



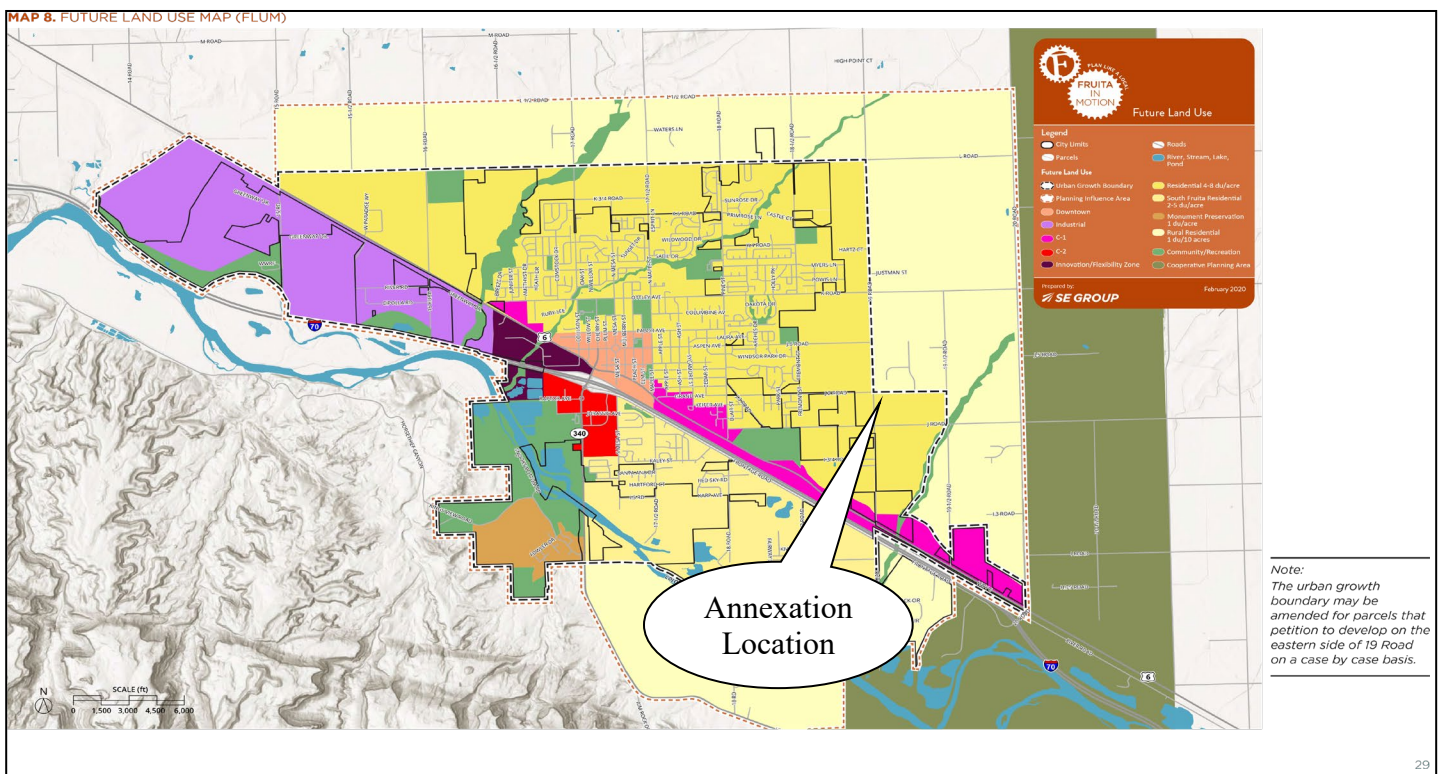
**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
JUNE 14, 2022**

