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COOPERATIVE PLANNING AGREEMENT

THIS AGREEMENT, entered this 9th of February, 1998 by and between MESA COUNTY, COLORADO, a Body Politic organized under and existing by virtue of the laws of the State of Colorado and the CITY OF FRUITA, COLORADO and the CITY OF GRAND JUNCTION, COLORADO.

WHEREAS, this agreement is entered under the authority authorized in Title 29, Article 20, Colorado Revised Statutes, as amended, and;

WHEREAS, the Board of County Commissioners, the Fruita City Council and the Grand Junction City Council find it is for the mutual benefit of all parties and in the interest of the public and affected land owners to cooperatively plan the future land use of an area between Fruita and Grand Junction, and;

WHEREAS, the Board of County Commissioners, the Fruita City Council and the Grand Junction City Council entered an Interim Cooperative Planning Agreement (MCA 96-71) on November 18, 1996 which provided for the creation of this agreement to supercede the 1996 agreement, and;

WHEREAS, the Mesa Countywide Land Use Plan expresses countywide goals, policies, and actions to provide guidance in land use decision making, and;

WHEREAS, Mesa County has initiated the process of revising the Mesa County Land Development Code to be consistent with and implement the Countywide Land Use Plan, and;

WHEREAS, the Growth Plan for the City of Grand Junction and the Mesa Countywide Land Use Plan both have the following as a goal statement:

To ensure orderly transitions or buffers in areas of joint concern between different communities (i.e., Grand Junction, Fruita, Palisade) that help define distinct communities within Mesa County.

and;

WHEREAS, the above Plans both have the following as a policy statement:

Grand Junction and Mesa County will coordinate with the City of Fruita to establish and maintain a transition area between Grand Junction and Fruita that includes the proposed area of joint concern....

and;

WHEREAS, the adopted Fruita Community Plan (May 23, 1994) includes a goal to “establish positive regional relations,” that is consistent with the concept of establishing a cooperative planning area between Grand Junction and Fruita, and;

WHEREAS, the “Future Land Use” map and annexation policies in the adopted Fruita Community Plan support a rural cooperative planning area between Grand Junction and Fruita, and;

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WHEREAS, the adopted Mesa County Land Use and Development Policies discourage development of a commercial strip between Grand Junction and Fruita as follows:

Increased commercial, industrial and medium to high density residential zoning will be discouraged outside of the Fruita 201 area....Future commercial, business, tourist, medium-high density residential and industrial rezones will be limited to the Fruita and Grand Junction 201 sewer service areas... All other areas will be left in the existing zone (AFT). (Policy # 27 Lower Valley Policies -3/21/85)

Consistent with the Lower Valley Policies commercial, industrial, and high density residential development is discouraged along the Highway 6 and 50/River Road corridor outside the Fruita and Persigo 201 sewer service areas. (Policy #33 - Mid-Valley Appleton Plan - 6/28/90)

and;

WHEREAS, there is an area between Grand Junction and Fruita in which there are no sewer lines, limited domestic water lines, a general lack of urban services, and lengthy response times for emergency services, and;

WHEREAS, the above area between the two municipalities has four distinct geographic and land use characteristics:

1. the U.S. 6 & 50 Highway and Interstate - 70 corridor
2. the Colorado River and its flood plain
3. the farmland north of Highway 6 & 50, and
4. the Redlands or south side of the Colorado River to the boundaries of the Colorado National Monument,

and;

WHEREAS, without an agreement between Mesa County and the municipalities the area between Fruita and Grand Junction could become a continuous strip of commercial land uses, making one community indistinguishable from the other, adding to existing traffic problems, and requiring additional urban services at taxpayer expense.

NOW, THEREFORE, in consideration of the covenants and obligations herein expressed, it is agreed by and between the parties as follows:

1. This intergovernmental agreement shall pertain to the geographic area labeled as "cooperative planning area" on Exhibit A, attached.
2. This intergovernmental agreement supersedes the interim agreement between the parties dated November 18, 1996 (MCA 96-71).
3. Within the "cooperative planning area," neither the City of Grand Junction nor the City of Fruita will:
 - a. annex any territory
 - b. extend any municipal utility services that are not already present

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without the mutual consent of all parties.

4. Within the “cooperative planning area,” all parties will not
 - a. extend any sanitary sewer line
 - b. recommend amendment to any 201 sewer service area boundarywithout the mutual consent of all parties.
5. It is the goal of all parties that future land use decisions within the “cooperative planning area” will enhance the rural character of the area.
6. All parties will respect the adopted master plans for each jurisdiction pertaining to the “cooperative planning area.”
7. Within the “cooperative planning area” changes in the zoning of a property (rezone) will be consistent with the recommendations of the Mesa Countywide Land Use Plan, where applicable, unless the change is formally approved by the governing bodies of all parties to this agreement.
8. Mesa County will revise the Mesa County Land Development Code appropriately to implement the this agreement.
9. Mesa County will provide the other two parties, with adequate notice, the opportunity to review and comment upon the following types of development activity and related matters in the cooperative planning area:
 - a. site plans
 - b. subdivision plats or replats
 - c. planned developments
 - d. special use permits
 - e. conditional use permits
 - f. zoning or development code text amendments that may effect the “cooperative planning area.”
 - g. rezone applications
 - h. policy and plan amendments that may affect the “cooperative planning area.”
10. All parties will share planning meeting and hearing agendas with the other parties in a timely manner.

IMPLEMENTATION

11. All parties will work cooperatively to:
 - a. establish and adopt rural land use design standards for the cooperative planning area including, but not limited to: landscaping, signage, entryways, parking, and outdoor storage requirements; and adopt traffic access and engineering standards in conjunction with the Colorado Department of Transportation;
 - b. assist property owners in voluntarily rezoning and/or replatting their properties in a manner consistent with the Mesa Countywide Land Use Plan, and the Fruita Community

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Plan to further the purposes of this agreement. Assistance may be provided in the form of fee waivers, and/or expedited review;

c. explore, develop, and support options and seek funding mechanisms available for preserving open lands and enhancing the rural character of the cooperative planning area; and

d. establish a joint open space fund for acquisition of important land, development rights, and open space and conservation easements.

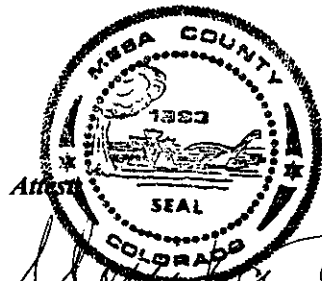
12. All parties will meet jointly every five years or as needed, to review the status of the above provisions. Each party will rotate hosting these meetings.

13. It is the intent of all parties that this agreement be binding upon all parties, and that each party shall be permitted to specifically enforce any provision of this agreement. Venue for any dispute hereunder shall be in the District Court of Mesa County, Colorado.

14. This agreement may be amended in writing no earlier than the year 2002, subject to the approval of all parties.

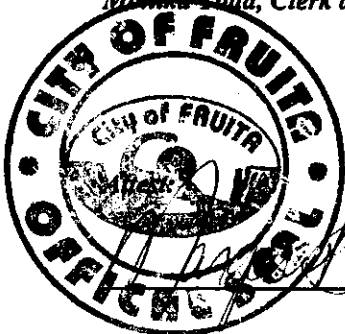
Board of County Commissioners,
County of Mesa, State of Colorado

By: James R. Baughman
James R. Baughman, Chairman



Attest:

Monika Todd
Monika Todd, Clerk and Recorder



Attest:

Stephanie Hye



City of Fruita

By: Lyle A. Baldwin

City of Grand Junction

By: Gant L. Ivy

EXHIBIT A

