



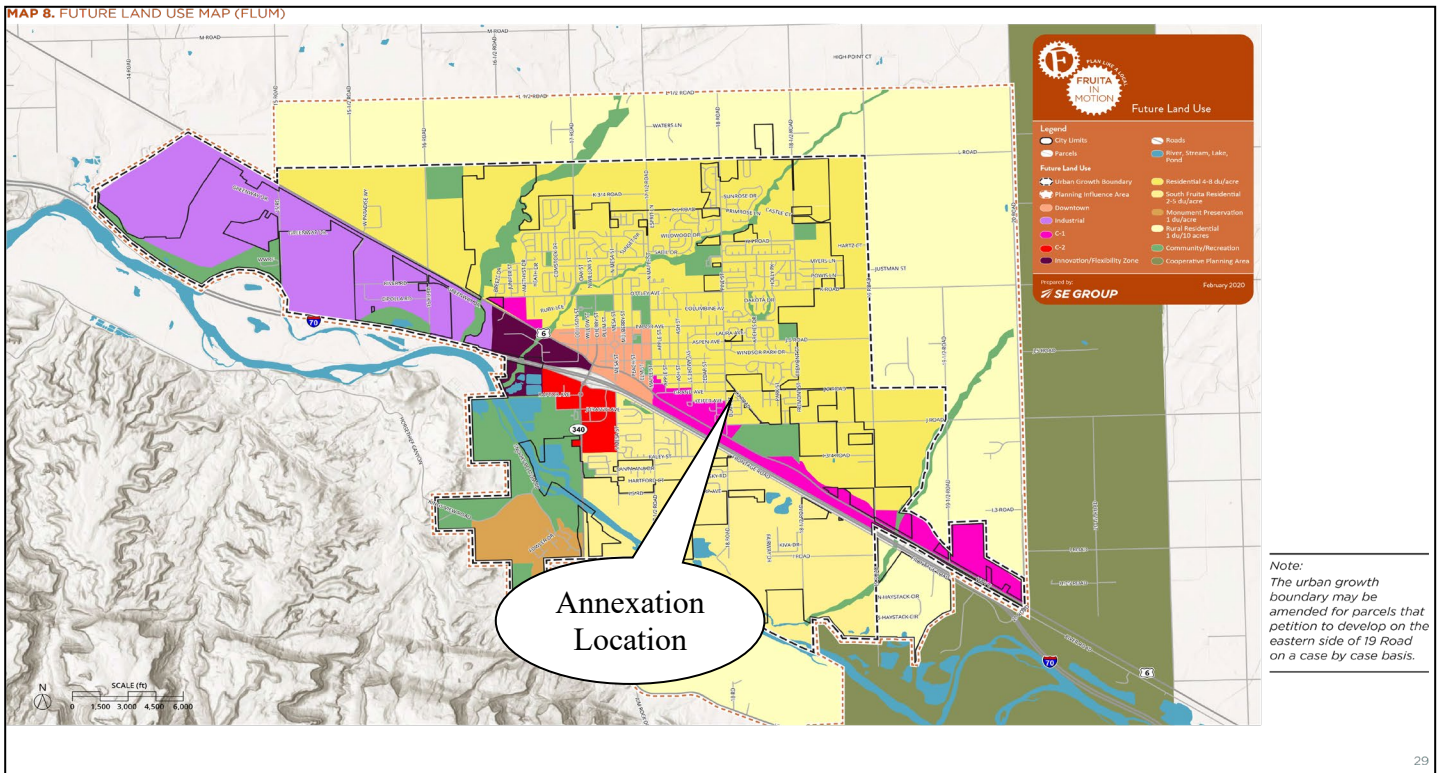
**PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT  
MARCH 14, 2023**

