



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: PLANNING & DEVELOPMENT DEPARTMENT

DATE: SEPTEMBER 21, 2021

**RE: ORDINANCE 2021-19, SECOND READING –AN ORDINANCE
ANNEXING APPROXIMATELY 25.96 ACRES OF PROPERTY
LOCATED AT 954 19 ROAD INTO THE CITY OF FRUITA.**

BACKGROUND

The property owner of 954 19 Road 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 1/6th contiguity with existing City limits and it is within the City's Urban Growth Boundary. The City Council approved Resolution 2021-17 on July 6, 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 July 13, 2021 public meeting, the Planning Commission recommended approval of the annexation petition by a vote of 5-0 to the Fruita City Council after receiving public input. There were concerns from adjacent property owners about the potential development impact that could occur in the future.

FISCAL IMPACT

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

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.

It appears that this annexation meets both state requirements and local requirements as identified in the Land Use Code. The Land Use Code (along with other regulatory documents) implement the City's goals and policies as outlined in the city's Master Plan including the Fruita Community Plan.

OPTIONS AVAILABLE TO COUNCIL

1. Adopt Ordinance 2021-19, an Ordinance annexing approximately 25.96 acres of property located at 954 19 Road into the City of Fruita.
2. Deny Ordinance 2021-19.

RECOMMENDATION

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

**ADOPT ORDINANCE 2021-19 ANNEXING APPROXIMATELY 25.96
ACRES OF PROPERTY LOCATED AT 954 19 ROAD INTO THE CITY
OF FRUITA.**

ORDINANCE 2021-19

**AN ORDINANCE ANNEXING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED
AT 954 19 ROAD INTO THE CITY OF FRUITA**

WHEREAS, the Fruita City Council finds that it is necessary to annex certain real property contiguous to the City of Fruita in order to:

1. Promote the public health, safety, and welfare of the community;
2. Insure efficient provision of municipal services and fair and equitable distribution of cost amongst those who use services provided by the community; and,
3. Provide for orderly growth of the community; and,

WHEREAS, the City Council adopted a Resolution finding that the real property described and shown on Exhibit A is eligible for annexation pursuant to C.R.S. 31-12-104 and 105, stating their intent to annex same and initiating the annexation procedures.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA COLORADO AS FOLLOWS:

Section 1: The Fruita City Council, having reviewed a properly constituted petition of all the owners of real property in the area proposed for annexation, hereby annexes the property as described and shown in Exhibit A, and the Fruita City limits are hereby modified to reflect said annexation.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
21ST DAY OF SEPTEMBER 2021.**

ATTEST:

City of Fruita:

Margaret Sell, City Clerk

Joel Kincaid, Mayor

EXHIBIT A

LEGEND AND ABBREVIATIONS

- MESA COUNTY SURVEY MARKER
FOUND 3 1/4" ALLOY CAP LS-10097
FOUND NO. 5 REBAR & CAP LS-36561
FOUND NO. 5 REBAR & CAP LS-18478
FOUND NO. 5 REBAR, & CAP LS-31160
SET 5/8" REBAR & 2" ALLOY CAP MARKED LS-38075 0.2' ABOVE GROUND
REC. NO. RECEPTION NUMBER
R RANGE
R.O.W. RIGHT-OF-WAY
RN RECEPTION NUMBER
T TOWNSHIP
U.M. UTE MERIDIAN

LEGAL DESCRIPTION AND CERTIFICATION OF OWNERSHIP

We, North 25, LLC, the owners of 100% percent of the following described property, excluding any public streets and alleys, to wit:

S1/2 SW1/4 NW1/4 and all that part of the S1/2 SE1/4 NW1/4 lying West of a parcel described in Book 229 at Page 16, Reception No. 147850 of the Mesa County Records and

Beginning at the C-W 1/16 Corner of said Section 22, the Basis of Bearing being S89°51'51"E a distance of 1322.08 feet, along the North Line of the NE1/4 SE1/4 to the C 1/4 Corner of said Section 22;
thence S89°51'51"E distance of 305.13 feet;
thence S32°34'33"W a distance of 575.41 feet to the West line of said NE1/4 SE1/4

thence N00°33'05"E a distance of 485.63 feet to the Point of beginning;
Except 19 Road and I 1/2 Road right of way, recorded at Reception No. 2364298, AND EXCEPT the South 190.01 feet of the West 320.01 feet of the S1/2 SW1/4 NW1/4, all in Section 22, Township 1 North, Range 2 West of the Ute Meridian, County of Mesa, State of Colorado.

have by these presents laid out the same as shown hereon and designate the same as North 25 Annexation to the City of Fruita, County of Mesa, State of Colorado.

EXECUTED this ____ day of _____, 20____.

STATE OF COLORADO)
COUNTY OF) ss.
Silvano Coleman as Manager North 25, LLC.

The foregoing certification was acknowledged before me this ____ day of _____, 20____, by Silvano Coleman as Manager North 25, LLC.

Witness my hand and official seal.
My commission expires: _____

Notary Public

LIENHOLDERS RATIFICATION OF PLAT

The undersigned, hereby certifies that it is a holder of a security interest upon the property hereon described and does hereby join in and consent to the dedication of the land described in said dedication by the owners thereof and agrees that its security interest which is recorded in Reception Number 2839664 of the public records of Mesa County, Colorado shall be subordinated to the dedications shown hereon.

In witness whereof, the said corporation has caused these presents to be signed this ____ day of _____ 20 ____

By: Riara Geer Title
Timberline Bank

STATE OF COLORADO)

COUNTY OF MESA)
The foregoing instrument was acknowledged before me this ____ day of _____ A.D., 20____.

By: Riara Geer Title
Timberline Bank

My commission expires: _____

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public

TITLE CERTIFICATE

_____, does hereby certify that it has examined the title to all lands shown on this Map and that title to such lands is vested in North 25, LLC free and clear of all liens, taxes, and encumbrances, except as follows.

EXECUTED this ____ day of _____, 20____.

CITY COUNCIL CERTIFICATE

The City Council of the City of Fruita, Colorado, by Resolution Number _____, duly adopted on the ____ day of _____, 20____, found and determined that annexation of the property designated herein complies with the requirements contained in Article 12, Title 31, C.R.S., as amended, and that said property is eligible for annexation to the City of Fruita.

The City Council of the City of Fruita, Colorado, by Ordinance Number _____, duly adopted on the ____ day of _____, 20____, did annex the property herein described to the City of Fruita, Colorado.

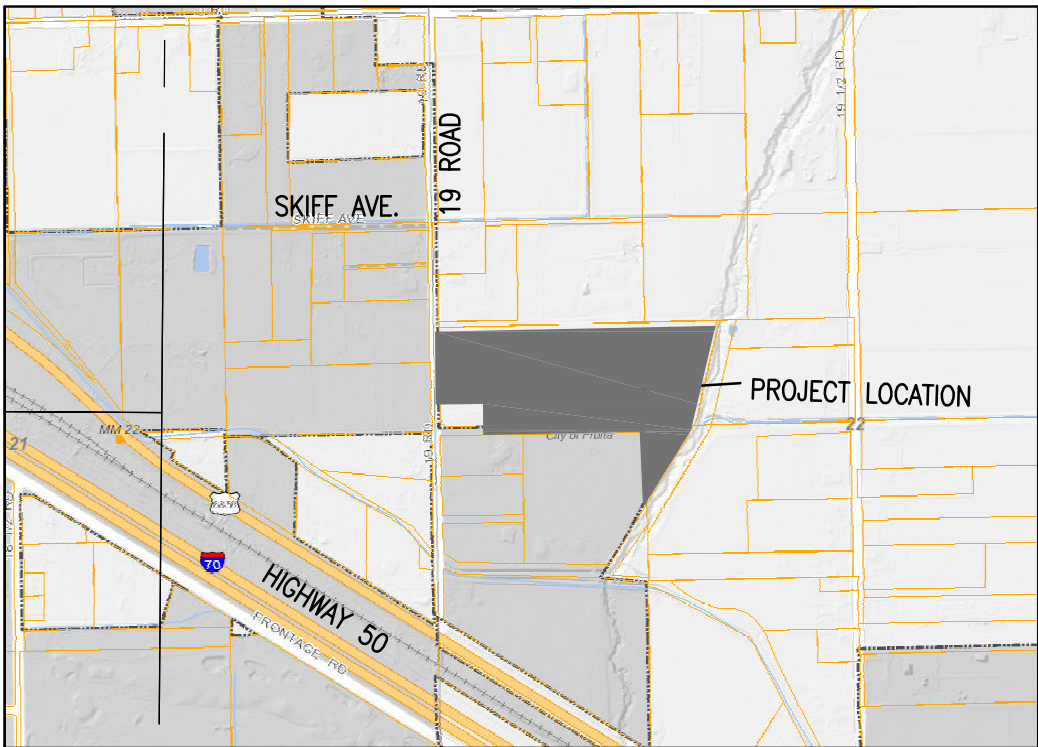
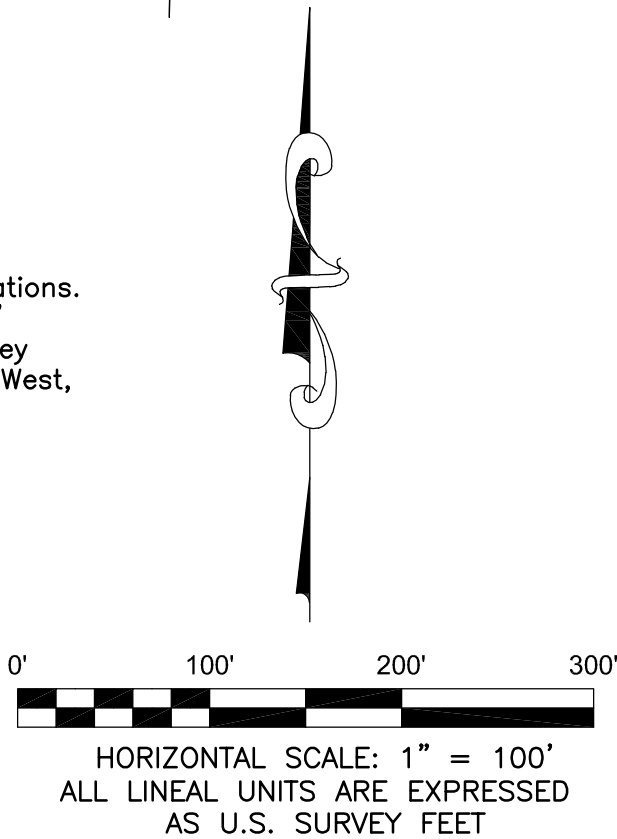
ATTEST: _____ Mayor

