



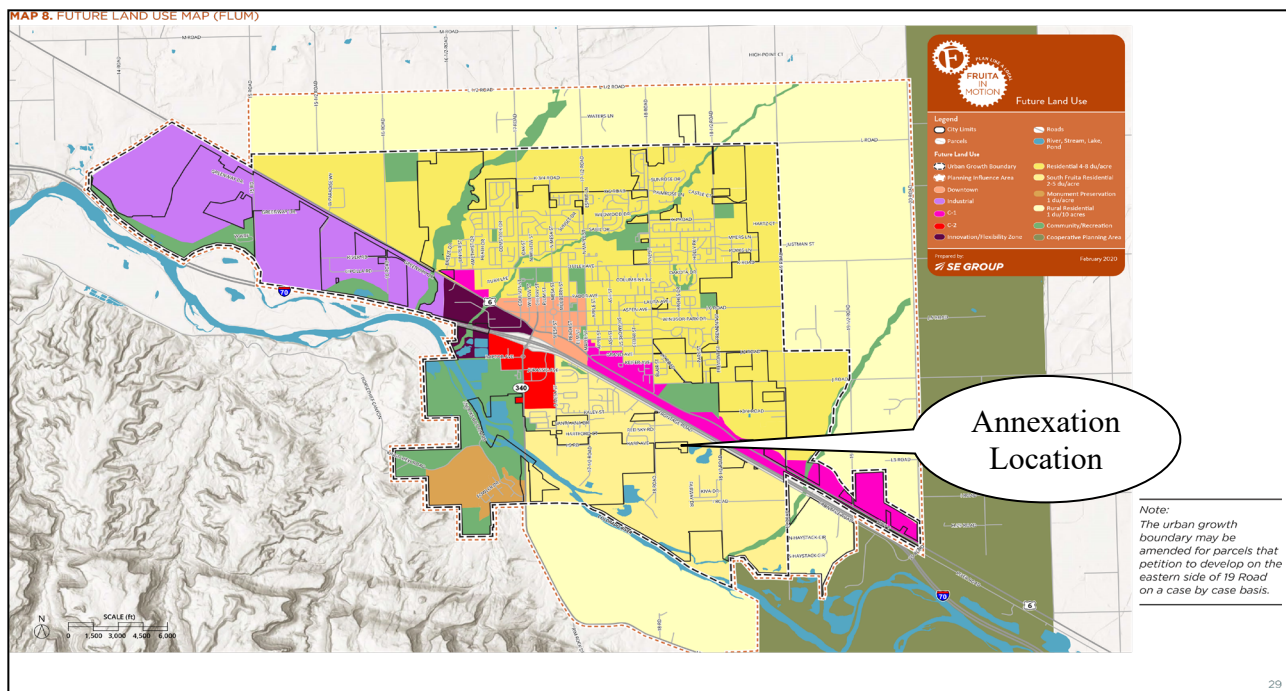
**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
JULY 12, 2022**

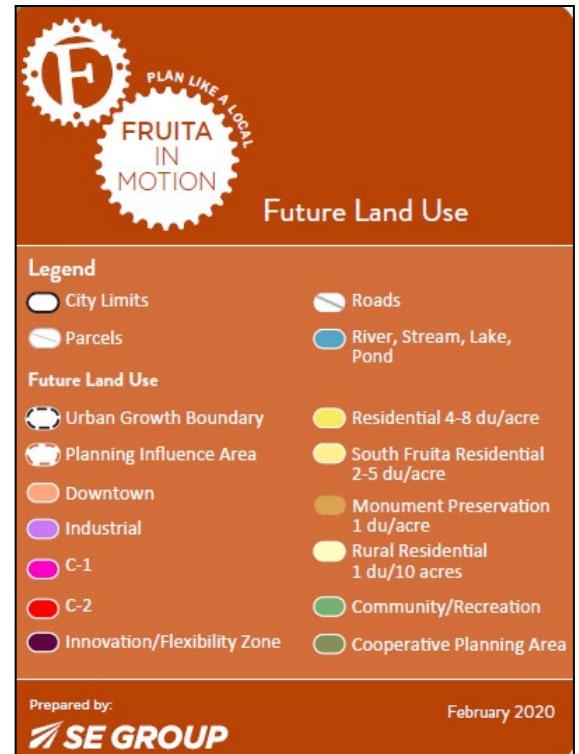
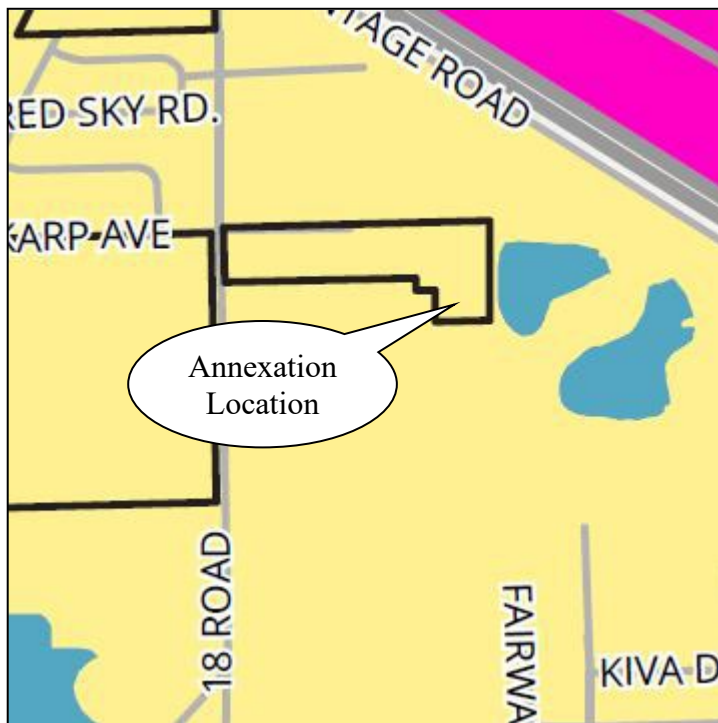
Application #: 2022-14
Project Name: Dogleg #1 Annexation
Application: Annexation
Property Owner: Connie & Jose B Marquez c/o Dogleg LLC
Representative: APEX Consulting Engineers
Location: Parcel # 2697-213-00-078
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)
Request: This is a request for approval of the annexation of approximately 1 acre into the Fruita City Limits.

PROJECT DESCRIPTION:

The property owner of Parcel # 2697-213-00-078, Connie & Jose B Marquez c/o Dogleg LLC, applied to annex the property. In August 2021, Eric Marquez was made the personal representative of the Estate of Connie Marquez and granted the property to Dogleg LLC. Currently, the property is vacant and is north of a portion of the Adobe Creek Golf Course.

FUTURE LAND USE MAP (FLUM)

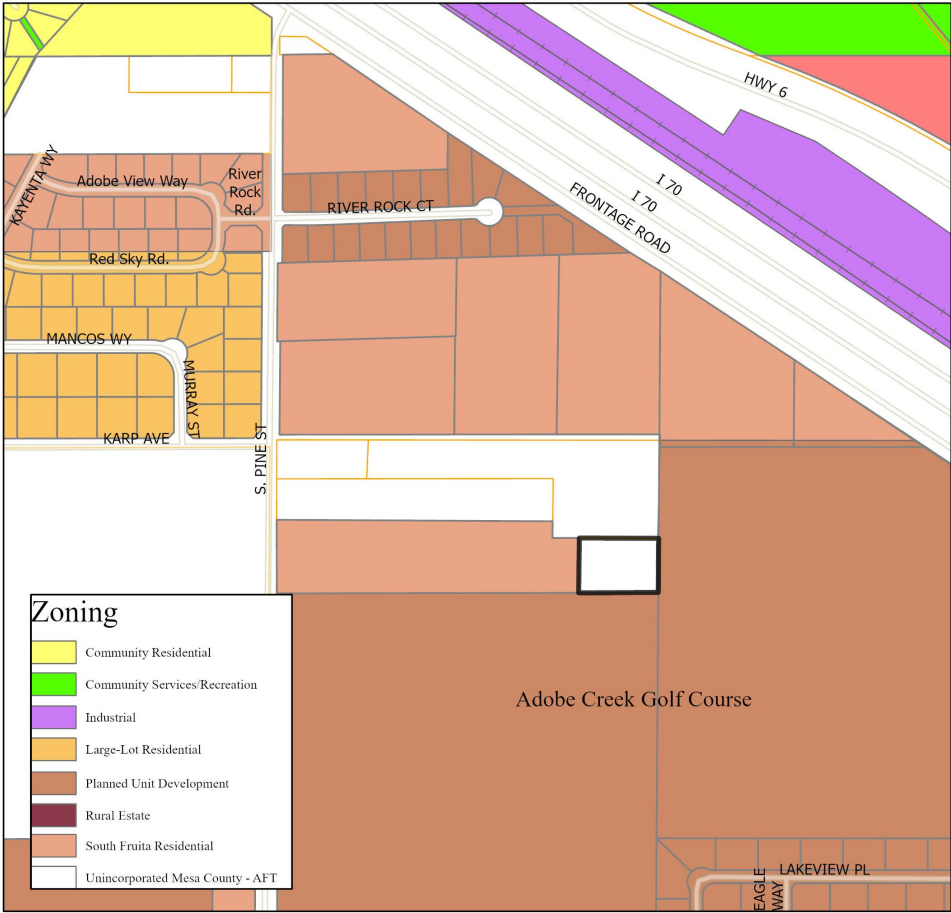




SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential. The Adobe View Subdivision is to the northwest, the Beit Lechem Ministries to the north, and the Adobe Creek Golf Course to the west and 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 1/6th 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 165.35 feet, the south side by 260.54 feet, and the west side by 165.34 feet for a total of 591.23 feet according to the annexation map submitted with the application. This meets the 1/6th 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.

