

A. CALL TO ORDER

Six Planning Commissioners were in attendance. (Jessica Hearn, Anthony Farinacci, Mel Mulder, Derek Biddle, Patrick Hummel, and Michael Handley were present.)

B. PLEDGE OF ALLEGIANCE

Commissioner Biddle led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None.

D. APPROVAL OF THE AGENDA

COMMISSIONER MULDER MOVED TO APPROVE THE AGENDA WITH THE CHANGE

COMMISSIONER HEARNS SECONDED THE MOTION

MOTION PASSED 6-0

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

None

G. CONSENT ITEMS

APPROVAL OF MINUTES:

October 8, 2024, Planning Commission meeting.

COMMISSIONER HEARNS MOVED TO APPROVE THE MINUTES

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 3-0 (Commissioner Farinacci, Commissioner Hummel and Commissioner Handley abstained from the vote as they weren't present at the last Planning Commission meeting).

H. PUBLIC HEARING ITEMS

Application #:	2024-02
Application Name:	Lake Weedunno Right of Way Vacation
Application Type:	Vacation of Right of Way
Representative:	Rolland Consulting Engineers
Location:	916 18 Road (18 Road, South of I Road)
Description:	This is a request for a vacation of right of way for portions of 18 Road south of I Road.

Mr. Henry Hemphill, City Planner, gave the Staff presentation.

Slide 1 – Introduction

Slide 2 – Application Overview

Slide 3 – Legal Notice

The slide included an image of the postcard and 350’ buffer around the subject property.

Slide 4 – Legal Notice

All legal notice done in accordance with local law 17.07.040 (E)(1)(a-d).

- Post Cards: October 16, 2024
- Sign Posting: October 22, 2024
- Newspaper: October 19, 2024

A site posting photo was presented.

Slide 5 – Right of Way

An aerial view of where the right of way vacation is being requested.

Slide 6 – Aerial view

This slide shows an aerial view of the vacation location, where the lift station is located and the location of an 8” sewer line that services Adobe Falls Subdivision.

Slide 7 – Review Criteria

- Section 17.09.090
- 4 criteria to consider:
 - Must not landlock any parcels.
 - Must not negatively impact adjacent properties.
 - Will not reduce the quality of public services to any parcel.
 - Must not be inconsistent with any transportation plan adopted by the city.

Slide 8 – Review Comments & Public Comments

REVIEW COMMENTS:

- No reviewer expressed concerns with this right-of-way vacation.

PUBLIC COMMENTS:

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

Slide 9 – Suggested Motion – pg. 37

- Mr. Chair, because application 2024-02 meets Section 17.09.090 of the Fruita Land Use Code, I recommend **approval** to the City Council of the vacation of the 18 Road right-of-way as proposed with no conditions.

Slide 10 – Next Steps

- City Council on January 7, 2025

Mr. Hemphill concluded his presentation.

Commissioner Biddle invited the applicant to speak.

Eric Slivon, applicant's representative, stated that he had nothing to add.

Commissioner Biddle opened the meeting to public comment.

There were no comments.

Commissioner Biddle closed the meeting to public comment and opened it to Commissioner discussion.

Commissioner Mulder wanted to know if 18 Road continued down to the water.

Mr. Hemphill responded that it did, and it went directly into the Colorado River.

Commissioner Mulder asked if there was a chance in the future that this would be a positive thing for 18 Road to go down there to the water for access to the lakes?

Mr. Hemphill responded that the lakes were private

Commissioner Mulder thought that it was Subi's lakes.

Mr. Hemphill said that those lakes belonged to Lake Weedunno.

Dan Caris stated that access on the trails plan was vis a vis of the Murray drain, which was to the west. He added that there was already a planned pedestrian connection to the river and to our Subi's lakes, just not this alignment where the proposed proclaimed right away was deeded in the late 1800's.

Commissioner Mulder questioned if 18 Road was further east from the old bridge and stated that it wouldn't interfere with that trail.

Mr. Hemphill spoke about the trails Master Plan. He added that it had a primary trail along the river corridor on the south of the lake and the way that they would most likely receive that land is by a subdivision, or something like that.

Commissioner Biddle stated that he didn't see any reason not to move forward with this and asked if anybody had any other thoughts or discussion?

Commissioner Hearn asked staff about the staff report. She said the suggested motion said that there were no conditions, but criteria #3 pointed out that if it's determined to have any public utilities in the area, then easements would be required. She asked if this was inherently a condition?

Mr. Hemphill stated that the reason that it was put in there was because typically the utility companies have time to review a land development application. If it comes to fruition that something came up and a utility company didn't review it and later found out that there's a service there that needed to be protected, they will have more leverage to place an easement over that area later. He added that the applicant did a utility corridor study to determine whether there were any utilities there that were useful, but they don't have it mapped. He added that this was a safety net for anything that might come up after the fact.

Commissioner Hearn asked if a utility were found after would the way this is written allow for an easement? Or would they have worked for that, and should just make it a condition?

Mr. Hemphill responded that they could recommend that to the Council, but they could ask the applicant's representative, Eric Slivon, and determine whether or not there were any utilities that may be in use there that no one had any idea about.

Commissioner Hearn said that she thought that it just seemed like the staff report had a condition that they were ignoring, and it could be problematic.

Mr. Hemphill stated that as it was written they didn't see any conflicts with any utilities or any easements that need to happen because those easements could not necessarily be dedicated to anybody or any entity to cover it. He added that if it did come up, then there would have some statements in the staff Report that said that this came up past the decision. They didn't see these often. They are usually just partial vacations where they are giving up or releasing just a certain width of a right of way, and then they would be retaining some easements along that corridor. He added that this was unique where it made sense not to have any of it because it goes directly through a private lake and into the Colorado River. They didn't see any real use for this currently. There is access through I Road and 18 Road north, it wouldn't be creating any landlocked parcels or creating any problems for adjacent property owners. He continued that the property vacated would be shared proportionally with each existing parcel. He spoke about the Sycamore vacation right of way as reference.

Mr. Caris said that he looked at this as like the I ½ Road alignment where the right of way doesn't exist, but it would be then dedicated if it were to develop. He added that it would be basically like placing it back in that state if there were to be a development plan where that made sense. This would be contemplated at the time when the city was furnished with an application rather than encumbering the property. He didn't think from a planning perspective they felt like this limited their ability to engage in subsequent applications. They still have the land use control; they would still be furnished with an actual land development application if that were to take place. He thought this allowed them to consolidate some property that is going to be viewed as buildable and then restructure the site and then we'll see a development application later.

Commissioner Hearn thanked him.

Commissioner Biddle closed the discussion and asked for a motion.

COMMISSIONER HEARNS MOVED MR. CHAIR, BECAUSE APPLICATION 2024-02, MEETS SECTION 17.09.090 OF THE FRUITA LAND USE CODE I RECOMMEND APPROVAL TO CITY COUNCIL OF THE VACATION OF THE 18 ROAD RIGHT OF WAY AS PROPOSED, WITH NO CONDITIONS.

COMMISSIONER HANDLEY SECONDED THE MOTION.

MOTION PASSED 6-0

I. OTHER BUSINESS

1. Community Development Updates

Planning Commission emails were discussed. Geode Flats, the Fruita Mews, and the Oaks were also discussed. Lastly, a partnership with Two Forks Ventures and the Lagoons was discussed.

2. Visitors and Guests
None

3. Other Business
None

Adjournment 6:54 pm

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita