

ORDINANCE 2010-10

AN ORDINANCE AMENDING TITLE 17 OF THE FRUITA MUNICIPAL CODE TO MAKE THE CHANGES WHICH ARE NECESSARY TO IMPLEMENT THE RECENTLY ADOPTED PARKS, OPEN SPACE AND TRAILS MASTER PLAN.

WHEREAS, the Fruita City Council adopted the Parks, Open Space and Trails Master Plan as an amendment to the City's Master Plan which identified the need to update the existing Land Use Code, and

WHEREAS, the City of Fruita, pursuant to Colorado Revised Statutes, Article 29-20 and Section 31-23-101 et. seq., 24-65-101 et. seq. and 31-2-107 et. seq., is now proposing to revise the Land use Code to implement the Parks, Open Space and Trails Master Plan, and

WHEREAS, the Fruita Planning Commission held a public hearing on March 9, 2010, and recommended approval of proposed amendments to the Land Use Code to the City Council, and

WHEREAS, a public hearing was held before the City Council on March 16, 2010, and again on April 6, 2010, regarding proposed amendments to the Land Use Code.

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

Section 1. Chapter 17.03 is hereby amended to read as follows:

Chapter 17.03 BASIC DEFINITIONS AND INTERPRETATION

PARKS, OPEN SPACE, AND/OR PUBLIC SITE TRAILS IMPACT FEE/DEDICATION/IMPACT. LAND DEDICATED FOR PUBLIC USE OR A fee paid by the developer of a new development to the city for the purpose of acquisition and development of PUBLIC parks, OPEN SPACE, TRAILS, or other SIMILAR municipal facilities. (See ChapterS 17.19 AND 17.29)

OPEN SPACE. Any property or portion thereof without any habitable structures or significant impervious surface and not designated and used for a specific purpose. Open space must also have all three (3) of the following characteristics: 1) land in a natural, near natural, agricultural, or other desirable condition or reserved for outdoor recreational activities; 2) permanent protection, and; 3) has attributes or features worthy of protection.

OPEN SPACE, PUBLIC. AN OPEN SPACE THAT IS DESIGNATED FOR PUBLIC ACCESS AND MAY BE POSTED WITH HOURS OF OPERATION AND USE. PUBLIC OPEN SPACE CAN BE PUBLICLY OWNED OR OWNED BY A PRIVATE ENTITY SUCH AS A HOMEOWNERS' ASSOCIATION BUT CONTAINS A PUBLIC ACCESS EASEMENT.

OPEN SPACE, PRIVATE. AN OPEN SPACE WHICH IS PRIVATELY OWNED AND DESIGNATED FOR PRIVATE USE.

~~OPEN SPACE, COMMON. Open space within a development that is owned in common by a homeowners association and which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common open space does not include areas used for streets, alleys, driveways or off-street parking or loading areas. However, an area reserved for recreation activities such as swimming pools, tennis courts, playing fields, playgrounds and other recreation facilities may be included as common open space.~~

~~TRAIL, PUBLIC. Any off-street pathway designed MAINLY for NON-MOTORIZED TRAVEL AND public recreation or pedestrian and bicycle travel. ALSO KNOWN AS A PEDESTRIAN PATH OR BICYCLE PATH.~~

TRAIL, PUBLIC. A TRAIL THAT IS DESIGNATED FOR PUBLIC USE. PUBLIC TRAILS CAN BE PUBLICLY OWNED OR OWNED BY A PRIVATE ENTITY SUCH AS A HOMEOWNERS' ASSOCIATION BUT CONTAINS A PUBLIC ACCESS EASEMENT.

TRAIL, PRIVATE. A TRAIL WHICH IS PRIVATELY OWNED AND IS NOT GENERALLY OPEN FOR PUBLIC USE.

DEVELOPMENT. Construction, improvement, or remodeling of a building or placement of a use on a parcel of land. Development may be deemed to include all property adjacent or abutting, whether or not to be immediately planned or developed, under the same or substantially the same ownership. Development includes, but is not limited to any of the following: the division of a parcel of land into two (2) or more lots; the construction, reconstruction, conversion, excavation, clearing of roadways or building sites; the extension of utilities; landfill or land disturbance; any use or extension of the use of land; the placement of a use on any property; or any planned unit development. Development does not include movement of earth associated with crops and/or farming or landscaping.

PARK. A TYPE OF OPEN SPACE THAT IS USED FOR RECREATIONAL ACTIVITIES AND TYPICALLY CONTAIN RECREATIONAL AMENITIES SUCH AS PICNIC TABLES AND/OR BALL FIELDS DEPENDING ON THE SIZE OF THE PARK.

PARK, NEIGHBORHOOD. NEIGHBORHOOD SCALE PARKS ARE INTENDED TO SERVE RESIDENTS IN THE NEIGHBORHOODS SURROUNDING THE PARK. THESE PARKS ARE TYPICALLY DESIGNED PRIMARILY FOR INFORMAL AND UNORGANIZED ACTIVITIES, SUCH AS PICKUP BALL GAMES. THEY ARE GENERALLY SMALL IN SIZE AT 2-8 ACRES OF USABLE AREA. WHILE IT IS NOT THE RULE, NEIGHBORHOOD PARKS SOMETIMES PROVIDE SPACE FOR PROGRAMMED ACTIVITIES, SUCH AS ORGANIZED ATHLETICS.

PARK, POCKET. POCKET PARKS ARE SMALLER VERSIONS OF NEIGHBORHOOD PARKS WITH FEWER AMENITIES, AND SERVE A SMALLER RADIUS OF HOMES. IN FRUITA, THESE PARKS ARE FOUND IN MOST SUBDIVISIONS WITH MORE THAN 25 UNITS AND HAVE HISTORICALLY BEEN PRIVATELY DEVELOPED AND MAINTAINED, BUT HAVE PUBLIC ACCESS AGREEMENTS ALLOWING FOR PUBLIC USE. HOWEVER, THERE ARE A FEW POCKET PARKS THAT ARE OWNED AND MAINTAINED BY THE CITY.

PARK, COMMUNITY. COMMUNITY PARKS ARE LARGE, MULTI-PURPOSE PARKS THAT SERVE THE ENTIRE COMMUNITY. THESE PARKS ARE GENERALLY DESIGNED TO PROVIDE ACTIVE PLAY OPPORTUNITIES FOR ALL AGES. COMMUNITY PARKS CAN ALSO PROVIDE INDOOR FACILITIES TO MEET A WIDER RANGE OF RECREATION AND INTERESTS. THESE PARKS SHOULD BE DESIGNED TO MEET THE ACTIVE COMMUNITY, WHILE PROVIDING A SANCTUARY FOR THOSE INDIVIDUALS WHO ALSO ENJOY MORE LEISURE-ORIENTED ACTIVITIES.

BIKEPATH. An off-street trail available for use by bicyclists. ALSO KNOWN AS A TRAIL.

PEDESTRIAN PATH. A right-of-way or easement dedicated for public pedestrian access or a private path intended for pedestrian use. ALSO KNOWN AS A TRAIL.

PARK, PRIVATE. A PARK THAT IS PRIVATELY OWNED AND NOT GENERALLY OPEN FOR PUBLIC USE.

PARK, PUBLIC. A PARK THAT IS OPEN FOR PUBLIC USE AND CAN BE OWNED BY A PRIVATE ENTITY SUCH AS A HOMEOWNERS' ASSOCIATION OR PUBLICLY OWNED.

TRAILHEAD. THE TRAILHEAD IS THE POINT AT WHICH A TRAIL STARTS. TRAILHEADS OFTEN CONTAIN REST ROOMS, MAPS, SIGN POSTS AND DISTRIBUTION CENTERS FOR INFORMATIONAL BROCHURES ABOUT THE TRAIL AND ITS FEATURES, AND PARKING AREAS FOR VEHICLES AND TRAILERS.

TRAIL, PRIMARY. A CONTINUOUS TRAIL THAT PROVIDES A MAJOR CONDUIT FOR TRAVEL ON TRAIL SYSTEMS AND FORMS THE MAJOR TRAIL SPINES THROUGHOUT THE COMMUNITY WITH CONNECTION TO A LARGER REGIONAL TRAIL SYSTEM.

TRAIL, LOCAL. A LOW VOLUME TRAIL THAT PROVIDES CONNECTIVITY WITHIN AND BETWEEN DEVELOPMENTS AND SERVES AS A CONNECTOR TO PRIMARY OR OTHER TRAILS.

SIDEWALK. A PAVED WALKWAY ALONG THE SIDE OF A STREET.

Section 2. Sections 17.07.070.H and 17.07.070.I are hereby amended to read as follows:

**Chapter 17.07
ZONING – USES AND GENERAL REQUIREMENTS**

Section 17.07.070.H

6. ~~In subdivisions approved after the effective date of this Title, fences taller than forty eight (48) inches in height are not permitted within five (5) feet of abutting arterial or major collector streets. If lots are separated from the major collector or arterial street by a minimum five (5) foot wide landscaped out lot, owned and maintained by a homeowners association, a~~

~~six (6) foot tall solid fence is permitted on the lots abutting the outlet. The five (5) foot strip of landscaping must contain at least one (1) tree for every forty (40) linear feet of distance along the street and appropriate groundcover.~~

Section 17.07.070

I. Landscaping Requirements.

1. For single-family and duplex dwelling units, at least one (1) tree in the front yard is required to be planted and maintained within six (6) months of an issuance of a Certificate of Occupancy.
2. No less than ten (10) percent of a lot or parcel developed for multi-family or non-residential land uses must be landscaped **WITH AT LEAST HALF OF THIS LANDSCAPE PROVIDED ON THE FRONT HALF (STREET SIDES) OF THE DEVELOPMENT UNLESS THE FRONT SETBACK IS PERMITTED TO BE, AND WILL BE, LESS THAN FIFTEEN (15) FEET.** Landscaping must include at least one (1) **SMALL** tree for every five hundred (500) square feet, **ONE (1) MEDIUM TREE FOR EVERY ONE THOUSAND (1,000) SQUARE FEET OR ONE (1) LARGE TREE FOR EVERY 1,500 SQUARE FEET** of landscaped area **ALONG WITH** two (2) shrubs for every tree and appropriate groundcover. Additional landscaping, in addition to the minimum ten (10) percent, is required for parking lots containing more than fifteen (15) car parking space and/or for buffering and screening purposes as deemed necessary to comply with compatibility requirements of Section 17.07.080.
3. **LANDSCAPE IMPROVEMENTS MUST FOLLOW THE LANDSCAPING REQUIREMENTS OF THE APPENDIX OF THE FRUITA LAND USE CODE.**
4. **THE TYPES OF TREES AND OTHER VEGETATION TO BE PLANTED WITHIN PUBLIC RIGHT-OF-WAYS WILL BE DETERMINED BY THE DECISION MAKING BODY (COMMUNITY DEVELOPMENT DIRECTOR OR THE CITY COUNCIL) BASED ON THE REQUIREMENTS OF THE APPENDIX.**

Section 3. Sections 17.19.020, 060, 070 & 090 are hereby amended to read as follows:

**Chapter 17.19
PUBLIC DEDICATIONS AND IMPACT FEES**

Sections:

- 17.19.010 Purpose**
- 17.19.020 Authority to Impose Dedication or Impact Fee Requirements**
- 17.19.030 Criteria for Requiring Dedications or Payment of Impact Fees**
- 17.19.040 Alternative Methods for Determining the Extent of Dedication or Impact Fee Requirements**
- 17.19.050 Basis of Determination**
- 17.19.060 Fee Funds Established; Use of Impact Fees**
- 17.19.070 Credits; Offsets; and Reimbursements**

- 17.19.080 Refund of Impact Fees Paid
- 17.19.090 Public Sites, Parks, and Open Space, AND TRAILS Dedication/Fee
- 17.19.100 School Land Dedication
- 17.19.110 Fee in Lieu of School Land Dedication
- 17.19.120 School Land Dedication Fee Trust Fund
- 17.19.130 Transportation Impact Fee
- 17.19.140 Chip and Seal Impact Fee
- 17.19.150 Drainage Impact Fee

17.19.010 Purpose - no changes

17.19.020 AUTHORITY TO IMPOSE DEDICATION OR IMPACT FEE REQUIREMENTS.

- A. Pursuant to the provisions of applicable law, authority is specifically given to the City Council, as a part of its legislative function, to establish general schedules or formulas for monetary impact fees for those classes of development that are subject to real property dedications, public improvement requirements, and/or impact fees.
- B. Strictly by means of illustration, and not by means of limitation, dedications or impact fees are expressly authorized under the following circumstances:
 1. Streets, Sidewalks, AND TRAILS ~~Bicycle and Pedestrian Paths~~. ~~LAND Fee title~~ may be required to be dedicated to the city for the construction, reconstruction, reconfiguration, widening or extension of on-site and off-site streets or for acceleration/deceleration lanes. **LAND ALSO** may also be required to be dedicated to the city for the construction, reconstruction or reconfiguration of on-site and off-site sidewalks or ~~bicycle and pedestrian paths~~ **TRAILS** for use by the general public. Payment for the construction of such sidewalks or ~~TRAILS bicycle and pedestrian paths~~ also may be required. Dedication to the City of Fruita of ~~fee title~~ for all internal public rights-of-way shall be required and actual construction by the owner/developer shall be required for all internal streets, necessary off-site streets, sidewalks, and ~~TRAILS bicycle and pedestrian paths~~. A combination of both construction and payment of impact fees as provided in this Chapter **ALSO** may also be required. Fees for initial life extending surfaces for all streets internal to a subdivision **ALSO** shall also be required as provided in this Chapter.
 2. PUBLIC Parks, OPEN SPACE, and OTHER Public Sites. ~~LAND Fee title to property~~ sufficient to enable the development of a **PUBLIC** park, trail, or **OTHER** public site within a ~~subdivision or PUD DEVELOPMENT~~ and actual ~~development~~ **CONSTRUCTION** of such **PUBLIC** park, trail, or **OTHER** public site may be required based upon compliance with the city's park and ~~OPEN SPACE public site development~~ standards, or payment of a fee in lieu of such dedication **AND IMPROVEMENTS** shall be required; provided that adequate standards exist for insuring that the monetary impact fee paid by the owner/~~or~~ developer is utilized on a project which will directly or indirectly benefit the owner/~~or~~ developer's property.
 3. Utilities. ~~LAND Fee title~~ or easements to the city for use by the general public, or by utility companies shall be required for utility pipelines, conduits, wires and other facilities or appurtenances. For the purposes of this Chapter, utilities include, but are not limited to:

domestic water, irrigation, wastewater, storm sewer, electric, natural gas, cable television, and telecommunications services.

4. ~~Open Space. Fee title to property, which meets the adopted standards for open space dedication to the city or to a private homeowners association, may be required or payment of a fee in lieu thereof shall be required.~~
 5. School Lands. Based upon standards adopted by the City of Fruita in conjunction with the local school district, fee title to school lands may be required to be dedicated by the owner/developer, or a fee in lieu thereof shall be required.
 6. Storm Water and Drainage Management. **LAND Fee title to property** sufficient to enable the development of regional storm water and drainage improvements, and actual construction thereof, may be required based upon an assessment of the development's impact on the city's storm water quality compliance programs, and/or the need for upstream or downstream flood control measures. A fee in lieu of dedication and/or construction may be required when payment of a fee will not create or exacerbate a flooding or water quality compliance problem, and such fee in lieu of dedication and/or construction is based on a rational determination of the impacts generated by a development.
 7. Downtown Parking District In Lieu Fee. [Reserved]
- C. The City Council, in its discretion, shall accept or reject any proposed dedication of land to the city prior to final approval of a proposed ~~subdivision or development~~. **DEDICATION OF LAND TO THE CITY IS REQUIRED TO BE IN FEE TITLE.**
- D. Approval of a ~~subdivision or other~~ development shall not constitute acceptance by the city for maintenance of streets, alleyways, **OR** parks ~~or public sites~~ shown as dedicated on a plat **OR PLAN**. The acceptance for maintenance shall be by specific action of the City Council upon completion in accordance with ~~parks~~, subdivision or development improvement agreements and/or adopted standards.
- E. Street, traffic control and signing shall be installed in accordance with city standards at the expense of the developer.
- F. Signage and pavement markings within dedicated lands, including streets, shall be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) standards at the expense of the developer.
- G. Notwithstanding any provision contained in this Chapter to the contrary, any vacant platted building lot within the city created by subdivision prior to January 1, 1980, shall be subject to the impact fees/**LAND DEDICATIONS** set forth in this Chapter. Fees for such lots shall be due and payable at the time of issuance of Planning Clearances for building permits for the construction of habitable structures on such lots. Impact fees assessed for ~~subdivisions or other~~ developments approved after the effective date of this Chapter shall be due and payable at the time of approval of the subdivision Final Plat, Final Planned Unit Development Plan, or issuance of a Planning Clearance for a building permit, whichever shall first occur, however;

Minor Subdivisions for only residential land uses can defer payment of impact fees (**BUT NOT REQUIRED LAND DEDICATIONS**) to the time of Planning Clearance approval for construction on individual lots. Minor subdivisions that defer the impact fees to the time of Planning Clearance are required to pay the fee in effect at the time of Planning Clearance approval.

17.19.030 Criteria for Requiring Dedications or Payment of Impact Fees - no changes

17.19.040 Alternative Methods for Determining the Extent of Dedication or Impact Fee Requirements - no changes

17.19.050 Basis of Determination - no changes

17.19.060 FEE FUNDS ESTABLISHED; USE OF IMPACT FEES.

- A. All impact fees collected pursuant to this Chapter shall be deposited in funds created by the city and shall be used for the purposes for which they were collected. All impact fees collected pursuant to this Chapter shall be accounted for in the manner required by Sections 29-1-801, et. seq., C.R.S. and other applicable law.
- B. Funds collected from impact fees shall be used to acquire additional real property necessary for the purposes for which they were collected, or for purposes of acquiring or improving capital facilities, as defined in Section 29-20-104.5, C.R.S., related to the purposes for which such funds were collected. A "capital facility" includes planning, preliminary engineering, engineering design studies, land surveys, final engineering, permitting, and the construction and installation of all the necessary features for the facilities. Funds collected from impact fees shall not be used for periodic or routine maintenance of city or other government facilities.
- C. If an impact fee is assessed in lieu of a dedication to address large scale impacts that are borne by the city and by the public in general, as in the case of school land dedication fees, public site, park, and open space, **AND TRAIL** fees, transportation impact fees and storm water and drainage management fees, such impact fees shall be considered as directly benefiting the proposed development even if such fees are used to partially fund the mitigation of impacts that are of general benefit to the community as a whole.
- D. In the event that bonds or similar debt instruments are issued for the advanced provision of capital facilities for which impact fees may be expended, such fees may be used to pay debt service on such bonds or similar debt instruments.
- ~~E. The City Council may, by an affirmative vote of at least three fourths (3/4) of all members of the Council, waive, suspend or alter all or some of the impact fees imposed by this Chapter, or agree to pay some or all of the impact fees imposed on a proposed development or redevelopment from other funds of the city that are not restricted to other uses upon finding such waiver, suspension, alteration or payment is necessary to promote the economic development of the city or the public health, safety and general welfare of its residents. Any resolution adopted by the City Council providing for the waiver, suspension or altering of impact fees shall contain specific findings of fact supporting the waiver, suspension, altering,~~

~~or payment.~~

- F. Monies in the impact fee account shall be considered to be spent in the order collected, on a first-in/first-out basis.