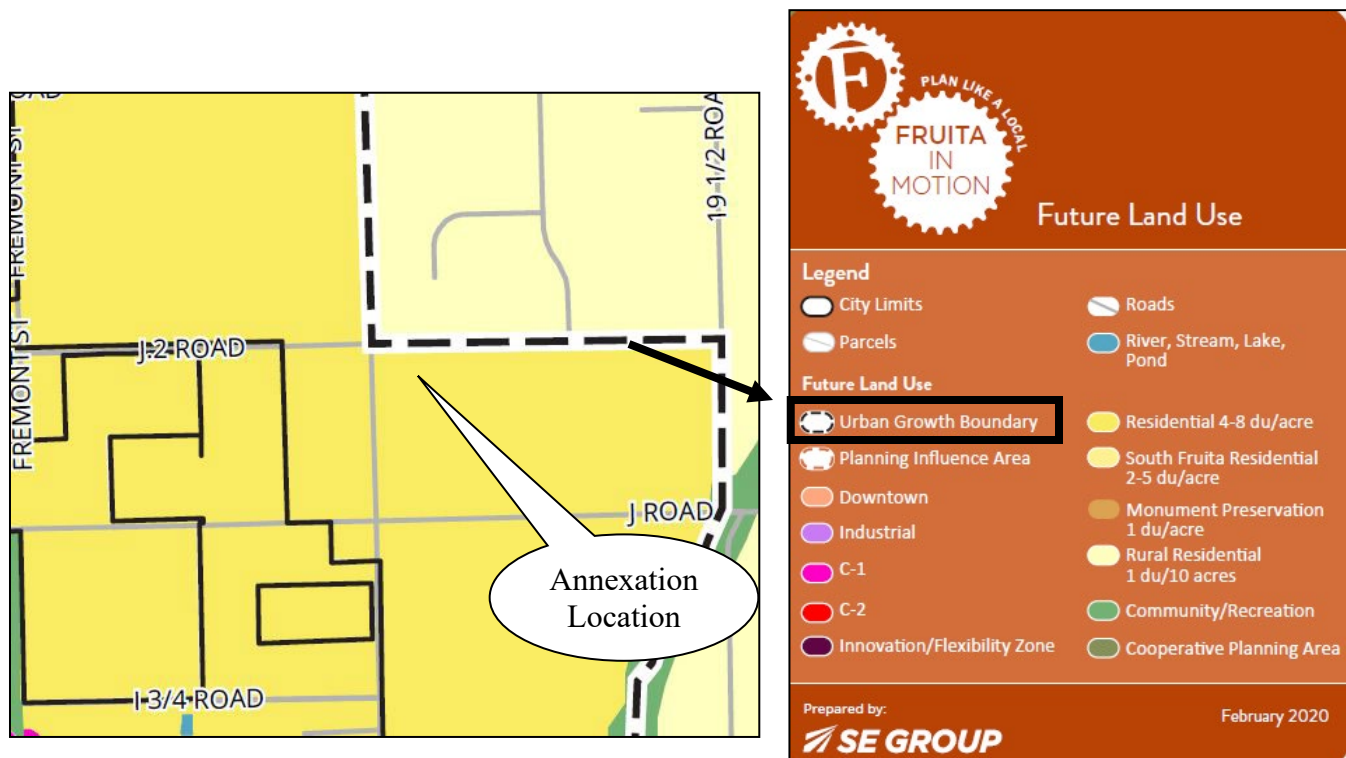
Application #: 2022-20
Project Name: Adeles Acres Annexation
Application: Annexation
Property Owner: 1024 19 Road LLC
Representative: River City Consultants, Inc.
Location: 1024 19 Road
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)
Request: This is a request for approval of the annexation of approximately 15 acres into the Fruita City Limits.

PROJECT DESCRIPTION:

The property owner of 1024 19 Road, 1024 19 Road LLC, applied to annex the property. The subject property is approximately 15 acres and is located on the east side of 19 Road at the intersection of 19 Road and J.2 Road. The property currently contains a single-family dwelling unit on the southwest corner.

FUTURE LAND USE MAP (FLUM)

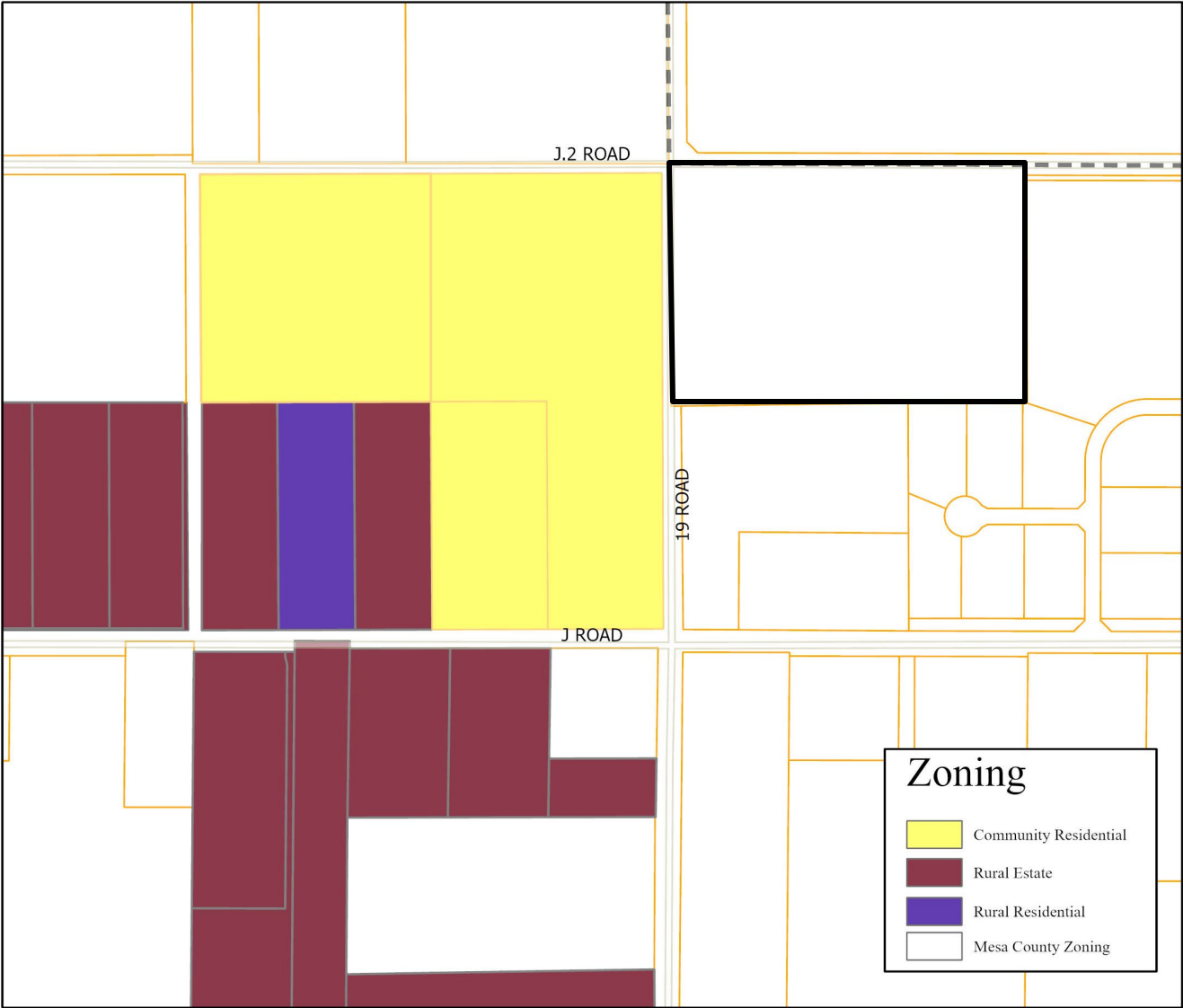




SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential with small scale farming nearby. Mesa County and the URR zone is to the east with 1-acre parcels being developed. 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 1/6th contiguity with existing city limits which is required per Section 31-12-104 of the Colorado Revised Statutes (CRS).

In accordance with CRS 31-12-104 (1)(a), the subject property has achieved the required 1/6 contiguity with the existing city limits. This section states that *“Contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, public lands, whether owned by the state, the United States, or an agency thereof, except county-owned open space, or a lake, reservoir, stream, or other natural or artificial waterway between the annexing municipality and the land proposed to be annexed.”* The city limits border this property on the west side by 660.05 feet according to the annexation map submitted with the application. The property to the west was annexed in January 2022 (Ordinance 2022-04).

Additionally, the Fruita Comprehensive Plan supports this area to be incorporated within the city limits as referenced in the above map. 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 within the Urban Growth Boundary (UGB) and is planned to be served with city utilities at some point in the future. The city is the provider for sanitary sewer and the extension of sewer will need to be accomplished as part of a residential development. The extension of the Highway 6 Interceptor Sewer Line was meant to open up the development pressures along the 19 Road corridor. This line is currently at the intersection of Iron Drive and 19 Road. Annexation and future development of the subject property will ensure that development pressures within the UGB are controlled by the Fruita Land Use Code and are provided urban level services. There is also a sewer recapture agreement (adopted by City Council on September 17, 2019 – Resolution 2019-44) as part of the Highway 6 Interceptor Sewer Line construction, this agreement would require all those who tap into the line to pay \$2,000 per dwelling unit back to the City of Fruita as outlined in the agreement.

