE-MAKING

A traditional street and sidewalk system establish an easily understood pattern for the Village. From the main entrance on Airport road & Village Drive, community facilities are arrayed along what is the backbone of the community. At the entrance - the Hub will provide the prime mobility interface and daily support for residents with a transit and ride-share plaza and general store. Past the roundabout on Village Drive the Village Center in the 1st repurposed residence provides meeting, game and exercise facilities as part of the Community Commons. East of the Green a solar array is planned, providing off grid energy for community use and export. South of the Village Center in the Middle Neighborhood the Early Childhood Development Center is planned in the 2nd repurposed Kanemoto family home.



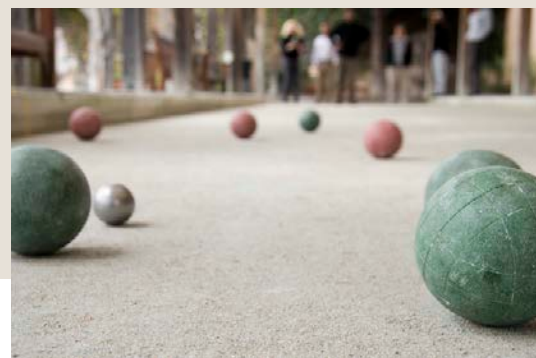


THE HUB

The Hub provides the primary mobility interface for community with Longmont and the region with support functions including the general store, office; and charging stations and a transit ride share plaza. The intent of the Hub is to support reduced usage of fossil-fuel based vehicles and provide

alternate modes. The general store is envisioned as a locally owned business offering goods and service for Somerset Village and the area - relying on the Village, transportation & general store activity; and the community programming.

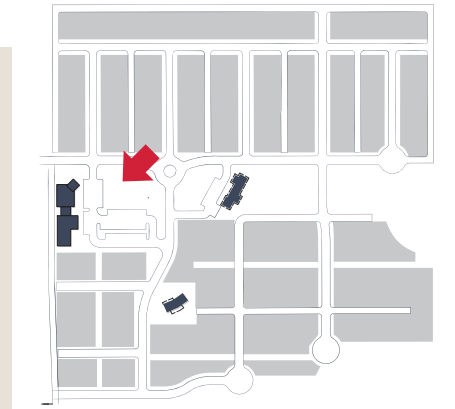
active connection to the community



vibrant gathering place



welcoming moments



Living at **Somerset Village** is about

quality of life



Quality of life is the prime driver of the planning & design of the Village in an effort to create a *sustainable place* that is livable and supports multigenerational *community* through housing choices, child development, and sustainable technologies.



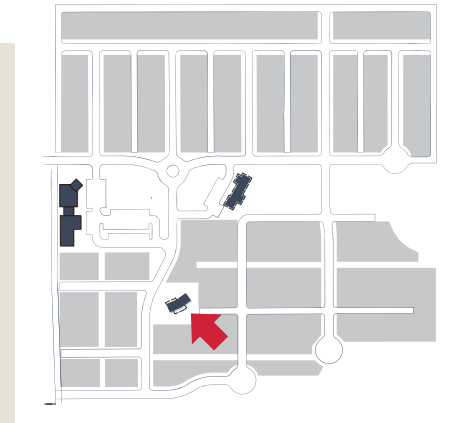


EARLY CHILD DEVELOPMENT CENTER

The 2nd Kanemoto home is intended to be re-purposed as an Early Child Development Center providing enriched pre and primary school age education and child-care for residents.



outdoor play areas



TOWNHOMES



fun & engaging spaces to learn



adaptive reuse
of existing building



NEW TRADITIONS

Honoring the Past & Building the Future.

At the heart of the early stages of the planning process is a recognition of the rich agricultural heritage that sustained the Boulder Valley for generations. The conceptual plan is intended to produce a new generation of sustainable living on the land that honors the past while creating a future of sustainable technology and design applications.

It's all in the details.



Exhibit C



hearth & home. family friendly. front porch living.



C21



VILLAGE CENTER

The Kanemoto Residence is planned to be re-purposed and used as the Community center. The facility includes meeting, recreation and reception space for residents; adjoining the Center is a commons outdoor activity venue.



fitness center



indoor & outdoor gathering spaces



neighborhood events

NEIGHBOR- HOOD & SUSTAIN- ABLE LIVING

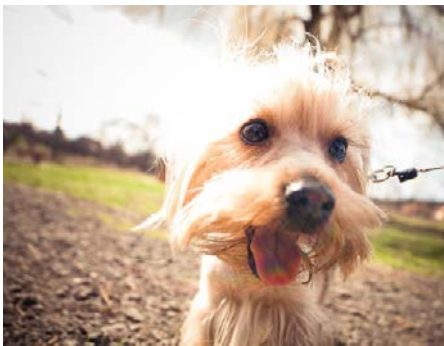
Homes and spaces
that support
community.

The plan has been structured for neighbors can get to know one another and develop relationships. People-centric design creates neighborhoods with character, builds value, promotes security, and allows people to feel at home. Facilities like the Hub, Village Center, Commons and Early Childhood Development Center provide settings for community interface and form the organizing elements of the community.

It's what you make of it.



Exhibit C



multi-generational. multi-cultural. multi-use.

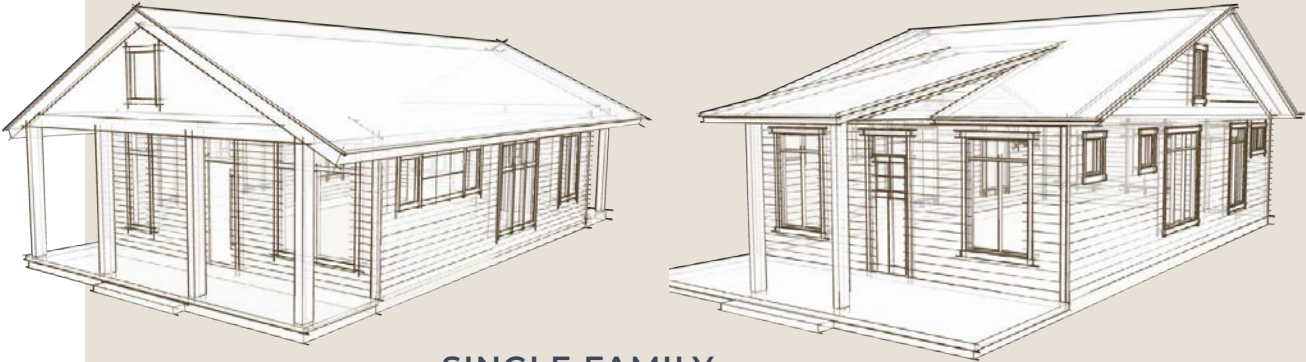


C25

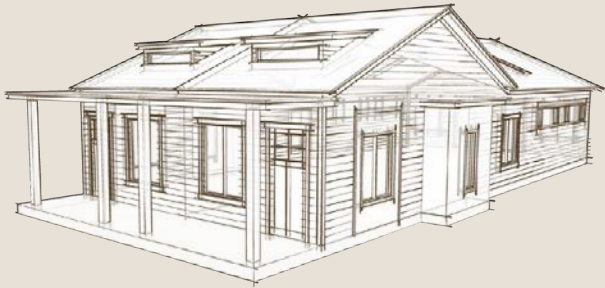
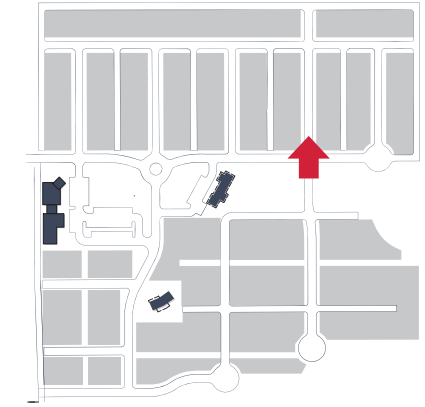


NORTH VILLAGE

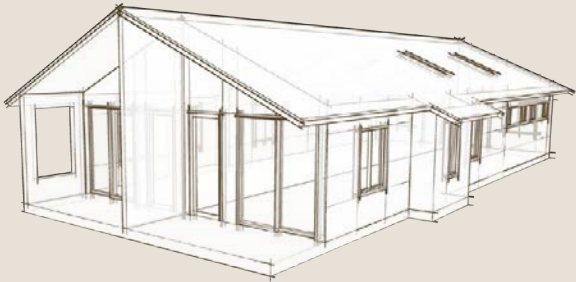
The North Village is planned as a single family residential area with individual homes, accessory dwelling units and paired homes. Within close proximity of the Hub and Village Center, the homes are accessed from a street and alley system designed to minimize intrusions of the automobile and maximize pedestrian connectivity.



SINGLE FAMILY



DUPLEX



sense of community



front porch life-style



HEALTH & WELLNESS

Play is a part of the plan and is important for all generations.

The plan allows residents to never be more than a few blocks away from the Village Center, general store, Early Child Development Center, Commons, a trail, or rural vista to the mountains and their restorative nature.

Take it outside.





Discover living with less of a footprint, a focus on lifestyle, and a healthier way.





COMMONS

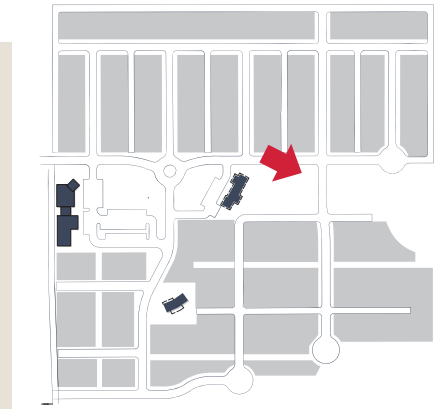
The Commons links the Hub with the Village. The 'green' provides a space for gathering and organized and informal recreation. It is located for every day access between the North and Middle neighborhoods and adjoining the Village Center.



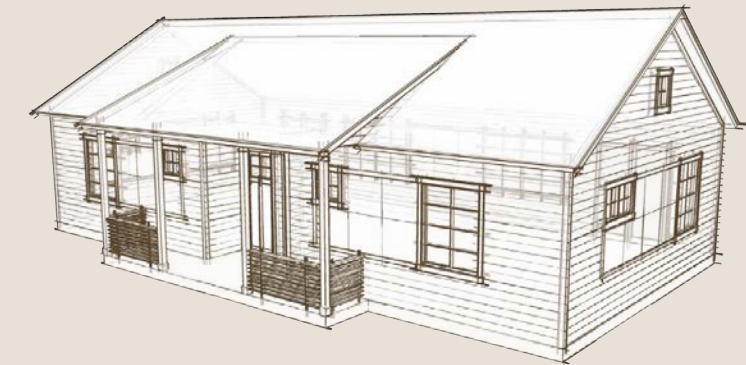
spaces for community events and entertainment



SINGLE COTTAGE



plenty of green space



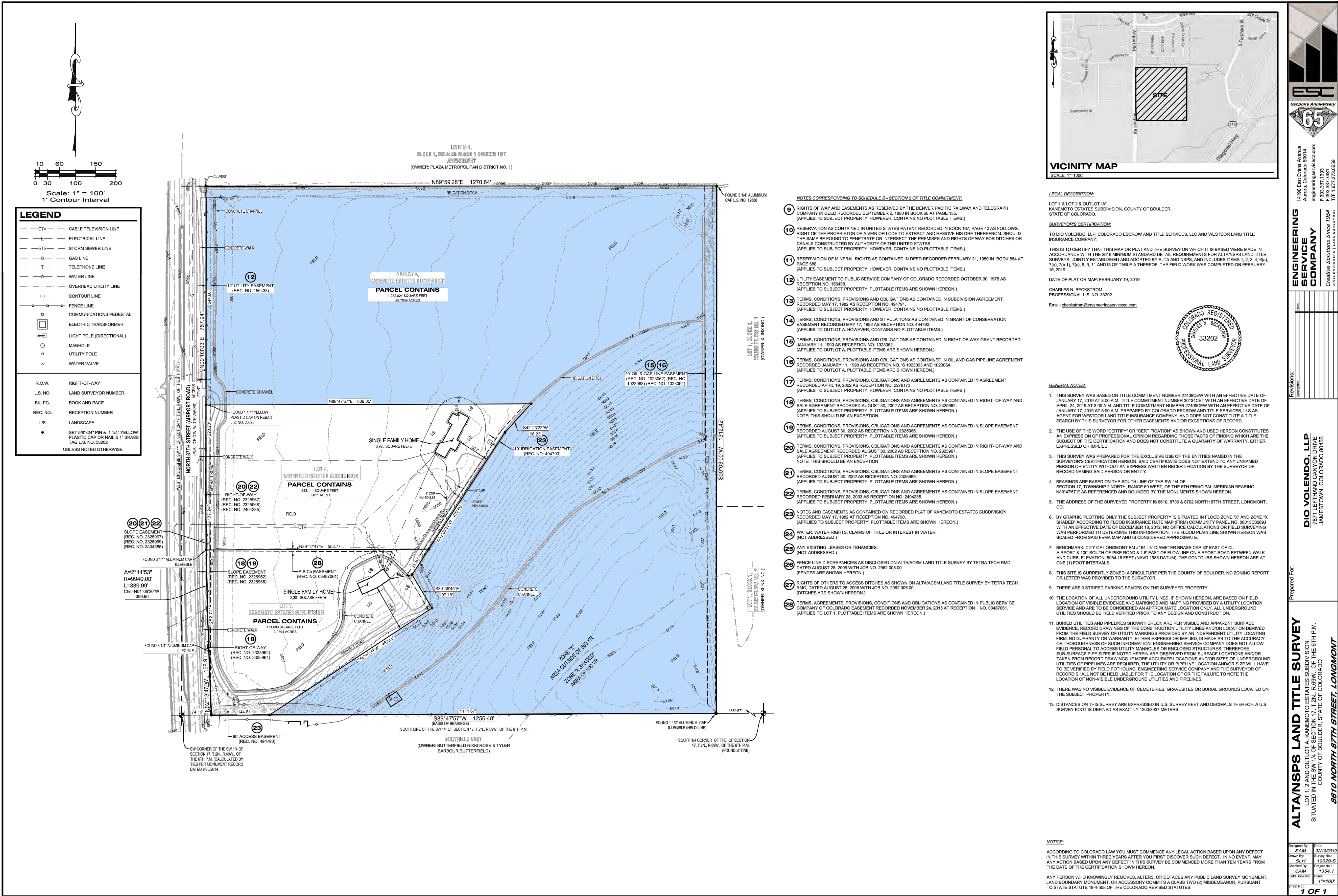
PAIRED COTTAGE



sustainable energy—solar array

SOMERSET VILLAGE

village living at Somerset



**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF LONGMONT AND
COUNTY OF BOULDER
CONCERNING TRANSFERRED DEVELOPMENT RIGHTS**

EFFECTIVE: FEBRUARY 5, 1996

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF LONGMONT AND
COUNTY OF BOULDER
CONCERNING TRANSFERRED DEVELOPMENT RIGHTS**

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**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF LONGMONT AND
COUNTY OF BOULDER
CONCERNING TRANSFERRED DEVELOPMENT RIGHTS**

THIS AGREEMENT is entered into by and between the City of Longmont (City), a municipal corporation, and the County of Boulder (Boulder County), a body politic and corporate of the State of Colorado, to be effective as of the 5th day of February, 1996, (Effective Date).

