

**GROWTH MANAGEMENT AGREEMENT  
FOR THE UNINCORPORATED AREA SURROUNDING  
THE TOWN OF CEDAREGE, COLORADO, BETWEEN DELTA COUNTY  
AND THE TOWN OF CEDAREGE, COLORADO**

THIS AGREEMENT is entered into between the Town of Cedaredge ("Town") and the County of Delta ("County"), effective January 1, 2011, rescinding all previous Growth Management Agreements.

WHEREAS, the Delta County Master Plan provides that joint planning areas should be established to define the urban service boundaries around each municipality to encourage development in and near municipalities where adequate infrastructure is available and services can be efficiently provided; and

WHEREAS, the parties wish to cooperate to provide for the efficient management and administration of growth in the developing area around the Town of Cedaredge by defining a growth management area based on present and future availability of municipal services; and

WHEREAS, the parties have determined areas served by a growth management plan around the Town which consist of one area subject to Town review only and two areas which can be potentially served by Town utilities and may be subject to annexation by the Town in the next five to ten years. The three distinct areas which shall be known as 1) 3 Mile Area of Influence, 2) Annex Agreement Area and 3) Utility Control Area are shown on the Growth Management Area map, attached hereto as Exhibit A and by reference incorporated herein; and

WHEREAS, the parties enter into this agreement pursuant to §29-20-105, C.R.S., as amended, with the intention of cooperating with respect to land use planning in the area around the Town and to ensure that basic infrastructure standards for easements, roads, and utilities in this area are consistent with Town standards; and

WHEREAS, land use regulation within the Town of Cedaredge includes a zoning ordinance, Title 16 Land Use Development, Title 13 Ordinance 2010-12 Water, Title 13 Ordinance 2010-13 Sewer and Title 16 Ordinance 2010-14 Annexation, adopted February 18, 2010, which provide eligibility requirements for annexation and out of town water and sewer services, mobile home park regulations,

and Building Codes. Land use regulation within the unincorporated areas of the County includes subdivision, specific development, and mobile home park regulations.

NOW THEREFORE, FOR AND IN CONSIDERATION of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. **These Areas known as the Utility Control Area and Annex Agreement Area**

To encourage growth with urban standards and services within the two areas known as the Utility Control Area and the Annex Agreement Area, the following agreements apply to all developments within this area:

(a) Upon receipt by the County of any application for development within these areas or whenever a presentation for a development is made at a pre-submittal meeting between a developer and Planning Staff of the County, the County shall refer the proposed development to the Town. The purpose of this referral shall be to determine whether the proposed development proposal would be more appropriately reviewed and approved by the Town for possible annexation. If the County, Town and developer agree that the Town should be the entity to consider the application, the Town will pursue annexation in accordance with statutory requirements and the Town's annexation policy. The Towns' annexation process and the development review process will occur concurrently and the County will be a referral agency. If annexation cannot be achieved, and/or the County and Town determine that the County should be the entity to consider the application for approval, then the Town will become a referral agency.

(b) If the County considers the development, the application shall be submitted to the Town for its review as per statutory requirements, and the County will consider the standards which are recommended by the Town, including but not limited to infrastructure requirements. The recommendations of the Town will not be binding on the County, however the County will, at a minimum, apply one (1) acre minimum density standards for any subdivision in these areas, unless the property is served by sewer. The Board of County Commissioners may condition its approval of a development on a requirement that the owners declare the use of the land, which declaration shall be binding unless modified by the Board.

(c) Any developer within these areas will be required to provide fire protection, domestic water and sewage facilities. New cisterns and wells will not be authorized for domestic water, nor shall septic systems be allowed for sewage treatment on lots less than one acre, except as set forth herein.

(d) If the County considers the development application, septic systems may be allowed on lots greater than one acre, pending percolation and environmental assessments. All development proposals will be regulated by State Statutes and County Regulations, and any development proposal that is to be reviewed and approved by the Town will also be regulated by Town ordinances and regulations, to the extent allowed by law.

(e) Utility Control Area: Request or requirement for municipal services shall require annexation within the Utility Control Area prior to approval of services. If the conditions of annexation cannot be met the request for municipal services shall be denied. If the Town does not provide municipal services, the application shall be reviewed by the County and the Town shall become a referral agency.

(f) Annex Agreement Area: Request or requirement for municipal services shall require an annexation agreement within the Annex Agreement Area prior to approval of services. If the conditions of the annexation agreement are not met the request for municipal services shall be denied.

