



# FRUITA

COLORADO

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## AGENDA ITEM COVER SHEET

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**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** PLANNING & DEVELOPMENT DEPARTMENT

**DATE:** NOVEMBER 16, 2021

**RE:** RESOLUTION 2021-36 - A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL NUMBER 2697-164-00-050 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA.

### **BACKGROUND**

The property owner of Parcel Number 2697-164-00-050 has submitted an application to annex and zone the property. Staff has reviewed this annexation request and finds that the property meets the city and state laws that must be met to find a property eligible for annexation.

Staff has reviewed this annexation request and finds that the property meets current State Statutes for annexation including the required 1/6<sup>th</sup> contiguity with existing City limits and it is within the City's Urban Growth Boundary. The City Council approved Resolution 2021-26 on October 5, 2021 which set the hearing date to determine the eligibility for this application. This Resolution is required by section 31-12-107 of the Colorado Revised Statutes.

At their October 12, 2021 public meeting, the Planning Commission recommended approval of the annexation petition by a vote of 5-0 to the Fruita City Council. No public comments were received at this Planning Commission meeting.

### **FISCAL IMPACT**

Annexation of property requires that the city provide it with city services (such as police protection and sewer service). The cost of providing services varies with each annexation.

There will be services extended with this annexation. Conditions of approval are explained in the Staff Report.

### **APPLICABILITY TO CITY GOALS AND OBJECTIVES**

The city's primary goal is to protect the health, safety and welfare of the city's residents.

Annexation ensures that the city has some control over development which might otherwise occur outside the city limits and drain city resources and infrastructure.

### **OPTIONS AVAILABLE TO COUNCIL**

1. Approve Resolution 2021-36
2. Deny Resolution 2021-36

### **RECOMMENDATION**

It is the recommendation of staff that the Council by motion:

**ADOPT RESOLUTION 2021-36 - A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL NUMBER 2697-164-00-050 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA.**

**RESOLUTION 2021-36**

**A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY  
13.9 ACRES OF PROPERTY LOCATED AT PARCEL NUMBER 2697-164-00-050  
ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA.**

**WHEREAS**, the City of Fruita has received a petition to annex property which is described and shown on the attached Exhibit A, and

**WHEREAS**, the Planning Commission recommended approval of the annexation petition at their October 12, 2021 public meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT THE CITY COUNCIL FINDS AND DETERMINES:**

**THAT** a properly constituted petition signed by 100% of the owners of the real property described and shown on Exhibit A has been submitted to the City of Fruita and an election is not required under C.R.S. 31-12-107, and

**THAT** the real property described on Exhibit A has at least 1/6 of its perimeter contiguous to existing city limits of the City of Fruita, and

**THAT** annexation of the property complies with all pertinent requirements of C.R.S. 31-12-104, 105 & 106 to be eligible for annexation, and

**THAT** all special districts encompassing the subject property were noticed as required under C.R.S. 31-12-108, and

**THAT** a notice of the public hearing was properly advertised having appeared once per week for four consecutive weeks in a local publication, and

**THAT** the property shown and described on Exhibit A is eligible for annexation into the City of Fruita.

**BE IT FURTHER RESOLVED BY THE FRUITA CITY COUNCIL**, that based on the above findings, it is the intent of the City of Fruita to annex the real property described and shown in Exhibit A.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 16<sup>TH</sup> DAY OF NOVEMBER 2021.**

ATTEST:

City of Fruita

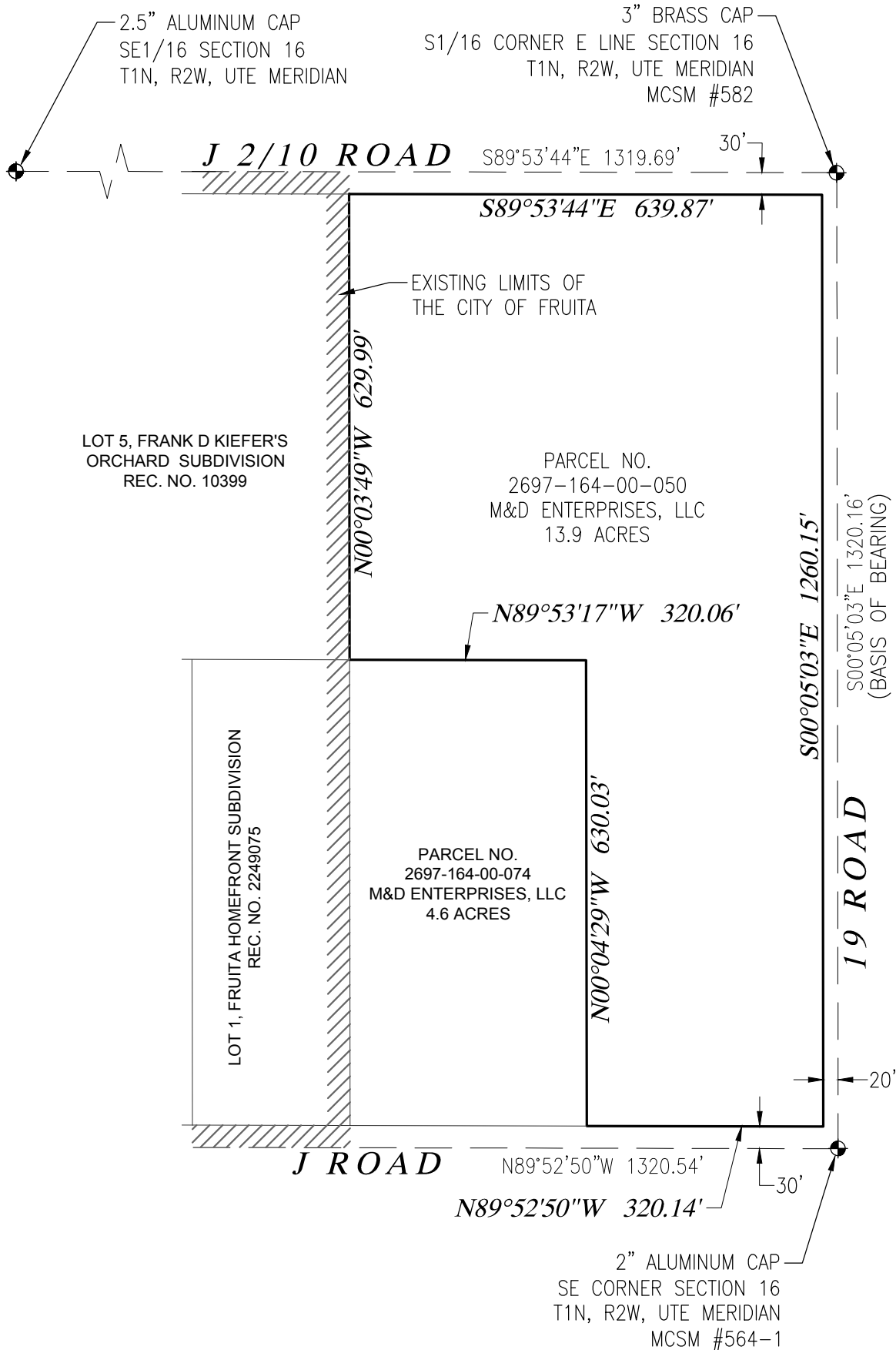
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Margaret Sell, City Clerk

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Joel Kincaid, Mayor

# Exhibit A






## PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SE1/4SE1/4 OF SECTION 16, T1N, R2W, UTE MERIDIAN, CITY OF FRUITA, MESA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 7 AND THE EAST 1/2 OF LOT 8, FRANK D. KIEFER'S ORCHARD  
SUBDIVISION (REC. NO. 10399).

PARCEL CONTAINS 13.9 ACRES

## LEGEND

 PROPERTY BOUNDARY  
 SECTION LINE  
 ADJOINER PROPERTY LINE  
 EXISTING CITY LIMITS  
 FOUND SURVEY CONTROL MONUMENT

## TABLE OF ABBREVIATIONS

MCSM - MESA COUNTY SURVEY MONUMENT  
N - NORTH  
S - SOUTH  
E - EAST  
W - WEST  
C - CENTER  
T - TOWNSHIP  
R - RANGE  
AC - ACRES  
REC. NO. - RECEPTION NUMBER



SCALE IN FEET

200 100 0 200 400

1" = 200'

[illegible]

**VORTEX**  
**ENGINEERING, INC.**

- \* CONSTRUCTION MANAGERS & SITE PLANNERS
- \* PROJECT MANAGERS
- \* CIVIL & CONSULTING ENGINEERS

861 Rood Avenue  
Grand Junction, Colorado 81501  
Phone: (970) 245-9051  
Fax (970) 245-7639

ALEXANDRE B.  
LHERITIER

PROFESSIONAL LAND SURVEYOR  
COLORADO LICENSE No. 38464

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EXHIBIT

**ANNEXATION EXHIBIT**

**WESTON SUBDIVISION**  
J ROAD AND 19 ROAD  
FRUITA, COLORADO 81521

SCALE: 1"=200'  
DATE: 7/13/2021  
PROJECT NO: F20-052  
CAD ID:  
weston annex exhibit.dwg