RECITALS

A. Local governments are encouraged and authorized to cooperate or contract with other units of government, pursuant to C.R.S. § 29-20-105, for the purpose of planning or regulating the development of land; and

B. Section 29-1-201, et seq., C.R.S., as amended, authorizes the City and Boulder County to cooperate and contract with one another with respect to functions lawfully authorized to each other, and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, Article XIV, § 18(2); and

C. Pursuant to C.R.S. § 31-23-202, and Article XX of the Colorado Constitution, the City Council of the City of Longmont has adopted the Longmont Area Comprehensive Plan, which provides goals and policies to plan for the orderly growth of the City of Longmont; and

D. By identifying sending and receiving sites for transferred development rights, the City and Boulder County are cooperating with respect to managing orderly growth; and

E. Requiring sending and receiving sites for transferred development rights implements the goals and policies of the Longmont Area Comprehensive Plan to make provision for public improvements in a manner appropriate for a modern, efficiently functioning city, and to ensure that new development does not negatively impact the provision of municipal services; and

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LONGMONT
AND COUNTY OF BOULDER CONCERNING TRANSFERRED DEVELOPMENT RIGHTS

F. This Agreement augments Boulder County's nonurban planned unit development (NUPUD) program, and transferred development rights planned unit development (TDR/PUD) program; and

G. Providing for sending and receiving sites for transferred development rights is reasonable and necessary to protect, enhance, and preserve the public health, safety, and welfare of the City's citizens and the citizens of Boulder County; and

H. The City and Boulder County have held hearings, after proper public notice, for the consideration of entering into this Agreement.

IN CONSIDERATION of the objectives and policies expressed in the recitals and the mutual promises contained in this Agreement, the City and Boulder County agree as follows:

1 Definitions

As used in this Agreement, the following terms shall have the meanings stated below:

1.1 "Development" shall mean construction or establishment of a Structure, parking area, or surfaced vehicular roadway (except expansion of existing roads), or establishment of a new land use.

1.2 "LPA" shall mean the Longmont Planning Area, as it currently exists, together with any additional portions of the LPA as are jointly approved by the City and Boulder County.

1.3 "Parties" shall mean the City and Boulder County collectively.

1.4 "Structure" shall mean anything built or constructed above or below the ground, including, but not limited to, an edifice or building of any kind, or any piece of work artificially

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LONGMONT
AND COUNTY OF BOULDER CONCERNING TRANSFERRED DEVELOPMENT RIGHTS

built up or composed of parts joined together in some definite manner, but excluding fences, retaining walls under 6 feet in height, and above ground or buried utility lines and related appurtenances.

1.5 "TDR Area" shall mean all real property designated as a transferred development right sending site or transferred development right receiving site in Exhibit A.

1.6 "TDR Receiving Sites" shall mean the transferred development rights receiving site designations in the TDR Area, attached as Exhibit A, and any receiving site jointly approved by the City and Boulder County that is within or contiguous to the LPA.

1.7 "TDR Sending Sites" shall mean the transferred development rights sending site designations in the TDR Area, attached as Exhibit A.

2 Controlling Regulations

2.1 Except as stated herein, no party shall agree with any landowner, or other person or entity, to allow Development on the TDR Sending Sites or the TDR Receiving Sites which does not comply with this Agreement. Boulder County agrees that approval of any proposed Development on the TDR Receiving Sites within or contiguous to the LPA shall be subject to review and approval by the City.

2.2 The City and Boulder County agree to adopt their own procedures, plans, policies, ordinances, or other regulations to implement and enforce the provisions of this Agreement, and to give the other party notice to comment on the same.

2.3 This Agreement shall not restrict the City's authority to annex property, or regulate the use and Development on any annexed property or other property within its boundaries,

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LONGMONT
AND COUNTY OF BOULDER CONCERNING TRANSFERRED DEVELOPMENT RIGHTS

according to Colorado law, the Longmont Municipal Charter, and Longmont Municipal Code, as amended from time to time.

2.4 This Agreement shall not restrict Boulder County's ability, under its regulations, to approve receiving sites outside the LPA, and to approve Development on receiving sites outside and not contiguous to the LPA.

3 TDR Sending Sites

3.1 The Parties agree that all land within the TDR Sending Sites shall be eligible to participate in Boulder County's transferred development rights planned unit development program.

4 TDR Receiving Sites

4.1 The Parties agree that all land within the TDR Receiving Sites shall be eligible to participate in Boulder County's transferred development rights planned unit development program.

4.2 Upon confirmation by Boulder County that the land is within the TDR Sending Sites, and after Boulder County's issuance and recordation of its certificate(s) of development rights, according to its regulations, Boulder County and the City may jointly approve the location of Development represented by the certificate(s) of development rights upon land within the TDR Receiving Sites located within or contiguous to the LPA.

4.3 Boulder County and the City, either individually or collectively, upon acquisition of certificate(s) of development rights from land within the TDR Sending Sites, shall have the right to market those rights to others who may seek Development within the TDR Receiving Sites.

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LONGMONT
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5 Conservation Easements in the TDR Area

5.1 Within the TDR Area, Boulder County shall obtain conservation easements for continued agricultural production or preservation of the land's identified environmental resource values on land in the TDR Sending Sites that participates in the Boulder County transferred development rights planned unit development program, and shall require the easements to be granted to Boulder County and the City jointly.

5.2 Within the LPA, Boulder County shall obtain conservation easements on land participating in the Boulder County transfer development rights planned unit development program, and shall require the easements to be granted to Boulder County and the City jointly. The conservation easements shall require that such lands remain open, but may provide for other recreational uses beyond those permitted under paragraph 5.1 above, as may be agreed by Boulder County and the City at the time such easements are granted. Upon the annexation by the City of any land within the LPA upon which a conservation easement has been obtained pursuant to this Agreement, Boulder County shall forthwith deed to the City its interest in the conservation easement.

5.3 Any conservation easements granted jointly to Boulder County and the City, under this Agreement, shall not be construed as county-owned open space under C.R.S. § 31-12-104(1)(a).

6 Agreement Term

6.1 The term of this Agreement shall commence on the Effective Date, and continue for ten years thereafter unless renewed or extended by the mutual consent of the City and Boulder County. However, either party may terminate this Agreement, at any time and for any reason, upon one year written notice to the other party. The City and Boulder County agree that

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LONGMONT
AND COUNTY OF BOULDER CONCERNING TRANSFERRED DEVELOPMENT RIGHTS

termination shall not affect the validity of conservation easements, nor Development approvals, that may occur during the term of this Agreement.

7 Defense of Claims

7.1 If any person, other than the Parties, allegedly aggrieved by any provision of this Agreement should sue Boulder County or the City concerning this Agreement, Boulder County shall, and the City may, defend such claim upon receiving timely and appropriate notice of pendency of such claim. Defense costs shall be paid by the party providing such defense. If any person, other than Boulder County, should obtain a final money judgment against the City for the diminution in value of any regulated parcel resulting from regulations in this Agreement or regulations adopted by the City in implementing this Agreement, Boulder County shall, to the extent permitted by law, indemnify the City for the amount of said judgment. Nothing contained in this Agreement shall constitute any waiver by the City or Boulder County of the provisions of the Colorado Governmental Immunity Act or other applicable immunity defense. This provision shall survive termination of this Agreement, and be enforceable until all claims are precluded by statutes of limitation.

8 Notice

8.1 Any notice required by this Agreement shall be in writing. If such notice is hand delivered or personally served, it shall be effective immediately upon such delivery or service. If given by mail, it shall be effective upon receipt, and addressed as follows:

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LONGMONT
AND COUNTY OF BOULDER CONCERNING TRANSFERRED DEVELOPMENT RIGHTS

City of Longmont

Attention: Community Development Director

Civic Center Complex

408 Third Avenue

Longmont, Colorado 80501

County of Boulder

Attention: Land Use Director

P.O. Box 471

Boulder, Colorado 80306-0471

9 Miscellaneous Provisions

9.1 Amendments. This Agreement may be amended only by mutual agreement of the Parties and shall be evidenced by a written instrument authorized and executed with the same formality as accorded this Agreement.

9.2 Headings for Convenience. All headings, captions and titles are for convenience and reference only and of no meaning in the interpretation or effect of this Agreement.

9.3 Governing Law and Venue. This Agreement, and the rights and obligations of the Parties hereto, shall be interpreted and construed according to the laws of the State of Colorado, and venue shall be in the County of Boulder.

9.4 Severability. If this Agreement, or any portion of it, is for any reason held invalid or unconstitutional in a final and non-appealable decision by any court of competent jurisdiction, the entire Agreement shall terminate. The Parties agree that every provision of this Agreement is essential and not severable from the remainder.

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LONGMONT
AND COUNTY OF BOULDER CONCERNING TRANSFERRED DEVELOPMENT RIGHTS

9.5 Provisions Construed as to Fair Meaning. The provisions of this Agreement shall be construed as to their fair meaning, and not for or against any party based upon any attributes to such party of the source of the language in question.

9.6 Compliance with Ordinances and Regulations. This Agreement shall be administered consistent with all current and future laws, rules, charters, ordinances and regulations of the City and Boulder County.

9.7 No Implied Representations. No representations, warranties or certifications, express or implied, between the Parties exist except as specifically stated in this Agreement.

9.8 No Third Party Beneficiaries. None of the terms, conditions or covenants in this Agreement shall give or allow any claim, benefit, or right of action by any person not a party hereto. Any person other than the City or Boulder County receiving services or benefits under this Agreement shall be only an incidental beneficiary.

9.9 Integrated Agreement and Amendments. This Agreement is an integration of the entire understanding of the Parties with respect to the matters stated herein. The Parties shall only amend this Agreement in writing with the proper official signatures attached thereto.

9.10 Financial Obligations. This Agreement shall not be deemed a pledge of the credit of the City or Boulder County. Nothing in this Agreement shall be construed to create a multiple-fiscal year direct or indirect debt, or financial obligation.

9.11 Waiver. No waiver of any breach or default under this Agreement shall be a waiver of any other or subsequent breach or default.

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LONGMONT
AND COUNTY OF BOULDER CONCERNING TRANSFERRED DEVELOPMENT RIGHTS

IN WITNESS WHEREOF, the Parties have executed this Agreement.

CITY OF LONGMONT



ATTEST:

By: Lona Stork
Mayor

Valeria G. Skitt
City Clerk

Date: 1-26-96

APPROVED AS TO FORM:

[Signature]
Deputy City Attorney

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LONGMONT
AND COUNTY OF BOULDER CONCERNING TRANSFERRED DEVELOPMENT RIGHTS

**COUNTY OF BOULDER, by its Board of
County Commissioners**

By: Ronald K. Glunt
Chair





ATTEST:

Brian M. Schraft
Clerk to the Board

Date: 2-6-96

APPROVED AS TO FORM:

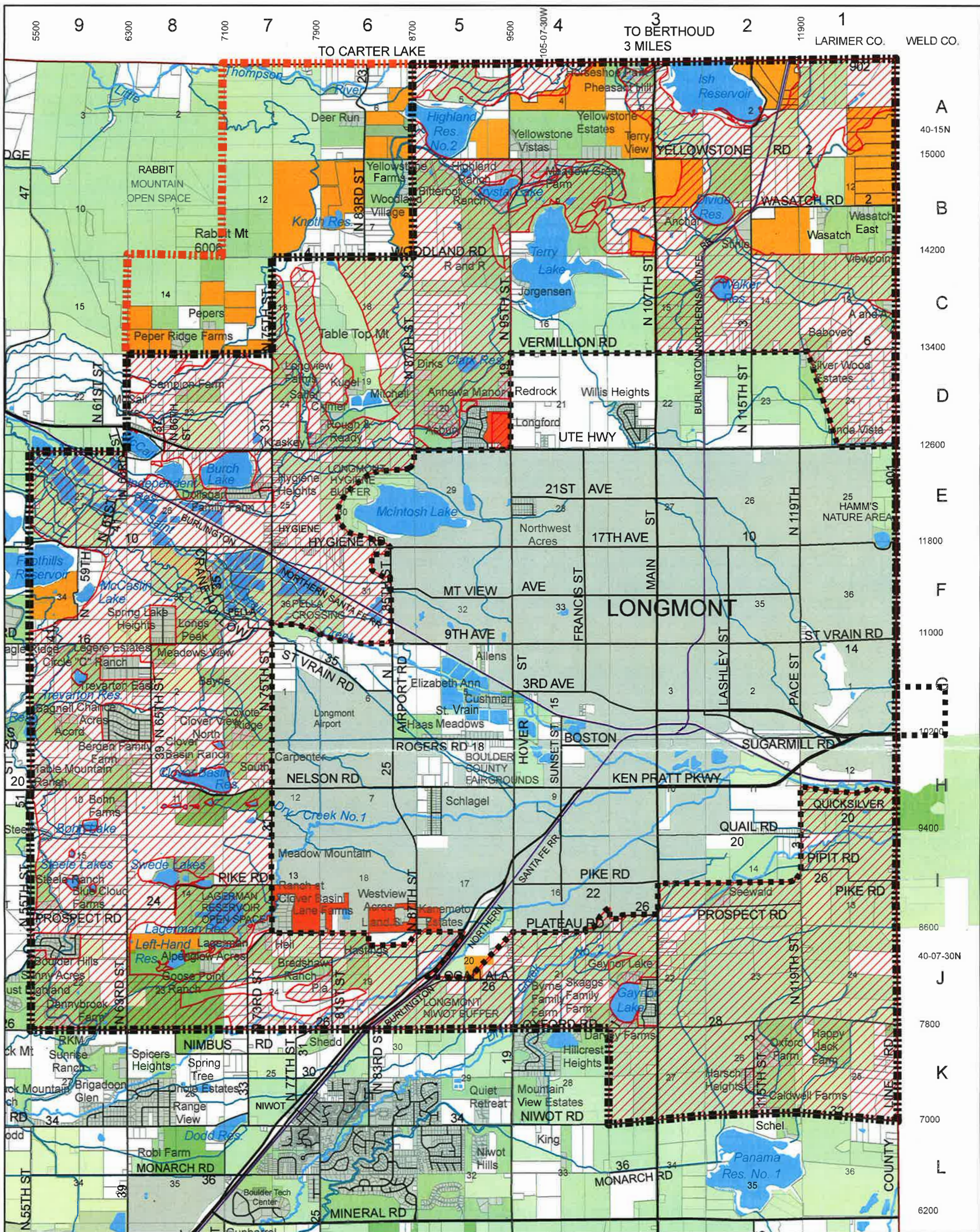
H. Lawrence
County Attorney

-  Sending Sites
 Designated Receiving Sites
 Longmont TDR Plan Area Boundary
 Longmont Planning Area Boundary



0 2708 5416 Feet

Map Compiled 2/22/96 by J. Korte
Boulder County Land Use Dept.
Approved by BOCC on 2/6/96



LONGMONT TDR AREA - Exhibit A

- | | |
|--|--|
| <ul style="list-style-type: none"> Existing Longmont TDR Plan Area Boundary Existing TDR Sending Sites Proposed Longmont TDR Plan Area and Sending Sites Boundary Additional TDR Sending Sites, 35 acres and over Designated Receiving Sites Longmont Planning Area Boundary County Subdivision | <ul style="list-style-type: none"> NUPUD Conservation Easement City of Boulder Open Space Boulder County Open Space Boulder County Conservation Easement County Regulatory Conservation Easements County Gravel Resources Other Municipal Open Space Joint County/City CEs Joint County/City Open Space |
|--|--|

1 0.5 0 1 2 Miles

DISCLAIMER:
This map is for illustrative purposes only, and is not suitable for parcel specific decision making. The areas depicted here are approximate. More site specific studies may be required to draw accurate conclusions.