**2. Growth Management Area: Properties inside the Growth Management Area, but outside the Utility Control Area and Annex Agreement Area within the 3 miles area of influence**

(a) Any application for development within this area shall be referred to the Town for its review. The recommendations of the Town shall be considered, but will not be binding upon the County.

(b) County standards shall apply to developments within this area, including road easements, road standards, access/utility codes, and the design standards set forth within the Subdivision, Specific Development, Roadway Design & Construction Standards, and Mobile Home regulations. The County will consider Town standards applicable to such major factors as storm drainage and road easements in light of the proximity of this area to the Town.

(c) With respect to services, the County will require new developments to utilize domestic water; new wells may not be authorized for domestic water. Cedaredge municipal services, specifically water and sewer service, shall be denied unless the Board of Trustees amends the adjacent Utility Control Area

or Annex Agreement Area to include the subject area or request, however the application will still be reviewed by the County.

**3. Annexation**

(a) The Town may annex any property to which Town sewer and/or water are provided at the time that such services are provided if state annexation, statute and town ordinance requirements are met, or the Town may enter into agreements with property owners who receive services whereby those property owners are required to accept annexation whenever the Town chooses to annex and legal requirements are met. If such annexation requirements are not met at the time services are provided, the Town may annex said property at the time state statute and town ordinance requirements are met. The Town will pursue fulfillment of state statute and other town ordinance requirements for existing annexation agreement properties as necessary or to accommodate municipal requests within the Utility Control Area.

(b) The Town shall annex any enclaves created by annexation as allowed by State Statute. The Town shall annex the entire width of any right-of-way. Except where deemed necessary or appropriate by the Town for purposes of achieving contiguity for future additions, the Town will also seek to annex rights-of-way adjacent to Town limits as properly deeded by the County to the Town, as they exist from time to time. As annexation progresses and as properly deeded by the County to the Town, the Town will eliminate those existing situations where less than the entire width of the right-of-way has been annexed.

(c) Upon annexation, property shall be subject to Town jurisdiction, and the provisions of this agreement shall not be applicable.

**4. Implementation**

In addition to this Intergovernmental Agreement, the Town and County agree to keep the other informed of their planning efforts within the area covered by this agreement, to adopt such resolutions or ordinances as will effect this Agreement, and to enter into additional intergovernmental agreements to accomplish the purposes thereof, for example, with respect to law enforcement and road maintenance.

**5. Annual Review**

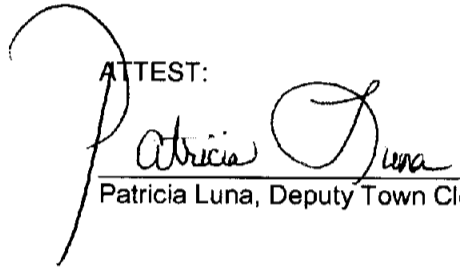
At least annually, the governing bodies of the Town and the County shall discuss the effectiveness of this agreement and their joint planning efforts and the Town's annexation plans. The

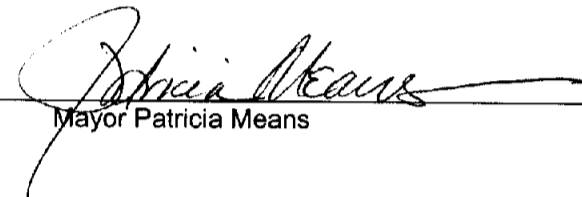
course of the review shall inquire into the extent of compliance with this agreement and the consistency with the Master/Comprehensive plans adopted by both bodies and will determine whether any modifications to this agreement need to be accomplished.

6. Term/Termination

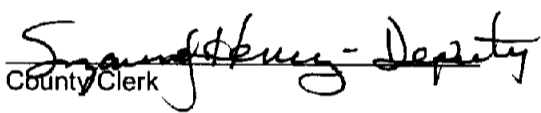
This agreement shall commence upon execution by both governing bodies signatory hereto, and shall automatically renew the end of each year hereafter unless terminated by mutual agreement or by either party upon sixty days written notice to the other party or by the execution of a new agreement

TOWN OF CEDAREEDGE

ATTEST:  
  
Patricia Luna, Deputy Town Clerk

By:   
Mayor Patricia Means

COUNTY OF DELTA

ATTEST:  
  
County Clerk

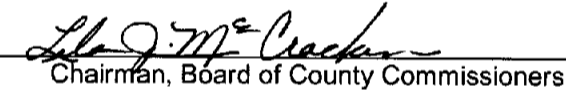
By:   
Chairman, Board of County Commissioners



Exhibit A



Delta County/Cedaredge Growth Management Agreement (GMA)

Effective 1/1/2011