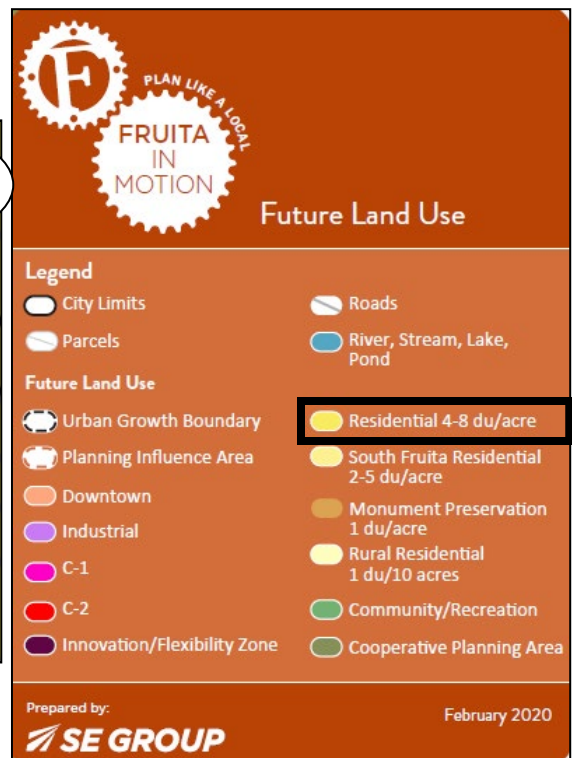
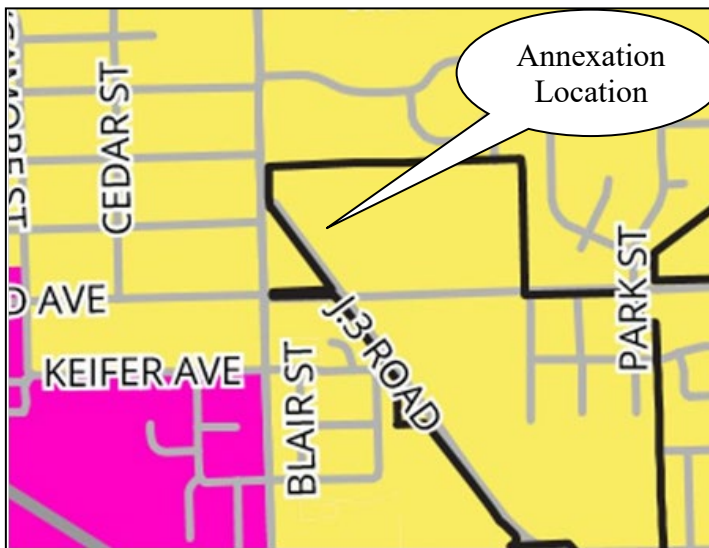
**Application #:** 2023-03  
**Project Name:** Berg  
**Application:** Annexation  
**Property Owner:** Willie and Neomi Berg  
**Representative:** Kim Kerk Land Consulting & Development  
**Location:** 1806 J 3/10 Road  
**Zone:** Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)  
**Request:** This is a request for approval of the annexation of approximately 3.4 acres into the Fruita City Limits.

**PROJECT DESCRIPTION:**

The property owners of 1806 J 3/10 Road have applied to annex the property. The subject property is approximately 3.4 acres and is located north of the intersection of J 3/10 Road and J 2/10 Road. The property currently contains a single-family dwelling unit on the southwest corner.