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jbellis, Boulder County Parks and Open Space, September 30, 2005
kziebarth, Boulder County Land Use, November 9, 2005



**THIRD AMENDED
LONGMONT PLANNING AREA
COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT**

This Intergovernmental Agreement by and between the City of Longmont, a Colorado home rule municipal corporation (Longmont), and the County of Boulder, a body politic and corporate of the State of Colorado (Boulder County); (collectively the "Parties").

WITNESSETH:

WHEREAS, §29-20-101 et seq., CRS as amended, enables the Parties to enter into Intergovernmental Agreements to plan for and regulate land uses, in order to minimize the negative impacts on the surrounding areas and protect the environment, and specifically authorizes local (i.e., City and County) governments to cooperate and contract with each other for the purpose of planning and regulating the development of land by means of a "comprehensive development plan"; and

WHEREAS, in order to ensure that the unique and individual character of Longmont and of the rural area within Boulder County outside the Longmont Planning Area (hereinafter "the LPA") are preserved, the Parties believe that a comprehensive development plan which recognizes the area of potential urbanization within the LPA which would not be interrupted by Boulder County open space, accompanied by a commitment by Longmont for the preservation of the rural character of lands surrounding the LPA within Boulder County, is in the best interest of the citizens of each of the Parties; and

WHEREAS, the Parties find that the acquisition of open space by Boulder County within the LPA does not serve the public interest in that Longmont's plan for infrastructure and other services to the LPA should occur without unanticipated interruptions brought by open space purchases within the LPA; and

WHEREAS, the Parties find that providing for the area outside the LPA within Boulder County to remain as rural in character through the term of this Agreement for the purpose of preserving a community buffer serves the economic and civic interest of their citizens and meets the goals of the Boulder County Comprehensive Plan; and

WHEREAS, with respect to the annexation provisions herein, the City of Longmont declares that the area outside the LPA within Boulder County is not appropriate for urban development, unless certain criteria are met, during the term of this Agreement; and

WHEREAS, consistent with the municipal annexation, utility service, and land use laws of the State of Colorado, this Agreement, including specifically the annexation and open space portions hereof, is intended to encourage the natural and well-ordered

future development of each Party; to promote planned and orderly growth in the affected areas; to distribute fairly and equitably the costs of government services among those persons who benefit therefrom; to extend government services and facilities to the affected areas in a logical fashion; to simplify providing utility services to the affected areas; to simplify the governmental structure of the affected areas; to reduce and avoid, where possible, friction between the Parties; and to promote the economic viability of the Parties; and

WHEREAS, the functions described in this Agreement are lawfully authorized to each of the Parties which perform such functions hereunder, as provided in article 20 of title 29; part 1 of article 28 of title 30; part 1 of article 12 of title 31; and parts 2 and 3 of article 23 of title 31; CRS, as amended; and

WHEREAS, §29-1-201, et seq., CRS, as amended, authorizes the Parties to cooperate and contract with one another with respect to functions lawfully authorized to each of the Parties and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, Article XIV, § 18(2); and

WHEREAS, the Parties have each held hearings after proper public notice for the consideration of entering into this Agreement and the adoption of a comprehensive development plan for the subject lands, hereinafter referred to as the "Plan Area", as shown on the map attached hereto as Exhibit A; and

WHEREAS, the Parties desire to enter into this Intergovernmental Agreement in order to plan for the use of the lands within the Plan Area through joint adoption of a mutually binding and enforceable comprehensive development plan.

NOW THEREFORE, in consideration of the above and the mutual covenants and commitments made herein, the Parties agree as follows:

1. LONGMONT PLANNING AREA (LPA) COMPREHENSIVE DEVELOPMENT PLAN.

This Agreement, including the Map attached hereto as Exhibit A, is adopted by the Parties as the Longmont Planning Area (LPA) Comprehensive Development Plan (the "Plan") governing the Plan Area. The "Plan Area" is hereby defined as the unincorporated area of Boulder County outside the Longmont Planning Area as shown on Exhibit A, or as subsequently amended in accordance with this Agreement.

2. ANNEXATION PROVISIONS.

(a) Longmont agrees that it will disclose to Boulder County any and all instances in which they receive an application for annexation of land outside the LPA within Boulder County. Further, Longmont commits that it is not currently pursuing any annexations within the Rural Preservation Area. Also, Boulder County commits that it

will not actively pursue open space acquisitions in the LPA not currently designated as open space.

(b) The area outside the LPA is intended to remain in Boulder County's regulatory jurisdiction for the term of this Agreement, unless changed by mutual agreement of the Parties. Further, the City Council of the City of Longmont, by authorizing the execution of this Agreement, finds and determines that there is no community of interest between said area and the City for the term of this Agreement, and the City will annex lands outside the LPA within Boulder County only pursuant to mutual agreement of the Parties.

(c) The City agrees that, during the term of this Agreement, it will expand the LPA within Boulder County only pursuant to mutual agreement of the Parties. Expansion would include only properties adjacent to the then existing LPA boundary, and would not be comprised of flagpoles to nonadjacent properties. The City and Boulder County agree to the following set of criteria by which proposals for expansion of the LPA will be allowed by the City Council and the Board of County Commissioners.

(1) Transfer of Development Rights - (TDR) receiving sites, in accordance with the Longmont TDR IGA, and TDR sending sites in accordance with the map attached thereto.

(2) Major Industrial User -if land inside LPA does not meet the needs of the development. The developer must demonstrate that factors other than land price preclude building within the LPA.

(3) Changes in the rural character of land (e.g., existing unincorporated residential subdivisions) outside the LPA that would be better served by the urban structure of Longmont (e.g., creation of significant institutional uses or the presence of existing residential subdivisions on surrounding unincorporated area properties).

(4) Enclaves of more than one home site per five (5) acres and which result from annexation that has left county property an island surrounded by Longmont, and where the provision of infrastructure from the City of Longmont would be more beneficial to property owners.

(d) Longmont Planning Area: The Map portion of this Plan identifies areas encompassing the LPA, which are currently located within unincorporated Boulder County but which may in the future and possibly during the term of this Agreement, be annexed to the City of Longmont. By authorizing the execution of this Agreement, Boulder County finds and declares that a community of interest in the area designated as the LPA on Exhibit A of this Plan, which is attached hereto and incorporated herein, exists with the City of Longmont.

(e) Any property located within the current municipal limits of Longmont, and any property which hereafter annexes to Longmont in accordance with the provisions of this Agreement, which subsequently is disconnected from the municipality, shall thereafter, for purposes of this Agreement, continue to be within the LPA unless excluded by action of the City.

3. OPEN SPACE.

(a) Any of the lands shown on the attached Exhibit A of the Plan outside the LPA may be acquired as open space by either of the Parties.

(b) Boulder County agrees that, for the term of this Agreement, it will not purchase any of the lands within the LPA for open space purposes, excepting only those lands which are designated "open space" on the Longmont Area Comprehensive Plan or otherwise changed to open space pursuant to an LACP amendment, and excepting those lands which are currently under contract or for which a letter of intent has been sent to the owner and which have been referred to the City of Longmont and except for those lands for which the consent of the City Council has been obtained as provided in section 5. Nothing in this section is intended to affect the continued ownership and maintenance of open space lands within the LPA which Boulder County currently owns or which are currently under contract with Boulder County or for which a letter of intent has been sent to the owner, and which have been referred to the City for comment.

(c) For lands within the LPA upon which Boulder County currently owns a conservation easement (identified on Exhibit A), Longmont agrees that it will annex said land only after release of the conservation easement thereon by Boulder County (except for those easements which automatically terminate upon annexation by any municipality) and will thereafter approve development of said land only in accordance with the provisions for TDR receiving and sending sites in the Longmont TDR Comprehensive Development Plan Intergovernmental Agreement (hereinafter "TDR Agreement") previously executed by these Parties. Upon expiration of said TDR Agreement and for the term of this Agreement, these lands will continue to be governed by the provisions of the TDR Agreement, said provisions being incorporated into this Agreement as if fully set forth herein. It is the intent of the Parties that this Agreement, and to the extent cross-referenced herein the Longmont TDR IGA, be and is the sole mutually adopted comprehensive plan related to these lands. However, nothing herein shall be construed to rescind Longmont's adoption and application of its comprehensive plan(s) to these lands.

(d) In the event Boulder County purchases 40 acres of John M. Keyes Trust farm, located within the LPA, Boulder County agrees it will provide Longmont the right-of-way necessary for the extension of Pike Road across said parcel upon such terms and conditions as are mutually agreed, including at least 120 foot width for an arterial street, and located as shown on the Longmont Comprehensive Plan, unless otherwise mutually agreed. Boulder County further agrees to allow Longmont to construct, operate, and maintain a trail under its St. Vrain River Greenways program, across the Keyes parcel through which the St Vrain River runs.

4. CITY OF LONGMONT UTILITIES AND ARTERIAL HIGHWAYS

It will be necessary for the City to seek additional water supplies, water storage, and water and sewer transportation and treatment facilities, both within and without the Plan Area. The areas designated in the Map portion of Exhibit A as the LPA shall be deemed to be the City's "Service Area" for all purposes, including, but not limited to, Boulder County's Regulations of Areas and Activities of State Interest in Article 8 of the Boulder County Land Use Code. To the extent such supplies and facilities are necessary to serve development within the LPA which is consistent with the provisions of this Agreement, the County agrees to use its best efforts in good faith to take action under any permitting requirements without undue delay, recognizing applications for such permits as being in conformance with this comprehensive development plan.

To this end, the County agrees that the City, in applying for such permits under the provisions of the Regulation of Areas and Activities of State Interest in Article 8 of the Boulder County Land Use Code, shall not be required to demonstrate compliance with the following provisions of said Regulation: Sections 8-511 B.3, 10, 11, 12, 13 & 14 C.1 & 2.a, D & E. Section 8-511 C.2.b shall not apply to applications for projects that involve the removal of native agricultural water rights after the effective date of this agreement from land located within the Longmont Planning Area or TDR Receiving Sites located within the TDR Area. For the purposes of this Agreement, TDR Receiving Sites and TDR Area shall have the same meanings as set forth in the Intergovernmental Agreement Between the City of Longmont and County of Boulder Concerning Transferred Development Rights which was effective as of February 5, 1996. Sections 8-511 B.5.c & d shall only be applicable to sanitary sewage facilities. Sections 8-511 B.5.b, e, f & g, B.6, 7 & 8 shall apply to site location, construction and operation of facilities within areas designated on Maps 2, 3 & 4 of the Boulder County Comprehensive Plan, and with respect to other areas shall be limited in its application to construction and operation of such facilities. The application of Section 8-511 B.7 concerning archeological resources shall be limited to a determination whether archeologically-significant resources will be negatively impacted by the proposed project, and if so, provide for mitigation of those impacts. The application of Section 8-511 B.5.h concerning geologic hazards shall be limited to resolution of floodplain issues. The remaining portions of Section 8-511 shall only be applicable to the direct, site specific, impacts of the proposal. The County through the Board of County Commissioners finds pursuant to Section 8-504 of the Boulder County Land Use Code, that this intergovernmental agreement shall serve in lieu of review of permit applications under those regulations of Article 8, Section 5 of the County land Use Code which are limited herein, to the extent of such limitations. Section 8-407 shall exempt all upgrades to existing facilities that are required maintenance or otherwise required by federal, state, or County regulations, including repairing and/or replacing old or outdated equipment, or installing new equipment, provided the improvements do not expand levels of service beyond the design capacity, and provided further that the upgrade does not alter the location of the existing facility.

Boulder County agrees to exempt Longmont from the Regulations of Areas and Activities of State Interest in Article 8 of the Boulder County Land Use Code, if Boulder County passes amendments to those regulations governing arterial highways and interchanges. Specifically, this exemption shall apply to:

- (a) the site section and construction of arterial highways and interchanges by Longmont within the LPA, which are designated on the Longmont Comprehensive Plan as adopted as of the effective date of this Agreement; and
- (b) areas around arterial highway interchanges (as those areas are defined in the County's regulations). which interchanges are designated on the Longmont Comprehensive Plan, as adopted as of the date of this Agreement.]

5. IMPLEMENTATION PROCEDURES.

A plan amendment agreed to by both the city and county must occur in order to annex, or allow any use or development, or acquire for open space any parcel within the

Plan Area where such annexation, use or development, or acquisition does not comply with the Plan. Where the County seeks to acquire land for open space within the LPA after referral as provided in section 6(a), the City Council may, by resolution, agree to such acquisition and may condition its consent, and substantial compliance with such conditions shall be required for such acquisition to proceed.

The Parties each agree to undertake all steps to adopt procedures, plans, policies, and ordinances or other regulations as may be necessary to implement and enforce the provisions of this Plan. The Parties agree that, in adopting such procedures, plans, policies, ordinances or regulations, each will give the other Party sufficient advance notice of such action as will enable such Party, if it so desires, to comment upon the planned actions of that Party.