City Clerk

GENERAL NOTES

1. Basis of bearings derived from Mesa County Local Coordinate System and GPS observations. The bearing is N00°34'09"E for a distance of 1319.99 feet, located between a 3 1/4" Mesa County Survey Marker for the West 1/4 Corner and a 3 1/4" Mesa County Survey Marker for the North 1/16 Corner of Section 22, Township 1 North, Range 2 West, of the Ute Meridian.

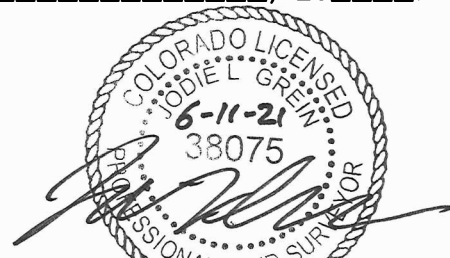
NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.




SURVEYOR'S CERTIFICATE

I, Jodie L. Grein, a registered land surveyor licensed under the laws of the State of Colorado, do hereby certify that this survey was made under my direct supervision and that the information hereon is correct to the best of my knowledge and belief, and that no less than one-sixth (1/6) of the perimeter of the area as shown hereon is contiguous with the existing boundaries of the City of Fruita, Colorado. I further certify that the external boundaries of the property shown on this Map have been monumented on the ground.

EXECUTED this 11TH day of JUNE, 2021.



Registered Land Surveyor

 Rolland Consulting Engineers, LLC 405 Ridges Blvd, Suite A Grand Junction, CO 81507 Voice: (970) 243-8300 Fax: (970) 241-1273 www.rcegi.com		NORTH 25 ROAD ANNEXATION IN THE W 1/2 OF SECTION 22 TOWNSHIP 1 NORTH RANGE 2 WEST OF THE UTE MERIDIAN, MESA COUNTY, COLORADO			
Drawn JLG	Designed JLG	Checked JAM	Proj# B8423	Rv:	Sheet 1
File Name: C:\PROJECTS\B8423\B8423 Annexation.DWG				Date 6/10/21	Of 1



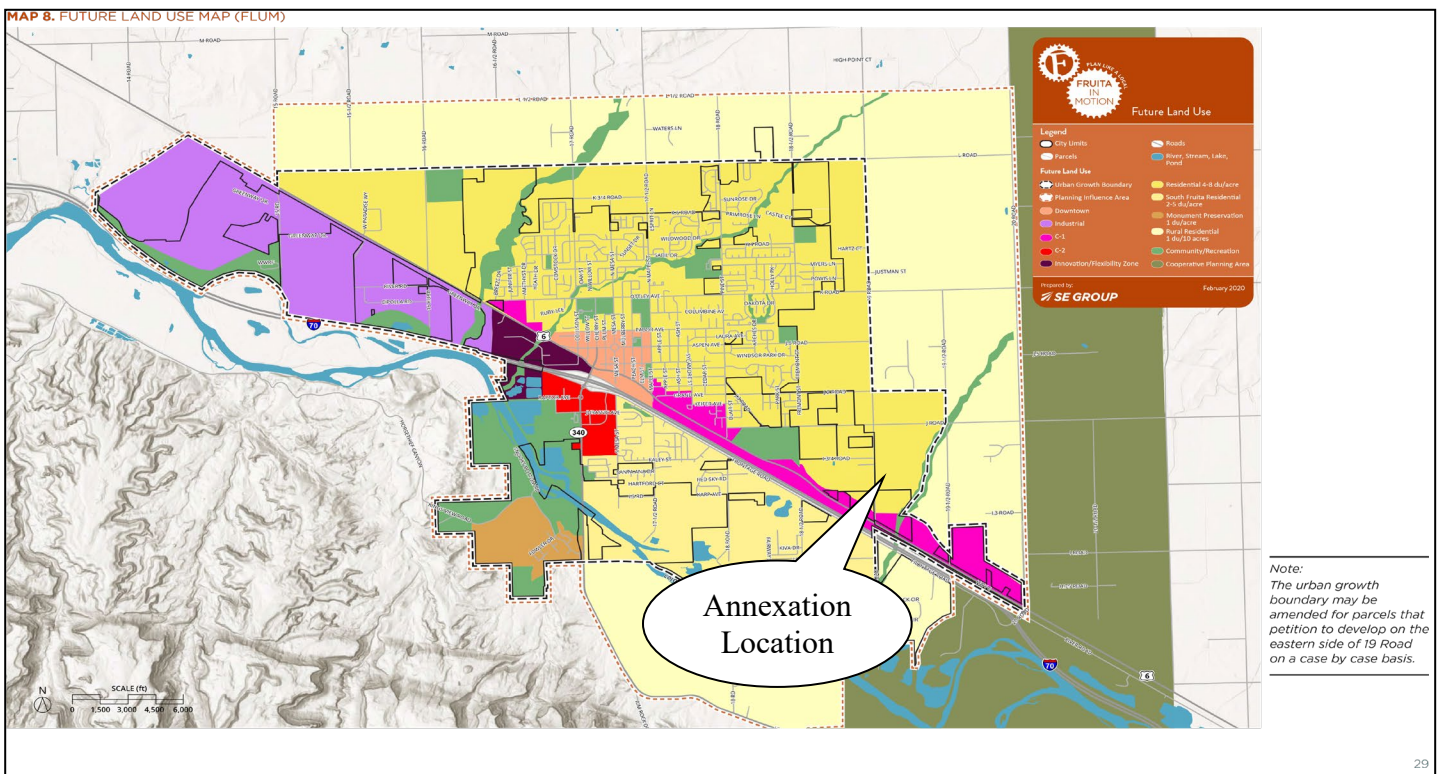
**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
JULY 13, 2021**

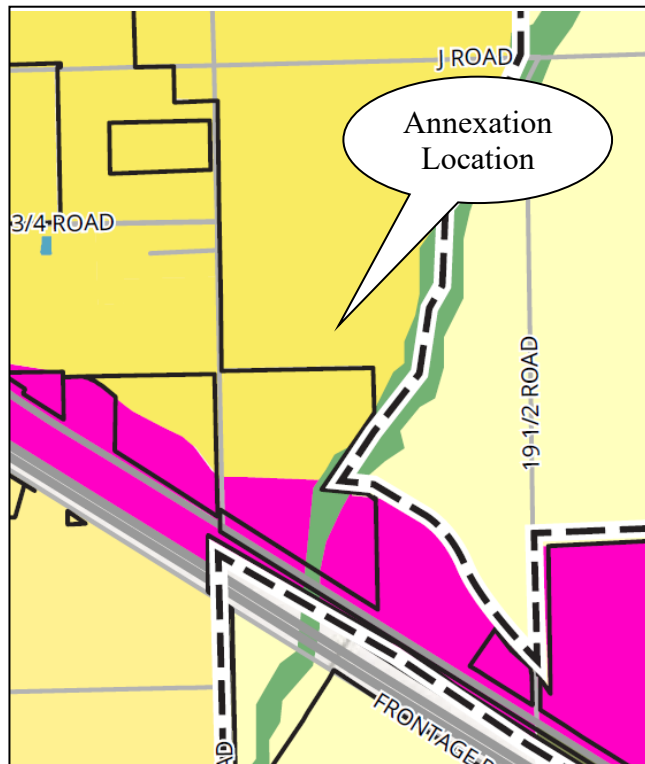
Application #: 2021-27
Project Name: Fruita Copper Creek
Application: Annexation
Property Owner: North 25 LLC
Representative: Ciavonne, Roberts and Associates
Location: 954 19 Road
Zone: Currently zoned Urban Residential Reserve (URR - County zoning)
Request: This is a request for approval of the annexation of approximately 25.96 acres into the Fruita City Limits.