17.19.070 CREDITS, OFFSETS, AND REIMBURSEMENTS.

- A. As a general policy, developers that propose or are required to physically construct improvements of a type and nature for which an impact fee would normally be assessed shall be eligible for offsets of up to one hundred (100) percent of the impact fees assessed to a particular phase or filing of a development, provided that the constructed improvements are of general benefit to the City of Fruita and general public, as determined by the city, and are not required solely because of the development.
- B. For constructed improvements meeting the provisions of subsection (A) above, where the construction cost exceeds the assessed impact fee, developers are eligible for additional credit against impact fees assessable at a future phase or filing, or for reimbursement by the city from previously collected impact fees. Credits for the cost of constructed improvements may be carried over or transferred to successive filings or phases within the same development, but in no case shall credits be carried over or transferred to a different development or project.
- C. In all cases, offsets or credits against one (1) fee, such as a transportation impact fee, cannot be used to offset or credit another type of fee, such as a Public Sites, Parks, and Open Spaces, **AND TRAIL IMPACT FEE/Dedication/fees.**
- D. Constructed improvements to designated State Highways are eligible for the same offsets and credits provided for improvements to other streets and roads, provided the improvements are of benefit to the general public and not just the property being developed. By way of example, street widening and the installation of a sidewalk along a State Highway would be eligible for offsets and credits, but acceleration/deceleration lanes strictly servicing the development would not be eligible for offsets or credits.
- E. Specific to transportation impact fees, offsets or credits for the value of right-of-way abutting the development are specifically not allowed.
- F. The purpose and monetary value of any offset, credit, or reimbursement against assessed impact fees shall be specifically delineated in the appropriate section of the subdivision or development improvements agreement for the development, and the basis (e.g. cost of constructed improvements) of the offset, credit, or reimbursement shall be detailed in the improvements agreement.
- G. **THE CITY COUNCIL MAY, BY AN AFFIRMATIVE VOTE OF AT LEAST THREE FOURTHS (3/4) OF ALL MEMEBERS OF THE COUNCIL, WAIVE, SUSPEND OR ALTER ALL OR SOME OF THE IMPACT FEES IMPOSED BY THIS CHAPTER, OR AGREE TO PAY SOME OR ALL OF THE IMPACT FEES IMPOSED ON A PROPOSED DEVELOPMENT OR REDEVELOPMENT FROM OTHER FUNDS OF THE CITY THAT ARE NOT RESTRICTED TO OTHER USES UPON FINDING SUCH WAIVER, SUSPENSION , ALTERATION OR PAYMENT IS NECESSARY TO**

PROMOTE THE ECONOMIC DEVELOPMENT OF THE CITY OR PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF ITS RESIDENTS. ANY RESOLUTION ADOPTED BY THE CITY COUNCIL PROVIDING FOR THE WAIVER, SUSPENSION OR ALTERING OF IMPACT FEES SHALL CONTAIN SPECIFIC FINDINGS OF FACT SUPPORTING THE WAIVER, SUSPENSION ALTERATION OR PAYMENT.

17.19.080 - Refund of Impact Fees Paid - no changes

17.19.090 PUBLIC SITES, PARKS, OPEN SPACES, AND TRAILS IMPACT FEE/DEDICATION/FEE.

- A. **THE CITY OF FRUITA HAS DETERMINED THAT NEW RESIDENTIAL DEVELOPMENTS CAUSE FINANCIAL IMPACTS TO THE CITY'S PUBLIC PARK, OPEN SPACE, AND TRAIL SYSTEMS NECESSITATING CAPITAL IMPROVEMENTS THAT WOULD NOT BE REQUIRED WITHOUT SUCH DEVELOPMENT. THE CITY HAS ADOPTED A PARKS, OPEN SPACE, AND TRAILS MASTER PLAN WHICH PROVIDES GENERAL POLICY GUIDELINES AND PLANNING RECOMMENDATIONS FOR PROVISION OF PUBLIC PARKS, OPEN SPACE, AND TRAILS. THE PURPOSE OF THIS SECTION IS TO IMPLEMENT AND BE CONSISTENT WITH THE CITY'S MASTER PLAN, SPECIFICALLY, THE PARKS, OPEN SPACE, AND TRAILS SECTION OF THE MASTER PLAN, BY REQUIRING ALL NEW RESIDENTIAL DEVELOPMENT TO CONTRIBUTE A PROPORTIONATE SHARE OF THE PUBLIC PARKS, OPEN SPACE, AND TRAILS NECESSARY TO ACCOMMODATE ANY IMPACTS OR NEED FOR SUCH FACILITIES THROUGH THE DEDICATION OF LAND AND/OR FEES IN LIEU OF LAND DEDICATIONS.**

THE DEDICATION OF LAND AND/OR THE PAYMENT OF THE CASH EQUIVALENT WILL ENABLE THE CITY TO PROVIDE PARKS IN THE PROPER LOCATION AND OF THE PROPER SIZE TO SERVE THE CITIZENS OF THE CITY. THIS REGULATION ALSO IS ADOPTED TO HELP DISCOURAGE THE PROLIFERATION OF SMALL PARCELS, TRACTS, AND OUTLOTS THAT ARE OSTENSIBLY CREATED AS OPEN SPACE AND/OR PARKS BUT ARE NOT SIZED, LOCATED OR MAINTAINED AS FUNCTIONAL SITES FOR THESE USES.

Consistent with this Section and with Chapter 17.29 of this Title, every residential development **WHICH INCREASES THE NUMBER OF DWELLING UNITS ABOVE THAT WHICH WAS APPROVED AS OF THE EFFECTIVE DATE OF THIS TITLE** and ~~subdivision~~ shall include a dedication of land to the city or other entity, as determined by the City Council, to be used for **PUBLIC** parks, ~~recreation functions requiring land,~~ open space, **AND/OR TRAILS** public sites and/or payment of a public sites, parks, and open space, **AND TRAILS** fee in lieu of such dedication, as provided herein, ~~at the time of approval of the subdivision Final Plat, Final Planned Unit Development Plan, or issuance of a Planning Clearance for a building permit, whichever may first occur, except for Minor Subdivisions which can defer the public sites, parks, and open space dedication/fee to the time of building permit for each individual lot. Every subdivision and development which increases the number of dwelling units above that which was approved as of the effective date of this Title~~

~~shall make the additional dedication or fee payment based upon the increased number of units or acreage within the subdivision or development.~~ **ACCESSORY DWELLING UNITS ARE NOT SUBJECT TO THIS FEE.**

Description:

- ~~1. Dedicated land may include parks, trails, public sites and open spaces described in Chapter 17.29, and proposed public areas set aside in state, regional, county or city plans. Dedicated parkland and public sites shall not include sites for technical, private or public schools, sites for service organizations which are not open to the general public, and sites unsuitable for public use due to steep slopes, rock formations, adverse topography, utility easements, or other features which may be harmful to health and safety.~~
- ~~2. Wherever a development proposal includes any part of a pedestrian, bicycle, or equestrian trail designated by the city in its plans, this area shall be contained in an outlot made available for public use and such outlot may be included in the required public sites, parks and, open spaces dedication.~~
- ~~3. An adequate irrigation water rights dedication must be provided to the city for all public site and parkland dedications.~~
- ~~4. The city, at its sole discretion, may elect to use the land dedication for any park, recreation, municipal or open space function, which it deems necessary. Such use shall be compatible with surrounding uses.~~

- B. ~~Total Amount of LAND Dedication Required.~~ **LAND FOR PPublic sites, parks, OPEN SPACE, AND trails and open spaces land shall be BASED ON THE ADOPTED LEVEL OF SERVICE STANDARD AS IDENTIFIED IN THE PARKS, OPEN SPACE, AND TRAILS MASTER PLAN (POST PLAN) AS FOLLOWS:**

FOR EVERY 1,000 RESIDENTS, THE FOLLOWING PARKS AND TRAIL AREAS ARE NEEDED TO MEET THE LEVEL OF SERVICE STANDARD IDENTIFIED IN THE POST PLAN:

**2.0 ACRES OF NEIGHBORHOOD PARKS
4.0 ACRES OF COMMUNITY PARKS, AND
1.0 MILE OF TRAILS**

PARKLAND PER HOUSEHOLD IS THE PRODUCT OF THE AVERAGE HOUSEHOLD SIZE MULTIPLIED BY THE LEVEL OF SERVICE STANDARD. AVERAGE HOUSEHOLD SIZE IS 2.52 PEOPLE PER DWELLING UNIT (WHICH IS THE US CENSUS BUREAU'S 2006 COLORADO STATEWIDE AVERAGE):

**$2.52 * (2.0/1,000) = .005$ ACRES PER HOUSEHOLD FOR
NEIGHBORHOOD PARKS
 $2.52 * (4.0/1,000) = .010$ ACRES PER HOUSEHOLD FOR
COMMUNITY PARKS**

2.52 * (1.0/1,000) = .0025 MILES PER HOUSEHOLD FOR PRIMARY TRAILS

~~dedicated in the ratio of 0.012 acres per resident of the proposed development, to be computed based on the following:~~

- ~~1. 3.5 residents per single family dwelling unit.~~
- ~~2. 3.0 residents per two family dwelling unit.~~
- ~~3. 2.5 residents per multi family dwelling unit or mobile home.~~

- C. ~~Dedication and Improvement of Public Sites, Parks, and Open Spaces~~ **S, AND TRAILS. STANDARDS FOR WHEN A FEE IN LIEU OF LAND DEDICATION IS REQUIRED OR WHEN LAND IS REQUIRED TO BE DEDICATED, INCLUDING IMPROVEMENTS TO THE DEDICATED LAND, IS IDENTIFIED IN CHAPTER 29 OF THIS TITLE.** ~~Required public sites, parks, and open spaces dedication requirements including improvement requirements are identified in Section 17.29.020 of this Title.~~

IF CREDIT IS TO BE GIVEN FOR LAND AND IMPROVEMENTS DEDICATED FOR PUBLIC USE, THE CREDIT SHALL BE BASED ON THE ESTIMATED COST OF THE IMPROVEMENTS INCLUDING INSTALLATION COSTS AND THE AVERAGE COST OF LAND IN THE AREA. THE AVERAGE COST OF LAND SHALL BE SET ANNUALLY BY THE CITY COUNCIL BY RESOLUTION.

