



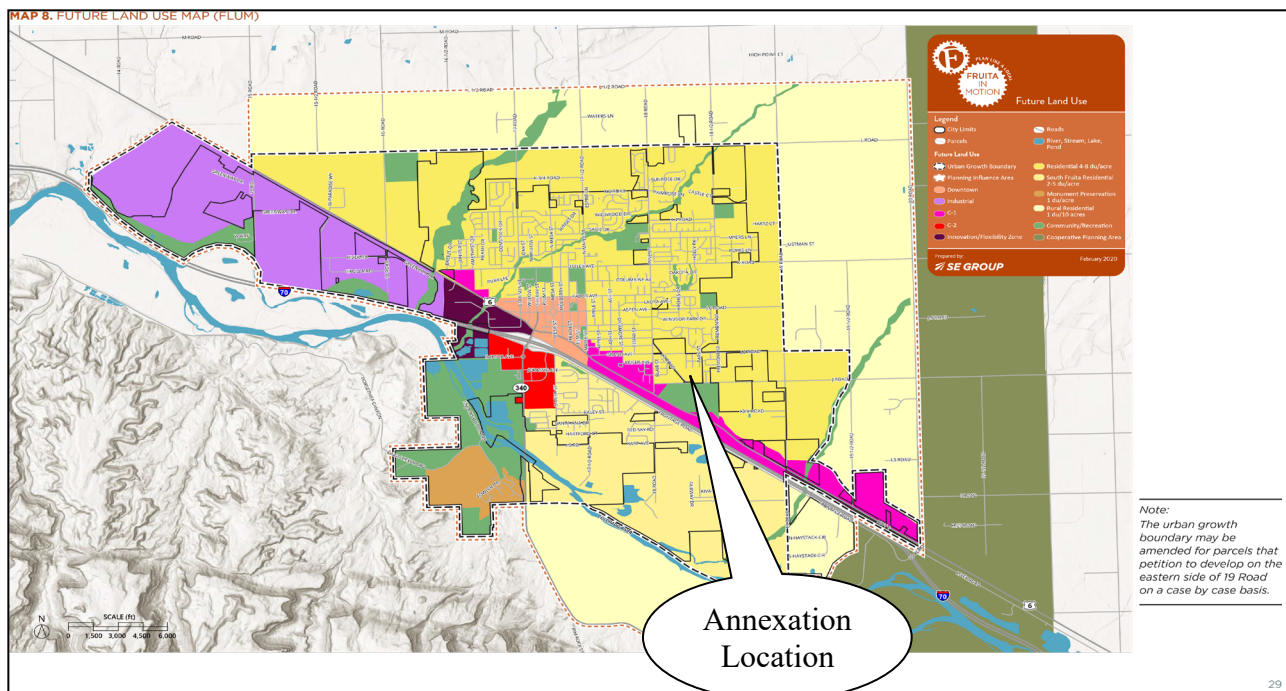
**PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT  
JUNE 14, 2022**