6. REFERRALS

(a) Any application for annexation or development on any parcel outside the LPA, and/or any proposal for acquisition of open space within the LPA, shall be referred in writing to the other Party, and no action shall be taken thereon by the referring Party until the receiving Party has had the opportunity to respond concerning the proposal's conformity to this Plan and any other land use concerns, provided those comments are made within existing state and local regulations regarding the processing of the application. All such responses shall be sent within 30 days of the date of receipt of the referral by the receiving Party.

(b) The City shall refer in writing to the County, any application for annexation and/or development, for an amendment to the Longmont Comprehensive Plan, for any parcel within the LPA and outside of the Municipal Service Area, unless otherwise determined through this Agreement.

(c) The County shall refer in writing to the City, any application for discretionary development and/or amendment to the Boulder County Comprehensive Plan for any parcel within the St. Vrain Valley Planning Area, Longmont Planning Area, or Municipal Service Area unless otherwise determined through this Agreement.

(d) Annexation applications of 10 or more acres within the LPA, and Longmont Area Comprehensive Plan amendments shall adhere to the following referral process unless otherwise determined through this Agreement:

(i) The staff of the referring party shall send the receiving party the pertinent information.

(ii) The staff of the receiving party shall have 30 days from the date of receipt of the referral to respond in writing to the referring party, unless otherwise required by state statute. The receiving party will call the referring party for clarification on questions and to give an idea of issues before sending formal comments. If the referring party does not receive a response within the 30 day period, the referring party may assume that the receiving party has no conflict with the proposal.

(e) Annexation applications of less than 10 acres within the LPA and County discretionary review processes other than PUD development, shall adhere to the following referral process unless otherwise determined through this Agreement:

- (i) The staff of the referring party shall mail the receiving party the pertinent information.
- (ii) The staff of the receiving party shall have 14 days from the date of receipt of the referral to respond in writing to the referring party, unless otherwise required by state statute. The receiving party will call the referring party for clarification on questions and to give an idea on issues before sending formal comments. If the referring party does not receive a response within the 14 day period, the referring party may assume that the receiving party has no conflict with the proposal.
- (f) Every six months, each party shall provide the other party with a written notice of the status of each referral, including but not limited to, the status of the proposal within the approval process and, if applicable, the final density approved for a proposal.

7. AMENDMENTS.

This Plan contains the entire agreement between the Parties. Any proposed amendment of the Plan affecting the jurisdiction over lands or the development regulation of lands must be referred to the other Party by the Regulatory Party. The "Regulatory Party" is hereby defined as the Party having final land use or annexation approval jurisdiction, as the context requires. Amendment of the Plan shall take place only upon approval by resolution or ordinance adopted by the governing body of each of the Parties, after notice and hearing as may be required by law. The Regulatory Party shall not approve nor permit any development or change of use of any parcel in the Plan by any means in a manner inconsistent with this Agreement until and unless the Plan has been amended so that the proposed development or use of such parcel is consistent with the Plan.

8. NON-SEVERABILITY.

If any portion of this Plan is held by a court in a final, non-appealable decision to be per se invalid or unenforceable as to any Party, the entire Agreement and the Plan shall be terminated, it being the understanding and intent of the Parties that every portion of the Agreement and Plan is essential to and not severable from the remainder.

9. BENEFICIARIES.

The Parties, in their corporate and representative governmental capacities, are the only entities intended to be the beneficiaries of the Plan, and no other person or entity is so intended.

10. ENFORCEMENT.

Any one or more of the Parties may enforce this Agreement by any legal or equitable means including specific performance, declaratory and injunctive relief. No other person or entity shall have any right to enforce the provisions of this Agreement.

11. DEFENSE OF CLAIMS/INDEMNIFICATION.

If any person allegedly aggrieved by any provision of the Plan and who is not a Party to the Plan should sue any Party concerning such Plan provision, Boulder County shall, and any other Party may, defend such claim upon receiving timely and appropriate notice of pendency of such claim. Defense costs shall be paid by the Party providing such defense.

In the event that any person not a Party to the Plan should obtain a final money judgment against any Party who is the Regulatory Party for the diminution in value of any regulated parcel resulting from regulations in the Plan or regulations adopted by such Party implementing the Plan, Boulder County shall, to the extent permitted by law, indemnify such Party for the amount of said judgment.

12. GOVERNING LAW AND VENUE.

This Agreement shall be governed by the laws of the State of Colorado and venue shall lie in the County of Boulder.

13. TERM AND EFFECTIVE DATE.

8/12/03

This Agreement shall become effective when signed by authorized representatives of the governing bodies of each of the Parties. Except as provided herein, this Agreement shall remain in effect for a period of twenty (20) years, unless terminated prior thereto by agreement of all the Parties or pursuant to the terms of section 7 above.

At any time until ninety days prior to the tenth anniversary of the effective date of the Agreement, either Party may give written notice to the other Party by first class certified mail that it intends to terminate the Agreement effective on that anniversary and may, accordingly, terminate the Agreement.

Each Party shall, at least 90 days before the then current expiration date, hold a duly noticed public hearing to determine whether the term of this Agreement shall be extended an additional five (5) years from the expiration date then in effect. Notices of the hearing and subsequent action of the Party shall be sent to the other Party.

14. PARTY REPRESENTATIVES.

Referrals made under the terms of this Agreement shall be sent to the Parties' and Parties' representatives as follows:

ENTITY: REPRESENTATIVE:

County of Boulder
Director, Land Use Department
P.O. Box 471
Boulder, CO 80306

City of Longmont
 Director of Community Development
 Civic Center Complex
 350 Kimbark Street
 Longmont, CO 80501

Name and address changes for representatives shall be made in writing, mailed to the other representatives at the then current address.

THIS AGREEMENT made and entered into to be effective on the date as set forth above.

CITY OF LONGMONT

By: _____

Mayor

ATTEST:

Valeria D. Skala
 City Clerk



APPROVED AS TO FORM:

James W. Paeuh
 Deputy City Attorney

COUNTY OF BOULDER
 BY: BOARD OF COUNTY COMMISSIONERS

Paul D. Danish
 Paul D. Danish,

Chair

8/12/2003

ATTEST:

APPROVED AS TO FORM:

Dana M. Schaefer
 Clerk to the Board



County Attorney

The map illustrates the urban layout of Longmont, Colorado. It features a grid of streets with major thoroughfares labeled. To the north, there are several lakes including Crystal Lake, Terry Lake, and Burche Lake. The city's central area is defined by streets like Main St and 3rd Ave. To the south, the Longmont Airport and Boulder County Fairgrounds are marked. The map also shows the city's proximity to other counties, with Weld County to the east and Broomfield County to the west. The word 'LONGMONT' is printed in large, bold letters across the middle of the map.



- 2) 35 acre country estate sub. with covenants about further division, setback from highway, etc.
- 3) 35 acre country estate subdivision
- 4) Numerous smaller acreages with single family homes

Map Compiled 06/08/97 by A. Hargis
Boulder County Land Use Dept.

RESOLUTION 2003-103

A RESOLUTION APPROVING THE "THIRD AMENDED LONGMONT PLANNING AREA COMPREHENSIVE DEVELOPMENT PLAN INTERGOVERNMENTAL AGREEMENT" BETWEEN THE CITY OF LONGMONT AND COUNTY OF BOULDER, CONCERNING THE COUNTY'S ACQUISITION OF OPEN SPACE IN THE LONGMONT PLANNING AREA ("LPA"), THE CITY'S EXERCISE OF ITS ANNEXATION POWERS IN THE LPA, AND RELATED MATTERS

WHEREAS, the Board of County Commissioners of the County of Boulder ("the Board") and the City Council of the City of Longmont ("the City") (jointly, "the Parties") are authorized to enter into intergovernmental agreements to plan for and regulate land uses pursuant to C.R.S. §§ 29-20-101, et seq.; and

WHEREAS, the Parties believe that a comprehensive development plan which provides for binding commitments by the Parties regarding the future development of lands within the Longmont Planning Area ("LPA"), with respect to such issues as the County's acquisition of open space lands in the LPA, the City's annexation of lands for development within the LPA, and related matters, is in the best interests of the citizens of each of the Parties; and

WHEREAS, to this end, the Parties, through their designated representatives, entered into a "Longmont Planning Area Comprehensive Development Plan Intergovernmental Agreement" effective June 19, 1997, which has been amended since that time ("the IGA"); and

WHEREAS, the Parties now wish to amend the IGA again, in the form of a proposed "Third Amended Longmont Planning Area Comprehensive Development Plan Intergovernmental Agreement" ("Third Amended IGA"), to update the citations to and amend the provisions of the IGA regarding the County's "1041" regulations ("Regulations of Areas and Activities of State Interest in Article 8 of the Boulder County Land Use Code"), and to update the term of the IGA providing for a term of 20 years following the Third Amended IGA's effective date, with allowance for termination by either party on the tenth anniversary of the effective date of the Third Amended IGA; and

WHEREAS, the proposed Third Amended IGA is attached to and incorporated into this Resolution as Exhibit A, and has been approved following a duly noticed public hearing by the City Council; and

WHEREAS, on August 12, 2003, the County's Board of County Commissioners ("the Board") held a duly noticed public hearing on the proposed Third Amended IGA ("the Public Hearing"), at which hearing the Board considered the proposed IGA as set forth in Exhibit A, and the explanatory comments of the County Attorney, with no members of the public being present to speak to the proposed Third Amended IGA; and

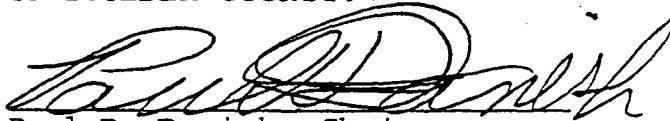
WHEREAS, based on the Public Hearing, the Board determines that the proposed Third Amended IGA, in the form set forth in Exhibit A hereto, serves the best interests of the County's residents, and furthers the County's desire to appropriately protect the rural character of the LPA in conformity with the principles set forth in the Boulder County Land Use Code and the goals and policies of the Boulder County Comprehensive Plan, and should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the proposed Third Amended IGA, as set forth in Exhibit A hereto.

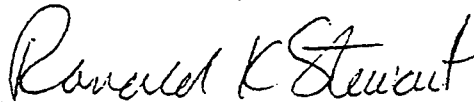
A motion to approve the proposed Third Amended IGA, as set forth in Exhibit A hereto, was made by Commissioner Stewart, seconded by Commissioner Danish, and passed by a 2-0 vote, with Commissioner Mayer being excused.

ADOPTED this 19th day of August, 2003, nunc pro
tunc the 12th day of August, 2003.

BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:



Paul D. Danish, Chair



Ronald K. Stewart, Vice Chair

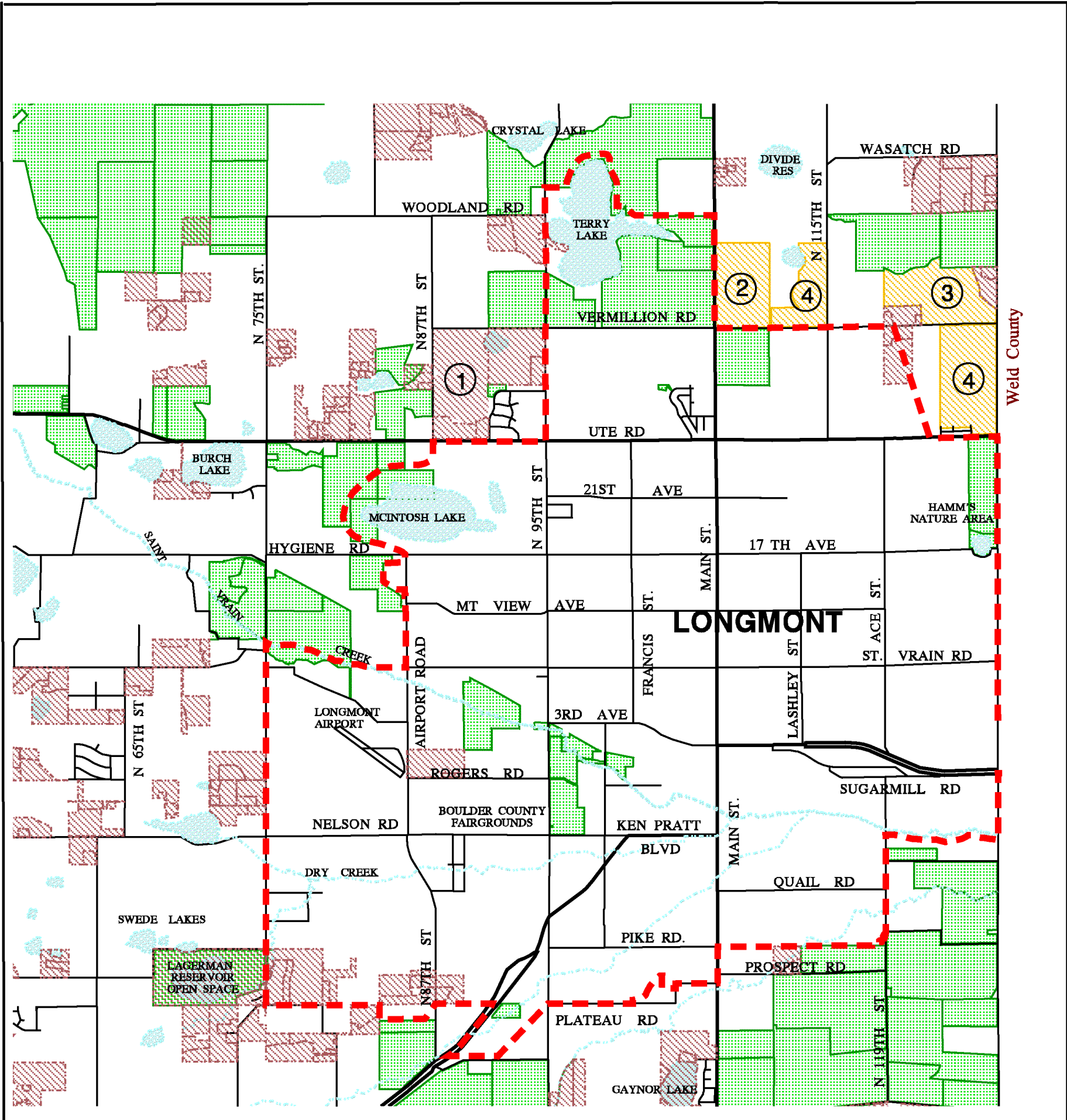


Thomas A. Mayer, Commissioner
(EXCUSED)

ATTEST:


Clerk to the Board

LONGMONT AREA INTERGOVERNMENTAL AGREEMENT EXHIBIT A



Weld County

1 0 1 2 Miles



Longmont Planning Area Boundary



Open Space



NUPUD



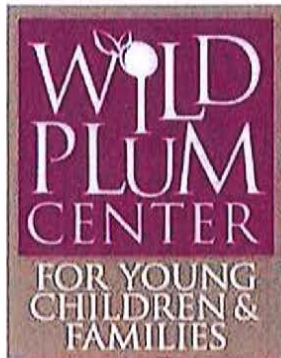
- 1) Soon to be recorded Dirks Dairy Sub. with 200ac +/- conservation easement
- 2) 35 acre country estate sub. with covenants about further division, setback from highway, etc.
- 3) 35 acre country estate subdivision
- 4) Numerous smaller acreages with single family homes

Note: Boulder County is negotiating for additional properties in this vicinity outside the Longmont Planning Area.



