

GROWTH MANAGEMENT AGREEMENT
For a defined unincorporated area surrounding
the Town of Hotchkiss, Colorado.
This agreement is between Delta County
and the Town of Hotchkiss, Colorado

THIS AGREEMENT is entered into between the statutory Town of Hotchkiss, Colorado, hereafter referred to as the "Town," and the County of Delta, Colorado, hereafter referred to as the "County," effective June 7, 2010.

WHEREAS, the 1996 Delta County Master Plan provides that joint planning areas should be established to define the urban service boundaries around each municipality with a goal of directing development into and near municipalities where adequate infrastructure is available and services can be efficiently provided.

WHEREAS, the parties wish to cooperate to provide for efficient management and administration of growth in the developing areas around the Town of Hotchkiss by defining a Growth Management Area (GMA) based on present and future availability of municipal services.

WHEREAS, the parties have determined two areas around the Town: The Growth Management Area consisting of that property which is generally served by Town utilities and may be subject to annexation within the next five to ten years; and the remainder of the area outside of the GMA, but within the three mile area of influence surrounding the town. The respective areas are shown on the map, attached hereto and by reference incorporated herein, and;

WHEREAS, the parties enter into this agreement pursuant to Section 29-20-105, C.R.S. as amended, with the intention of cooperating with respect to land use planning in the areas around the Town, and;

WHEREAS, the Town of Hotchkiss has adopted a Community Master Plan and a Zoning Ordinance and map identifying certain areas of preferred growth outside of the Town boundaries. The Town has adopted the International Residential and Building Codes including Energy Efficiency Code and has subdivision and mobile home regulations. The Town requires pre-annexation agreements to be signed by owners of property serviced by all new water or sewer taps sold outside of the Town. The Town does not sell commercial taps outside of Town boundaries.

WHEREAS, the County has adopted a general Master Plan in 1996, Delta County Regulation for Specific Development requiring review of new commercial and industrial uses in the unincorporated county (2000), revised Subdivision Regulations in effect as of March 1, 2009, and Mobile Home Park Regulations. Subdivisions located within one-half (1/2) of a municipality located within a Growth Management Area are required to

connect to a domestic water system, may be required to connect to a public sewer system and may be subject to annexation.

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

1. Growth Management Area.

To encourage growth with urban standards and services within the area described as the Growth Management Area (GMA), the following agreements apply to all developments within this area:

(a) Upon the receipt by the County of any application for development within the GMA, or whenever a presentation for a subdivision within that area is made at a presubmittal meeting between the developer and the Planning Staff of the County, the County shall refer the proposed development/subdivision to the Town. The purpose of the presubmittal meeting and referral will be to determine whether the development proposal would be more appropriately reviewed and approved by the Town for annexation. If it is determined that the development will be annexed, the Town will be the entity to consider the application for approval and the County will become the "review" agency.

(b) If, at the choice of the Town, the County considers the subdivision/development, the application and information shall nevertheless be submitted to the Town for its review per statutory requirement, and the County will consider the standards which are recommended by the Town, including but not limited to infrastructure requirements. Although the County does not presently have a zoning code for this area (other than the Specific Development regulations and SDR density standard), and until such a zoning code is adopted, the Commissioners may condition approval of the subdivision upon a requirement that the owners declare a use for the property, which declaration shall be binding unless modified by the Board.

(c) Any developments within the GMA will be required to have Town of Hotchkiss or other existing domestic water, fire protection and acceptable sewer (approved ISDS systems or Town service), septic systems will not be allowed for lots smaller than one (1) acre exclusive of easements. Cisterns and wells will not be authorized for domestic water within the GMA.

2. Properties Outside of the Growth Management Area but within 3 Miles of the Town Limits

(a) Any application for subdivision/ development within this area will be submitted to the Town for its review as per statutory requirement. The recommendations of the Town shall be considered, but not binding upon the County.

(b) County standards shall apply to developments/subdivisions within this area, including road easements, road standards, access/utility codes and the design standards set forth within subdivision and mobile home regulations. The county should consider 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' 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.

3. Annexation

(a) The Town may annex any property to which Town water and/or sewer is available at the time that such services are provided, if statutory and Town ordinance annexation requirements are met, or the Town may enter into agreements (preannexation agreements) with property owners who receive services whereby those property owners are required to accept annexation at the Town's formal request. If such annexation requirements are not met at the time services are provided, the Town may annex said property at any future time that statutory and Town ordinance requirements are met.

(b) The Town shall annex in a timely manner any enclaves created by prior annexation as allowed by State Statute. When conducting annexation the Town shall annex the entire width of any right-of-way. Where deemed necessary and appropriate by the Town, the Town will also seek to annex rights-of-way adjacent to Town limits for purposes of achieving contiguity for future additions. As annexation progresses, the Town will eliminate those situations in which less than the entire width of the right-of-way has been annexed.

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

4. Implementation

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

5. Annual Review

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, the consistency with the Master/Comprehensive Plans adopted by both bodies and whether any modifications to this or any similar agreement need to be accomplished.

6. 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 HOTCHKISS

By: Marklene Searle

Mayor of Hotchkiss

ATTEST:

Marklene Searle

Marklene Searle - Town Clerk

COUNTY OF DELTA

By: Lela J. M. Cadeau
Chair - Board of County Commissioners

ATTEST:

Suzanne Hause

County Clerk

Date 6-7-2010



