



Town of Erie

News & Announcements

LAFAYETTE'S RACE TO LITIGATION: It's Not About Open Space

Rather than respond to the Town's offer of a setback buffer between the Beacon Hill neighborhood and Nine Mile Corner, the City of Lafayette has instead filed a condemnation lawsuit with Boulder County District Court. The lawsuit is an attempt by Lafayette to acquire approximately half (22 acres) of the commercial/residential development planned for the southeast corner of Highway 287 and Arapahoe Road. The Town received notice of the lawsuit on Thursday, July 21, 2016.

"I guess we're not surprised that they've filed," said Erie Town Administrator A.J. Krieger. *"Over the last few months Lafayette's gone from mud-slinging to phony investigations, to now lawsuits. Maybe at some point we can all at least be honest about what Lafayette's really trying to do here – eliminate competition for sales tax dollars,"* Krieger said. *"The plain truth is that Lafayette has been working for years to develop every inch of the west side of 287 – including conspiring with Boulder County to early-exit the Super IGA and offering development deals while the East Central IGA was still in effect,"* he said.

*"I am at least a little surprised that they never even acknowledged our offer to establish a setback buffer, let alone respond to it. And keep in mind that we offered to apply their own development standards – **from their code** – to our project. As a minimum standard we offered the Beacon Hill residents the very same protection Lafayette's land development code would provide – and likely would wind up exceeding that standard in a final site plan,"* Krieger said.

"This is not about setbacks, or buffers, or open space. And Lafayette knows it too," Krieger said.

How We Know It's All About "Those Sales Tax Dollars" (and not open space)

1. Approximately 9 months before Erie announces we are opting out of Super IGA, Lafayette was trying to put together a development agreement with the owner of property on the southwest corner of Highway 287 and Arapahoe. Here's part of an email* between Lafayette City Manager and the developer dated November 8, 2012:

"Well..... the City of Lafayette's amendment to the growth limitation passed by a huge margin. We now need to meet to talk about the next steps for a Development/Annexation agreement for the area west of Hwy 287 and Arapahoe Rd. We have funds in our 2013 Budget to expand water and sewer service in the area. We need to meet in the next couple of months."

- Approximately 3 months before Erie announced we were opting out of the Super IGA, the Lafayette City Manager is busy working on the terms of a pre-annexation agreement with the owner of the property on the southeast corner of Highway 287 and Arapahoe. Here's the May 9, 2013 email* between the City Manager and the developer:

"I am looking for some feedback on the pre-annexation agreement we e-mailed you. In June I need to go to the City Council and make the case for opting out of the Super IGA which opens the door for all this to happen."

- Lafayette wanted to be the first to pull out of the IGA in hopes that Erie would be left behind and still restricted by rural preservation designation. And Boulder County played along right with them. As Boulder County Commissioner Cindy Domenico says to the Lafayette City Manager in her June 24, 2013 email*:

"I know you are doing all the heavy lifting on this, and that we would be nowhere without your work and help. Second, you and Dave Williamson (Lafayette City Attorney) are right about the Super IGA. It would leave rural preservation parcels in the same place should it go forward. Would you help me better understand your logic around why you would go first though?"

- Lafayette knows it's about sales tax and not open space because they said so themselves. It's true. Here's what City of Lafayette Mayor Christine Berg said in the December 22, 2014 Colorado Hometown Newspaper when talking about the future of Erie's Nine Mile Corner:

"The bottom line is they (Town of Erie) own the land now, so really it's up to them and what they want to do with it. And we know Erie needs to position itself to attract those sales tax dollars."

- On June 23, 2016 the City of Lafayette Planning Commission approved the Preliminary Plan for Lafayette Promenade, a 30 acre commercial development located directly across the street from Nine Mile Corner and immediately north of the Walmart. Instead of preserve this property as open space, here's the rationale from Lafayette staff as to why commercial development on the southwest side of Highway 287 should be allowed to proceed:

"The City finds the project is unique and/or necessary for economic development of the City. Essential City services and functions are financed through sales tax generated by commercial uses in Lafayette. The development is in the best interest of the City."

**Emails obtained through Colorado Open Records Act (CORA) request*

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