TLC Learning Center

611 Korte Parkway • Longmont CO 80501 • 303-776-7417 • www.LearningWithTLC.org



KANEMOTO ESTATE ANNEXATION LETTER OF SUPPORT

July 15, 2022

Honorable Mayor Peck and City Council:

This is written to support the application to annex the Kanemoto Estates property into the City of Longmont.

The city does not have much developable land within the city boundary; and the 38-acre property represents a rare opportunity to develop a neighborhood that achieves the community's Envision Longmont goals as proposed in the Somerset Village plan for the property.

This project gives solutions to affordable and attainable housing, as well as, much needed capacity for childcare slots for working families. Dependent on City of Longmont affordable pricing standards and application of development standards and incentives; a range of affordable and middle tier for sale and rental dwelling unit types are planned to be developed onsite. The Somerset Village Plan targets 20% for Affordable dwellings (60-80%AMI) and 40% for Middle Tier dwellings (80—120%AMI). A general store and early childhood education center are planned to include offices for service providers, with one of the existing homes used for this purpose. The addition of high-quality, affordable, and available childcare is much needed in the City, in particular for those families at and below the AMI levels mentioned above. The childcare center that is planned within this project both addresses affordable childcare slots, while having it close in proximity to where children and families live.

The Somerset Village plan is based on a 'suburban scaled' single family residential pattern - similar to the Clover Creek subdivision to the north. There are four-plexes and apartments (50) in the southern portion of the property away from Clover Creek - however, these also reflect the single-family pattern of Coal Creek. The apartments are planned as efficiency units (500sf) and are tucked over on-grade parking and will be no greater than 28' in height (similar to single family homes). This is not a beneficial site for commercial and non-residential uses limited to quasi-institutional types: a) an Early Childhood Development Center; b) a 'general store/sandwich shop'; and c) a community center.

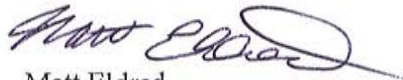
EXHIBIT H

For these reasons, we highly support the use of the Kanemoto Estates Property for the Somerset Village plan and look forward to working with developers of this property to serve Longmont children and families with both housing needs, as well as, high-quality childcare needs.

Sincerely,



Amy Ogilvie
Executive Director
Wild Plum Center



Matt Eldred
Executive Director
TLC Learning Center



P.O. Box 333
 Longmont, CO 80502-0333
 Phone: 303-682-2485
www.stvrainhabitat.org

July 27, 2022

KANEMOTO ESTATE ANNEXATION LETTER OF SUPPORT

Honorable Mayor Peck and City Council
 City of Longmont
 350 Kimbark St. Longmont, CO 80501

This letter serves as our written support for the application to annex the Kanemoto Estates property into the City of Longmont. This development represents an excellent opportunity to add for sale affordable and attainable housing to a section of the City that currently has little to none. We have reviewed the concept plan and find it has several strengths as follows:

- 1.) Exceeds the affordable housing requirement: Securing land and redevelopment opportunities is one of Boulder County Regional Housing Partnership's five main strategies. As developable land becomes more constrained and projects pay out of their affordable requirement through fee in lieu our ability to reach a 12% affordable goal will require projects that exceed that level. This project as proposed would provide 20% affordable and 40% attainable housing.
- 2.) Provides affordable and attainable homes that are for-sale product: The Boulder County Regional Housing Partnership also articulates a desire to include for-sale product in our affordable housing mix. It is our estimation that in Longmont we are well short of that guideline at least in terms of new construction or redevelopment. The Somerset Village proposal would add for-sale to the mix at several levels.
- 3.) Geographically located in an area lacking affordable for sale housing: While there appears to be affordable for rent housing to the north of this project this is an area of Longmont that lacks affordable for sale product and therefore would be a welcome addition to complement other product types in the area.

We also believe the proposal supports the goals and strategies outlined in Envision Longmont. While not an exhaustive list we site three areas below:

- Envision Longmont 1.2e Mix of Housing Types: This plan supports this Guiding Principle as it brings in a mix of housing (types, sizes, price points and density) and it promotes the construction of housing documented to be in short supply.
- Envision Longmont Guiding Principle 1.2f Higher Density Housing: This plan proposes Paired Homes and Fourplexes; a density that is higher than the surrounding area, but not materially so which allows for a more graduated approach.

Building Strength, Stability and Self-Reliance Through Shelter

- Envision Longmont Guiding Principal 1.2g Integration of Uses: The plan proposes complimentary uses. Specifically, an early childhood center which provides a service that is not found in that immediate area and supports the development.

We also see alignment in terms of developing new dwelling units in an area of change, increasing city share of residential near employment, creation of a vehicle-free walkable environment and providing community support facilities

For these reasons we would urge Council to support this plan and use all means including a Master Development Agreement that would capture all benefits and expectations in a way that allows the plan to move forward with confidence.

Sincerely,

David Emerson

David C Emerson
Executive Director

RANDALL WEINER
randall@weinerCORDING.com

ANNMARIE CORDING
annmarie@weinerCORDING.com



3100 Arapahoe Ave., Suite 202
Boulder, CO 80303
(303) 440-3321 (tel)
(720) 292-1687 (fax)

March 3, 2023

Boulder County Planning Commission
Boulder County Courthouse
3rd Floor Hearing Room
1325 Pearl Street
Boulder, CO 80302

Delivery via email (hhippely@bouldercounty.org; planner@bouldercounty.org)

**RE: Statement of Opposition to the Termination of the Kanemoto Estates
Agricultural Conservation Easement**

Boulder County Planning Commission,

Our office represents Keep Airport Road Environmental & Safe (“KARES”), a coalition of Longmont citizens residing in the vicinity of Kanemoto Estates. KARES is gravely concerned about the proposed termination of the 1982 Kanemoto Estates agricultural conservation easement (the “CE”), which many of KARES’ members have relied on for up to forty years. Beyond preservation of the CE, KARES’ members are concerned about the negative impact this termination and subsequent development will have on their environment, neighborhood safety, and the character of the community. The Boulder County Planning Commission has the authority to protect the public interest and stand up to any particular developer or city, to assure that the past promise of agricultural conservation is kept.

Significantly, this CE contains an explicit provision prohibiting termination unless doing so would be consistent with the Boulder County Comprehensive Plan, which it most decidedly is not. In addition, extinguishment of the CE would be inconsistent with the intent of the Colorado State Legislature’s recently passed statute to preserve conservation easements across the State. Finally, extinguishment would be an ill-planned invitation to terminate all variety of conservation easements throughout Boulder County.

In short, conservation easements are generally perpetual, and this Commission has the opportunity to stand with longstanding community members against ceaseless development pressures in the County in order to preserve this forty-year old CE.

1. Terminating the Kanemoto Estates CE would violate an express term in the easement prohibiting termination unless it is consistent with Boulder County’s Comprehensive Plan.

Termination of the CE would be inconsistent with the Boulder County Comprehensive Plan (“BCCP”) and thus inconsistent with the language of the easement. Under its own terms, termination of the CE may occur only when the Boulder County Planning Commission and

Boulder County Board of Commissioners have determined that the proposed and/or allowed development and/or land use resulting from such termination or transfer is *consistent with the current Boulder County Comprehensive Plan and Boulder County Land Use Regulations...*” Kanemoto Estates NUPUD (Outlot A) CE 00494792 (1982) (emphasis added). The proposed development is inconsistent with the BCCP and thus this Commission may not terminate the CE.

To begin, the BCCP has been accepted and executed by the Boulder County Commissioners and is the law of the County, not merely a volume of suggestions. Moreover, the BCCP’s environmental stewardship and responsibility goals repeatedly highlight the value of preserving agricultural conservation easements. By way of example, the following goals discuss this BCCP value:

1. The County recognizes the goal of conserving and preserving productive agricultural land, as it is a limited resource of both environmental and economic value. Boulder County Comprehensive Plan, Goal 3 (2022).
2. It is the policy of Boulder County to promote and support the preservation of agricultural lands and activities within unincorporated areas of the county. *Id.* at Policy AG 1.01.
3. It is the policy of Boulder County to encourage the preservation and utilization of those lands identified as agricultural lands of national significance. *Id.* at Policy AG 1.02.
4. It is the policy of Boulder County to participate in national programs directed toward the preservation of agricultural land. *Id.* at Policy AG 1.03.

Termination of the CE is thus inconsistent with each of these four goals and thus inconsistent with the BCCP, an express prerequisite to termination of the CE.

Second, other local land use regulations, specifically the Land Use Code (the “Code”), requires the “[p]romotion of the...safety...of present or future inhabitants of the County through such means as lessening traffic congestion, reducing waste caused by road constructions, *fostering agricultural* and other industries, *ensuring that unincorporated lands outside of the community service areas remain rural in nature, open and rural land preservation, and environmental protection.*” Boulder County Land Use Code, 1-300(B) (2022) (emphasis added).

Preserving this open space, as opposed to extinguishing the CE for commercial development, fulfills the purpose of the Code by reducing traffic and construction, promoting environmental protection, fostering agricultural activities, and preserving open land.

Meaningfully, the land in question has a Federal designation as a Nationally Significant Agricultural Land by the United States Department of Agriculture. BCCP, Map X. This means that the land has not been highly utilized in the past, but it still remains well suited to long-term, intensive crop production because of its particularly fertile soil. *See, e.g.*, Farm Land Info, High Quality Agricultural Land (last visited Feb. 24, 2023); United States Department of Agriculture Natural Resources Conservation Service, Web Soil Survey (last visited Feb. 24, 2023). The BCCP emphasizes protecting and preserving lands precisely like Kanemoto Estates, a productive

agricultural land of national significance. Consistency with the BCCP and Code would require preservation of the CE. Critically, the BCCP, PPA 3.04, states that the “...density transfer process should not be located on Nationally Significant Agricultural Lands.” As a relevant aside, preserving agricultural land also sequesters carbon in place, a value that is becoming increasingly important in our society.

To conclude, termination of the CE would not be consistent with the BCCP’s and Code’s guidance and regulations, and is thus prohibited under the CE’s express terms.

2. Termination of the Kanemoto Estates Conservation Easement would be contrary to statewide goals for conservation easements, and Boulder County should strive to be a leader in enforcing the State’s goals for conservation easements.

Colorado has a long history of valuing its natural and cultural resources, and the State has enacted a number of laws and policies aimed at protecting them, including the Conservation Easement Act. The State’s constitution expressly includes a provision that recognizes the importance of preserving natural resources for the benefit of present and future generations. Colo. Const. Art. 27. Additionally, the State has established a number of programs aimed at protecting land and water resources, including the Colorado Open Lands Program, the Colorado Wildlife Habitat Protection Program, and the Colorado Scenic and Historic Byways Program. These programs all rely on conservation easements to protect important resources, and are predicated on the idea that such easements are permanent and binding.

The Colorado Conservation Easement Act (“CCEA”), enacted in 1976, sets forth specific requirements for the creation and enforcement of easements within the state. C.R.S. § 38-30.5-107. It requires that any modification or termination of an easement be done through judicial proceedings and in a manner that ensures the protection of the easement’s conservation values. *Id.* The 2019 amendment to the CCEA formally synced the enabling act with the IRS tax code § 170(h), which requires that conservation easements must be protected in perpetuity. This has effectively raised the standard for terminating conservation easements. *Id.* (Stating that easements can only be terminated when its conservation purposes are “impossible.”) While this statute was amended decades after the CE was executed, its passage evidences a strong indication that the State Legislature wants conservation easements preserved, not extinguished, unless its preservation is impossible.

Agricultural conservation preserved by the CE is not impossible to achieve. Maintaining and preserving open agricultural space on Airport Road will be achieved through keeping the CE in place. Documents executed at the same time the CE was executed confirm that agricultural conservation was intended in perpetuity. *See, e.g.,* Kanemoto Estates Subdivision Plat, reception no. 494790 (“...does hereby dedicate and set apart...public improvements and places as shown on the accompanying plat to the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements for the purpose shown hereon....”). The easement on the plat is succinctly described as an “Agricultural Preserve.” *Id.*

Conservation easements are intended to permanently limit certain uses of a property in order to protect its natural, cultural, or historic resources. After all, what is the point of a conservation easement that is extinguished when the forces for development turn up the pressure? Under the 2019 Amendment to the CCEA, new conservation easements require termination only after judicial proceedings. To allow the CE's termination under the development pressure of a particular locality and developer undermines the very purpose of the easement and will discourage landowners from entering into such agreements in the future.

3. Neighbors of Kanemoto Estates are vehemently opposed to exposure to the environmental, safety, and social consequences of future development on this land, so the conservation easement should be kept in place.

Known for its natural beauty, Boulder County should not sacrifice its scenic open spaces for unchecked commercial development. The clearing of vegetation, followed by the construction of a mini-City on the outskirts of Longmont with increased traffic, density, and sprawl, will of course create significant environmental impacts. Waste from construction and air pollution from vehicles will damage the environmental nature of this important section of the County. Such conservation would be particularly important after the land is annexed to Longmont to prevent its increased urban sprawl. Additionally, the construction process will result in more erosion, soil compaction, and the release of pollutants into nearby waterways like the Saint Vrain Creek. To be clear, KARES' members acknowledge that this decision is not about the type of development that will occur, but about the County keeping a forty year old promise and preventing the CE's termination where it is inconsistent with existing law, specifically the BCCP.

4. Community opposition is strongly against development.

Additionally, the community is vehemently opposed to the termination of the easement because of social and economic consequences. Agricultural land provides important benefits, including the preservation of local heritage and culture and the maintenance of open space and scenic views. Once Kanemoto Estates is lost to development, there will be a permanent loss of these benefits.

Construction can also pose significant safety risks. The neighborhoods bordering Kanemoto estates are dense with children and elderly people. The sheer scale of the proposed development will cause increased traffic congestion, noise pollution, and the release of hazardous materials. These all pose health risks to those neighbors who are more vulnerable to the effects of pollution and traffic accidents. Longmont neighborhoods and Boulder County residents west of 75th and north of Nelson Road have also expressed opposition. Colorado Highway 119 (CO 119) from Boulder to Longmont (the Diagonal Highway), just adjacent to Kanemoto Estates, has the highest number of vehicle crashes in Boulder County. (CDOT CO 119 Safety & Mobility Project, 2022).