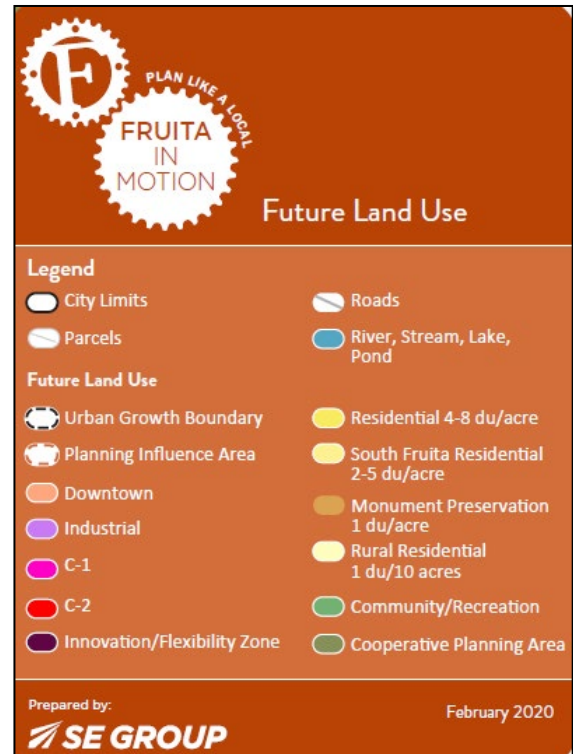
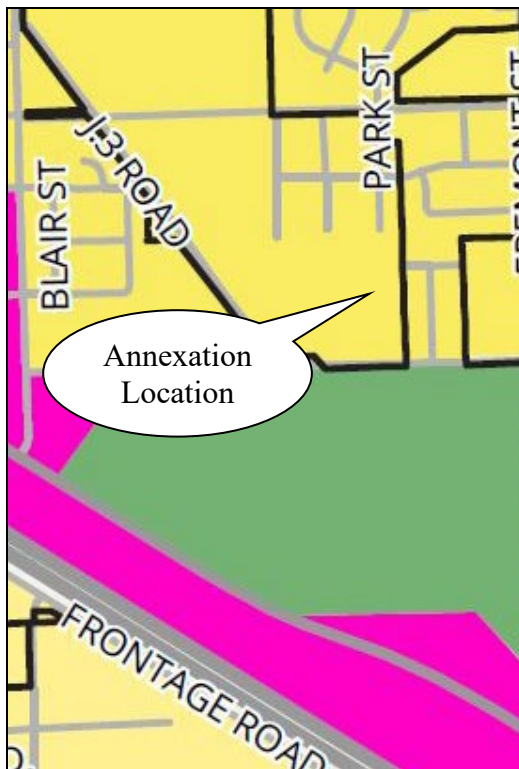
**Application #:** 2022-18  
**Project Name:** Latigo Annexation  
**Application:** Annexation  
**Property Owner:** JLM Development LLC  
**Representative:** APEX Consulting Engineers  
**Location:** 1834 J Road  
**Zone:** Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)  
**Request:** This is a request for approval of the annexation of approximately 5 acres into the Fruita City Limits.

**PROJECT DESCRIPTION:**

The property owner of 1834 J Road, JLM Development LLC, applied to annex the property. The subject property is approximately 5 acres and is located north of Fruita Monument High School and west of the Wildcat Ranch Subdivision. The property currently has a vacant mobile home and what appears to be a vacant dwelling unit/out building on it.