SHEET~

A



**PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT  
OCTOBER 12, 2021**

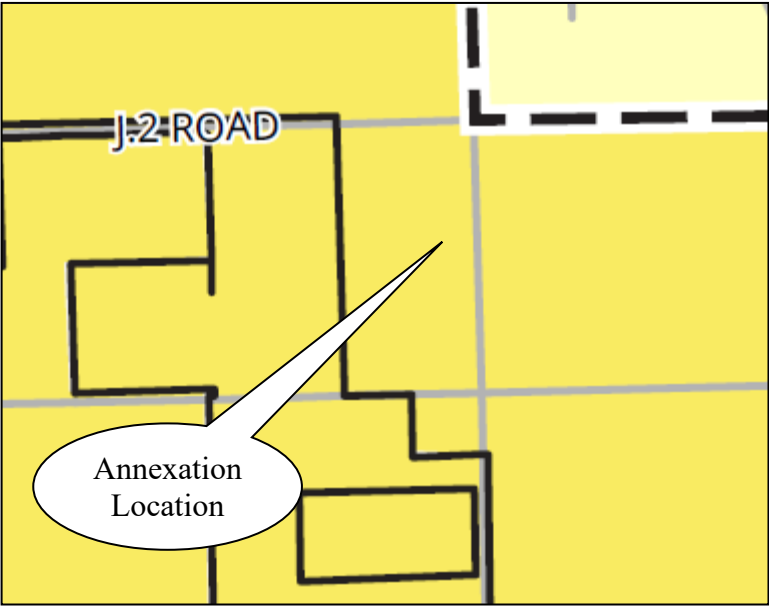
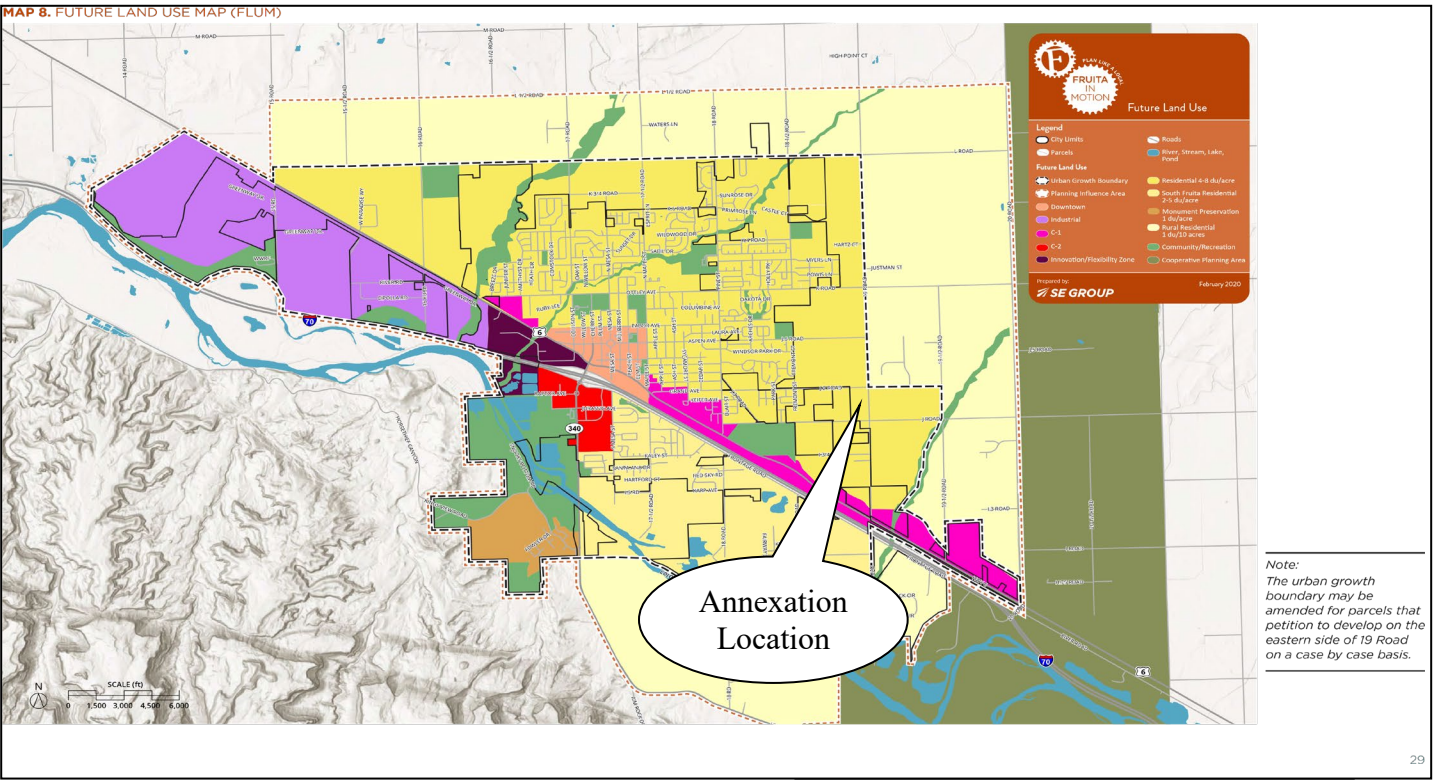
**Application #:** 2021-33  
**Project Name:** Weston Estates Annexation #2  
**Application:** Annexation  
**Property Owner:** M & D Enterprises LLC  
**Representative:** Vortex Engineering & Architecture, Inc  
**Location:** Parcel #2697-164-00-050  
**Zone:** Currently zoned Agricultural Forestry and Transitional (AFT-County zoning)  
**Request:** This is a request for approval of the annexation of approximately 13.9 acres into the Fruita City Limits.