- D. **Payment in Lieu of Dedication AND IMPROVEMENTS. THE AMOUNT OF PAYMENT TO BE PROVIDED IN LIEU OF LAND DEDICATION SHALL BE BASED ON THE NUMBER OF ACRES OF LAND DEDICATION WHICH OTHERWISE WOULD BE REQUIRED. THE FOLLOWING FORMULA, COMBINED WITH CONSIDERATION OF AFFORDABILITY ISSUES, THE GOALS OF THE CITY'S MASTER PLAN, AND OTHER COMMUNITY ISSUES, WILL BE USED TO DETERMINE THE FEE REQUIRED AND SUCH FEE SHALL BE SET ANNUALLY BY THE CITY COUNCIL BY RESOLUTION.**

**ACQUISITION COSTS OF UN-SUBDIVIDED, DEVELOPMENT-READY LAND:
\$57,000 PER ACRE**

NEIGHBORHOOD PARK DEVELOPMENT COSTS: \$140,000 PER ACRE

COMMUNITY PARK DEVELOPMENT COSTS: \$180,000 PER ACRE

PRIMARY TRAILS DEVELOPMENT COSTS: \$420,000 PER MILE

**NEIGHBORHOOD PARK FEE CALCULATION: .005 ACRES X (\$57,000+\$140,000)
= \$985 PER HOUSEHOLD**

**COMMUNITY PARK FEE CALCULATION: .010 ACRES X (\$57,000+\$180,000) =
\$2,370 PER HOUSEHOLD**

**PRIMARY TRAILS FEE CALCULATION: .0025 MILES X \$420,000 = \$1,050 PER
HOUSEHOLD**

MAXIMUM COMBINED PARKLAND AND TRAIL IMPACT FEE = \$4,405

THE ABOVE LAND VALUES AND DEVELOPMENT COSTS ARE BASED ON AVERAGE LAND VALUES IN FRUITA AND DATA ON RECENT PARK AND TRAIL CONSTRUCTION COSTS IN THE REGION FOR 2009.

- ~~1E.~~ The city may require the applicant to ~~pay a fee in lieu of land dedications or to dedicate other property LAND~~ owned by the applicant for use as a public site, park, open space, ~~land or other recreation purpose TRAIL~~. If the city determines to accept other ~~property LAND~~ not within the development instead of, or as partial payment toward, the **LAND DEDICATION**/fee payment required hereunder, **THE AMOUNT OF LAND DEDICATION SHALL BE THE SAME AMOUNT OF LAND THAT WOULD OTHERWISE BE DEDICATED WITHIN THE PROPOSED DEVELOPMENT**. ~~the value of the other property shall be its market value, as determined by a complete appraisal conducted by a certified land appraiser.~~
- ~~2.~~ The amount of payment to be paid in lieu of land dedication shall be based on the number of acres of land dedication which otherwise would be required, using the fair market value of the total acreage of the subdivision or other development, in its current state of development, notwithstanding the fact that the owner may develop or propose to develop the property in filings or phases. Fair market value shall be determined based on a complete appraisal of the land conducted by a certified land appraiser licensed by the State of Colorado within one (1) year of the date the fee is paid as required by this Chapter. The owner shall pay all costs of the appraisal.
- ~~3.~~ If the city determines to accept other property not within the development instead of, or as partial payment toward, the fee payment required hereunder, the value of the other property shall be its market value, as determined by a complete appraisal conducted by a certified land appraiser.
- ~~4.~~ Payment of a fee in lieu of land dedication shall be calculated, due and payable at the time of subdivision Final Plat approval, Final Planned Unit Development Plan approval, or issuance of a Planning Clearance for a building permit, whichever may first occur, and shall be described in the subdivision improvements agreement or development improvements agreement, if applicable. Minor Subdivisions for only residential land uses may defer payment of the impact fees until the time of Planning Clearance for a building permit for each individual lot. Minor Subdivisions that defer the impact fees to the time of Planning Clearance are required to pay the fee in effect at the time of Planning Clearance approval.
- 5F. The proceeds from a fee in lieu of land dedication, shall be placed in a public sites, parkS, and open space, **AND TRAILS** fund established by the city and maintained for the acquisition and improvement of land for public sites, parkS, open space, **AND** trails, ~~playgrounds and recreation areas~~, which may benefit the residents of the city in general, as well as those of the proposed subdivision or development.

No changes were made to the following Sections:

17.19.100 School Land Dedication

- 17.19.110 Fee in Lieu of School Land Dedication
- 17.19.120 School Land Dedication Fee Trust Fund
- 17.19.130 Transportation Impact Fee
- 17.19.140 Chip and Seal Impact Fee
- 17.19.150 Drainage Impact Fee

Section 4. Chapter 17.29 is hereby repealed and reenacted to read as follows:

**Chapter 17.29
PARKS, OPEN SPACES, AND TRAILS**

Sections:

- 17.29.010 Purpose
- 17.29.020 ~~GENERAL PROVISIONS Public Site, Park, and Open Space Criteria~~
- 17.29.030 ~~PUBLIC Site Parks, Open Spaces and Trails Requirements~~ CRITERIA
- 17.29.040 ~~General Provisions~~
- 17.29.0540 Maintenance of ~~Private~~ PUBLIC Parks, ~~Recreation Areas and Open Spaces,~~ AND TRAILS

17.29.010 PURPOSE. The purpose of this Chapter is to guide the planning and design of **PUBLIC** parks, trails, ~~recreation facilities and~~ open spaces, and **OTHER** public sites, where such facilities are required to be provided; pursuant to **THIS TITLE** Chapter 17.19, or where voluntarily provided, pursuant to Chapter 17.17, Planned Unit Developments or Chapter 17.08 Density Bonuses. Where a provision of this Chapter is preceded by the word “shall” or “must,” the provision is mandatory; absent the word “shall” or “must,” the provision is a guideline. However, the city decision-making body may invoke guidelines as requirements where the applicant has requested approval of a Density Bonus under Chapter 17.08, Planned Unit Development approval under Chapter 17.17, or where ~~he or she~~ **THE APPLICANT** has requested one or more adjustments pursuant to Chapter 17.11 and/or other provisions of this Title. The intent of this Chapter is to implement the city’s Master Plan by providing for a comprehensive, integrated network of **PUBLIC** parks, trails, recreation facilities, and open spaces to be developed and preserved as the community grows.

17.29.0320 GENERAL PROVISIONS PARKS, OPEN SPACES, AND TRAILS REQUIREMENTS.

The following are requirements for parks, open spaces, and trails:

- A. **THE CITY WILL TYPICALLY REQUIRE THE PAYMENT OF A FEE IN LIEU OF LAND DEDICATION FOR THE PARKS, OPEN SPACE, AND TRAIL IMPACT FEE/DEDICATION REQUIREMENT AS OUTLINED IN SECTION 17.19.090 OF THIS TITLE.** As part of the dedication requirement set forth in Section 17.19.090, residential developments **WITH 1,000 RESIDENTS OR MORE (BASED ON THE SCHEDULE IN SECTION 17.19.090)** shall provide at least ~~three quarters (3/4) of an~~ **SIX** ~~acreS~~ acres of land for a public **NEIGHBORHOOD PARK AND/OR COMMUNITY** site, ~~P~~ park, open spaces and/or trail for each two hundred and thirty (230) residents, based on the ~~schedule in Section 17.19.090~~ **AND AT LEAST ONE (1) MILE OF TRAIL LAND.** For

residential developments with less than ~~230~~ **1,000** residents, public site, park~~S~~ land, open space, and/or trails may be provided or a fee in lieu of this dedication requirement may be paid as determined by the city decision making body through the land development review process **AND BASED ON THE APPROVAL CRITERIA OF SECTION 17.29.030.**

~~The public site, park, open spaces and/or trail shall be designed by a licensed landscape architect. Improvements to the public site, park, open spaces and/or trail are required unless the land provided is a natural open spaces area where improvements would not be appropriate. Improvements include, at a minimum, live ground cover, trees, irrigation system plus one (1) of the following: playground equipment, contemplative garden or other active or passive recreation opportunities. If the land is for a trail, pavement and groundcover will be required, at a minimum. The improvements can offset; otherwise, required park, open spaces and trails fees.~~

- B. LAND TO BE DEDICATED FOR PARKS, OPEN SPACE, AND/OR TRAILS MUST BE CONTAINED IN AN OUTLOT DEDICATED TO EITHER THE CITY OF FRUITA OR A PROPERTY OWNERS' ASSOCIATION AND THE OUTLOT MUST INCLUDE AN EASEMENT FOR PUBLIC ACCESS/USE ON THE SAME BASIS AS THE LAND IN QUESTION IS AVAILABLE TO THE RESIDENTS OF THE DEVELOPMENT IN WHICH IT IS LOCATED. PRIVATE OPEN SPACE, PARKS, TRAILS, OR OTHER PRIVATE RECREATION AREAS IN ANY DEVELOPMENT SHALL NOT BE A SUBSTITUTE FOR THE REQUIRED PUBLIC PARKS, OPEN SPACE, AND TRAILS IMPACT FEE/DEDICATION.**

~~Provision of parks and open space land may be waived upon City Council approval, if the development is located within one quarter (1/4) mile of a city maintained park at least two (2) acres in size or larger. The one quarter (1/4) mile is measured by walking distance, not as the crow flies.~~

- ~~C. Portions of required storm drainage facilities may function as open space, or an area for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately. Up to seventy five (75) percent of the land area used for such facilities may be credited toward the total dedication requirements set forth in Section 17.19.090, and will be considered for credit on a case by case basis by the City Council. Not more than fifty (50) percent of the public site, park or open space requirements for a development may comprise storm drainage facilities.~~
- ~~D. A minimum of eighty (80) percent of land dedicated shall have a slope of ten (10) percent or less and shall lend itself to utilization for municipal and public recreation purposes, including but not limited to the following: playing fields, playgrounds, tennis courts, picnic sites, trails and boating areas. Provided, however, up to a fifty (50) percent credit towards the dedication requirement may be granted by the City Council for land having slopes of greater than ten (10) percent.~~
- ~~E. Blanket public access easements for use by the public over and across private homeowners' association parks, trails and open spaces shall be required when used to satisfy the public open spaces requirements pursuant to Chapter 17.19.~~

~~F.~~ In all cases, land and improvements and/or a fee in lieu of land and improvements will be required to meet the requirements set forth in Section 17.19.090.

D. OWNERSHIP AND MAINTENANCE OF PUBLIC PARKS, OPEN SPACE, AND TRAILS SHALL BE DETERMINED BY THE CITY COUNCIL ON A CASE-BY-CASE BASIS THROUGH THE DEVELOPMENT REVIEW PROCESS. THE CITY RESERVES THE RIGHT TO REJECT ANY LAND WHICH IT DEEMS UNSUITABLE FOR PARK, OPEN SPACE, AND/OR TRAIL PURPOSES.

E. LANDSCAPE IMPROVEMENTS TO PUBLIC PARKS, OPEN SPACE AND TRAILS MUST FOLLOW LANDSCAPING REQUIREMENTS OF APPENDIX A OF THE FRUITA LAND USE CODE.

17.29.0230 PUBLIC SITES ~~PARKS,~~ AND OPEN SPACE, AND TRAILS CRITERIA.

A. IN DETERMINING WHICH LAND AREAS ARE APPROPRIATE AND/OR NECESSARY FOR PUBLIC PARKS AND ELIGIBLE FOR CREDIT AGAINST THE OTHERWISE REQUIRED PARK, OPEN SPACE, AND TRAILS IMPACT FEE/DEDICATION, THE FOLLOWING CRITERIA MUST BE CONSIDERED:

- 1. LAND AREA TO BE DEDICATED SHOULD BE AT LEAST TWO ACRES IN SIZE.**
- 2. THE LAND AREA TO BE DEDICATED SHOULD BE IN AN AREA UNDERSERVED BY EXISTING PUBLIC PARKS AS IDENTIFIED BY THE FRUITA PARKS, OPEN SPACE, AND TRAILS MASTER PLAN.**
- 3. THE LAND SHOULD BE LOCATED ADJACENT TO OTHER OPEN SPACE OR SCHOOLS.**
- 4. THE LAND AREA'S PROPOSED IMPROVEMENTS MUST BE DESIGNED, SIGNED AND STAMPED BY A LICENSED LANDSCAPE ARCHITECT AND MUST INCLUDE AT A MINIMUM THE FOLLOWING:
WATER RIGHTS, IRRIGATION SYSTEM, APPROPRIATE GROUND COVER, AT LEAST ONE LARGE TREE PER EVERY 5,000 SQUARE FEET OF LANDSCAPED AREA, AND AT LEAST ONE OF THE FOLLOWING:
-PAVED, MULTI-PURPOSE AREA FOR COURT GAMES (E.G. BASKETBALL, TENNIS);
-A MULTI-PURPOSE PLAY FIELD WITH BACKSTOP;
-PLAY GROUND EQUIPMENT AND A BENCH;
-SHADE STRUCTURE FOR PICNICS AND SITTING WITHIN A LANDSCAPED SETTING.**
- 5. THE LAND AREA TO BE DEDICATED SHOULD HAVE AT LEAST TWENTY PERCENT (20%) OF THE PERIMETER OF THE PARKLAND AREA ADJACENT TO A PUBLIC RIGHT-OF-WAY SO THAT THE PARK IS VISIBLE TO THE PUBLIC AND TO INCREASE SAFETY BY ALLOWING ACTIVITIES IN THE PARK TO BE EASILY SEEN FROM OTHER PUBLIC AREAS.**
- 6. THE LAND TO BE DEDICATED SHOULD BE RELATIVELY FLAT AND LENDS ITSELF TO ORGANIZED RECREATIONAL ACTIVITIES**

WITHOUT THE NEED FOR SUBSTANTIAL IMPROVEMENTS TO ACCOMMODATE FACILITIES FOR RECREATIONAL ACTIVITIES.

- 7. THE SIZE AND SHAPE OF THE LAND TO BE DEDICATED MUST LEND ITSELF TO RECREATIONAL ACTIVITIES.**
 - 8. THE SOIL CONDITIONS AND DRAINAGE MUST ALLOW FOR DEVELOPMENT OF PARK FACILITIES.**
 - 9. THE PARK LAND SHOULD BE USED TO ORGANIZE AND FOCUS LOT, BLOCK, AND CIRCULATION PATTERNS IN A DEVELOPMENT AND ENHANCE SURROUNDING DEVELOPMENT. STREET, BLOCK, LOT AND BUILDING PATTERNS SHALL RESPOND TO THE VIEWS, LANDSCAPE AND RECREATIONAL OPPORTUNITIES PROVIDED BY SUCH PARKS, OPEN SPACE, AND TRAIL AREAS.**
 - 10. SURROUNDING THE SITE WITH THE REAR PROPERTY LINES OF RESIDENTIAL LOTS IS STRONGLY DISCOURAGED.**
 - 11. PARKS TO BE USED FOR ON-GOING ORGANIZED RECREATIONAL ACTIVITIES SHOULD INCLUDE ADEQUATE ACCESS AND PARKING AREAS (BOTH MOTORIZED VEHICLES AND BICYCLES) FOR THE TYPE AND INTENSITY OF USES INTENDED FOR THE PARK.**
 - 12. USES DESIGNATED WITHIN PUBLIC PARKS SHALL BE APPROPRIATE TO THE CONTEXT AND CHARACTER OF THE SITE AND THE INTENSITY OF THE PROPOSED DEVELOPMENT.**
 - 13. NOTWITHSTANDING THE PRECEDING CRITERIA, A FIVE-FOOT WIDE LANDSCAPED OUTLOT ABUTTING AND PARALLEL TO PUBLIC RIGHT-OF-WAY FOR COLLECTOR AND ARTERIAL ROADS WILL BE ELIGIBLE FOR CREDIT AGAINST THE OTHERWISE REQUIRED PARKS, OPENS PACE AND TRAILS IMPACT FEE/DEDICATION. BOTH THE LAND AREA AND THE IMPROVEMENT TO THE LAND ARE ELIGIBLE FOR CREDIT. THE MINIMUM REQUIRED WIDTH IS FIVE FEET AND THE MINIMUM REQUIRED LANDSCAPING MUST CONSIST OF ONE LARGE TREE FOR EVERY FORTY LINEAR FEET ALONG THE PUBLIC RIGHT-OF-WAY AND APPROPRIATE GROUNDCOVER AND IRRIGATION. THIS OUTLOT MUST BE OWNED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION AND CONTAIN A PUBLIC ACCESS EASEMENT IN ORDER TO RECEIVE CREDIT.**
- B. THE FOLLOWING PUBLIC TRAILS WILL BE REQUIRED TO BE PROVIDED IN ALL DEVELOPMENTS TO PROVIDE AN ADEQUATE BICYCLE AND PEDESTRIAN TRANSPORTATION SYSTEM. THE LAND AREA REQUIRED FOR THE PUBLIC TRAIL IS NOT ELIGIBLE FOR CREDIT AGAINST THE OTHERWISE REQUIRED PUBLIC PARKS, OPEN SPACE, AND TRAILS IMPACT FEE/DEDICATION. CONSTRUCTION OF THE PUBLIC TRAIL(S) MAY BE REQUIRED AND THE COST OF TRAIL CONSTRUCTION OF A PRIMARY TRAIL OR AN OFF-SITE TRAIL IS ELIGIBLE FOR CREDITS AGAINST THE PUBLIC PARKS, OPEN SPACE, AND TRAILS IMPACT FEE/DEDICATION. INTERNAL LINKS NECESSARY TO PROVIDE AN ADEQUATE BICYCLE AND TRANSPORTATION NETWORK INTERNAL TO THE DEVELOPMENT ARE NOT ELIGIBLE FOR CREDITS.**

- 1. LAND FOR PRIMARY TRAILS AS IDENTIFIED IN THE PARKS, OPEN SPACE, AND TRAILS MASTER PLAN MUST BE PROVIDED. TRAIL HEADS SHOULD BE REQUIRED FOR PRIMARY TRAILS AT ALL MAJOR ACCESS POINTS AND SHOULD INCLUDE PARKING AREAS, RESTROOMS, SHADED SEATING AND PICNIC AREAS, REGULATORY, INFORMATIONAL AND ENTRY SIGNS, AND DRINKING FOUNTAINS WHERE FEASIBLE.**
- 2. LOCAL TRAILS MUST BE PROVIDED TO LINK TO EXISTING OR PLANNED FUTURE TRAILS.**
- 3. TRAILS THAT PROVIDE A VALUABLE LINK TO DESTINATIONS SUCH AS SCHOOLS, PARKS, OPEN SPACE, OTHER NEIGHBORHOODS, AND COMMERCIAL AREAS MUST BE PROVIDED.**
- 4. TRAILS ARE REQUIRED TO PROVIDE A CONNECTION TO AVOID OUT-OF-DIRECTION TRAVEL BY PEDESTRIANS AND BICYCLISTS. AS AN EXAMPLE, A TRAIL IS REQUIRED AT THE END OF ALL CUL-DE-SACS TO CONNECT TO AN EXISTING ROAD, OTHER TRAIL OR FUTURE DEVELOPMENT CONNECTION IF THE PROPERTY HAS DEVELOPMENT POTENTIAL (REGARDLESS OF FUTURE LAND USE).**
- 5. TRAILS PROPOSED ADJACENT TO A ROADWAY SHOULD BE A LAST RESORT WHEN NO OTHER OPTIONS EXIST. ATTACHED SIDEWALKS ARE NOT CONSIDERED TRAILS. IF A TRAIL IS PROPOSED ADJACENT TO A ROADWAY, THE TRAIL MUST BE DETACHED FROM THE ROADWAY AND TRAIL USER SAFETY SHALL BE A PRIMARY CONSIDERATION.**
- 6. THE WIDTH OF LAND REQUIRED FOR PRIMARY TRAILS SHALL BE AT LEAST 30-FEET BUT 50-FEET OR MORE IS PREFERRED. THE WIDTH OF THE TRAIL SURFACE FOR A PRIMARY TRAIL SHOULD BE AT LEAST 10 FEET AND MAY BE REQUIRED TO BE WIDER IN CERTAIN CIRCUMSTANCES SUCH AS IN AREAS OF LIMITED SITE DISTANCE. THE WIDTH OF LAND REQUIRED FOR LOCAL TRAILS MUST BE AT LEAST 16-FEET FOR SHORT CONNECTIONS (SUCH AS BETWEEN CUL-DE-SACS) AND WIDER FOR LONGER CONNECTIONS (SUCH AS A TRAIL BEHIND REAR PROPERTY LINES ALONG A BLOCK). THE WIDTH OF THE TRAIL SURFACE FOR LOCAL TRAILS SHOULD BE AT LEAST 8 FEET AND MAY BE REQUIRED TO BE WIDER IN CERTAIN CIRCUMSTANCES.**
- 7. TRAILS WILL BE REQUIRED TO BE PAVED IN MOST CIRCUMSTANCES AND TRAILS MUST BE PAVED IN ORDER TO RECEIVE CREDIT.**
- 8. VERTICAL CLEARANCE ON ALL TRAILS MUST BE AT LEAST EIGHT (8) FEET. HORIZONTAL CLEARANCE MUST BE AT LEAST 3 FEET ON BOTH SIDES.**
- 9. ADEQUATE LIGHTING SHOULD BE REQUIRED AT ALL TRAILHEADS, PRIMARY TRAIL ACCESS POINTS, UNDERPASSES AND AT INTERSECTIONS WITH OTHER TRAILS. ADJACENT ROADWAY LIGHTING MAY BE USED WHERE POSSIBLE.**
- 10. MAXIMUM GRADE SHOULD BE NO MORE THAN 5 %.**

~~A. Public sites, parks, open spaces, and trails include:~~

- ~~1. Areas within the community designated for the common use of the residents of an individual development and/or members of the community at large for active or passive recreation activities including trails;~~
- ~~2. Areas designated for preservation and protection of environmental resources including: floodplains, natural drainage ways, and wetland areas;~~
- ~~3. Areas impacted by subsidence;~~
- ~~4. Areas designed for agricultural preservation, and~~
- ~~5. Areas of archeological and historic significance.~~

~~B. Required public sites, parks, open spaces, and trails shall not include the following:~~

- ~~1. Required setback area around oil and gas production facilities;~~
- ~~2. Disconnected remnants of land created by the division of tracts into lots or parcels that do not qualify as functional parkland or open spaces, do not preserve environmental, archeological and historic resources, or do not provide valuable trail connections, or open spaces amenities, unless otherwise approved by the City Council;~~
- ~~3. Private yards; or~~
- ~~4. Lawns and landscape strips and medians within the street rights-of-way.~~

17.29.040 GENERAL PROVISIONS.

~~A. Public Sites, Parks and Open Spaces to Serve as Neighborhood Focus. Open spaces, such as the city's drainage ways and parks, shall be used to organize and focus lot, block and circulation patterns and to enhance surrounding development. Street, block, lot and building patterns shall respond to the views, landscape and recreational opportunities provided by such parks, public sites and open spaces areas.~~

~~B. Public Access. Areas designated as public sites, parks, and open spaces shall be both visibly and physically accessible to the community. Public access shall be provided to all public parks, open spaces, natural and developed, and trails directly from the public street and trail system. Public site, parks and open spaces areas shall be bounded along at least ten (10) percent of the perimeter by a street, except for natural open spaces areas if authorized by the City Council.~~

C. OPEN SPACE THAT IS NOT A PARK AS DEFINED IN THIS TITLE IS NOT ELIGIBLE FOR CREDITS AGAINST THE OTHERWISE REQUIRED PARK, OPEN SPACE, AND TRAILS IMPACT FEE/DEDICATION (WITH THE EXCEPTION OF FIVE FOOT WIDE LANDSCAPE STRIPS AS DESCRIBED IN SECTION 17.29.030.A.13). IN OPEN SPACE AREAS, THE EMPHASIS IS ON

RESOURCE PROTECTION OR PRESERVATION AND PUBLIC USE SHOULD BE BALANCED WITH THE NEED FOR RESOURCE PROTECTION. TYPES OF PUBLIC USE SHOULD BE LIMITED TO TRAILS, BENCHES, PICNIC SITES, ENVIRONMENTAL INTERPRETATION AND EDUCATIONAL AREAS. EASEMENTS FOR A PUBLIC TRAIL, PROTECTION OF NATURAL OR HISTORICAL FEATURES, WATERSHEDS, WILDLIFE, AND SIMILAR RESOURCES MAY BE REQUIRED AND IMPROVEMENTS TO OPEN SPACE AREAS MAY BE ELIGIBLE FOR CREDITS AGAINST THE OTHERWISE REQUIRED PUBLIC PARKS, OPEN SPACE, AND TRAILS IMPACT FEE/DEDICATION AND WILL BE DETERMINED ON A CASE-BY-CASE BASIS BY THE CITY DECISION MAKING BODY THROUGH THE LAND DEVELOPMENT REVIEW PROCESS.

- D. Buffering: Appropriate buffering and setbacks shall be used between environmental resources and proposed development to ensure that the proposed development does not degrade the existing habitat or interfere with other uses. At a minimum, the following buffer standards apply **TO THE FOLLOWING ENVIRONMENTAL RESOURCES**:

Canals **AND DRAINS**– fifty (50) feet on both sides of the canal **OR DRAIN** as measured from the centerline of the canal **OR DRAIN**.

Washes and creeks and wetlands – one hundred (100) feet **ON BOTH SIDES OF THE WASH, OR CREEK AS MEASURED FROM THE CENTERLINE OF THE WASH OR 100 FEET FROM THE EDGE OF THE WETLAND AREA.**

Colorado River – three hundred (300) feet **ON BOTH SIDES OF THE RIVER AS MEASURED FROM THE CENTERLINE OF THE RIVER.**

- E. ~~Park and Open Spaces Uses. Uses designated within public and private parks and open spaces shall be appropriate to the context and character of the site and the intensity of the proposed development.~~

- F. ~~Ownership and Maintenance of Public Sites, Parks, Open Spaces and Trails. Ownership and maintenance of public sites, parks, open spaces, and trails shall be determined by the City Council on a case-by-case basis through the development review process.~~

17.29.0450 MAINTENANCE OF PRIVATE PUBLIC PARKS, RECREATION AREAS AND OPEN SPACE, AND TRAILS.

- A. Any homeowners' association or other organization established to own and maintain ~~private~~ **PUBLIC** parks, ~~recreation areas or common~~ open space, **OR TRAILS** shall maintain such lands and improvements in a reasonable order and condition in accordance with the **APPROVED LAND DEVELOPMENT** ~~developer's application, the development plan, as approved, and any conditions of approval, the applicable declaration of covenants.~~
- B. In the event a homeowners' association or other organization established to own and maintain

~~private~~**PUBLIC** parks, ~~recreation areas or common~~ open space, **OR TRAILS**, or any successor organization, fails at any time after approval of the development by the city to maintain the ~~private~~ **PUBLIC** parks, ~~recreation areas or common~~ open space, **OR TRAILS** in a reasonable order and condition, the Community Development Department may serve written notice upon such organization or upon the residents of the development setting forth the manner in which the organization has failed to maintain the ~~private~~**PUBLIC** parks, ~~recreation areas or common~~ open space, **OR TRAILS**, as applicable, in a reasonable order and condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon before the City Council which shall be held within twenty-one (21) days of the notice. At such hearing, the City Council may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured.

If the deficiencies set forth in the original notice or in the modification thereof are not cured within said thirty (30) days, or any extension thereof, the City Council, in order to preserve the taxable values of the properties within the development, and to prevent the ~~private~~ **PUBLIC** park, ~~recreation areas or common~~ open space, **OR TRAILS** from becoming a public nuisance, may enter upon said ~~private~~**PUBLIC** park, ~~recreation areas or common~~ open space, **OR TRAILS** and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any right to use the ~~private~~ park, ~~recreation areas or common~~ open space, **OR TRAILS**, except when the same is voluntarily dedicated to the public by the developer. Before the expiration of said year, the City Council, upon its own initiative or upon the written request of the organization previously responsible for the maintenance of the ~~private~~**PUBLIC** park, ~~recreation areas or common~~ open space, **OR TRAILS**, shall call a public hearing upon notice to such organization or to the residents of the development, at which hearing such organization or the residents of the development shall show cause why such maintenance by the city should not, at the election of the city, continue for a succeeding year.

If the City Council determines that such organization is ready and able to maintain the **PUBLIC** ~~private~~ park, ~~recreation areas or common~~ open space, **OR TRAILS** in a reasonable condition, the city shall cease to maintain such area at the end of the one (1) year period. If the City Council determines that such organization is not ready and able to maintain said **PUBLIC** ~~private~~ park, ~~recreation areas or common~~ open space, **OR TRAILS** in a reasonable condition, the city may, at its discretion, continue to maintain the **PUBLIC** ~~private~~ park, ~~recreation areas or common~~ open space, **OR TRAILS** during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

- C. The cost of the maintenance of a **PUBLIC** ~~private~~ park, ~~recreation areas or common~~ open space, **OR TRAILS** by the City of Fruita, including an administration fee equal to ten (10) percent of such cost, shall be paid by the **ORGANIZATION ESTABLISHED TO OWN AND MAINTAIN THE PARK, OPEN SPACE OR TRAIL** ~~owners of properties within the development that have a right of enjoyment of the private park, recreation areas or common open spaces~~, and any unpaid assessments shall become a tax lien on **THE PROPERTIES WITHIN THE DEVELOPMENT** ~~said properties~~. The city shall file a notice of such lien in the office of the Mesa County Clerk and Recorder upon the properties affected by such lien within the development and shall certify such unpaid assessments to the Mesa County Board of County Commissioners and the Mesa County Treasurer for collection,

enforcement and remittance in the manner provided by law for the collection, enforcement, and remittance of general property taxes.

Section 5. An Appendix to the Land Use Code is hereby adopted to read as follows:

APPENDIX LANDSCAPING STANDARDS

APPENDIX

LANDSCAPING STANDARDS

UPDATED MARCH 16, 2010

CITY OF FRUITA LANDSCAPING SPECIFICATIONS

DEVELOPED AND COMPILED BY THE CITY OF FRUITA COMMUNITY
DEVELOPMENT DEPARTMENT USING THE TRI RIVER AREA
COLORADO STATE UNIVERSITY EXTENSION OFFICE PUBLICATIONS
ON RECOMMENDED PLANT SPECIES.

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THE CITY OF FRUITA IS LOCATED IN USDA HARDINESS ZONE: 6-7

LANDSCAPE PLANTS SUITABLE FOR THE CITY OF FRUITA

Compiled using the CSU Extension Office recommended landscape and planting publications

PLANT TYPE:

GC=Ground Cover; ET= Evergreen Tree; OG= Ornamental Grass; P=Perennial; S=Shrub; T= Tree; V=Vine

PLANT SIZE:

S=Small; M=Medium; L=Large

If the Xeriscape cell is selected, plant/tree/shrub is considered suitable for a Xeriscaping landscape.

Tree size at time of planting not to exceed 3" caliper. (Trunk measured at 6" above finished grade)

Staking and Guying of trees shall be completed immediately upon planting and stay for 1-2 years.

TREES					
BOTANICAL NAME	COMMON NAME	MIN. SIZE REQUIRED	PLANT TYPE	PLANT SIZE	XERISCAPE
Acer campestre	Maple, Hedge	1" Caliper	T	S	
Acer freemanii 'Jeffersred'	Maple, Autumn Blaze	1" Caliper	T	L	
Acer ginnala	Maple, Amur	1" Caliper	T	S	
Acer platanoides	Maple, Norway	1" Caliper	T	L	
Acer platanoides 'Emerald Queen'	Maple, Emerald Queen	1" Caliper	T	L	
Acer tataricum	Maple, Tatarian	1" Caliper	T	S	
Betula nigra	Birch, River	1" Caliper	T	L	
Catalpa speciosa	Catalpa, Western	1" Caliper	T	L	✓
Celtis occidentalis	Hackberry, Western	1" Caliper	T	L	✓
Cercis canadensis	Redbud, Eastern	1" Caliper	T	S	
Crataegus crus-galli inermis	Hawthorn, Thornless Cockspur	1" Caliper	T	S	
Crataegus laevigata 'Paul's Scarlet'	Hawthorn, Paul's Scarlet	1" Caliper	T	S	
Crataegus phaenopyrum	Hawthorn, Washington	1" Caliper	T	S	
Crataegus viridis	Hawthorn, Winter King	1" Caliper	T	M	
Corylus colurna	Filbert, Turkish	1" Caliper	T	L	
Fraxinus americana 'Autumn Purple'	Ash, Autumn Purple	1" Caliper	T	L	
Fraxinus pennsylvanica	Ash, Green	1" Caliper	T	L	✓
Fraxinus pennsylvanica 'Marshall'	Ash, Marshall's seedless	1" Caliper	T	L	✓
Ginkgo biloba	Maidenhair Tree	1" Caliper	T	L	
Gleditsia triancanthos inermis	Honeylocust, Thornless	1" Caliper	T	L	✓
Gymnocladus dioica	Kentucky Coffeetree	1" Caliper	T	L	✓
Juniperus scopulorum	Juniper, Rocky Mountain	1" Caliper	ET	M	✓
Koelreuteria paniculata	Golden Rain Tree	1" Caliper	T	S	✓
Liriodendron tulipifera	Tulip Tree	1" Caliper	T	L	
Malus spp.	Crabapple (Spring Snow, Adams, Radiant)	1" Caliper	T	S	
Morus alba 'Pendula'	Mulberry, Weeping	1" Caliper	T	S	

LANDSCAPE PLANTS SUITABLE FOR THE CITY OF FRUITA

Compiled using the CSU Extension Office recommended landscape and planting publications

PLANT TYPE:

GC=Ground Cover; ET= Evergreen Tree; OG= Ornamental Grass; P=Perennial; S=Shrub; T= Tree; V=Vine

PLANT SIZE:

S=Small; M=Medium; L=Large

If the Xeriscape cell is selected, plant/tree/shrub is considered suitable for a Xeriscaping landscape.

Tree size at time of planting not to exceed 3" caliper. (Trunk measured at 6" above finished grade)

Staking and Guying of trees shall be completed immediately upon planting and stay for 1-2 years.

TREES					
BOTANICAL NAME	COMMON NAME	MIN. SIZE REQUIRED	PLANT TYPE	PLANT SIZE	XERISCAPE
Morus alba 'Stribling'	Mulberry, Fruitless	1" Caliper	T	L	
Picea glauca 'Conica'	Spruce, Dwarf Alberta	1" Caliper	ET	M	
Picea pungens	Spruce, Colorado	1" Caliper	ET	L	
Pinus aristata	Pine, Bristlecone	1" Caliper	ET	S	✓
Pinus cembroides edulis	Pine, Pinyon	1" Caliper	ET	M	✓
Pinus nigra	Pine, Austrian	1" Caliper	ET	L	
Pinus strobiformis	Pine, Southwestern White	1" Caliper	ET	L	
Pinus sylvestris	Pine, Scotch	1" Caliper	ET	L	
Platanus acerifolia	Planetree, London	1" Caliper	T	L	
Populus angustifolia	Cottonwood, Narrowleaf	1" Caliper	T	L	
Populus fremontii	Cottonwood, Fremont	1" Caliper	T	L	
Prunus cerasifera	Plum, Cherry	1" Caliper	T	S	
Prunus cerasifera 'Newport'	Plum, Newport Purple-Leaf	1" Caliper	T	S	
Prunus cerasifera 'Thundercloud'	Plum, Thundercloud Purple-Leaf	1" Caliper	T	S	
Prunus cerasifera 'Mt. St. Helens'	Plum, Mt. St. Helens Cherry	1" Caliper	T	S	
Prunus maackii	Chokecherry, Amur	1" Caliper	T	S	
Prunus virginiana	Chokecherry	1" Caliper	T	M	
Pseudotsuga menziesii	Fir, Douglas	1" Caliper	ET	L	
Pyrus calleryana	Pear, Ornamental (Aristocrat, Autumn Blaze, Redspire, Bradford)	1" Caliper	T	S	
Quercus bicolor	Oak, Swamp White	1" Caliper	T	L	
Quercus macrocarpa	Oak, Bur	1" Caliper	T	L	✓
Quercus shumardii	Oak, Shumard	1" Caliper	T	L	
Robinia ambigua 'Idahoensis'	Locust, Idaho	1" Caliper	T	M	
Sophora japonica	Japanese Pagoda Tree	1" Caliper	T	L	
Thuja occidentalis	Arborvitae, American	1" Caliper	ET	M	
Tilia americana	Linden, American	1" Caliper	T	L	
Ulmus parvifolia	Elm, Lacebark	1" Caliper	T	L	

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Achillea hybrids	Yarrow	#1	P	S	✓
Agastache cana	Hyssop, Wild	#1	P	S	✓
Agastache rupestris	Hyssop, Sunset	#1	P	S	✓
Alcea rosea	Hollyhock	#1	P	M	✓
Alyssum saxatile 'Compactum'	Basket of Gold	#1	P	S	
Andropogon gerardii	Big bluestem	#1	OG	L	✓
Aegopodium podagraria 'variegatum'	Variegated Bishop's weed	#1	GC	M	✓
Amelanchier alnifolia	Serviceberry	#5	S	L	
Aquilegia hybrids	Columbine	#1	P	S	✓
Arctostophylos x coloradensis	Manzanita, Colorado	#5	S/GC	S	
Artemisia filifolia	Sage, Sand	#5	S	S	✓
Artemisia 'Powis Castle'	Sage, Silver	#1	P	S	
Artemisia schmidtiana	Sage, Silver Mound	#1	GC	S	✓
Artemisia tridentata	Sage, Basin	#5	S	M	✓
Aster spp.	Aster	#1	P	S-M	
Berberis thunbergii 'Crimson Pygmy'	Barberry, Crimson Pygmy	#5	S	S	✓
Berberis thunbergii 'Rosy Glow'	Barbery, Rosy Glow	#5	S	M	✓
Buddleia davidii	Butterfly bush	#5	S	M	
Buxus microphylla 'Wintergreen'	Boxwood, Wintergreen	#5	S	S	
Calamagrostis x acutiflora 'Karl Foerster'	Reed Grass, Karl Foerster	#5	OG	M	
Calamagrostis x acutiflora 'Overdam'	Reed Grass, Overdam Feather	#5	OG	M	
Callirhoe involucrata	Poppy Mallow	#1	P	S	