**FUTURE LAND USE MAP (FLUM)**

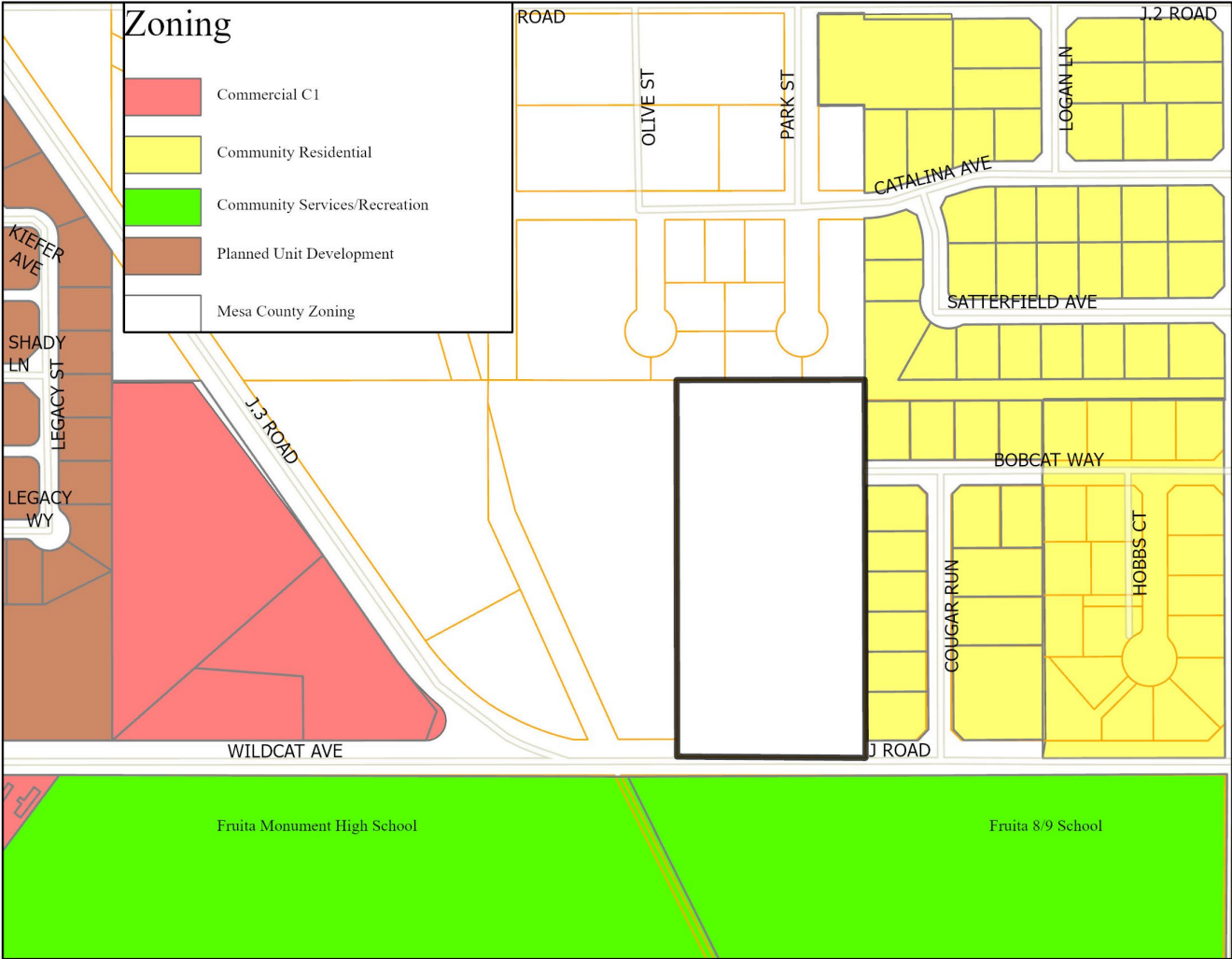




### **SURROUNDING LAND USES AND ZONING:**

Surrounding land uses are primarily single family detached residential with Fruita High School and the Fruita 8/9 School directly to the south. The map below identifies the various zones in this area.

LOCATION AND ZONING MAP



## 2020 AERIAL PHOTOGRAPH



### REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

#### ANNEXATION

Section 17.17.050 (A) - If the subject property is located within the city's Urban Growth Boundary (UGB) as defined by the Fruita Community Plan, annexation may be approved only after considering the following criteria:

1. The annexation meets the requirements of the applicable State Statutes;



This annexation request meets the requirements of state laws. The property has the required 1/6<sup>th</sup> contiguity with existing city limits which is required per Section 31-12-104 of the Colorado Revised Statutes (CRS).

The city limits border this property on the east side by 659.74 feet according to the annexation map submitted with the application. This meets the 1/6<sup>th</sup> contiguity requirement, and the annexation petition has been signed by the property owner.

Additionally, the Fruita Comprehensive Plan supports this area to be incorporated within the city limits. This criterion has been met.

**2. The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;**

Annexation of the subject property will not trigger an extension of city utility services. Review of adequate and appropriate city utilities will be evaluated at the time this property develops. The subject property is surrounded by either urban or rural development, however, not all the urban utilities are available to the subject property. The project narrative states that irrigation shares are in the process of being obtained in accordance with city standards. Prior to annexation, the city will require a headgate report and water shares documentation to ensure the subject property can be efficiently served with irrigation water. It should also be noted that irrigation water shares are evaluated at the time the property develops. This criterion can be met.

**3. The area is contiguous with existing urban development;**

The subject property is contiguous to the city limits with the Wildcat Ranch Subdivision to the east, Fruita Monument High School and Fruita 8/9 School to the south. Additionally, the Fruita Comprehensive Plan supports residential development in this area. This criterion has been met.

**4. The area is or can be efficiently served by police and other municipal services;**

The subject property is within the service area for the Fruita Police Department, the Lower Valley Fire District. Since the subject property is already being served by these services, this criterion has been met.

**5. The development is consistent with community goals, principles, and policies as expressed in the Fruita Comprehensive Plan;**

Annexation within the Comprehensive Plan states that the city should, “Approve annexation of parcels within the UGB (Urban Growth Boundary) at the desired densities as described in the FLUM (Future Land Use Map). Annexation should help ensure that new development at the edge of the city is consistent with the goals and policies of this plan.”

Additionally, the city should “Ensure that new development pays its own way and does not burden the existing community with additional capital or operating costs. Ensure that new annexations at the city’s edge share appropriately in the costs of connecting all utility, park, drainage, pedestrian, and road systems.”