PROJECT DESCRIPTION:

The property owner of 954 19 Road, North 25 LLC, applied to annex the property. The subject property is approximately 25.96 acres and is located east of the Iron Wheel Subdivision along the east side of 19 Road. The property is currently vacant.

FUTURE LAND USE MAP (FLUM)

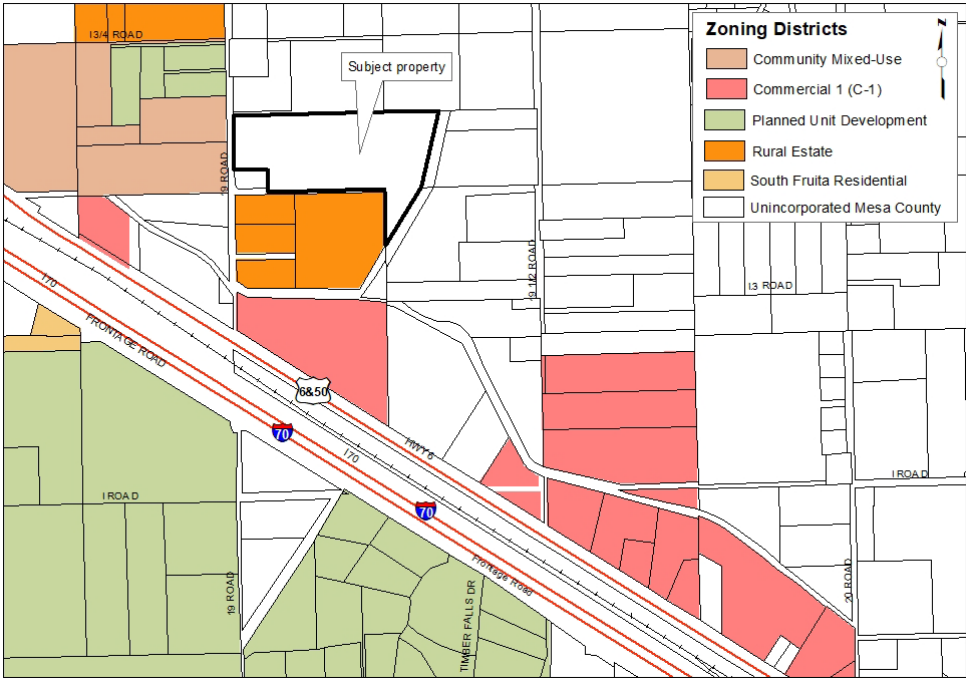




SURROUNDING LAND USES AND ZONING:

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;

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 west side by 469.97 feet and 1001.66 feet on the south side 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.

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. 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 west. Additionally, the Fruita Comprehensive Plan supports residential development to the north and south of the subject property. This criterion has been 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.

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.

With regards to the subject property, 28 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 property owner has signed the annexation petition. 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 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 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. 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.

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)	
June 23, 2021 (20 days prior)	Post Cards
June 24, 2021 (19 days prior)	Sign Posting
June 23, 2021 (20 days prior)	Legal Ad

NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing **Tuesday, July 13, 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. 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, September 21, 2021 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 # 2021-27
Application Name Fruita Copper Creek
Application Type Annexation
Location 954 19 Road
Current Zone: Mesa County Zoning URR
Description This is a request to annex approximately 25.96 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 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 #2021-27, the Fruita Copper Creek 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>Fruita Copper Creek Annexation Schedule</i>	
Date	Action
July 6, 2021	Resolution to set a hearing date to determine eligibility
	Published in Daily Sentinel (Once a week for 4 consecutive weeks) * July 14, 2021 * July 21, 2021 * July 28, 2021 * August 4, 2021
July 13, 2021	Planning Commission considers Annexation & Zone
August 17, 2021	Resolution to find the property eligible for Annexation
August 17, 2021	1st Reading of an Ordinance to Annex 1st Reading of an Ordinance to Zone
September 21, 2021	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 23, 2021	Post Cards
June 24, 2021	Sign Posting
June 23, 2021	Legal Ad

ANNEXATION IMPACT REPORT

CITY OF FRUITA

JUNE 17, 2021

Application #: 2021-27
Project Name: Fruita Copper Creek
Application: Annexation
Property Owner: North 25 LLC
Representative: Ciavonne, Roberts and Associates
Location: 954 19 Road
Zone: Currently zoned Urban Residential Reserve (AFT - County zoning)
Request: This is a request for approval of the annexation of approximately 25.96 acres into the Fruita City Limits.

Section 17.06.040 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.

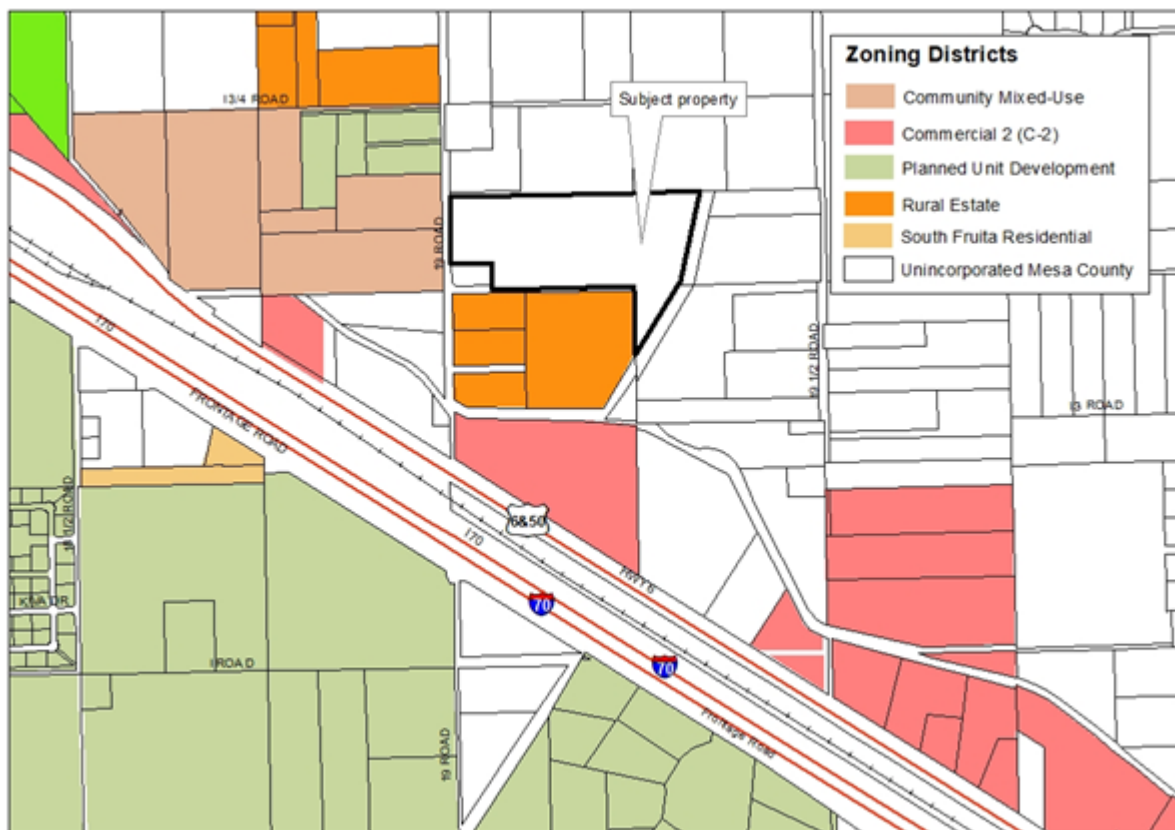
G. Other relevant information as required by the Community Development Department.