**PROJECT DESCRIPTION:**

The property owner of Parcel #2697-164-00-050, M & D Enterprises LLC, applied to annex the property. The subject property is approximately 13.9 acres and is located Southwest of the intersection of 19 and J Road. The property is currently vacant.

This annexation request is being reviewed concurrently with another annexation request, known as the Weston Estates Annexation #1 (Parcel#2697-164-00-074, 4.64 acres). The annexation of the 4.64 acre parcel must occur first in order for this annexation to have the contiguity required under C.R.S 31-12-104 (1/6<sup>th</sup> contiguity). Additionally, the request for zoning will be considered separately by the Planning Commission and City Council, but concurrently with the annexation request.

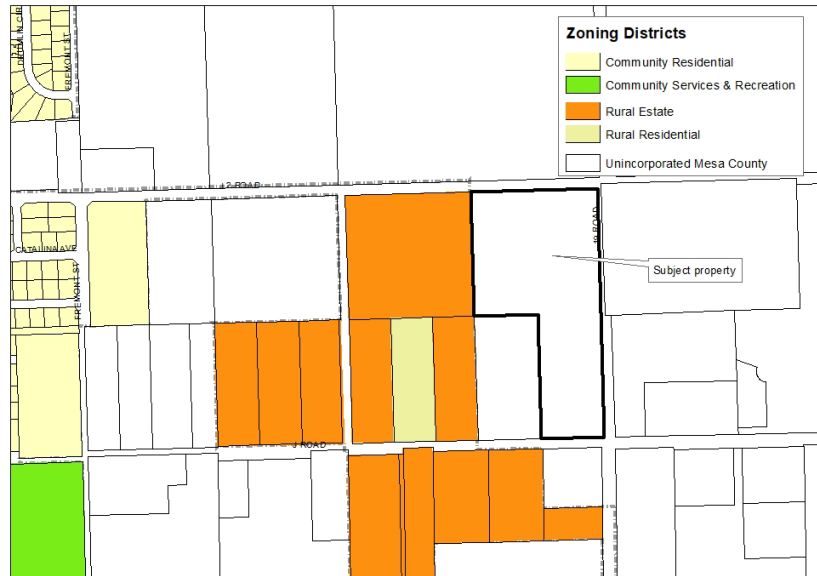
# FUTURE LAND USE MAP (FLUM)



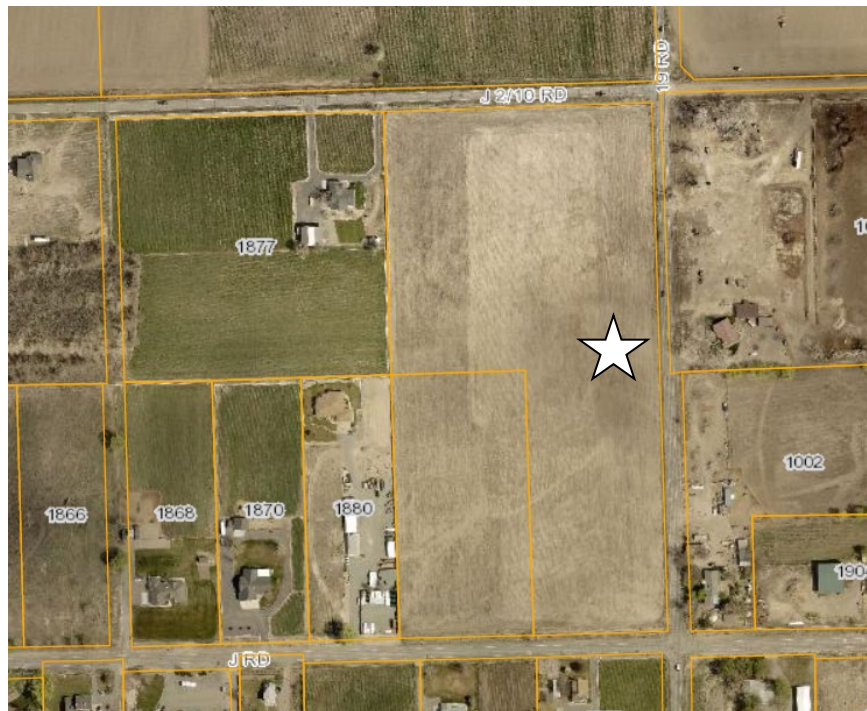
## SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential with some small-scale farming and agricultural uses scattered nearby. 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 17.06.040 (A) (1) of the Code states that if the property is located within the City's Urban Growth Area as identified by the Fruita Community Plan, annexation may be approved only after considering the following criteria:**

**a. The annexation meets the requirements of the State Statutes;**

If the property to the southwest, known as the Weston Estates Annexation #1, is approved then 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 west side by 629.99 feet according to the annexation map submitted with the application. The total perimeter of this parcel is approximately 3800.24 according to the annexation exhibit submitted. In order to meet the contiguity requirements, the parcel would need a minimum of 633.37 feet. This contiguity requirement is achieved once the parcel to the southwest (Parcel #2697-164-00-074) is annexed. At that point, this property will have nearly 42% contiguity with the city limits.

This criterion can be met.

**b. 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. Utility extensions and upgrades will be evaluated and expected when the property develops. This criterion can be met.

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

The subject property is contiguous to the city limits. Currently, Filing 1 of the Iron Wheel Subdivision is under construction to the south along 19 Road. Although urban development hasn't happened yet, the Fruita Comprehensive Plan supports residential development to the north, east, south and west of the subject property. This criterion can be met.



**d. 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.

**e. The development is consistent with community goals, principles, and policies as expressed in the Fruita Community 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).”

Although a major goal of the Comprehensive Plan is to prioritize infill development over development at the edge of the city limits, there are city utilities (roads and sewer) nearby which will be adequate to serve the subject property. Furthermore, there is a community interest to improve J Road and 19 Road, including the intersection of 19 and J Road. Incorporating this land and other nearby properties along 19 and J Road in accordance with the UGB, will ensure that urban level improvements get constructed when the properties are developed in the future.

The 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.

**f. 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.

The annexation petition, which is required to be signed by the property owner(s), has been submitted with the application indicating annexation support for the subject property. This is in accordance with C.R.S 31-12-107.

This criterion has been met.

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

No information was submitted with regards to ditch rights or irrigation. The property owner should be aware that current city standards require 1-1.5 irrigation shares per irrigated acre once the property is developed. This application was sent to Grand Valley Irrigation Company (GVIC) for review and no review comments have been received at this time.

Additionally, the project narrative states that potable water will be provided once the property is developed. This application was sent to Ute Water and review comments indicate no objections.

This criterion can be met.

**h. 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 and upgrade of utilities when the property develops, should create development opportunities to adjacent properties. The City has been prepared and has planned for this property and other nearby properties to be incorporated into the city limits dating back to the 2008 Community Plan.

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.

**i. 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. 19 Road to have a total of 50 feet from the section line.
2. J Road to have a total of 35 feet from the section line.
3. J.2 Road to have a total of 30 feet from the section line.
4. 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 does not appear to be any aspects of the property that would be considered legal non-conforming (aka, grandfathered) after the annexation is completed.