Furthermore, the city should “Avoid ‘leapfrog’ developments that leave discontinuous street and utility systems. Consider annexation proposals on the basis of the logical and cost-effective extension of utilities, pedestrian connections, parks, drainage, and road systems. Also consider the fiscal burden of the annexation in terms of major capital investments that would be needed by the City (wastewater, roads).”

A goal of the Comprehensive Plan is to prioritize infill development and in this case meets this intended goal although the property is not being developed at this time. Annexation will ensure that at the time of development, the city standards and criteria will need to be met.

Annexation of the property appears to be consistent with the Fruita Comprehensive Plan. These approval criteria are intended to implement the goals and policies of the Fruita Comprehensive Plan regarding annexations. It appears that the approval criteria either have been met or can be met, therefore, this annexation is consistent with the Fruita Comprehensive Plan.

## **6. The annexation is supported by local residents and landowners;**

The Fruita Comprehensive Plan (Fruita In Motion: Plan Like A Local) was adopted by the Fruita City Council on February 4, 2020 (Resolution 2020-09). Fruita in Motion: Plan like a Local speaks to the community’s significant role in the planning process. Residents helped shape every element of the plan, from sharing what they valued about Fruita and identifying issues for the plan to address, to reviewing drafts, and providing feedback on goals and policies. The process reached a large swath of the community, through traditional outreach (open houses, an advisory committee) and meeting people where they are, with booths at farmers markets, the art stroll, and other city events and the draft plan tour, where City staff met with HOAs and other local groups to share the plan and hear input from the community.

With regards to the subject property, 53 landowners were noticed of this annexation application. The number of property owners noticed of this application is set forth with the legal notice requirements contained in the Land Use Code. Staff has not received written public comments regarding this application.

The annexation is supported by the landowner and the landowner has signed the annexation petition. This is in accordance with C.R.S 31-12-107.

This criterion has been met.

**7. Water and ditch rights can be provided, as applicable, in accordance with city policies;**

The project narrative states, “The property doesn’t currently have irrigation shares, though has an agreement with an entity to purchase shares that will be unneeded do to their land use application at a nearby property. The required shares are expected to be secured by May 20, 2022.” The submittal also included a copy of a water shares document for 7 shares. The 7 shares should be adequate to meet the city requirement of 1-1.5 shares per irrigated acre. The applicant will need to verify the 7 shares are allocated to the subject property.

This application was sent to Grand Valley Irrigation Company (GVIC) for review and no review comments have been received at this time.

Additionally, this application was sent to Ute Water and review comments indicate no objections.

This criterion can be met.

**8. The area will have a logical social and economic association with the city, and;**

Annexation of the subject property will not provide much with respect to an economic association with the city at this time. However, growth and development within the city’s UGB is planned and does make sense with respect to city services being extended. Annexation and future development of the subject property will insure that development pressures within the UGB are controlled by the Fruita Land Use Code and are provided urban level services. This criterion can be met.

**9. The area meets or can meet the existing infrastructure standards set forth by the city.**

Staff recommends approval of the annexation petition with the condition that there will be dedication of additional right of way and multi-purpose easements as follows:

1. J Road to have a total of 30 feet from the section line as dedicated right-of-way.
2. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.

This criterion can be met.

Based on this information, the annexation of the subject property meets or can meet the approval criteria that must be considered for annexations. It should be noted that there is an existing mobile home on the property. This mobile home would require a Conditional Use Permit in the Community Residential zone (expected zoning type for the property) and annexation would make this mobile home legal non-conforming. Staff expects this mobile home to be removed from the property upon annexation.

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**REVIEW COMMENTS:**

No reviewer expressed any issues with the proposed annexation.

**PUBLIC COMMENTS:**

No written public comments have been received by Staff at this time.

**LEGAL NOTICE (17.07.040 (E)):**

Legal Notice (minimum of 15 days prior to Planning Commission)	
May 27, 2022 (18 days prior)	Post Cards [17.07.040 (E)(1)(d)]
May 27, 2022 (18 days prior)	Sign Posting [17.07.040 (E)(1)(c)]
May 27, 2022 (18 days prior)	Legal Ad [17.07.040 (E)(1)(a)]



## NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing **Tuesday, June 14, 2022 at 6:00 p.m.** This meeting may be held in person subject to public health orders or by City Council direction. Details on how to access this meeting will be found at [www.fruita.org](http://www.fruita.org). If the meeting is held in person, the virtual link will remain open for public participation. The following item will be presented at the public hearings. The Planning Commission will formulate a recommendation, which will be forwarded to the Fruita City Council. If the item listed below is acted on by the Planning Commission, the Fruita City Council will hold a public hearing on this same item on **Tuesday, August 16, 2022 at 7:00 p.m.** Please check [www.fruita.org](http://www.fruita.org) for more details. If you have an interest on the item please call 858-0786 or come to the Planning & Development Department office located at 325 E. Aspen Avenue to review the information in the file. Your appearance at both hearings is encouraged to ensure your concerns are accurately represented or you can write a letter outlining your concerns and submit it to the Planning & Development Department.

Application # 2022-18

Application Name Latigo

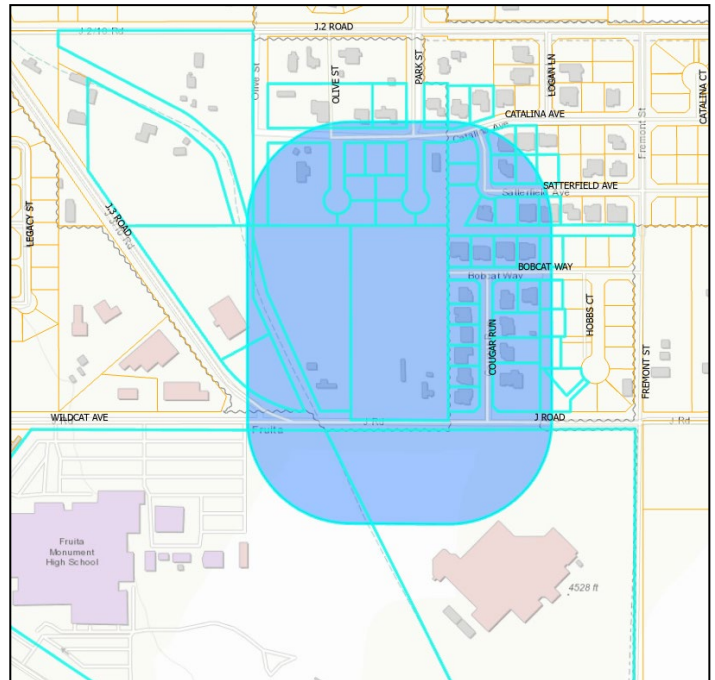
Application Type Annexation

Location 1834 J Road

Current Zone: Mesa County Zoning AFT

Description This is a request to annex approximately 5.0 acres into the city limits.

Physically disadvantaged persons who wish to obtain information or need assistance in attending the Public Hearing, may call (970) 858-0786, the hearing impaired may call Relay Colorado at 1-800-659-2656, or visit our website: [www.fruita.org](http://www.fruita.org)



### **STAFF RECOMMENDATION:**

Staff recommends **approval** of the annexation petition with the condition that there will be dedication of additional right of way on J Road and a 14-ft multipurpose easement adjacent to the right of way.

### **SUGGESTED PLANNING COMMISSION MOTION:**

Mr. Chair, I move that we recommend **approval** to City Council, of application #2022-18, the Latigo Annexation with the condition that all review comments and issues

identified in the Staff Report be adequately addressed or included with the Annexation Ordinance.

**ANNEXATION SCHEDULE:**

<i><b>Latigo Annexation Schedule</b></i>	
<b>Date</b>	<b>Action</b>
June 7, 2022	Resolution to set a hearing date to determine eligibility
	Published in Daily Sentinel (Once a week for 4 consecutive weeks) * June 10, 2022 * June 17, 2022 * June 24, 2022 * July 1, 2022
June 14, 2022	Planning Commission considers Annexation & Zone
July 19, 2022	Resolution to find the property eligible for Annexation
July 19, 2022	1st Reading of an Ordinance to Annex 1st Reading of an Ordinance to Zone
August 16, 2022	2nd Reading of an Ordinance to Annex 2nd Reading of an Ordinance to Zone
Legal Notice (minimum of 15 days prior to Planning Commission)	
May 27, 2022	Post Cards
May 27, 2022	Sign Posting
May 27, 2022	Legal Ad