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. In most cases, irrigation water shares are evaluated at the time the property develops.

With regards to access, the title policy acknowledges an ingress/egress (book 2677-page 3 reception #1937944) to the subject property through Parcel #2697-213-00-094, however it remains unclear exactly the location of the easement and whether utilities may be used. To ensure the correct location, an access and utility easement must be created. This is to ensure that if the property does not develop as intended, the property will still have adequate access and a location for utilities like gas, electric, and water. If the property does develop as intended, the easement can be vacated by Plat.

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 Adobe View subdivision and River Glen subdivision nearby. The larger, undeveloped parcels nearby are recommended for residential development as supported in the Fruita Comprehensive Plan. 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, 39 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 that there are 2 total water shares owned by Dogleg LLC under accounts 52079 and 39212 and that additional shares will be secured during the subdivision land use application. It is city policy that 1-1.5 shares be provided 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. 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.

The subject property can meet and will be required to meet the city's infrastructure standards when the property does develop.

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

does not appear to be anything on the property that would be considered legal non-conforming as the property is vacant.

REVIEW COMMENTS:

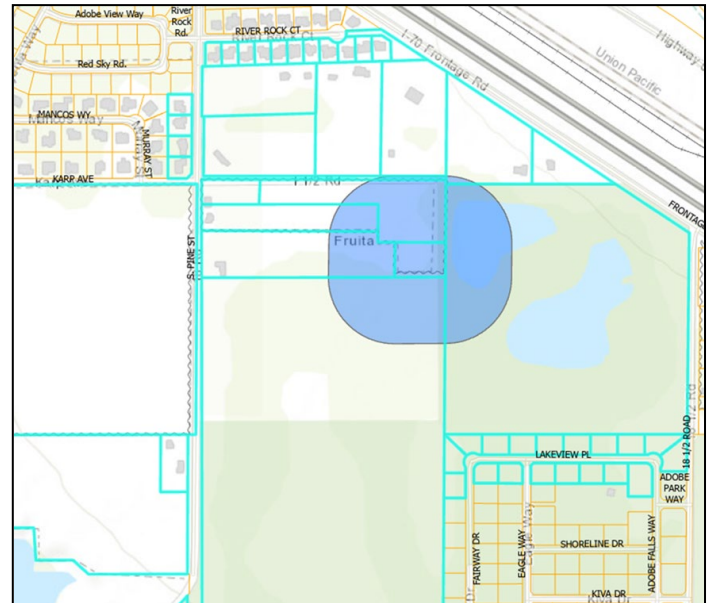
No reviewer expressed any issues with the proposed annexation.

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) | |
|--|------------------------------------|
| June 20, 2022 (22 days prior) | Post Cards [17.07.040 (E)(1)(d)] |
| June 22, 2022 (20 days prior) | Sign Posting [17.07.040 (E)(1)(c)] |
| June 24, 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, July 12, 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, October 4, 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 # 2022-14
Application Name Dogleg 1
Application Type Annexation
Location Parcel #2697-213-00-078
Current Zone: Mesa County Zoning AFT
Description This is a request to annex approximately 1 acre 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 no additional conditions.

SUGGESTED PLANNING COMMISSION MOTION:

Mr. Chair, I move that we recommend **approval** to City Council, of application #2022-14, the Dogleg 1 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>Dogleg 1 Annexation Schedule</i> | |
|--|--|
| Date | Action |
| July 5, 2022 | Resolution to set a hearing date to determine eligibility |
| | Published in Daily Sentinel (Once a week for 4 consecutive weeks) * July 8, 2022 * July 15, 2022 * July 22, 2022 * July 29, 2022 |
| July 12, 2022 | Planning Commission considers Annexation & Zone |
| September 6, 2022 | Resolution to find the property eligible for Annexation |
| September 6, 2022 | 1st Reading of an Ordinance to Annex 1st Reading of an Ordinance to Zone |
| October 4, 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) | |
| June 20, 2022 | Post Cards |
| June 22, 2022 | Sign Posting |
| June 24, 2022 | Legal Ad |