



March 23, 2016

**VIA FEDEX AND
E-MAIL DON.BROOKSHIRE@TOWNOFSEVERANCE.ORG**

Town of Severance
Attention: Don Brookshire, Mayor
3 S. Timber Ridge Parkway
Severance, CO 80550

RE: Town of Timnath ("**Timnath**") objection and request for mediation regarding the Town of Severance (the "**Severance**") Comprehensive Plan Amendment expanding the Town's Growth Management Area, which was approved by the Town Board on February 22, 2016 (the "**Plan Amendment**"), and the proposed annexation of the real property located in unincorporated Weld County known as Buffalo Creek, for which a request for referral comments was sent to Timnath on March 9, 2016 (the "**Proposed Annexation**") pursuant to C.R.S. § 24-32-3209.

Dear Mayor Brookshire:

I am writing on behalf of the Timnath Town Council to object once again to Severance's recent adoption of the Plan Amendment and ongoing consideration of the Proposed Annexation.

As you know, the Plan Amendment expanded Severance's growth management area (GMA) westward to Larimer County Road 1 (Weld County Road 13). Timnath has shown this area on our GMA since June of 2007, and this boundary is part of an intergovernmental agreement with the City of Fort Collins ("**Fort Collins**"); its location has numerous implications for several Northern Colorado communities.

Severance's subsequent passage of a resolution supporting the Proposed Annexation has additional widespread impacts. The Buffalo Creek property is within Timnath's GMA and is located immediately adjacent to Timnath. Its annexation into Severance could result in development at Timnath's doorstep without our consent or input and could erase important boundaries between Timnath, Severance and the Town of Windsor ("**Windsor**").

Timnath requests that Severance participate in mandatory mediation pursuant to C.R.S. § 24-32-3209(2) and (2.3) to resolve these issues. We regret that a solution to these issues could not be arrived at in a different manner, but Severance's lack of response to Timnath's numerous efforts to begin talks has left us no choice. These requests were made in our letter dated January 15, 2016 and during my own statement on behalf of Timnath at the March 21, 2016 Severance Town Board meeting.

Our objection and request for mediation are on the basis that: 1) Timnath is a "neighboring jurisdiction" as defined in C.R.S. § 24-32-3209(1)(h), and 2) that we are a party to cooperative planning intergovernmental agreements ("**IGAs**") with Windsor, dated as of September 23, 2002 and October 13, 2014, respectively, and Fort Collins, the most recent update being dated October 28, 2014. All of these IGAs cover portions of property included in the Proposed Annexation. These agreements constitute "development plans" under C.R.S. § 24-32-3209(1)(c.5) and are enclosed here for your reference.



The purpose of the requested mediation is to resolve our differences on the Plan Amendment and Proposed Annexation and to arrive at a mutually beneficial agreement focused on development at the boundaries of the two communities.

I have attached to this letter a list of qualified alternative dispute resolution professionals, which is maintained by the Colorado Department of Local Affairs – Department of Local Government to help in circumstances like the one at hand. Please review this list and let us know your top three candidates, and we will reach out to confirm their availability. Timnath understands that it is required under statute to pay for the costs of the mediator's services.

Please also advise as to times when representatives from Severance will be available to meet for the mediation.

We respectfully request that Severance reply to this letter as soon as possible. Please note that petition for the Proposed Annexation may not be referred to the Town Board for consideration of the petition's substantial compliance with the requirements of the Municipal Annexation Act of 1965 until either the mediation has been completed, or until at least 90 days have passed from your receipt of this request pursuant to C.R.S. § 24-32-3209(2.3)(c).

Due to today's inclement weather, we will deliver a hard copy of our written objection tomorrow.

We look forward to working with you to resolve these issues.

Sincerely,

Jill Grossman-Belisle
Mayor of Timnath
On behalf of Town Council

cc: Town Board, Town of Severance (dennis.kane@townofseverance.org,
Robert.brown@townofseverance.org, bruce.florquist@townofseverance.org,
mike.kinney@townofseverance.org, tim.reichel@townofseverance.org,
michael.young@townofseverance.org)
Board of County Commissioners of Weld County (mfreeman@weldgov.com,
jcozad@weldgov.com, bkirkmeyer@weldgov.com, sconway@weldgov.com,
smoreno@weldgov.com)
Board of County Commissioners of Larimer County (gaiter@co.larimer.co.us,
johnsosw@co.larimer.co.us, donnelt@co.larimer.co.us)
Anne Miller, AICP, DOLA (anne.miller@state.co.us)
Don Sandoval, DOLA (don.sandoval@state.co.us)