**FUTURE LAND USE MAP (FLUM)**

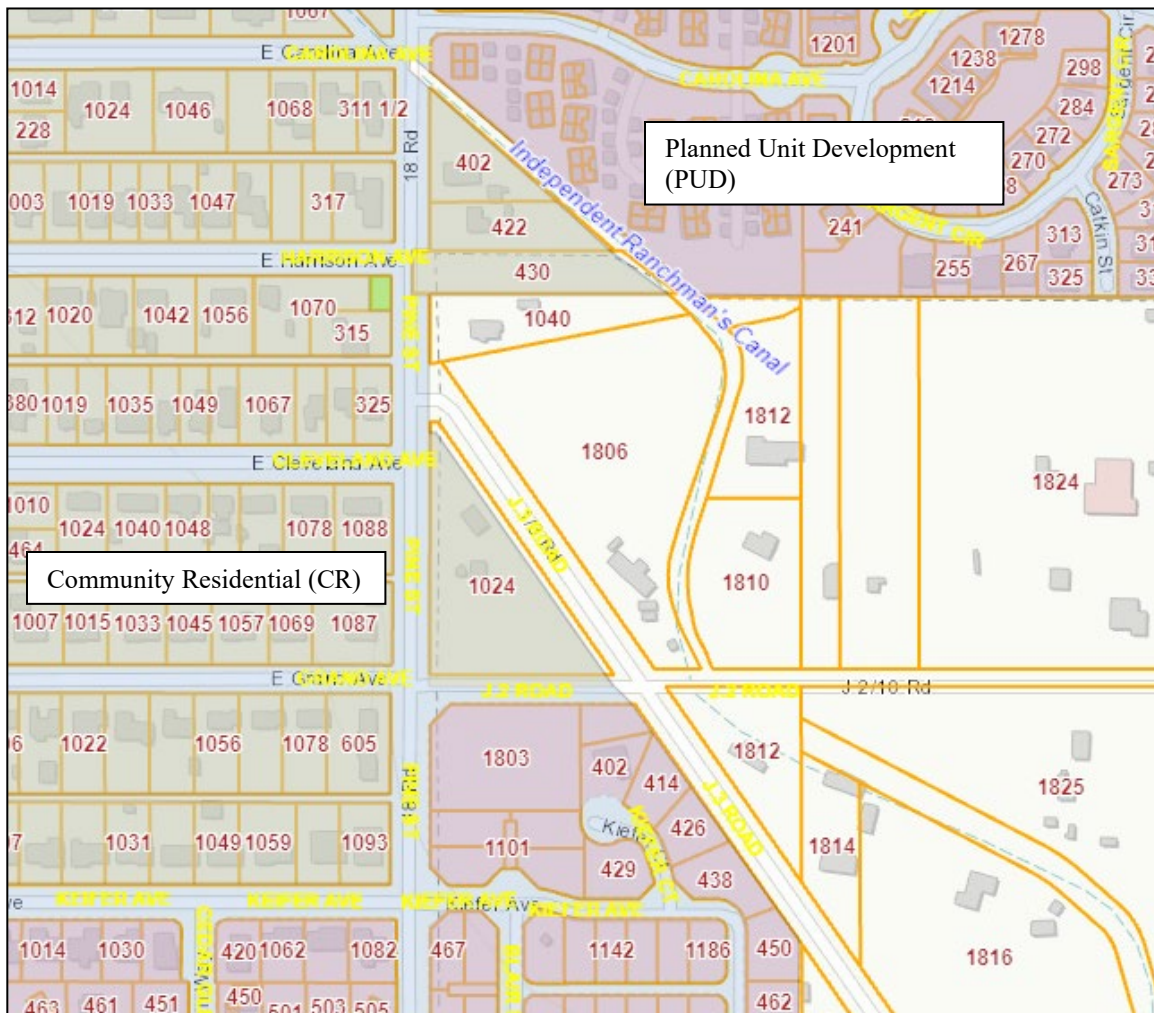




## SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential. The majority of the surrounding properties are within the city limits. There are a few properties to the east that are still in Unincorporated Mesa County. The map below identifies the various zones in this area.

### LOCATION AND ZONING MAP



## 2022 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).

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 approximately 515 feet according to the annexation map submitted with the application. The property to the west was annexed in 2017 (Ordinance 2017-03).

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. The subject property is currently being served with sanitary sewer and Ute Water. If the subject property were to develop, there would be adequate review of additional utilities and infrastructure associated with residential development.

In addition to this annexation, the city will be annexing adjacent rights-of-ways (J 3/10 Road and J 2/10 Road).

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 somewhat contiguous with existing urban development, with the Legacy PUD Subdivision to the south and the Grace Park residential subdivision to the north. The remaining properties nearby that are undeveloped and/or remain in Unincorporated Mesa County are supported for residential development within the City of Fruita.

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).”

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.

Annexation of the property is 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, 79 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 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. Once the subject property is developed, the additional dwelling units should provide for a logical social impact to the city. 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 multi-purpose easements as follows:

1. 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.