The neighborhood residents' heartfelt concern about the loss of scenic values in the area is grounded in the BCCP and would perpetuate problematic development previously authorized on the northern half of this View Protection Corridor (VPC), including the recently approved Westview Acres subdivision. The BCCP mandates the minimization of impacts to views in

VPCs. *See* BCCP, at OS-2 (“Conserve...scenic corridors...prevent urban sprawl...”); OS-5, OS 1.02.01 (...avoid, minimize, or mitigate impacts on views from view protection corridors...”); TR-4 (“...minimize adverse scenic and environmental impacts,...”); TR-5 (“...improvements may be prohibited...that cause unacceptable impacts to the natural environment, including scenic views and rural character...”); TR-6, TR8.03 (“...Preserve View Corridors...Prevent the disruption of scenic views...”); CW-5 and ER-4 (“...Boulder County shall protect...scenic, visual...resources...”); ER-5 (“...Scenic vistas shall be preserved...”). Thus, termination of the Kanemoto Estates CE would not just conflict with residents’ wishes, but in this additional respect (visual impacts) would be inconsistent with the BCCP.

5. It is unfair to unsuspecting residents to extinguish this CE.

Extinguishment of the CE would be unfair. County residents who checked the land use records over the past 40 years or were informed about the CE before they bought property reasonably concluded that the land in question would be protected in perpetuity. Some residents telephoned the City of Longmont before purchasing their homes and were told that no homes would be built on Kanemoto Estates due to the conservation easement. After all, most people told about an agricultural conservation easement expect it to protect that land perpetually. This was a considerable factor for many residents neighboring Kanemoto Estates. To allow their investment in their largest economic asset to be degraded by extinguishing the CE would be manifestly unfair to them.

6. The CE predates any agreement for Longmont development and this area was not intended to be used as a vehicle for Longmont growth.

To begin, the Kanemoto property was issued a NUPUD (PPA 2.04) and Conservation Easement (PPA 2.03) in 1982 because it was NEVER intended to be within the Longmont Community Service Area. It lay outside the Longmont Community Service Area in an area that prohibited urban development under the BCCP.

As stated in the BCCP, it “is expected that land within municipal Community Service Areas will be developed in an urban pattern, urban services will be provided by the municipalities, and the area will eventually be annexed. **Conversely, land outside CSAs and their transition areas will remain rural; urban services will not be extended there, and zoning will *prohibit urban development* and densities. Most of the land outside the CSAs will continue to be used for agricultural activities, environmental resource protection, low-density residential development and other activities consistent with the rural character of the county.** Plains Planning Area – 2 (emphasis added). *See also* PPA 1.01 (Geographic Scope and Vision for Plains Planning Area. **Land located outside CSAs** and east of the Forestry zoning district, should be designated as the Plains Planning Area, and **should remain rural**. Urban services should not be extended into the Plains Planning Area, and **zoning should continue to prohibit urban development and densities**. Land uses within the Plains Planning Area should continue to be related to **agricultural activities**, environmental resource protection, **low density**

residential development and other activities consistent with the rural character of the county.”).¹ Accordingly, the transfer of the Kanemoto CE/NUPUD into the Longmont CSA/LPA and its designation as a TDR receiving site in 1996 was unlawful and in violation of the BCCP.

It is both unfair and inconsistent with the BCCP to permit the extinguishment of the CE in an area that was located outside the Longmont CSA and subsequently labeled as a NUPUD.

7. Conclusion.

Those living near Kanemoto Estates, the greater Southwest Longmont neighborhoods, and surrounding Boulder County residents strongly oppose the termination of the Kanemoto Estates’ agricultural conservation easement. The environmental, safety, economic, and social consequences are too great for Boulder County to undertake termination proceedings without careful historical examination and consideration. Pursuant to its own terms, termination of the conservation easement in question can occur only when consistent with all county land use regulations, including the comprehensive plan and the land use code. KARES has demonstrated that the proposed termination is broadly inconsistent with both of these. Additionally, the State legislature has been taking active steps to raise the standard for the termination of conservation easements. As a leader in the State of Colorado, Boulder County should strive to be consistent with the legislature’s goals and only terminate conservation easements when the conservation purposes are impossible to fulfill. The conservation goals of Kanemoto Estates, a Federally designated Nationally Significant Agricultural Land, are not impossible to fulfill.

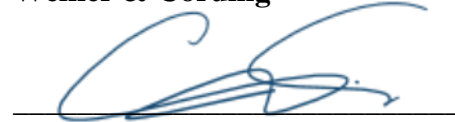
Each day somebody drives by this scenic open space, they are reminded why Boulder County has codified the protection of conservation easements. Boulder County Planning Commissioners should vote NO to extinguish the Kanemoto Estates agricultural conservation easement in order

¹ By designating the CE as an after-the-fact NUPUD, the County acknowledged that the land was subject to the severe NUPUD restrictions set forth in the BCCP: “[In the] 1978 Comprehensive Plan, the county adopted a non-urban planned unit development process (**NUPUD**)....offered landowners a **development density of two dwellings** per 35 acres....In return, at least **75% of the total acreage had to be deeded to the county in the form of a conservation easement which restricted activity on the easement to agriculturally related or other rural land uses**....in 1994 through the adoption of the Plains Planning Area Element....That Element refocused the county’s policies and intentions for managing unincorporated Plains lands by emphasizing that land uses “...should **continue to be related to agricultural activities...and other activities consistent with the rural character of the county.**” BCCP, AG-2 (emphasis added). This NUPUD designation prevents development under the BCCP. PPA-5 PPA-2.03 (“...Conservation Easements....should continue to be the....development control...preventing...development of lands committed for agricultural activities...”); PPA-2.04 (“...NUPUD...should only be supported...as a means of preserving and conserving large tracts of land...possessing significant....features, including...significant agricultural land...”)).

to adhere to the BCCP and Code, preserve the character of this critical area, promote conservation values, and act fairly to the current neighborhood residents.

Respectfully,

Weiner & Cording

A handwritten signature in blue ink, appearing to be 'AC', is written over a solid horizontal line.

Annmarie Cording
Randall M. Weiner

Attorneys for KARES

EXHIBIT H

From: [Greg Warson](#)
To: [Hippely, Hannah](#)
Cc: [Greg Warson](#)
Subject: [EXTERNAL] Bestall Collaborative - Airport Rd, Longmont
Date: Monday, February 27, 2023 3:28:44 PM

Hannah, I am writing to OPPOSE the subject proposed high-density development along Airport Road in Longmont. The Bestall Collaborative proposed development will dramatically change the ethos and landscape of this section of Boulder County. I am a local homeowner and would be very disappointed to see Boulder County proceed with this proposal.

To stay informed, would you please add me to the notice list of an Boulder County meetings regarding this proposed easement.

Greg Warson
3751 Florentine Circle
Longmont, CO 80503

EXHIBIT H

From: [Thomas Darwish](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Bestall Collaborative high-density development
Date: Tuesday, February 21, 2023 5:08:09 PM

Hello Hannah - I wanted to send a quick email to voice my concern. I would like for you to support retaining the Kanemoto Estates Easement and to not develop the open space property on airport road. Appreciate you taking our concerns into consideration.

Kind regards,
Thomas Darwish
Niwot, CO

EXHIBIT H

From: [Nick Metrowsky](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Bestall Collaborative in SW Longmont
Date: Monday, February 20, 2023 9:29:16 AM

Dear Boulder County Planners & Commissioners:

I oppose this property from being change from rural designation to high density housing. Its location would create traffic issue sat Airport and Colorado 119. The entrances to the property, will be on Airport Road, close to the Airport and CO 119 intersections. It would add at least 400 cars to the road. It could cause backs ups on CO 119, in both directions, especially from the west, as additional cars will try to make left turns on to Airport Road. CO 119 is already congested as it is, this plan will make it worse. It would also add pollution, with idling cars and trucks.

The property is zones rural and has two houses on the property. It should remain that way. It would go against the City of Longmont's and Boulder's County long term open space planning, of limiting growth and development between Longmont, Niwot and Boulder, along the CO 119 corridor.

Longmont's current government is blindly approving infill high density housing throughout the city. If the project is approved, then it will not stop development on the east side of Airport Rad, south of Pike Road a;ll the way to Hover. Destroying the entire rural feel from just wets of Airport Road eastward. It also means Longmont may want to develop south of CO 119 from Hover to Airport Road, which is all rural right now, with the exception of High density housing now being built just south of Oskar Blues.

Finally, adding 400 more homes, will then require adding more schools, and that will result in increasing taxes. I already expect my property taxes to go up 25% nest year, adding this may force them up by 33%, especially if each resident has one child that is of school age.

So, this plan is bad fro the carbon footprint, bad for traffic, bad fro taxes and bad for the rural landscape. It should not be approved by Boulder County.

Best Regards,

Nick Metrowsky

PS I live southeast of Airport and Nelson Road

--

Nick Metrowsky | <http://www.sgsosu.net>
3624 Oakwood Drive | E-Mail: njmetrowsky@gmail.com
Longmont, CO 80503-7560 | Phone: (720)340-4546

EXHIBIT H

From: [Theresa Merritt](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Bestall Collaborative Opposition
Date: Friday, February 24, 2023 2:47:05 PM

Dear Ms Hippely,

I would like to inform your office I oppose the extinguishing of the Kanemoto Estates Easement in Boulder County. I am a Boulder County resident as well as a resident of Longmont and I feel the Bestall Project would harm wildlife and the impair current residents ability to enjoy the wild spaces we still have left. It would also worsen traffic congestion and the overall quality of life we enjoy.

Please place me on the notice list of any Boulder County meetings regarding this conservation easement.

Thank you,
Theresa Merritt

EXHIBIT H

From: [Jennifer](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Bestall Collaborative proposal opposition
Date: Tuesday, February 21, 2023 9:41:57 PM

Hannah, as lifelong residents of Longmont/Niwot (since 1956 and 1965) and proponents and financial supporters of Boulder County open space and easements, we oppose the proposed Bestall collaborative high density housing in Southwest Longmont. Please protect our open space and easements, and keep us posted on the meetings regarding this property and proposal.

With sincere gratitude,
Jennifer Sleek
and Stein Klevdal

7676 Monarch Road
Longmont Co 80503

Sent from my iPhone

EXHIBIT H

From: [Jennifer Evans](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Conservation Easement SW Longmont
Date: Tuesday, February 21, 2023 6:30:51 PM

Hello,

I'm writing to voice my opinion against the high-density development planned for the area south of the Clover Creek neighborhood and east of Airport Road. Changing a conservation easement in order to accommodate a high-density development goes against the whole point of an easement! And seriously, the fact that three-story structures being built in that location is even being discussed is patently ridiculous!

Longmont doesn't need to develop every single open space it sees!!

Thank you.

Sincerely,
Jennifer Evans

Sent from my iPhone

EXHIBIT H

From: [Mercedes Hernandez](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Housing plan
Date: Wednesday, February 22, 2023 12:14:27 AM

Hello Ms. Hippely,

I am writing as a Boulder county and Longmont resident.

I am not in agreeance with the development plan in place near Airport road and the Diagonal.

Please add me to the mail list for any communication or

Meetings involving this plan.

The roads in Longmont are not set up for another one of these developments. This is poor planning and will end up causing chaos.

Sincerely

Mercy Hernandez

Please excuse any typos Sent from my iPhone

EXHIBIT H

From: [Michele Osentoski](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Kanemoto Conservation Easement
Date: Tuesday, February 21, 2023 2:18:49 PM

To Whom It May Concern,

Regarding: Kanemoto Conservation Easement off Diagonal Hwy and Airport Rd in the Southwest section of Longmont

After reading Boulder County's Park & Open Space article on What is a Conservation Easement and then hearing what is planned for the Kanemoto Conservation Easement - over 400 residences, some being 3 story condominiums, I am APPALLED that the county would even consider re-zoning this land. The land was put into a conservation easement to protect against this exact kind of development! And now the county is going to re-zone it to build a bigger tax base?! What good is a conservation easement if the county doesn't protect it as it agreed to do?! What's going to happen to all the open space voters have approved and paid for over the years? Is Boulder County going to re-zone that too?!

PLEASE do NOT re-zone the Kanemoto Conservation Easement in Longmont!

Michele Osentoski

micheleoz55@gmail.com
303-875-9400 cell

EXHIBIT H

From: [Kirsty Sarris](#)
To: [LU Land Use Planner](#); [Hippely, Hannah](#)
Subject: [EXTERNAL] Kanemoto Estates CE Termination
Date: Friday, March 3, 2023 4:44:50 PM

To the Boulder County Commissioners,
I am emailing with my concerns about the possible termination of the Kanemoto Estates conservation easement termination.

As a resident of Boulder County for 20 years, and having lived in my current home for almost 18 years, I am observing a troubling trend in the way that Boulder County are relating to conservation easements at large. The Kanemoto Estates conservation easement was put in place to preserve the land for agricultural/rural land use. To remove the easement and allow an dense urban development demonstrates a lack of regard for the wishes of previous and current residents in the area.

Although the City of Longmont planners and Boulder County seem to think that the Kanemoto Estates location warrants high density urban development, neighboring communities are not in agreement and, to put it bluntly, it seems that the government officials have no real interest in listening to existing Longmont residents if it means they cannot pursue their agenda to urbanize Longmont.

Outside of the differing ideologies between the residents and government, there are a lot of practical reasons why the Kanemoto Estates is a poor location for urban development. The one I will highlight is the increase in traffic. Highway 119 has the highest number of vehicle crashes in Boulder County, and I personally know a young girl and her friend that survived (but with severe injuries) a horrendous car crash on highway 119. This proposed development will increase the amount of traffic on an already hazardous stretch of road. Airport Road is already suffering from large amounts of fast moving traffic, and it should be noted that our children have to cross this road on their walk to school. I am not in favor of increasing traffic, which leads to more aggressive driving, which then becomes a risk to our children.

Additionally, the proposed access points for the new development are on a hill. I am concerned about fast moving cars that have to stop at the traffic lights in the winter on a hill and I anticipate multiple accidents.

I'm not against development, I know it's part of the world we live in, but I am against disrespecting the wishes of former generations that desired to preserve spaces through conservation easements to keep Boulder County beautiful and preserve its heritage. I am against a culture of governments failing to listen to existing residents' desires in order that development agendas can be pushed through. I am against making strange urban pockets on the edge of suburban/agricultural living where there are no amenities to support those densely populated areas.

In light of these things I ask that you would keep the Kanemoto Estates conservation easement in place.

Thank you for your time,
Kirsty Sarris
1922 Clover Creek Dr.

EXHIBIT H

Longmont, CO 80503

EXHIBIT H

From: [Seth Lytton](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Kanemoto Estates Conservation Easement Termination Hearing
Date: Thursday, March 2, 2023 10:41:15 PM

Hello,

I would like to state my opposition to the planned termination of the Kanemoto Estates conservation easement. I have lived in Longmont my entire life. I grew up in north Longmont and worked many years to be able to afford a home in Colorado, so I understand the desire to lower home prices. Where I disagree with the city and county is on how we should go about solving that problem.

The reason that so many people want to live in Colorado is that we have open space and easy access to nature. The reason we have those things is because of policies like conservation easements that conserve these open spaces for future generations. Endless expansion around the edges of the city at the expense of open space is not the right way to decrease home prices.

There are many reasons for increased home prices, but the one that seems to get almost no attention is the fact that investment companies are able to outbid the average homeowner with cash offers and then turn properties into permanent rentals or Airbnb's. They have no incentive to sell, ever. They can effectively remove the opportunity for home ownership for large swathes of the population. This is especially pervasive at the lower end of the market, which this development is supposedly targeting [1, 2, 3]. Building additional units doesn't solve this problem and making them smaller and more affordable just makes it cheaper for investors to buy them and turn them into rentals.

I understand that the city wants to provide people the opportunity to live in Longmont for an affordable price, but urban planners have known for years that sprawling development around the edges of a sparsely populated city center is a recipe for increased traffic and a decrease in quality of life. The focus on affordability should start with common sense restrictions on the number of properties that can be rented in the city. Once those limits are in place, the effort should go toward growing the city center and increasing density in existing neighborhoods with walkable amenities.

It would also be an option to give incentives to first time home buyers and Colorado natives who want to stay in the state. Some programs like this do exist, but they are under-funded and the income caps are so low that they exclude most people.

Finally, I think that we need to acknowledge that at some point, continued growth isn't in the best interest of the existing Longmont residents. Just because someone wants to move here, doesn't necessarily mean that they will be able to.

As I've said, I understand the frustration that surrounds the ever-increasing home prices along the Front Range, and for all of the reasons above, I think the continued expansion into open space and farm land is the wrong solution and causes more problems than it solves. It has a detrimental impact on the environment, the already severe traffic, the already full schools, and the surrounding residents. This easement was put in place for a reason, to maintain open spaces and access to nature. Please don't give up on that goal by selling the easement to a development company.

EXHIBIT H

Thank you for your time,

Seth Lytton

1 - <https://slate.com/business/2021/06/blackrock-invitation-houses-investment-firms-real-estate.html>

2 - <https://www.nytimes.com/2022/04/23/us/corporate-real-estate-investors-housing-market.html>

3 - https://www.nytimes.com/2023/02/24/realestate/florida-condo-deconversions-lawsuit.html?nl=todaysheadlines&emc=edit_th_20230225

EXHIBIT H

From: [Greg Petrosky](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Kanemoto Estates Conservation Easement
Date: Friday, March 3, 2023 11:48:31 AM

Hello,

I am a resident of Clover Creek and would like to express my concerns and opposition to the proposed termination of the Kanemoto Estates conservation easement.

Terminating conservation easements for the purpose of high density housing is inconsistent with the Boulder County value of maintaining visionary open space, land use, and sustainability policies. These areas increase the quality of life for current residents and provide habitat and hunting grounds for birds of prey, coyotes and foxes.

While many make the argument that Longmont is in need of additional housing, there are already over 2300 housing units under construction in the city, with an additional 1000 units approved and 2700 under review according to the city's Active Development Log. The development that will replace the Kanemoto conservation easement is inappropriately disparate from the surrounding single family homes and horse properties it will border. It will not be in close proximity to activity centers and public transit as required by the Longmont City Code.

Furthermore, Airport road cannot safely support the additional traffic and the proposed access point through Clover Creek is dangerous to residents on foot, joggers, and children at play and at the school bus stop.

Please consider the above points when deciding on how to proceed with this decision on the future of the Kanemoto Estates conservation easement. I ask that Boulder County decline the request to terminate the easement in order to maintain its allure as a place that values protected, pristine agricultural land and wildlife habitat.

Sincerely,

Greg Petrosky

EXHIBIT H

From: [Kit Fuller](#)
To: [Hippely, Hannah](#)
Cc: [Boulder County Board of Commissioners](#); opinion@timescall.com
Subject: [EXTERNAL] Kanemoto Estates conservation easement
Date: Saturday, February 25, 2023 9:09:17 PM

Dear Hannah and Boulder County Commissioners and staff,

Thanks to a letter to the editor published in the Longmont Times Call (Feb 19, 2023) I have learned that a development proposal has been submitted by Bestall Collaborative for a 40 acre plot that has a conservation easement called the Kanemoto Estates easement.

Where can I find out more about this proposal?

What laws protect Boulder County open space?

Isn't open space supposed to be in perpetuity — in other words, forever?

Thank you for your attention to my questions.

IMPORTANT — Please note my strong opposition to any proposed development that would occupy Boulder County open space land.

Thank you.

Kit Fuller
2112 Creekside Drive
Longmont, CO 80504

EXHIBIT H

From: [Howard Marans](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Kanemoto Estates Easement
Date: Tuesday, February 21, 2023 6:25:04 PM

I would like to voice my opposition to vacating this easement and allowing the associated project development to go forward.

Howard Marans
6443 Legend Ridge Trail
Niwot
714-904-8625

EXHIBIT H

From: [Karon Warner](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Kanemoto Estates Easement
Date: Wednesday, February 22, 2023 9:06:48 AM

To Boulder County Planning

Hannah Hippely,

My husband and I are residents of SW Longmont. My husband is a Boulder native. We have seen so much development in the last 5 years especially. We feel very strongly that the high density housing of Bestall Collaborative on Airport and 119 in Longmont should not be allowed. We have relied on conservation easements to know the boundaries of possible growth. To know they could just be voted away is disturbing at best. The traffic is already at what seems to be peak capacity. Growth is a good thing, but please lets do it with some common sense. This proposal has way too high a population density. I hope the planning committee will not allow the Kanemoto easement to be extinguished.

Please put us on a list to be notified of any Boulder County meetings regarding the consideration of the Kanemoto Estate easement.

Thank you for considering the above opinions and hopefully agreeing with the many residents here who oppose this development,

Jim and Karon Warner

4216 Heatherhill Cir

Longmont, CO 80503

kwarner@fullnet.net

EXHIBIT H

From: [Bob Cutler](#)
To: [Hippely, Hannah](#)
Cc: [Bob Cutler](#)
Subject: [EXTERNAL] Kanemoto Estates Easement
Date: Wednesday, February 22, 2023 12:01:09 PM

Hello,

I understand that Kanemoto Estates Easement has a conservation easement, and that for this development to proceed the Boulder County Planning Department and then the Boulder County Commissioners must agree to that extinguishment."

I am in opposition to extinguishment and wish to be placed on the notice list of any Boulder County meetings regarding this conservation easement."

Thank you, Bob CUTler

--

Bob Cutler

1830 Lombardy Street

Longmont, Colorado 80503

303-819-7695

EXHIBIT H

From: [Susan Edwards](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Kanemoto Estates
Date: Wednesday, February 22, 2023 8:25:36 AM

I opposed the extinction of this zoning---I'm not calling for zero building but feel for conservation use, to keep parcels at 1 acre and not high density as proposed---we have enough high density building in Longmont and Boulder county

Have a great day
Susan Edwards
303 910 2932
636 Barbary Dr
Longmont CO 80503

EXHIBIT H

From: [Anastasia Way](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Kanemoto Estates
Date: Sunday, March 5, 2023 1:44:17 PM

Hi Hannah,

My name is Stacey Way and I live in southwest Longmont. I am against the conservation easement for Kanemoto Estates because of the dangers that intersection presents and the beauty the undeveloped area provides. What's the best way to voice my opinion and participate in the process to prevent this development,

Stacey Way

Get [Outlook for iOS](#)

EXHIBIT H

From: [Kathy English](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] No to Kanemoto Easement development
Date: Wednesday, February 22, 2023 8:35:16 AM

We must preserve our open space! Please no high density housing at diagonal highway and airport road!
Kathy English

Sent from my iPhone

EXHIBIT H

From: [Jennifer S](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Oppose building sw Longmont
Date: Tuesday, February 21, 2023 6:17:20 PM

I am writing to oppose yet another open space going away to make room for more housing. The wonderful thing about Longmont when I moved here w my family was its open spaces. We moved from Westminster almost 6 years ago bc everywhere poss houses, apartments ext huge tall ones at that were taking over wonderful open spaces.

Longmont seemed different!

There are so many apartments and new developments and townhouse that have already been built since we moved here, we can't take losing another wonderful open space. This one has many wildlife creatures that would lose their sanctuary. This is referring to the new proposed, high-density development in Southwest Longmont just off the Diagonal Hwy and Airport Road will bring "...over 400 residences on the 40-acre plot and includes three story condominium buildings".

Please [add.me](#) to the list of opposed.

Thanks Jennifer Sikora

EXHIBIT H

From: [Susan Voynow](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Opposed to development of land in SW Longmont!
Date: Wednesday, February 22, 2023 10:14:41 AM

Sent from my iPhone

EXHIBIT H

From: [Gina](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Opposing plans to build on open space
Date: Tuesday, February 21, 2023 2:14:43 PM

Hi! As long-time residents of Southwest Longmont, we want to go on record that we are in opposition of the current plan to build a high density residential project on what is now important open space in the area. Please also keep us in the loop of any development meetings pertinent to the space.

Thank you!

Gina and Shawn Vanderwood
4006 Arezzo Drive
Longmont, CO 80503

Sent from my iPhone

EXHIBIT H

From: [Doris Ogden](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Opposition on notice list for development/airport road.
Date: Monday, February 20, 2023 9:06:26 PM

I Doris Ogden, have opposition and wish to be placed on Notice List of any Boulder county meetings regarding this Conservation easement. Please keep Open space there, Open. Thank you.

Sent from my iPhone

EXHIBIT H

From: [Sue Skeie](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Opposition to Building in Longmont
Date: Wednesday, February 22, 2023 6:42:51 PM

Please protect the open spaces in Longmont. When is your next meeting? This needs to stop. Will it help to go to Longmont city council meetings?

Thank you for your time.

EXHIBIT H

From: [Patricia Sullivan](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Opposition to Kanemoto Estates Easement alteration
Date: Sunday, February 19, 2023 2:20:50 PM

I would like to go on record to oppose the extinguishment or altering of the Kanemoto Estates Easement. Although it may be tempting to submit to the business ventures of the Bestall Collaborative (note Bestall could also be read as Be stall), Longmont 's charm has always been to provide rural buffer zones around residential neighborhood, and to create a "rural ambiance" allowing residents to experience the openness of Colorado.

Please reconsider Bestall Collaborative's proposal—reign it in—and those of us who live here will benefit.

Thanks in advance,
Patricia E. Sullivan
947 Gay St
Longmont 80501

EXHIBIT H

From: [Rick and Karen Dauer](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Opposition to new development
Date: Wednesday, February 22, 2023 3:18:59 PM

Hello Hannah,

I wanted to express my opposition to the proposed easement change on the Kannomoto property, which is south of the Clover Creek neighborhood and located on the east side of Airport Rd. I am also in opposition to the proposed development on that 40 acre parcel due to the density. I urge the city to maintain the current zoning on this parcel.

Please advise me of any future meetings regarding this development.

Thank you,
Karen Dauer
4019 Milano Lane
Longmont CO 80503

EXHIBIT H

From: [Char Schmoker](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Protect/conserv Open Space
Date: Wednesday, February 22, 2023 10:34:10 AM

Hello,

I am reaching out to urge you to use whatever influence you might have to protect some open space near my home. According to a recent op/ed letter in the Times-Call, this land (east of Airport Road, north of the diagonal highway, and south of the Clover Creek subdivision in Longmont) is part of a Boulder County conservation easement (Kanemoto Estates Easement).

Once open space is developed, I cannot imagine a scenario in which it will ever be "open" again. It is already intended to be open space, so all we as a community need to do is protect this long-established intention.

My family has photographed all manner of wildlife just outside our back fence, including bobcats, deer, coyotes, and a mountain lion. They likely use the creek south of the open space as a corridor. This open space is valuable to these creatures, too.

Open space benefits anyone and everyone who enjoys its peacefulness. We are increasingly in need of a mental and spiritual break from the congestion of life. People love Colorado for its natural beauty, not for the suburban development. It's critical that we continue to protect this beauty as our population grows.

Please help protect our open space with any chance you get!

Cordially,
Char Schmoker

EXHIBIT H

From: [Patricia](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] S. Longmont development
Date: Friday, February 24, 2023 4:58:02 PM

Hello,

I am a Niwot resident and former resident of S. Longmont. I was disturbed to hear that there may be a major development near the Diagonal and Airport Rd. in a field that is currently one of a shrinking number of natural fields used by wildlife. I have often seen raptors in that area and assume they need places to hunt in the area near their nests. While snakes, mice and voles aren't charismatic wildlife, they are important to the raptor population of Boulder County.

There is already a good amount of open space dedicated to agricultural practices, but we also need natural grasslands to support the wild critters on the prairie.

That area of S. Longmont is already being built up with several recent projects. It is getting more and more congested. I urge you to protect that area from development and look at adding homes in the urban centers.

Thank you,
Patricia Olson
Niwot

EXHIBIT H

From: [Christine Santucci](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Strongly Oppose development at Airport & Diagonal
Date: Tuesday, February 21, 2023 7:33:38 PM

Please know that I strongly oppose any development on the corner of Airport & the Diagonal. This would destroy the rural charm of our Southwest Longmont neighborhood. Is there some way that the City of Longmont together with Boulder County could acquire this land for our commitment to Open Space & the quality of what it means to truly LIVE IN LONGMONT.

Christine Santucci
Chrissy.santucci@gmail.com
80503

Sent from C. Santucci I Phone

EXHIBIT H

From: [s.barber](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Time Sensitive: Concerns from Neighbors about the Proposed Development of the 40-acre Bestall Collaborative Property on Airport Road, Longmont
Date: Friday, February 24, 2023 1:44:01 PM

Dear Hannah Hippely,

We live at 5240 Bella Vista Drive, 80503, in Southwest Longmont. We understand that a high density development is being planned by the Bestall Collaborative for a 40-acre tract of land on the East side of Airport Road, next to the Clover Creek subdivision, a project that will include at least 400 residences, including three-story condominiums.

This proposed development is clearly and blatantly inconsistent with land use designation currently in place for this property as well as for the rest of the surrounding areas.

This 40-acre property holds the designation by Boulder County as a Conservation Easement, the “Kanemoto Estates Easement” which is in place to prevent high density projects such as this one.

We are strongly opposed to the extinguishment of this Conservation Easement for the land use designation currently in place for this rural 40-acre tract, an extinguishment which we understand is being considered by Boulder County Planning Department as well as the Boulder County Commissioners.

We strongly feel that the current Conservation Easement Land Designation Use – up to one unit per acre, typically lower -- should stay in place, thus preserving the character of this 40-acre property amidst rural neighborhoods on and surrounding Airport Road. In other words, this easement should not be extinguished. Clearly, the Bestall Collaborative development will severely impact adjacent neighborhoods, the most serious result, an increase in traffic congestion -- Airport Road is a main artery and busy conduit from the Diagonal Highway into Longmont. Moreover, this development will also tax precious water and other land resources.

Please keep us updated on all County business regarding this proposed development by placing our names and contact details on the notice list of any Boulder County meetings and hearings with respect to this property and its current conservation easement as well as the County’s consideration of extinguishment of the property’s conservation easement. We, as well as our neighbors would like to attend and stay current with such meetings and hearings. Such meetings and hearings will give us the opportunity to listen as well as to speak up and be heard by our County officials.

Thank you for your attention. Please confirm that you received this email.

Sincerely,

EXHIBIT H

Joseph Lee 310.980-7452

Susan Barber Lee 310.980-7438 sbarberphd@yahoo.com

EXHIBIT H

From: [Karen Kronauer](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] KARES - Conservation Easement
Date: Tuesday, March 7, 2023 5:04:42 PM

Hello -

I am writing on behalf of myself and several of my neighbors to express that we are very much opposed to the development of the Kanemoto Conservation Easement property.

There are several primary reasons for this:

1 - the intent of a conservation easement is just that - to conserve and preserve a piece of property in a rural, farm, or very low density status. To instead allow a high density development to take place is a dereliction of duty by the county and city to their constituents. When a conservation easement is put into place, it is meant to remain there.

2 - the Diagonal Highway is a high traffic accident corridor, the highest in Boulder County. To add hundreds or thousands of cars at Airport Road and the Diagonal is especially worrisome. Just three days ago my husband and I were traveling in the Diagonal, driving toward Longmont. A car turned off Airport Road into our lane, heading the opposite direction toward Boulder. Fortunately we, and the other cars around us, were able to quickly pull into other lanes, thus avoiding a head on collision. This is the second time in 5 months that our group of neighbors has experienced a similar situation.

3 - perhaps most importantly - the property currently under the Conservation Easement is an exceptionally beautiful piece of land. It provides view corridors for all traveling beside it. It provides land for wildlife to roam on. It increases the value of homes in Longmont because people can feel they are in a semi rural area, with open space. Developing a piece of land like this is permanent; there is no going back. What would be lost - a gorgeous property - is lost forever.

We know there is a need for housing, but this piece of land is not the place to do so.

Thank you,

Karen Kronauer and neighbors

Jefferies, Wesley

From: Brian Jeffries <b57.jeffries@gmail.com>
Sent: Friday, March 3, 2023 3:08 PM
To: LU Land Use Planner
Subject: [EXTERNAL] Termination of the Kanemoto Estates conservation easement

Categories: Wesley

March 3, 2023

Boulder County Planning Commission
planner@bouldercounty.org

Re: Commission Hearing March 15, 2023, Termination of the Kanemoto Estates Conservation Easement

Dear Members of the Boulder County Planning Commission:

I oppose the termination of the Kanemoto Estates conservation easement.

Reasons for my opposition include:

1. The easement provides an excellent zone of transition from rural Boulder County into Longmont. The erection of multistory buildings as proposed by the developer will destroy this gentle transition and reinforce an image of Longmont sprawl.
2. Eliminating the easement to support the development of over 400 dwelling units so close to the overburdened Diagonal Highway does not support an orderly fix to that congestion. A traffic study associated with the proposed project conservatively estimates an additional one thousand (1000) daily vehicle trips feeding the Diagonal. Until remedies to the congestion on the Diagonal that consider all current developments underway at the southwest edge of Longmont are completed, it is premature to facilitate such further dramatic growth in traffic on the Diagonal.
3. This parcel does not represent a site that constitutes a unique location for the development of high-density housing stock in the City of Longmont. Substantial properties exist within the current city limits of Longmont that could support the number of dwelling units proposed by the developer. With the availability of other lands within Longmont, there is no pressing need to sacrifice the rural character of this tract to development.
4. Boulder County should honor the premise of its open space program and related conservation easements. Voters have regularly agreed that Boulder County is a special place worthy of protection from sprawl. Relinquishing this easement would amount to trading conservation for condos. That would not be consistent with the protections the voters have continuously endorsed by the willingness to pay specific taxes to prevent sprawl.

EXHIBIT H

Brian Jeffries
4027 Milano Ln
Longmont, CO 80503

EXHIBIT H

From: [Ian Eddy](#)
To: [LU Land Use Planner](#); hhippley@bouldercounty.org
Cc: [Ian Eddy](#)
Subject: [EXTERNAL] Comments - Kanemoto Estates Conservation Easement Termination
Date: Tuesday, March 7, 2023 3:05:15 PM

Re: Hearing March 15, 2023

As newer residents in the southern section of the Clover Creek development we wish to object to the proposed termination of the Kanemoto Estates conservation easement.

When we moved to Colorado from a largely rural state, we were drawn to this particular area of the Clover Creek development because the adjacent land to our south was open (Kanemoto Estates) and with splendid mountain views and most comforting of all - its eastern and northern areas were protected under conservation easement and would not be developed in perpetuity. There is great value in open land, especially rural in nature and we understood that Boulder County was steadfast in its support of rural open space and has laws and legislation to that effect . Termination of this easement should not be allowed and this open, rural space should be preserved and if there is development allowed in the remaining un-conserved area, it should be of low density variety more fitting to the rural areas of Boulder County.

Sincerely,
Ian and Jenny Eddy

Ian Eddy
44icer@gmail.com

EXHIBIT H

From: [Joe STASIAK](#)
To: [LU Land Use Planner](#)
Cc: [Joe STASIAK](#)
Subject: [EXTERNAL] Comments - Kanemoto Estates Conservation Easement Termination
Date: Friday, March 3, 2023 5:15:40 PM

To: planner@bouldercounty.org, Community Planning & Permitting Department, Boulder County Planning Commission:

I oppose the termination of the Kanemoto Estates Conservation Easement (NUPUD) for many reasons. I will list a few:

The IGA Policy and TDR process has expired.

Terminating the Kanemoto Estates Conservation Easement is in direct conflict with many elements, goals, objectives, and policies in the Boulder County Comprehensive Plan.

The termination of the Kanemoto Estates Conservation Easement for the express purposes of annexation and development of significantly higher density than rural to include commercial properties is in direct conflict with the NUPUD (Non-Urban Planned Unit Development Process,) development density of two dwellings per 35 acres.

Any claims by the applicant (Jack Bestall and Lefthand Ranch LLC via Jack Bestall) to improving access to Primary Employment appears to be unsubstantiated hearsay and/or speculation.

There is a myriad of safety concerns that terminating the Kanemoto Estates Conservation Easement for the express purposes of annexation for high density development that have already been brought to the attention of the applicant (Jack Bestall and Lefthand Ranch LLC via Jack Bestall) and the City of Longmont. One of the safety concerns is a significant increase in traffic during the construction and after completion due to the addition of 426 residential units' vehicle traffic plus the addition of commercial properties' vehicle traffic.

One of the safety concerns: adjacent to Kanemoto Estates, Colorado Highway 119 (CO 119) from Boulder to Longmont (the Diagonal Highway) has the highest number of vehicle crashes in Boulder County. (CDOT CO 119 Safety & Mobility Project, 2022). There have been several fatalities recently, including (Times-Call) "Beloved owner of Lefty's Pizza, Craig 'Lefty' Harris, dies" in the Longmont-bound lane of the Diagonal Highway – he and his wife owned Lefty's for over 27 years. Also, (CDOT, DenverPost, etc) "(In 2022) Colorado saw highest number of traffic deaths since 1981 last year". I have participated in CDOT meetings and City of Longmont meetings regarding traffic studies - neither has factored in the cumulative effect of the hundreds (thousands considering the new developments in process or planned for the northmost mile of Boulder County CO 119) of residential units being added near to the first mile of Colorado Highway 119 (CO 119) and associated intersections.

I recognize that the Envision Longmont Plan intends to increase the quantity and types of available housing, however, according to discussions that I have had over the past year with a diverse number of longtime Longmont and Boulder County residents, terminating Kanemoto Estates Conservation Easement to enable annexation is not an acceptable means nor location to accomplish a density other than rural.

Querying residents who have lived near Kanemoto Estates Conservation Easement for more than five years produced a common theme - usual and customary due diligence on the part of ordinary citizens by asking the builder or telephoning the City of Longmont about the possibility of Kanemoto Estates Conservation Easement having density of homes greater than the rural density that is observed only produced confirmation of virtually no homes or a rural density development. There was an attempt some years back to develop Kanemoto Estates Conservation Easement with rural density housing - I am not aware of any outcry or opposition by any longtime residents that border Kanemoto Estates Conservation Easement for a rural density compliant NUPUD development. It is unfair to ordinary citizens to have the City of Longmont and Boulder County amend and/or modify the designation and perpetuity of Conservation Easements by non-obvious means after ordinary citizens have made purchases of their homes near the Conservation Easement based upon the documented perpetuity of the Conservation Easement.

EXHIBIT H

I oppose the termination of the Kanemoto Estates Conservation Easement (NUPUD) and request that the Boulder County Planning Commission disapprove the request for termination of the Kanemoto Estates Conservation Easement not only based upon the aforementioned criteria but also to enable the Boulder County Planning Commission to take this prime opportunity to reclaim ordinary citizens' trust in the Boulder County government.

Thank you,

Joe Stasiak

191 Clover Creek Drive

Longmont CO 80503

EXHIBIT H

From: [Maria Madera](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Kanemoto Estates Conservation Easement Termination
Date: Monday, March 6, 2023 4:51:38 PM

I oppose the termination of the Kanemoto Estates Conservation Easement...
I have been a resident of Longmont for 25 years and Boulder County 25 years as well. Seeing this change to high density urbanization by Boulder County and the City of Longmont is disturbing.
I request that Boulder County decline the request to terminate the Kanemoto Estates Conservation Easement.

--

Regards;
Mary Madera - Mendoza
720-985-4422

EXHIBIT H

From: [Padma Wick](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Kanemoto Estates Development
Date: Sunday, March 5, 2023 4:01:41 PM

Terminating the Kanemoto Estates Conservation Easement conflicts with the Boulder County Comprehensive Plan in many, many details. The City of Longmont's desire and Boulder County's support to Urbanize Longmont (by forfeiting Boulder County rural land protected under a CE) does not represent the sentiment of the directly affected residents that these governments are supposed to serve.

Residents of the area will see a huge influx of traffic at an already dangerous point on Hwy 119, pressure on nearby schools, and a complete change to the nature of our community. The interest of the surrounding community is not being taken into account.

Sincerely,
Padma Wick
4213 Frederick Circle
Longmont 80503

EXHIBIT H

From: [Amanda Meader](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] RE: Kanemoto Estates proposed development-CE Termination
Date: Monday, March 6, 2023 12:52:38 PM

I understand the City of Longmont and County of Boulder over recent years has changed course and have been on an urbanization path for our community.

I would like to have my opposition to this new development officially documented. **I am not in support of sacrificing our open space and/or choosing the fast track to terminating the public's protected conservation easements.**

Reasons for my opposition include:

1. The easement provides an excellent zone of transition from rural Boulder County into Longmont. The erection of multistory buildings as proposed by the developer will destroy this gentle transition and reinforce an image of Longmont sprawl.
2. Eliminating the easement to support the development of over 400 dwelling units so close to the overburdened Diagonal Highway does not support an orderly fix to that congestion. A traffic study associated with the proposed project conservatively estimates an additional one thousand (1000) daily vehicle trips feeding the Diagonal. Until remedies to the congestion on the Diagonal that consider all current developments underway at the southwest edge of Longmont are completed, it is premature to facilitate such further dramatic growth in traffic on the Diagonal.
3. This parcel does not represent a site that constitutes a unique location for the development of high-density housing stock in the City of Longmont. Substantial properties exist within the current city limits of Longmont that could support the number of dwelling units proposed by the developer. With the availability of other lands within Longmont, there is no pressing need to sacrifice the rural character of this tract to development.
4. Boulder County should honor the premise of its open space program and related conservation easements. Voters have regularly agreed that Boulder County is a special place worthy of protection from sprawl. Relinquishing this easement would amount to trading conservation for condos. That would not be consistent with the protections the voters have continuously endorsed by the willingness to pay specific taxes to prevent sprawl.

Thank you

Amanda A Meader, MBA, PMP
Renaissance Community President
RenaissanceHOAVP@gmail.com
Mobile: 303-884-8152

EXHIBIT H

From: [Deb Kelly](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Kanemoto Estates
Date: Saturday, March 4, 2023 2:22:12 PM

Dear planners

This email is voice our objection to the development of Kanemoto Estates, we have seen significant development in recent years. I feel it is important to keep agriculture areas and replacing with high density housing is not in the best interest of the community.

Deb & Tony Kelly

EXHIBIT H

From: [Anastasia Way](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] KARES against Kanemoto
Date: Sunday, March 5, 2023 1:49:42 PM

This is a terrible idea. Please do not allow the conservation easement for Kanemoto estates. That intersection cannot support the traffic as it is. I have had two neighbors fatally killed there.

It was conservation land for a reason. I beg you to keep it that way.

Anastasia Way

EXHIBIT H

Hippely, Hannah

From: Greg Warson <gwarson@gmail.com>
Sent: Monday, February 27, 2023 3:28 PM
To: Hippely, Hannah
Cc: Greg Warson
Subject: [EXTERNAL] Bestall Collaborative - Airport Rd, Longmont

Hannah, I am writing to OPPOSE the subject proposed high-density development along Airport Road in Longmont. The Bestall Collaborative proposed development will dramatically change the ethos and landscape of this section of Boulder County. I am a local homeowner and would be very disappointed to see Boulder County proceed with this proposal.

To stay informed, would you please add me to the notice list of an Boulder County meetings regarding this proposed easement.

Greg Warson
3751 Florentine Circle
Longmont, CO 80503

EXHIBIT H

From: [Amanda Meader](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] RE: Kanemoto Estates proposed development-CE Termination
Date: Monday, March 6, 2023 12:52:38 PM

I understand the City of Longmont and County of Boulder over recent years has changed course and have been on an urbanization path for our community.

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Thank you

Amanda A Meader, MBA, PMP
Renaissance Community President
RenaissanceHOAVP@gmail.com
Mobile: 303-884-8152