Review Agencies:

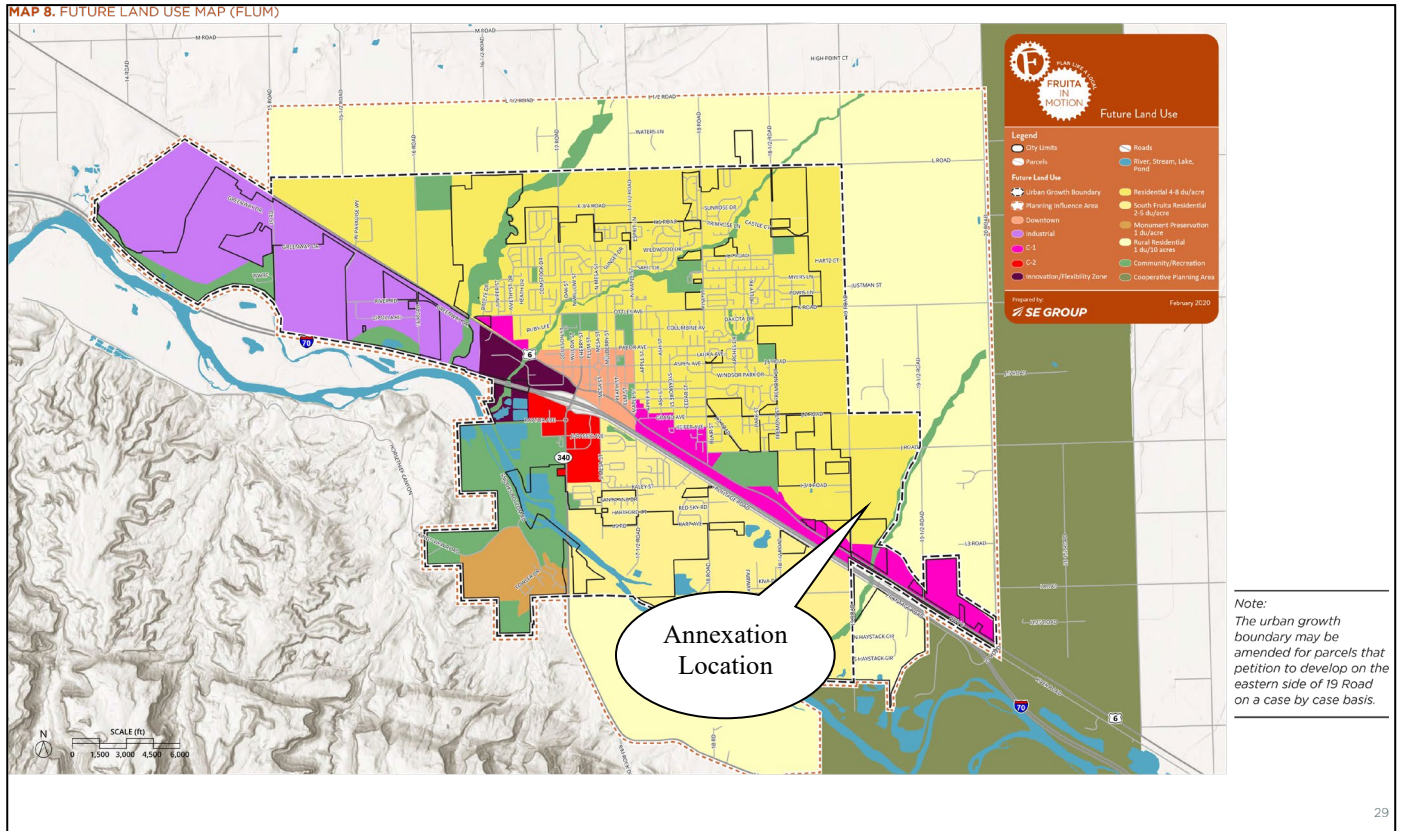
1. Xcel Energy
2. Grand Valley Power Company
3. Charter Communications
4. Century Link
5. Ute Water
6. Grand Valley Drainage District
7. Grand Valley Irrigation Company
8. Mesa County Community Development Department
9. Mesa County Building Department
10. Mesa County Surveyor
11. Mesa County Valley School 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 as set forth in the Future Land Use Map (FLUM)



Source: City of Fruita Comprehensive Plan Fruita In Motion: Plan Like A Local. Chapter 3, Page 29. Approved by Resolution 2020-09



FRUITA
COLORADO

LAND DEVELOPMENT APPLICATION

Project Name: Fruita Copper Creek
Project Location: 954 19 Road Fruita, CO 81521
Current Zoning District: URR Requested Zone: CR
Tax Parcel Number(s): 2697-222-00-102 Number of Acres: 25.958
Project Type: Annexation

Property Owner: NORTH 25 LLC Developer: Copper Creek Builders
Property Owner: — Contact: Silas Colman
Address: PO Box 1473 Address: PO Box 1473
City/State/Zip: Grand Jct. CO 81502 City/State/Zip: Grand Jct. CO 81502
Phone: 970-256-7355 Fax: — Phone: 970-256-7355 Fax: —
E-mail: SilasColman@gmail.com E-mail: SilasColman@gmail.com

Please designate a representative as the coordinator for this application. The representative should attend all conferences/hearings, will receive all correspondence, and communicate all information to the property owners.

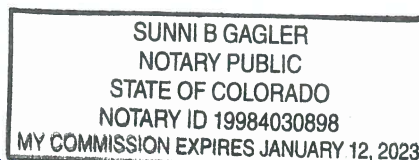
Owner Rep: Ciavonne, Roberts + Assoc Engineer: Rolland Consulting Engineers
Contact: Ted Ciavonne Contact: Eric Sliron
Address: 222 NTH 7TH St. Address: 405 Ridges Blvd Suite A
City/State/Zip: Grand Jct. CO 81501 City/State/Zip: Grand Jct CO 81507
Phone: 970-241-0745 Fax: — Phone: 970-243-8300 Fax: —
E-mail: ted@ciavonne.com E-mail: eric@rcegj.com

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

The above information is correct and accurate to the best of my knowledge.

Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date
<u>North 25, LLC</u>	<u>[Signature]</u>	<u>5/19/21</u>
Name of Legal Owner	Signature	Date

STATE OF COLORADO)
) ss.
COUNTY OF MESA)



The foregoing instrument was acknowledged before me this 19th day of May, 2021.

My Commission expires: _____ Notary Public Sunni B Gagliardi

Project Narrative
For
Fruita Copper Creek Annexation

Date: June 2, 2021

Representative: Ciavonne, Roberts & Associates Inc.
222 N. 7th Street
Grand Junction, CO 81501
(970) 241-0745
ted@ciavonne.com

Submitted to: City of Fruita Planning Department
325 East Aspen Avenue
Fruita, CO 81521

Type of Application: Annexation

Property Owner: North 25 LLC
PO Box 1473
Grand Junction, CO 81502

Property Address: 954 19 Road
Fruita, CO 81521

Tax Parcel No: 2697-222-00-102

Project Description:

The project is located east of 19 Road at 954 19 Road Fruita, Colorado 81521. The project is proposing Annexation and Zoning of CR. The total acreage of the parcel is 25.958 acres. This parcel was used as agriculture land and there are no existing buildings on site.

Access is proposed from one location, I ½ Road. When this site develops, there will be additional road stubs to the north and east. This will be shown when this project goes through the subdivision process.

Annexation and Zoning – Within the City’s Urban Growth Area

Does the annexation meet the requirements of State law (Title 31, Article 12)?

The annexation of the subject property does meet the requirements of Colorado State Law (Title 31, Article 12). Petitions for Annexation and Annexation Maps have been included with this submittal and the subject property has the 1/6 contiguity with the City limits required for annexation. The legal descriptions of the annexation, including right-of-way can be found on the Annexation Map. Land to the south and west of the subject parcel have been annexed.

Can the area to be annexed be efficiently served by urban services and facilities (police and fire protection, sanitary sewer service, potable and irrigation water, drainage structures, streets and trails, etc.) and what will the impact be to these urban services and facilities?

The City of Fruita received a grant from the Department of Local Affairs to extend the sewer trunk line from 18 Road east through the proposed Iron Wheel Subdivision which is directly west of the subject parcel. As part of the proposed development, the sewer line will be upsized to a 15” line and cross east to 19 Road which will then be available for the subject parcel. Potable water will also be provided. When developed, the developer will dedicate road and pedestrian systems within the development. There should be minimal impact to the provision of police and fire protection services and other municipal services with this annexation.

Irrigation water??

Public facilities and services will be provided by the following agencies:

Sewer: Fruita Sewer District

Water: Ute Water Conservancy District

Irrigation: Grand Valley Irrigation Company

Drainage: Grand Valley Drainage District

Electric: Xcel Energy

Police: Fruita Police Department

Fire: Lower Valley Fire Department

Schools: District 51

Is the area to be annexed contiguous with existing urban development?

As explained above, the property is adjacent to city limits on the entire west and south property line and it has the 1/6 contiguity required for annexation. The land to the west of the subject parcel (Iron Wheel Subdivision) has been approved and will be developed.

Is the annexation consistent with the City's Master Plan?

The subject parcel is an in-fill parcel and has ready access to all urban services. The annexation and proposed zoning (CR) are consistent with the City's Master Plan of 4-8 DR/Acre.

Is the annexation supported by local residents and landowners?

There are no known objections to the proposed annexation request at this time. Residents will have an opportunity to participate in the public hearing process and may express their comments and concerns at that time, or may submit comments and concerns to the City planning staff.

Will the annexed land have a logical social and economic association with the City?

The annexation and future development of the parcel will provide the City with increased tax revenues.

Current Land Use of 954 19 Road – Irrigated Land - Ag

PETITION FOR ANNEXATION

WE, THE UNDERSIGNED, in accordance with the Municipal Annexation Act of 1965, Part 1, Article 12, Title 31, Colorado Revised Statutes, as amended, hereby petition the City Council of the City of Fruita, Colorado, for the annexation of the unincorporated area located in the County of Mesa, State of Colorado, as described on attached Exhibit A.