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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**

Legal Notice (minimum of 15 days prior to Planning Commission)	
February 22, 2023	Post Cards
February 22, 2023	Sign Posting
February 22, 2023	Legal Ad



**STAFF RECOMMENDATION:**

Staff recommends **approval** of the annexation petition with the condition that there will be dedication of 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 #2023-03, the Berg 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>Berg Annexation Schedule</b></i>	
<b>Date</b>	<b>Action</b>
February 7, 2023	<ul style="list-style-type: none"><li>• Resolution to set a hearing date to determine eligibility.</li></ul>
	Published in Daily Sentinel (Once a week for 4 consecutive weeks) <ul style="list-style-type: none"><li>• February 22, 2023</li><li>• March 1, 2023</li><li>• March 8, 2023</li><li>• March 15, 2023</li></ul>
March 14, 2023	Planning Commission considers Annexation & Zone
March 21, 2023	<ul style="list-style-type: none"><li>• 1st Reading of an Ordinance to Annex</li><li>• 1<sup>st</sup> Reading of an Ordinance to Zone</li></ul>
April 18, 2023	<ul style="list-style-type: none"><li>• Resolution to find the property eligible for Annexation</li><li>• 2nd Reading of an Ordinance to Annex</li><li>• 2nd Reading of an Ordinance to Zone</li></ul>
Legal Notice (minimum of 15 days prior to Planning Commission)	
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# **ANNEXATION IMPACT REPORT**

## **CITY OF FRUITA**

### **FEBRUARY 7, 2023**

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**Application #:** 202303  
**Project Name:** Berg Annexation  
**Application:** Annexation  
**Property Owner:** Willie and Neomi Berg  
**Representative:** Kim Kerk Land Consulting & Development  
**Location:** 1806 J 3/10 Road  
**Zone:** Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)  
**Request:** This is a request for approval of the annexation of approximately 3.4 acres into the Fruita City Limits.

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Section 17.17.040 of the Fruita Land Use Code states that any annexation not requiring an election shall be accompanied by an annexation impact report which contains the following elements.

**A. Plans of the municipality for extending to or otherwise providing for municipal services;**

The Future Land Use Map (FLUM) within The Fruita In Motion: Plan Like A Local Comprehensive Plan shows the subject property within the City's Urban Growth Boundary. The Urban Growth Boundary was developed with the anticipation of providing the necessary municipal services. With that said, the city does have plans to provide municipal services to this area.

Historically, the City of Fruita has not forced the extension of municipal services. The city has been proactive in planning for future extensions of the city limits with regards to providing municipal services to the areas designated in the Urban Growth Boundary. This includes the municipal services provided by the City of Fruita (sanitary sewer and police).

Between 2018 to 2020 the City of Fruita completed the Highway 6 Sewer Interceptor Project which extended city sewer services to support development elements within the 2008 and 2020 Comprehensive Plans. This extension was then extended to 19 Road with the Iron Wheel Subdivision.

**B. The City of Fruita's anticipated financing of the extension of services;**

The City of Fruita will not be financing the extension of services (water, sewer, gas, etc.) to the subject property at this time. However, there is a sewer recapture fee for the subject property when it develops. (required to be paid to the city in accordance with the Recapture Agreement adopted by Resolution #2019-44)

**C. The special districts included in the territory to be annexed;**

No special districts are included within the territory to be annexed. Below are the agencies or entities that have taxing authority over the territory to be annexed. These agencies will be notified of the annexation application.

1. Lower Valley Fire Protection District.
2. Mesa County School District 51.
3. Grand Valley Irrigation Company.
4. Grand Valley Mosquito Control District.
5. Mesa County Public Library District.
6. Grand Valley Drainage District.
7. Colorado River Water District.
8. Library District.
9. Mesa County Social Services.

**D. The effect of annexation on the public school district system including the estimated number of students generated and capital construction required to educate each student;**

The school district boundaries for the recently constructed Monument Ridge Elementary School, Fruita Middle School, Fruita 8/9, and Fruita Monument High School already include the subject property. This implies that no new impacts on the school system would be generated from this annexation application. The impacts to the school district system will be evaluated by the Mesa County Valley School District when this property develops. The School District has been made aware of this annexation.

**E. Traffic/pedestrian/bicycle impacts;**

Traffic, pedestrian and bicycle impacts should not change with the annexation of the subject property. Traffic, pedestrian and bicycle impacts will remain the same.

**F. Wastewater, water, drainage, and irrigation impacts, and;**

Impacts on these facilities shouldn't change with the annexation itself. When the property develops, necessary regulations from review agencies will be reviewed with a land development application.

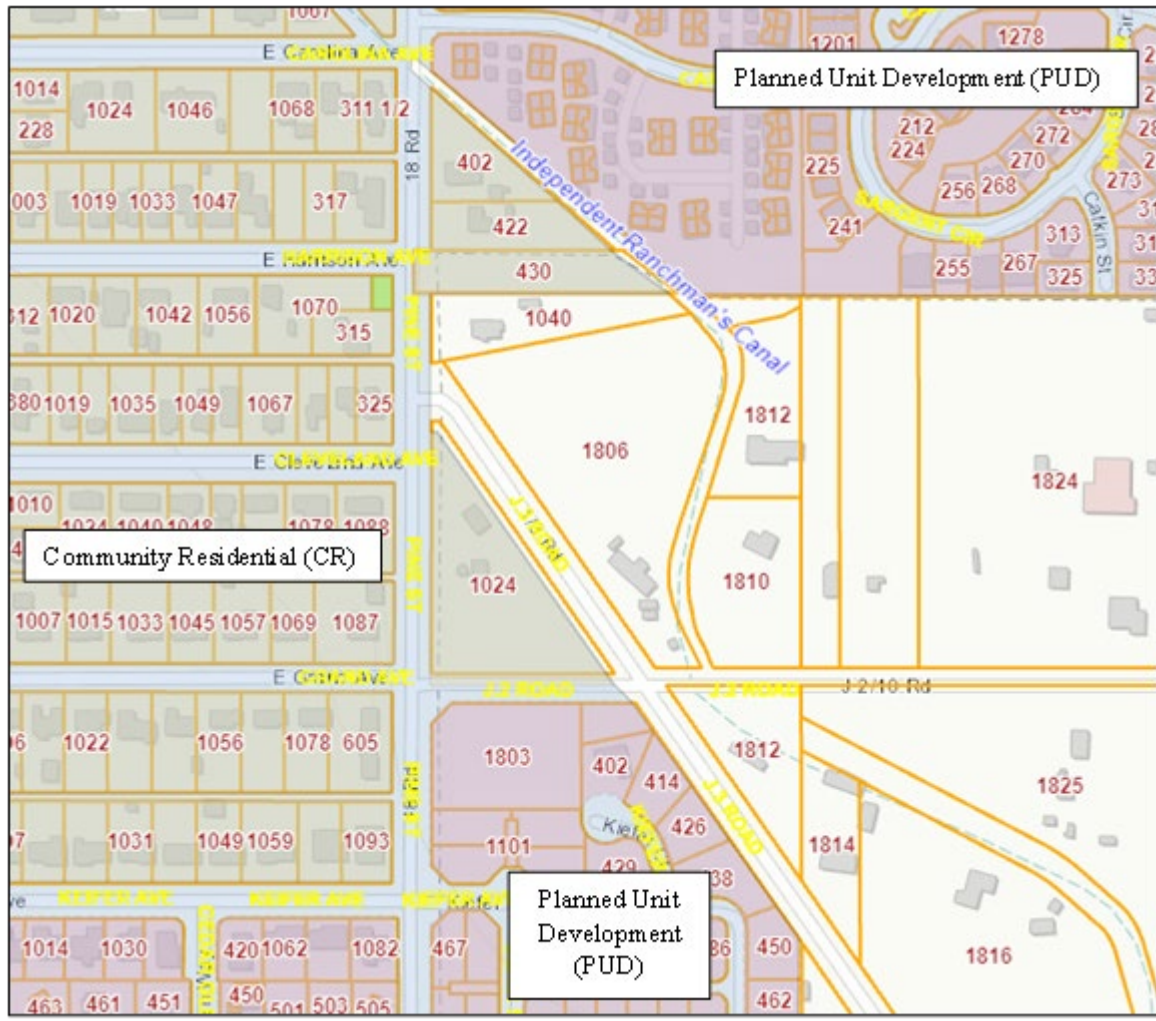
**G. Other relevant information as required by the Community Development Department.**

**Review Agencies:**

1. Xcel Energy
2. Grand Valley Power Company
3. Charter Communications
4. Century Link
5. Ute Water
6. Grand Valley Drainage District
7. Grand Valley Irrigation Company
8. Mesa County Community Development Department
9. Mesa County Building Department
10. Mesa County Surveyor
11. Mesa County Valley School District (School District 51)
12. 5-2-1 Drainage Authority
13. Lower Valley Fire Protection District
14. Grand River Mosquito District

## Map Exhibits:

### Present City boundary



**Proposed City Boundary set forth in the Future Land Use Map (FLUM)**