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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)	
September 22, 2021 (20 days prior)	Post Cards
September 22, 2021 (20 days prior)	Sign Posting
September 22, 2021 (20 days prior)	Legal Ad

### NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing **Tuesday, October 12, 2021 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, January 4, 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.

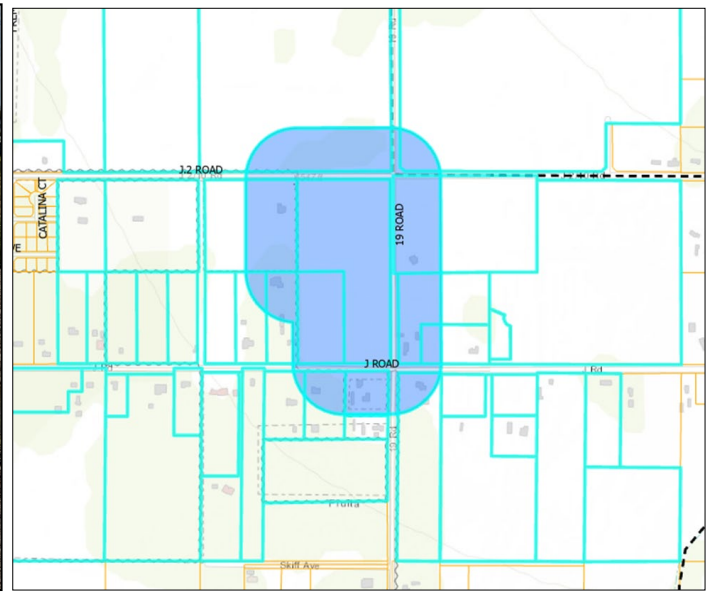
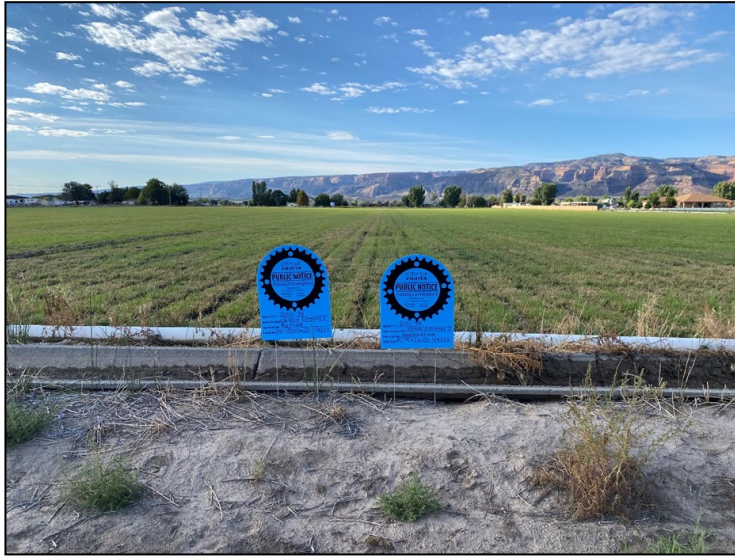
Application #	2021-33
Application Name	Weston Estates 2
Application Type	Annexation
Location	Parcel #2697-164-00-050
Current Zone:	Mesa County Zoning AFT
Description	This is a request to annex approximately 13.91 acres into the city limits.

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)

### Legal notice map (3 sign posting locations)







### **STAFF RECOMMENDATION:**

Staff recommends **approval** of the annexation petition with the condition that there will be dedication of additional right of way along 19 Road, J Road, J.2 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 #2021-33, the Weston Estates Annexation #2 with the condition that any review comments and issues identified in the Staff Report be adequately addressed or included with the Annexation Ordinance.

**ANNEXATION SCHEDULE:**

<i><b>Weston Estates Annexation #2 Schedule</b></i>	
<b>Date</b>	<b>Action</b>
October 5, 2021	Resolution to set a hearing date to determine eligibility
	Published in Daily Sentinel (Once a week for 4 consecutive weeks) * October 15, 2021 * October 22, 2021 * October 29, 2021 * November 5, 2021
October 12, 2021	Planning Commission considers Annexation & Zone
October 19, 2021	1st Reading of an Ordinance to Annex 1st Reading of an Ordinance to Zone
November 16, 2021	Resolution to find the property eligible for Annexation
January 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)	
September 22, 2021	Post Cards
September 22, 2021	Sign Posting
September 22, 2021	Legal Ad