In support of this Petition, the Petitioners state:

1. It is desirable and necessary that the above-described area be annexed to the City of Fruita, Colorado.
2. The requirements of Section 31-12-104, C.R.S., as amended, exist or have been met, to wit:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Fruita;
 - b. A community interest exists between the area proposed to be annexed and the City of Fruita;
 - c. The area proposed to be annexed is urban or will be urbanized in the near future; and
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Fruita.
3. The requirements of Section 31-12-105 C.R.S., as amended, exist or have been met, to wit:
 - a. In establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way;
 - b. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together, with the buildings and improvements situated thereon) has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year

- next preceding the annexation is included within the area proposed to be annexed without the written consent of the landowner or landowners;
- c. No annexation proceedings have been commenced for the annexation of part or all of the subject property to another municipality;
 - d. The annexation of the area proposed to be annexed will not result in the detachment of the area from any school district and the attachment of same to another school district;
 - e. The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the City of Fruita more than three miles in any direction from any point of the City's boundary in any one year;
 - f. If any portion of the platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed; and
 - g. Reasonable access shall not be denied to landowners, owners of easements, or the owners of franchises, adjoining any platted street or alley to be annexed that will not be bordered on both sides by the City of Fruita.
4. The Petitioners are the landowners of more than fifty percent (50%) of the area sought to be annexed, exclusive of streets and alleys.
 5. This Petition for Annexation satisfies the requirements of Article II, Section 30, of the Colorado Constitution in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Fruita.
 6. Attached hereto and incorporated by reference is an Annexation Map showing:
 - a. The boundary of the area proposed to be annexed including a legal description of the area to be annexed:
 - b. The location of each ownership tract in unplatted land and the boundaries and the plat numbers of plots or of lots and blocks; and
 - c. The contiguous boundary of the City of Fruita abutting the area proposed to be annexed.

7. All of the petitioners signed this Petition for Annexation no more than 180 days prior to the date of the filing of this Petition for Annexation.

WHEREFORE, the Petitioners request that the Fruita City Council approve the annexation of the area proposed to be annexed.

Dated this 19 day of May, 2021.

[Signature]
Property Owner

Property Owner

County of Mesa)
) ss.
State of Colorado)

Subscribed and sworn to before me this 19th day of May, 2021 by
Silas Colman, manager, North 25 LLC

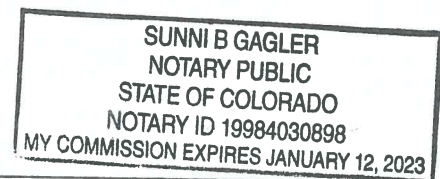
Witness my hand and official seal.

[Signature]
Notary Public

My commission expires:

Mailing address of each property owner:

North 25, LLC
P.O Box 1473
Grand Junction, CO 81502



AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, being first duly sworn upon oath, deposes and says:

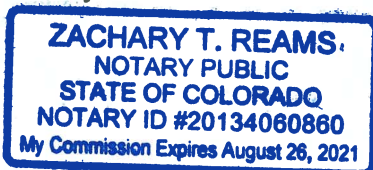
That he/she was the circulator of the foregoing Petition for Annexation consisting of 4 pages, including this page and that each signature thereon was witnessed by your affidavit and is the true signature of the person whose name it purports to be.


Circulator

State of Colorado)
) ss.
County of Mesa)

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 20th day of May, 2021, by Mallory Reams.

Witness my hand and official seal.




Notary Public

My commission expires: August 26, 2021

LEGEND AND ABBREVIATIONS

- MESA COUNTY SURVEY MARKER
FOUND 3 1/4" ALLOY CAP LS-10097
FOUND NO. 5 REBAR & CAP LS-36561
FOUND NO. 5 REBAR & CAP LS-18478
FOUND NO. 5 REBAR, & CAP LS-31160
SET 5/8" REBAR & 2" ALLOY CAP MARKED LS-38075 0.2' ABOVE GROUND
REC. NO. RECEPTION NUMBER
R RANGE
R.O.W. RIGHT-OF-WAY
RN RECEPTION NUMBER
T TOWNSHIP
U.M. UTE MERIDIAN

LEGAL DESCRIPTION AND CERTIFICATION OF OWNERSHIP

We, North 25, LLC, the owners of 100% percent of the following described property, excluding any public streets and alleys, to wit:

S1/2 SW1/4 NW1/4 and all that part of the S1/2 SE1/4 NW1/4 lying West of a parcel described in Book 229 at Page 16, Reception No. 147850 of the Mesa County Records and

Beginning at the C-W 1/16 Corner of said Section 22, the Basis of Bearing being S89°51'51"E a distance of 1322.08 feet, along the North Line of the NE1/4 SE1/4 to the C 1/4 Corner of said Section 22;
thence S89°51'51"E distance of 305.13 feet;
thence S32°34'33"W a distance of 575.41 feet to the West line of said NE1/4 SE1/4

thence N00°33'05"E a distance of 485.63 feet to the Point of beginning;
Except 19 Road and I 1/2 Road right of way, recorded at Reception No. 2364298, AND EXCEPT the South 190.01 feet of the West 320.01 feet of the S1/2 SW1/4 NW1/4, all in Section 22, Township 1 North, Range 2 West of the Ute Meridian, County of Mesa, State of Colorado.

have by these presents laid out the same as shown hereon and designate the same as North 25 Annexation to the City of Fruita, County of Mesa, State of Colorado.

EXECUTED this _____ day of _____, 20_____.

STATE OF COLORADO)
COUNTY OF _____) ss.

The foregoing certification was acknowledged before me this _____ day of _____, 20_____, by Silvano Coleman as Manager North 25, LLC.

Witness my hand and official seal.
My commission expires: _____

Notary Public

LIENHOLDERS RATIFICATION OF PLAT

The undersigned, hereby certifies that it is a holder of a security interest upon the property hereon described and does hereby join in and consent to the dedication of the land described in said dedication by the owners thereof and agrees that its security interest which is recorded in Reception Number 2839664 of the public records of Mesa County, Colorado shall be subordinated to the dedications shown hereon.

In witness whereof, the said corporation has caused these presents to be signed this _____ day of _____ 20 _____

By: Riara Geer Title
Timberline Bank
STATE OF COLORADO) ss

COUNTY OF MESA)
The foregoing instrument was acknowledged before me this _____ day of _____ A.D., 20_____.

By: Riara Geer Title
Timberline Bank

My commission expires: _____

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public

TITLE CERTIFICATE

_____ does hereby certify that it has examined the title to all lands shown on this Map and that title to such lands is vested in North 25, LLC free and clear of all liens, taxes, and encumbrances, except as follows.

EXECUTED this _____ day of _____, 20_____.

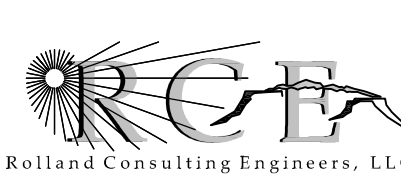
CITY COUNCIL CERTIFICATE

The City Council of the City of Fruita, Colorado, by Resolution Number _____, duly adopted on the _____ day of _____, 20_____, found and determined that annexation of the property designated herein complies with the requirements contained in Article 12, Title 31, C.R.S., as amended, and that said property is eligible for annexation to the City of Fruita.

The City Council of the City of Fruita, Colorado, by Ordinance Number _____, duly adopted on the _____ day of _____, 20_____, did annex the property herein described to the City of Fruita, Colorado.

ATTEST: _____ Mayor

City Clerk



405 Ridges Blvd, Suite A
Grand Junction, CO 81507
Voice: (970) 243-8300
Fax: (970) 241-1273
www.rcegi.com

NORTH 25 ROAD
ANNEXATION

IN THE W 1/2 OF SECTION 22
TOWNSHIP 1 NORTH RANGE 2 WEST OF THE
UTE MERIDIAN, MESA COUNTY, COLORADO

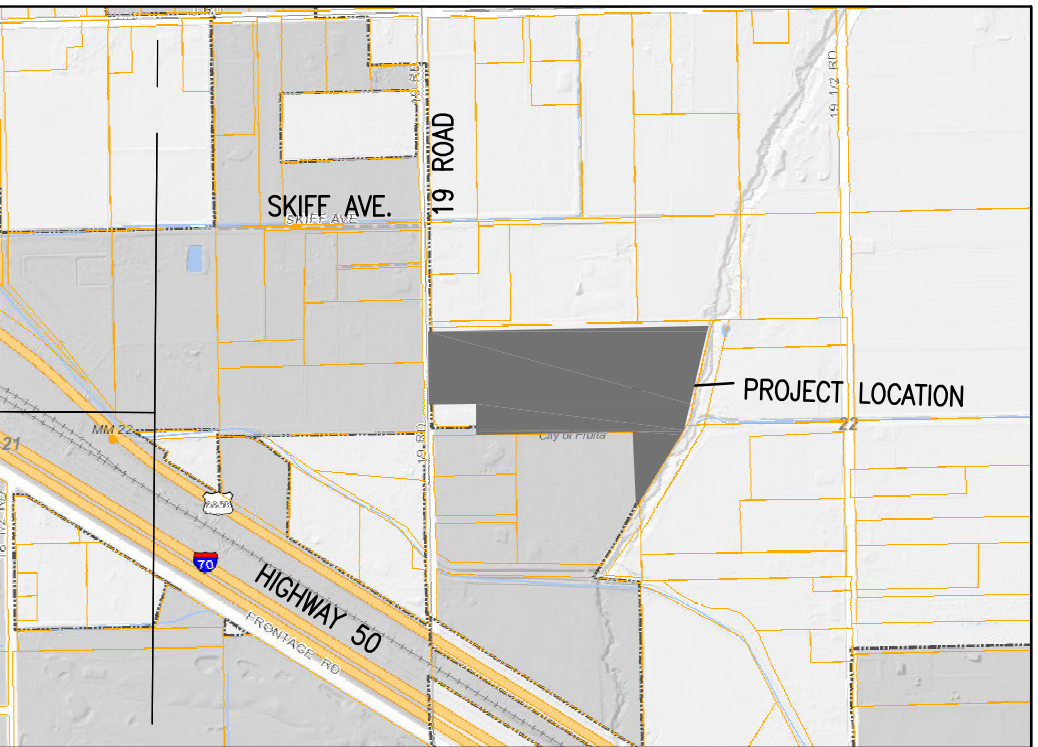
Drawn JLG	Designed JLG	Checked JAM	Proj# B8423	Rv:	Sheet 1
File Name: C:\PROJECTS\B8423\B8423 Annexation.DWG				Date 6/10/21	Of 1

Registered Land Surveyor

SURVEYOR'S CERTIFICATE

I, Jodie L. Grein, a registered land surveyor licensed under the laws of the State of Colorado, do hereby certify that this survey was made under my direct supervision and that the information hereon is correct to the best of my knowledge and belief, and that no less than one-sixth (1/6) of the perimeter of the area as shown hereon is contiguous with the existing boundaries of the City of Fruita, Colorado. I further certify that the external boundaries of the property shown on this Map have been monumented on the ground.

EXECUTED this 11TH day of JUNE, 2021.

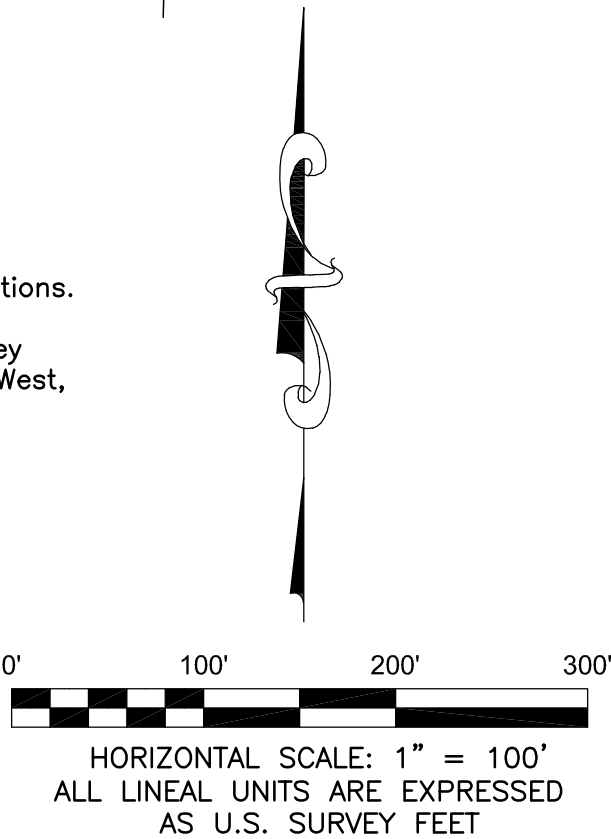


VICINITY MAP

GENERAL NOTES

1. Basis of bearings derived from Mesa County Local Coordinate System and GPS observations. The bearing is N00°34'09"E for a distance of 1319.99 feet, located between a 3 1/4" Mesa County Survey Marker for the West 1/4 Corner and a 3 1/4" Mesa County Survey Marker for the North 1/16 Corner of Section 22, Township 1 North, Range 2 West, of the Ute Meridian.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.



city officials. He said that he was supportive of this plan. He thought it seemed to be a clean plan.

Commissioner Gollob asked for a motion.

COMMISSIONER FABULA MOVED TO RECOMMEND THE APPROVAL OF THE ZONE REQUEST TO ZONE THE SUBJECT PROPERTY TO A COMMERCIAL 1 ZONE WITH NO CONDITIONS TO THE FRUITA CITY COUNCIL.

COMMISSIONER MULDER SECONDED THE MOTION.

MOTION PASSED 5-0

Application #:	2021-27
Project Name:	Fruita Copper Creek
Application:	Annexation
Property Owner:	North 25 LLC
Representative:	Ciavonne, Roberts and Associates
Location:	954 19 Road
Zone:	Currently zoned Urban Residential Reserve (URR - County zoning)
Request:	This is a request for approval of the annexation of approximately 25.96 acres into the Fruita City Limits.

Commissioner Gollob introduced Application 2021-27 Fruita Copper Creek Annexation.

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

Slide 1 – Introduction

Slide 2 – Application Description

Slide 3 – Legal Notice and Annexation Schedule

<i>Fruita Copper Creek Annexation Schedule</i>	
Date	Action
July 6, 2021	Resolution to set a hearing date to determine eligibility
	Published in Daily Sentinel (Once a week for 4 consecutive weeks) * July 14, 2021 * July 21, 2021 * July 28, 2021 * August 4, 2021
July 13, 2021	Planning Commission considers Annexation & Zone
August 17, 2021	Resolution to find the property eligible for Annexation
August 17, 2021	1st Reading of an Ordinance to Annex 1st Reading of an Ordinance to Zone
September 21, 2021	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 23, 2021 (20 days prior)	Post Cards
June 24, 2021 (19 days prior)	Sign Posting
June 23, 2021 (20 days prior)	Legal Ad

Slide 4 – Site Posting and Buffer Zone

Slide 5 – Zoning Map and Aerial View

Slide 6 – Future Land Use Map

Slide 7 – Approval Criteria

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:

1. The annexation meets the requirements of the State Statutes;
2. The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;
3. The area is contiguous with existing urban development;
4. The area is or can be efficiently served by police and other municipal services;
5. The development is consistent with community goals, principles, and policies as expressed in the Fruita Community Plan;
6. The annexation is supported by local residents and landowners;
7. Water and ditch rights can be provided, as applicable, in accordance with city policies;
8. The area will have a logical social and economic association with the city, and
9. The area meets or can meet the existing infrastructure standards set forth by the city.

Slide 8 – Public Comments, Review Comments and Staff Recommendation

- Public Comments:
 - No written public comments have been received to date.
- Review Comments:
 - No reviewer expressed concerns with this annexation.
- Staff Recommendation:
 - Staff recommends approval of the annexation petition with the condition that there will be dedication of additional right of way on 19 Road and a 14-ft multipurpose easement adjacent to the right of way.

Mr. Hemphill concluded his presentation.

Commissioner Gollob thanked him and asked the applicant or applicant's representative to come up and speak.

Mr. Silas Coleman went up to speak. He thanked Staff for doing a great job. He said that Mr. Ted Ciavonne normally did these types of presentations. He said that he wanted to convey how much they loved Fruita and felt that there was something special about this community. He said that they typically develop in Grand Junction and they like them as well but Fruita has an intangible that is hard to find. He said that he loved the community aspect and they thought their model for what they felt a neighborhood should be with open space, parks, trails connectivity and with community where people know each other and there is social ties. They felt that this model is something that would fit well in Fruita and that it worked in Grand Junction for them.

He added that if anyone wanted to see their work he referred to Copper Creek North in Grand Junction near 25 and G Roads was a good model of what they were trying to do.

Commissioner Gollob thanked him and asked for community input and reminded everyone to focus on the annexation.

Mr. Pawel Szafruga who lives at 952 19 Road said that he did not support this. He said that they already had problems getting their irrigation water and he has been told that it will get better one of these days but it has not. He added that on the signs, 19 Road was closed through July 3 so he did not know if the 15 day window was met for the community to go through and see it and he hadn't noticed the blue sign so he did not know if the sign was actually up for 15 days. He thanked them.

Mr. Rick Bedow who lives at 966 19 Road, adjacent to the subject property. He said that irrigation water was going to be a big deal and if the development moves into Fruita, 19 Road is already crowded as is and he is assuming that it will go to development. He was concerned about Iron Wheel across the street and there was no consideration for traffic and no consideration for anything except it was already approved once for subdividing. The reason they want to annex into the City is to tie into the sewer and then can add three times as many homes as what is adjacent to his farm. He said that if they want to put in 175 homes and if they develop and move to the City and he has a working dairy farm which is registered with the state and they have 200 customers, he did not think that they would be very happy with all the smells, flies and the Cowboy Church is right there and they have a rodeo three times a week. He did not feel that in the best interest of the City that to annex in just so they can have sewer. He asked who was going to pay for all of it? He said we are and we already have Iron Wheel across the street proposing to put 200 some homes in. He added that across the street, they can now add sewer because they are going to annex in, now they can put 3 times as many homes as Mesa County said we were allowed to put in. He did not feel this was right and that isn't the look they were looking for, next to a farm. All they will have is complaints and they complain enough as it is. Traffic is bad enough as it is. They had to put in easement, turn and so on and so forth. He said that this does nothing for all the traffic from the school and all the schools come from that way. The 270 some dwellings that they are going to put in for Iron Wheel across the street that flowing directly right on 19 Road. They have no idea when the state is going to put in a roundabout or anything as there is enough accidents as it is. That doesn't make any sense and isn't right for Fruita. Yes, there are subdivisions, there is palmers around there, Palmer's Subdivision, they are all on acres, two acre lots. That is the look he would want for Fruita, you would want space. We are a small community, we are not Grand Junction, we don't live in apartment houses. He didn't feel it would be very smart and that was his opinion. He thanked them.

Commissioner Gollob thanked him.

Ms. Stephanie at a confidential address went up to speak. She said that this was the reason why she came there tonight. She said that at this time she didn't think that this was the best idea to proceed with this annexation. As many of the other individuals had spoken the water is a big concern. She added that currently right now the City of Fruita is dipping into the river because there is not enough water. Water is not something that we can just automatically produce. She

said that is definitely a concern. The traffic is also a concern. If you start increasing the traffic, you already have an established subdivision going in that area that is going to increase at least 200 people and if you put another one in there, there is not a set goal, they have not heard anything what the state is going to do in regards to 6 & 50. She added that building costs right now are astronomical. She didn't think it was the smartest idea for a subdivision to go in, we want to look at affordable housing what are they actually going to have. Are they going to be multi-million dollar houses because of the materials, are they going to be something that can sustain within our community or will we be seeing more foreclosures within the community. She brought up city services. She said that Fruita may already be serving this area, you would have to increase personnel so will they be hiring more law enforcement, will they have more staff from Lower Valley being able to come out and serve that area? She thinks that we need to take a step back and look at these developments. She said that they love Fruita and would like to see what the future is going to have in store for them especially after COVID. She thinks it is time to slow the roll and she thanked them.

Ms. Brandi Banz who lives at 1813 Branding Iron Court went up to speak. She thanked them for their time. She said that they were new to that location. When they contract in on their home they had no idea the new development was going in over on 19 Road already. In regards to the notices, they did get a notice delivered to their home but it was in the previous owner's name. They did close on their house at the beginning of June so they did not think that the requirement was met either for those notifications because if that forward was in for the previous owner's name they never would have got that notification. Another thing to speak to as far as the requirements, she said that number 6 talks about residents and landowners approving. She did not understand how one person owning that property could constitute approval. She asked what about all of them that live around that property, what about their approval, what about their input on the situation? She stated that a huge concern for them is traffic. She said that their road was closed because of that development, they didn't find out until after they were under contract but she had not seen any blue signs and that road has been closed for the majority of the time that have lived at that location. She didn't know how that requirement was met for public notice. She talked about services and that Stephanie talked about the water situation. They had it too. She noticed with the new development their water doesn't get cold anymore. She didn't know if that had anything to do with the new piping that was put in. It is odd to her when she is filling her dog's water bowl it is not cold but luke warm water. As far as giving those services, do we have the employees and is that going to increase their costs for employeeing law enforcement to come out there because they do have that new development that is currently going in and if they annex this in so they can build more properties is that going to increase the debt for the community? She said that she loves Fruita. That is one thing that she and her husband were looking for was country living when they decided on where they wanted to live. They didn't want to live in a subdivision, they searched, it was hard to find but they found a perfect place and now to hear this new development is going in and possibly another one it is taken away why they moved here and why they chose Fruita. She said that these were her comments and concerns and wanted to make sure that all of the requirements are met and everybody has the opportunity to speak to it as well. She thanked them.

Commissioner Gollob thanked her.

Ms. Melissa Kelley who lives at 952 19 Road spoke. She said that she echoed everything that was just said. She said that they bought their property 3 ½ years ago and when they moved in Iron Wheel was just going up across the street as well. It devastated them so to find out this new property wants to be annexed into the City and then rezoned for more cookie cutter subdivisions with 2500 square foot houses on a 3000 square foot lot is really disappointing. She said that she hoped that it would not go but that this is the way everybody makes money. She said that she also had concerns about signs. She said that there were no signs that she saw, the blue signs. She said that she thought they accidentally missed that slide and didn't see it up there. She didn't see any sort of signs, the road was closed during that time. She said that they have also not had cold water with Iron Wheel going in and this gentleman here was just telling them earlier that he can't get any cold water and it was actually burning him. She added that the schools were also an issue, there was mention about schools when the Iron Wheel went in and that was another concern. She said that she wasn't planning to speak but wanted to let them know that she was opposed to this. She thanked them.

Commissioner Gollob thanked her.

Mr. Umberto Anchondo who lives at 972 19 Road spoke. He said that he lived there for 45 years in that house. He said he doesn't try to complain too much about it but he spoke about the heavy traffic on 19 Road since he lived there. He said that it was 45 miles an hour through there and he saw day and night they probably go 70-75. He doesn't call it 19 Road, he calls it I-15. He added that he never sees any highway patrol stop 500 kids from the high school everyday. He never sees the Fruita police stop one kid in the same area, he only hears every once in a while reading the newspaper. He said that during Country Jam they got plenty. He never sees one ticket between 6 & 50 and J Road. He is tired. He said if they wanted to put more people there, bless your heart. He said it was plenty what they have now, but if they think it is right it was fine to him too. He said he would appreciate it if they would do something about it in that area from J and 6 & 50. He thanked them.

Commissioner Gollob said he appreciated his input.

Mr. Martin Faber who lives at 948 19 Road spoke. He said that the County Commissioner tried to build a subdivision there a few years ago on that piece of land. He added that it was URR right now and they were going to be big lots because it is in the county. If it gets annexed into the city it could be smaller lots and there is commercial and residential. He said he thought it was vague what you could put in there. He said that like all the other people said 19 Road is just full right now. It gets all the feeders from the north subdivisions, all the kids from the high school, it is a nightmare getting out of his driveway right now. He said he agreed with everybody else. He thanked them.

Commissioner Gollob thanked him.

Mr. Joey Mills who lives at 1813 Branding Iron Court spoke. He said like his wife said they just moved there and that is why they moved there was because it was the country feel. He didn't want all the people around there, that is not why they picked it, they picked it because it was a small town. He wants to live in a small town. He didn't want it to get oversized and too big he

thought Junction was the place for that not Fruita. He said that he didn't want to see it happen. It is not right. He thanked them.

Commissioner Gollob thanked him. He asked Mr. Caris if there was anyone online for comments.

Mr. Caris said that there was not.

Commissioner Gollob closed public testimony. He thanked the attendees for coming out and providing their perspectives. He moved the meeting to applicant rebuttal.

Mr. Silas Coleman thanked them for their feedback. He said that he understood the feelings towards new development. He said that they live there and for some many years. He said that one special thing about Fruita is the agricultural element that is in this community. He added that while in this role they are a land developer. He said that right now they had 7 head of cattle out there and 30 goats. He said that he farms 30 acres of alfalfa of his own and he understands that lifestyle. The benefits of that. While he can't give them any facts but he told them that they have developed in this manner before and he gave them an example. Their last neighborhood they developed the first phase and in the remaining 10-15 acres they kept their goats out there to keep the brush down. He said that everyone is afraid that if they have livestock next to a new neighborhood all the city folks will complain about flies, roosters crowing, and that kind of thing. The homeowners fell in love with their goats, they named them, they named their guardian dog and as they built through the subdivision they had to move the goats and people were complaining and wanting to know where the goats went and they hated to see them go. He thinks that people who come out here like that part of Fruita. They are not coming out here to say that they don't want to see a cow or smell agricultural stuff around my house. He thought that is one thing people love about Fruita or else they would stay in Grand Junction. He talked about a specific regarding irrigation water, he is trying to irrigate that field right now and it is nearly impossible to get water to go across the field. He said that it took a lot of water to flood irrigate as they know and when they develop that there is going to be a lot of park space but parks don't take near the water as pasture, hay fields, or alfalfa. He said it was a small fraction of water in terms of irrigation water from what they are currently using right now. He said that he's got it turned on fully right now and when you flood irrigate it constantly runs. He said that they will help with that situation. He felt that anyone down stream from them should have a lot better pressure when they are done with what they are doing with the irrigation system. He said that this was a legitimate concern. He continued, that as far as traffic, he was not a traffic expert. He said that he knew it met the standards for Fruita. He knows the guys who do the traffic studies have looked at that closely. He said that there is only one stop light off Highway 50 coming to Fruita and it was by design to bring traffic through there. He didn't know if there was anything else they wanted to hear from him on but those were the things that came to his mind.

Commissioner Gollob thanked him and he moved to Planning Commissioner discussion.

