

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

THIS AGREEMENT is entered into between the Town of Paonia ("Town") and the County of Delta ("County"), effective January 24, 2011.

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 Paonia by defining a growth management area based on present and future availability of municipal services; and

WHEREAS; the previous Growth Management Agreement entered into by the County and the Town consisted of two tiers; and

WHEREAS, the parties have determined a growth management area around the Town consisting of that property which is generally served by Town utilities and may be subject to annexation by the Town in the next five to ten years. The Growth Management Area is shown on the map, attached hereto as Exhibit A. The Town of Paonia Highway 133 Corridor Master Plan and the Exhibit A map are both 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 Paonia consist of Land Development Regulations which includes a zoning ordinance, Planned Unit Developments, and a sign code along with subdivision, mobile home park regulations, and building permits. Land use regulation within the unincorporated areas of the County includes subdivision, specific development, and mobile home park regulations. In addition to County regulations, the Highway 133 Corridor Master Plan also has development standards.

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

1. The Town of Paonia Highway 133 Corridor Master Plan and the Growth management Area map shown on Exhibit A attached hereto are approved, accepted, adopted and agreed to by the Parties and are incorporated herein by this reference.
2. Growth Management Area. To encourage growth with urban standards and services within the area described as the Growth Management Area, the following agreements apply to all developments within this area:
 - (a) Upon receipt by the County of any application for development within the Growth Management Area or whenever a presentation for a development is made at a presubmittal meeting between a developer and Planning Staff of the County, the County shall refer the proposed development to the Town. The purpose of the presubmittal meeting and referral shall be to determine whether the development proposal shall follow

the Highway 133 Corridor Master Plan or the Specific Development Review process and whether it would be more appropriately reviewed and approved by the Town for annexation. If the Town becomes the entity to consider the application for approval, the County will become a "review agency." The Town shall have twenty (20) calendar days from its receipt of the application or referral from the County to determine whether it will consider the application or be a review agency, and will inform the County of its decision within ten (10) calendar days thereafter. If the County does not receive the Town's decision within thirty (30) calendar days, it may presume that the Town has chosen to not take the application and shall continue the application process through the County. The County shall not begin its scheduling of the application for public hearings until such time as the Town has determined the property will not be annexed and has returned the application to the County.

(b) If the County considers the development, the application shall nevertheless be submitted to the Town for its review as per statutory requirement, and the County will consider the provision of the Highway 133 Corridor Master Plan and the standards which are recommended by the Town, including but not limited to infrastructure requirements. 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 development within the Growth Management Area will be required to provide fire protection, domestic water and sewage facilities. Cisterns and wells will not be authorized for domestic water, nor shall septic systems be allowed for sewage treatment except for lots greater than one acre exclusive of easements.

(d) Any development within the Highway 133 Corridor Master Plan area shall comply with provisions of the Highway 133 Corridor Master Plan and shall be submitted to the Town as a referral agency, however the County shall remain the review agency unless the Town chooses to annex the property. Comments submitted by the Town shall be taken into consideration by the County when reviewing an application for a new development.

3. Properties outside the Growth Management Area within 3 miles of the City limits.

(a) Any application for development within this area shall be referred to the Town in accordance with statutory requirements 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 developments to utilize Town or other domestic water; Town sewer shall be required if the dwelling or structure is within 400 feet of an existing main sewer line. Cisterns and wells will not be authorized for domestic water and depending on the location and size of the parcels, individual sewage disposal systems (septic systems) may be discouraged for sewage disposal.

4. Annexation.

(a) The Town shall keep the County informed of its annexation plans. The Town shall annex any enclaves created by annexation as allowed by State Statute. The Town shall annex the entire width of any public right-of-way within or adjacent to the property

considered for annexation. Where deemed necessary or appropriate by the Town, the Town will also seek to annex public rights-of-way adjacent to Town limits for purposes of achieving contiguity for future additions. As annexation activities progress, the Town shall strive to eliminate those situations in which less than the entire width of the right-of-way has been previously annexed.

(b) Upon annexation, property shall be subject to Town jurisdiction.

(c) The Town shall pursue and consider annexation of any property to which the Town sells, in the future; sewer and/or water tap privileges, at such time as water or sewer services are provided, if annexation statute requirements are met. If such annexation requirements are not met at the time services are provided, the Town shall pursue and consider the annexation of said property at the time State Statute requirements are met. The Town shall actively pursue fulfillment of State Statute requirements to allow annexation as soon as possible after Town services are provided, except as to properties located 660 feet or more, in a direct line, from existing and established Town boundaries. The Town shall have complete and full discretion in its consideration and decision regarding annexation of a property with regards to its rural/agricultural nature, its potential usage, non-conforming uses, incompatible uses, substandard infrastructure, potential conflicts with Town interests, zoning, comprehensive plan, land development regulations, the planning philosophy and long term development vision of the Town. This Agreement shall not restrict the Town's options and discretion in negotiating such conditions, requirements and/or limitation upon the property considered for annexation as the Town, in its sole discretion, determines applicable to the decision of the Town regarding annexation.

5. Implementation

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

6. Annual Review.

As provided in the Highway 133 Corridor Master Plan, but at least annually, the governing bodies of the Town and the County shall meet to discuss the effectiveness of their joint planning efforts. 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 or any similar agreement need to be accomplished. According to the Highway 133 Corridor Master Plan the review should also include considerations of changes or amendments to the documents and a reaffirmation by the appointed and elected boards for the enforcement and implementation of the plan consistent with the community's vision and ensuring long-term sustainability.

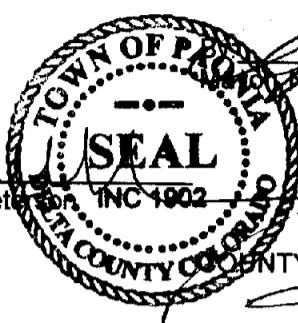
7. Term/Termination

This agreement shall commence upon execution by both governing bodies signatory hereto and shall continue unless terminated by either party upon sixty days written notice to the other.

TOWN OF PAONIA

ATTEST:

Barbara Peterson
Town Clerk, Barbara Peterson, INC 1902



Neal Schwieterman

By:

C. Bruce Hovde, Chair, Board of County Commissioners

ATTEST:

Sign of Henry - Deputy
County Clerk