With regards to other utilities, the subject property would be subject to adequate review by outside agencies like Ute Water, Grand Valley Power and all review comments are considered in the development process. As for the annexation itself, there doesn't appear to be a need for the extension or upgrade of any utilities at this time. This criterion can be met as the city has planned for the subject property to be incorporated into the city limits within the Comprehensive Plan.

3. The area is contiguous with existing urban development;

The subject property is not currently contiguous with existing urban development; however, there is a pending subdivision application to the west and was recently annexed in early 2022. Additionally, the surrounding properties to the south, west, and northwest are all recommended in the Comprehensive Plan as supporting urban development as a future land use. This criterion is considered met at this time.

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).”

Annexation of the subject property has been considered as meeting the intents and purposes of the basis of logical and cost-effective extensions of utilities and road systems. Upon development of the subject property, the extension of the sewer line and right-of-way improvements will all be required and should enhance urban development along the 19 Road corridor. This should allow for the necessary sewer and road improvements and to ensure that development contributes to the impacts created.

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, 30 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 submittal application contained a water shares document showing 20 shares. The city standard is 1 – 1.5 irrigation shares per irrigated acre.

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. The extension of the Highway 6 Interceptor Sewer Line was meant to open up the development pressures along the 19 Road corridor. Annexation and future development of the subject property will ensure 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.2 Road to have a total of 30 feet from the section line as dedicated right-of-way.
2. 19 Road to have a total of 50 feet from the section line as dedicated right-of-way.
3. 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 telecommunications tower on the northwest corner of the subject property, this is legal non-conforming according to the Fruita Land Use Code as a Conditional Use Permit would be required prior to construction of the tower. The applicant has provided a letter from their attorney (attached with Staff Report materials) stating that the lease for the tower will not be renewed and will expire on January 14, 2023.

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

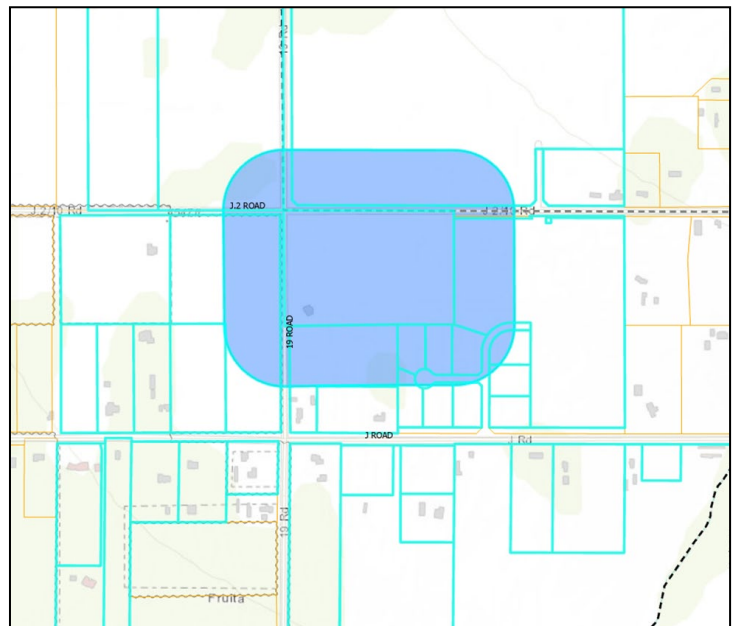
Legal Notice (minimum of 15 days prior to Planning Commission)	
May 27, 2022 (18 days prior)	Post Cards
May 27, 2022 (18 days prior)	Sign Posting
May 27, 2022 (18 days prior)	Legal Ad

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. 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 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 # 2022-20
Application Name Adeles Acres
Application Type Annexation
Location 1024 19 Road
Current Zone: Mesa County Zoning AFT
Description This is a request to annex approximately 15.1 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



STAFF RECOMMENDATION:

Staff recommends **approval** of the annexation petition with the condition that there will be dedication of additional right of way on J.2 and 19 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 #2022-20, the Adeles 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>Adeles Annexation Schedule</i>	
Date	Action
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
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