Commissioner O'Brien commented that she had a couple of things. She wanted to know who Mr. Anchondo could talk to about the high school kids coming down 19 Road before and after school and the traffic. Who could he talk to about his concerns or to see if they could increase

patrols. She said that until some developments come forward and they have the traffic study and they decide what they are going to do the high school kids are still going to go 75 miles an hour. She wanted to know who he could be referred to to talk about patrol issues. She asked if that would be City police or sheriff?

Mr. Caris said that it would be shared. He added that there are agreements on the edges to be a cooperating agency but they do have a Traffic Committee meeting that has representatives from the Police Department, City Engineering, Planning Staff, and Public Works and they can discuss this and get back to the gentleman on some sort of corrective action. This could be putting equipment out there, do speed tests which have been done throughout the city. He added that it would make a lot more sense to do it during school to see what that data is. They typically go back and share it with the individual that is inquiring or if this is an observed condition that City Staff is seeing.

Commissioner O'Brien asked if she could task him with doing that.

Mr. Caris said yes.

Commissioner O'Brien reiterated that they will get a committee to talk about what they want to do and they will get back to you. She then asked about their issue with the cold water. She wanted to know who they could speak to about this?

Mr. Caris said that as part of the Iron Wheel Subdivision they had to up size a 4" line to an 8" line so they put in a temporary line that was on the surface just to be able to make the room to construct the 8" main that is north bound from Iron Drive all the way up to J Road so the intersection in which you would be turning left if you are heading north into Iron Wheel, from that location all the way up to J Road along 19 Road they had to put in a temporary water line.

Commissioner O'Brien asked how much longer will there be a temporary line?

Mr. Caris said that it was his understanding that once they do the pressure tests on the sewer and on the water that is when they will go live with that. He said that Iron Wheel's construction has taken some time but the goal is to be done before school opened back up. He knew that they were making arrangements to do the scoping and pressure tests for both of those utilities in the next few weeks. He didn't have the date but it should not be for very much longer.

Commissioner O'Brien asked if there was some way that they could be notified when that is going to go live and things will improve for them?

Mr. Caris said that they could do a good job of notifying the residents the same way that we do with irrigation so if it is a running banner on the website or if is a variable messaging sign along 19 Road that details some of that, he said that he could talk to Sam Atkins, the City Engineering, to see if they could get some messaging out to the residents.

Commissioner O'Brien thanked him. She asked if there was compliance issues with the notifications? She said that if roads have been closed were there signs out where people could

see them in their car because if they are down where they won't see them in their car what good was it?

Mr. Hemphill said that this was an absolute legitimate concern to bring up, however, it was in a conspicuous area that was available to anyone driving by. He added that the people who live adjacent to that were made aware. He said that other factors of the legal notice whether they are paying attention to the newspaper or they received a legal notice postcard that either said their name on it or current resident so that postcard stays there. If it said someone else, and he referenced the people who just moved in, and that does updating their records with Mesa County's Assessor recorded documents and deeds doesn't always mesh up to when they are doing their legal notice. He said that this was why they placed "or current residence" on there, that way if the sale of a property doesn't mesh up with the person that is actually living there or if there is a renter there that is paying attention and wants to be involved with the community that postcard stays there. The Post Office doesn't send it back unless the person there says to take it back. Then they actually get that back. He said that it is put in their file for the record and it is retained for the lifetime of the archives. He added that they showed that slide the two legal notices were in a conspicuous area. He said that the church was open and anyone passing by would have been able to see that. He didn't feel that there was any compromise to the legal notice.

Mr. Caris added that this was why there is a three pronged test is for situations just like this where there is construction taking place or there is other varying issues that prohibit the direct access that most would be used to if that was open and traveling by. The fact that they have the notice in the paper, the notice on the property and sending out the mailers is the litmus test that is set forth in the code and is consistent with all the neighboring communities as well.

Commissioner O'Brien thanked them.

Commissioner Nisley asked them to talk about the Freemont extension and how they hope to alleviate traffic on 19 Road.

Mr. Caris said that they recently hired a consultant Fehr and Peers out of the front range to conduct a Circulation Plan in conjunction with that they hired a consultant, Kimly Horn, to develop a full plan set for a new proposed intersection alignment along Freemont and 6 & 50. He added that early on in the Circulation Plan trying to decipher what goes first, 19 Road or Freemont, the traffic engineers and Civils that they have putting the design together said that most of the 19 Road traffic is a traffic at through movements that would disperse significantly at Freemont if that intersection were to be constructed.

Commissioner O'Brien asked where Freemont was.

Mr. Caris responded that it was at 18 ½ Road. He said that portions of 18 ½ Road from J Road to J.2 Road and there is Right of Way at J.6 which is Aspen that is just on the east part of the elementary school, all of that is a planned collector road that would look similar to Pine or 18 Road as they knew it. The goal is to punch that through from J Road southbound to 6 & 50 and for it to either be a Florida T which is similar to the 23 Road intersection and 6 & 50 or to be a

three legged movement on 6 & 50 since it would not have any southbound because they would run into the interstate and the railroad tracks. That is supposed to take traffic that is eastbound on 6 & 50 in the AM peak and then westbound on 6 & 50 in the PM peak and get people back to neighborhoods all throughout Fruita. The plan is to construct 18 ½ Road at a date when they can pay for it.

Commissioner Nisley thanked him. He said what he was pointing out was that hopefully the high schoolers aren't going to be driving by those houses but by the middle school which is better.

Mr. Caris said that Mr. Hemphill pulled up the map, the GIS layer, the highlighted area is the proposed future section for 18 ½ Road or Freemont, 18 ½ Road in the County and Freemont in the City. He added that it was their understanding through evaluating the actual traffic patterns and what that classification of road, which would be a major collector, how much traffic that would move and it would take a significant amount of the traffic off of Pine and a significant amount of the commuter traffic off of 19 Road. He said that this was from legitimate counts that have been taken on east and west bound collectors, J, J.2, J.6, Pabor and Ottley and all of the intersection alignments that are east of 18 ½ Road which would be Pine, 17 ½, 17, and all those areas that don't have signalized intersections, this would be a way to move traffic in a way that would break up all the eastbound commuter traffic for all of the people that are commuting that are west of Freemont. They will use Pine and Freemont and that would disperse the traffic in a matter that they believed would buy them time until 19 Road would need to be fully constructed in a similar fashion.

Commissioner Nisley thanked him.

There was discussion about the different types of intersections.

Commissioner Fabula had no comments.

Commissioner Mulder stated that it looked like 19 Road is forcing Fruita into the perfect storm situation the way that development is going right now. He said that we have traffic issues, school issues, water issues, public works issues, and compatibility issues. He said that this was quite a list for this particular project that they were looking at. He added that the owner has the right to be asked to annexed and he has all the reason to believe that he can be annexed. The developer has the right to ask for Community Residential and he has all the reason to expect that he can go ahead and build 200 homes on this particular piece of property. He continued that he knew Ted Ciavonne and he knows that he would do the right thing with this project. He added that if a developer would ever do the right thing, Theodore would do the right thing. He said that if you believe that then he wanted to see how this played out. He said yes to the annexation. He added that he lived on Pabor and the 900 block, two blocks from the end and it is tough to keep cops on Pabor to catch the speeders let alone 19 Road and K Road to catch the speeders. He made reference to dogs and pedestrians getting hurt. Enforcement is an issue that is not going to play out the way they want it to tomorrow. This was all he had to say about that.

Commissioner Gollob felt that this was not an easy decision. He said that what he saw was a real sense of community. He talked about what his purpose was being in his position. He said that his purpose was to read through the evidence and to look at the Staff recommendations and the Staff conclusions, to listen to the community as this was presented and rebuttals and to decide are these criteria for annexation. Commissioner Mulder was right that the property owner does have rights and the community does as well. He mentioned the Master Plan of which 1000s of hours went into it and was open to all community input that designates this type of property for that specific area. He was left with the competing pieces and in order to make a decision he goes back to his purpose. The purpose was from what he has read and what he has heard did he see that these facts that were presented, do they hold true? In his opinion, they did. At this point he has to decide on the side of annexation. He wanted to give them a perspective from his role as Planning Commissioner. He added that they were a recommending body. He said that they look at the facts and they will send their recommendation to City Council and they will have an opportunity for community input. He said that this was not a done deal, just one step of many steps that take place in order for something like this to come to fruition. He is supportive of this application. He encouraged them to trace it along the way through the next steps.

COMMISSIONER NISLEY MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL APPLICATION #2021-27 FRUITA COPPER CREEK ANNEXATION WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY ADDRESSED OR INCLUDED WITH THE ANNEXATION ORDINANCE.

COMMISSIONER O'BRIEN SECONDED THE MOTION

MOTION PASSED 5-0

Application #:	2021-28
Project Name:	Fruita Copper Creek
Application:	Rezone
Property Owner:	North 25 LLC
Representative:	Ciavonne, Roberts and Associates
Location:	954 19 Road
Zone:	Currently zoned Urban Residential Reserve (URR - County zoning)
Request:	This is a request for approval to zone approximately 25.96 acres to Community Residential (CR).

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

Slide 1 – Introduction

Slide 2 – Application Description

Slide 3 – Legal notice 17.01.130