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Campanula persicifolia	Bellflower, Peachleaf	#1	P	S	
Campsis radicans	Trumpet Vine	#5	V	L	
Caragana arborescens	Siberian Peashrub	#5	S	L	
Carex buchananii	Japanese Red Sedge	#1	OG	S	
Caryopteris incana	Spirea, Bluemist	#5	S	S	
Centaurea montana	Bachelor Button	#1	GC	S	✓
Cerastium tomentosum	Snow-in-Summer	#1	GC	S	✓
Chaenomeles speciosa	Flowering quince	#5	S	M	
Chrysothamnus nauseosus	Rabbitbrush	#5	S	M	✓
Coreopsis grandiflora 'Sunray'	Coreopsis, Sunray	#1	P	S	✓
Coreopsis verticillata 'Moonbeam'	Coreopsis, Moonbeam	#1	P	S	✓
Cornus sericea	Dogwood, Redtwig	#5	S	L	
Cornus sericea 'Kelseyi'	Dogwood, Kelsey Redtwig	#5	S	S	
Cortaderia selloana 'Pumila'	Dwarf Pampas grass	#1	OG	M	
Cotinus coggygria 'Purple Robe'	Smoketree, Purple	#5	S	L	
Cotoneaster apiculatus	Cotoneaster, Cranberry	#5	S	S	
Cotoneaster horizontalis	Cotoneaster, Rock	#5	S	M	✓
Cotoneaster acutifolia	Cotoneaster, Peking	#5	S	L	✓
Dalea purpurea	Purple Prairie Clover	#1	P	S	
Delphinium elatum 'Magic Mountain Mix'	Delphinium, Dwarf	#1	P	S	
Delosperma nubigenum	Iceplant, Hardy Yellow	#1	GC	S	✓
Dianthus 'Brilliancy'	Dianthus, Pinks	#1	P	S	
Dianthus barbatus	Sweet William, mixed	#1	P	S	
Echinacea purpurea	Coneflower, Purple	#1	P	S	✓
Erianthus ravennae	Pampas Grass	#5	OG	L	
Erigeron hybrids	Daisy, Fleabane	#1	P	S	✓
Euonymus alatus	Burning bush	#5	S	L	

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Euonymus alatus 'Compacta'	Dwarf Burning bush	#5	S	M	
Euonymus fortunei 'Emerald Gaiety'	Euonymus, Emerald Gaiety	#5	S	M	
Euonymus fortunei 'Emerald'n Gold'	Euonymus, Emerald'n Gold	#5	S	M	
Euonymus fortunei 'Moonshadow'	Euonymus, Moonshadow	#5	S/GC	S	
Euonymus kiautschovicus 'Manhattan'	Euonymus, Manhattan	#5	S	M-L	
Euphorbia marginata	Snow-on-the-mountain	#1	GC	M	✓
Fallugia paradoxa	Apache Plume	#5	S	M	✓
Festuca ovina glauca	Fescue, Blue	#1	OG/GC	S	✓
Festuca idahoensis	Fescue, Idaho		OG	S	✓
Forestiera neomexicana	Privet, New Mexican	#5	S	L	✓
Forsythia spp.	Forsythia	#5	S	L	
Gaillardia x grandiflora 'Dazzler'	Dazzler Blanketflower	#1	P	S	✓
Gaillardia x grandiflora 'Goblin'	Goblin flower	#1	P	S	✓
Gaura lindheimeri	Whirling butterflies	#1	P	S	✓
Geranium sanguineum	Bloody Cranesbill	#1	P	S	
Geum hybrids	Geum	#1	P	S	
Helianthemum nummularium	Yellow sunrose	#1	P	S	✓
Helictotrichon sempervirens	Blue oat grass	#1	OG	S	✓
Heliopsis helianthoides 'Summer Sun'	False sunflower	#1	P	M	
Hemerocallis spp.	Daylily	#1	P	S	✓
Heuchera sanguinea	Coral bells	#1	P	S	
Hibiscus syriacus	Rose-of-Sharon	#5	S	L	
Holodiscus dumosus	Rock Spirea	#5	S	M	✓

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Hydrangea arborescens 'Annabelle'	Hydrangea, Annabelle	#5	S	S	
Iberis sempervirens	Candytuft	#1	P	S	✓
Imperata cylindrica 'Rubra'	Japanese Blood Grass	#1	OG	S	
Iris hybrids	Bearded Iris	#1	P	S	✓
Juniperus 'Blue Star'	Juniper, Blue Star	#5	S	S	
Juniperus 'Calgary Carpet'	Juniper, Calgary Carpet	#1	GC	M	✓
Juniperus chinensis 'Armstrong'	Juniper, Armstrong	#5	S	M	✓
Juniperus chinensis 'Blue Point'	Juniper, Upright	#5	S	M	
Juniperus chinensis 'Old Gold'	Juniper, Old Gold	#5	S	M	✓
Juniperus 'Hetzii'	Juniper, Hetzi	#5	S	L	✓
Juniperus horizontalis 'Blue Chip'	Juniper, Blue Chip	#1	GC	M	✓
Juniperus horizontalis 'Hughes'	Juniper, Hughes	#1	GC	M	✓
Juniperus horizontalis 'Prince of Wales'	Juniper, Prince of Wales	#1	GC	M	✓
Juniperus scopularum 'Gray Gleam'	Juniper, Gray Gleam	#5	S	L	✓
Kniphofia uvaria	Red Hot Poker	#1	P	S	✓
Lavandula angustifolia	Lavender	#1	P	S	✓
Leucanthemum x superbum	Daisy, Shasta	#1	P	S	
Liatrus spicata 'Kobold'	Blazing star	#1	P	S	✓
Ligustrum x vicaryi	Privet, Golden Vicary	#5	S	M	
Lilium asiatica	Lily, Asiatic	#1	P	S	
Lilium orientalis	Lily, Oriental	#1	P	S	
Lonicera japonica 'Halliana'	Hall's Japanese Honeysuckle	#1	V/GC	L	✓
Mahonia aquifolium	Oregon Grapeholly	#5	S	M	

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Mirabilis multiflora	Desert Four O'Clock	#1	P	S	✓
Miscanthus sinensis 'Gracillimus'	Maiden Grass	#5	OG	L	
Miscanthus sinensis 'Silberfeder'	Variegated silver Maiden Grass	#5	OG	L	
Miscanthus sinensis 'Zebrinus'	Zebra grass	#5	OG	L	
Oenothera speciosa	Primrose, Mexican Evening	#1	P	S	✓
Paeonia hybrids	Peonies	#1	P	S	
Panicum virgatum	Switch grass	#1	OG	L	
Papaver orientale	Poppy, Oriental	#1	P	S	
Parthenocissus quinquefolia	Virginia Creeper	#1	V	L	
Parthenocissus tricuspidata	Boston Ivy	#1	V	L	
Pennisetum alopecuroides	Fountain grass	#5	OG	M	
Pennisetum alopecuroides 'Hamelin'	Dwarf Fountain grass	#5	OG	S	
Penstemon caespitosus	Penstemon, Mat	#1	GC	S	✓
Penstemon strictus	Penstemon, Rocky Mountain	#1	P	S	
Perovskia atriplicifolia	Russian Sage	#5	S	M	
Phalaris arundinacea 'Picta'	Ribbon grass	#1	OG	M	
Philadelphus x virginalis	Mockorange	#5	S	L	
Phlox subulata	Phlox, Creeping	#1	GC	S	✓
Physocarpus opulifolius	Common ninebark	#5	S	L	
Picea glauca 'Conica'	Spruce, Dwarf Alberta	#5	S	M	
Pinus mugo	Pine, Mugo	#5	S	S-L	
Pinus mugo 'Slowmound'	Pine, Dwarf Mugo	#5	S	S	
Platycodon grandiflora	Balloonflower	#1	P	S	
Polygonum aubertii	Silver Lace Vine	#1	V	M	
Potentilla fruticosa	Cinquefoil	#5	S	S	✓
Potentilla verna	Creeping potentilla	#1	GC	S	✓
Prunus x cistena	Plum, Cistena	#5	S	M	

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Prunus tomentosa	Cherry, Nanking (Manchu)	#5	S	L	
Prunus virginiana	Chokecherry	#5	S	L	
Prunus virginiana 'Shubert'	Chokecherry, Shubert	#5	S	L	
Rhamnus frangula 'Columnaris'	Columnar buckthorn	#5	S	L	
Rhus trilobata	Sumac, Three-leaf	#5	S	M	✓
Rhus aromatica 'Grow-low'	Sumac, Grow Low	#5	S	S	
Ribes alpinum	Currant, Alpine	#5	S	S	
Ribes aureum	Currant, Golden	#5	S	M	
Rosa spp. (Climbing)	Climbing roses	#5	S	M-L	
Rosa spp. 'Meidiland or other'	Shrub roses	#5	S	S-L	
Rosa hybrid (Florabunda)	Florabunda roses	#5	S	M	
Rosa hybrid (Hybrid-Tea)	Hybrid-Tea roses	#5	S	M	
Rudbeckia fulgida	Black-eyed Susan	#1	P	S	✓
Salix purpurea nana	Willow, Dwarf arctic	#5	S	M	
Salvia nemorosa 'May Night'	Salvia, May Night	#1	P	S	
Sambucus canadensis 'Aurea'	Elderberry, Golden	#5	S	L	
Santolina chamaecyparissus	Gray Santolina	#1	GC	S	✓
Scabiosa caucasica	Pincushion flower	#1	P	S	
Schizachyrium scoparium	Little bluestem	#1	OG	M	✓
Sedum 'Autumn Joy'	Steoncrop	#1	P	S	✓
Sedum 'Dragon's Blood'	Stonecrop, Dragon's Blood	#1	GC	S	✓
Sedum pinifolium	Blue Spruce Sedum	#1	GC	S	✓
Sorbaria sorbifolia	Spirea, Ash-leaf	#5	S	L	
Spiraea x bumalda 'Anthony Waterer'	Spirea, Anthony Waterer	#5	S	S	
Spiraea x bumalda 'Froebelii'	Spirea, Froebel	#5	S	S	
Spiraea x bumalda 'Goldflame'	Spirea, Goldflame	#5	S	S	
Spiraea x vanhouttei	Spirea, Vanhoutte	#5	S	M	
Symphoricarpos albus	Snowberry	#5	S	M	

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Symphoricarpos x chenaultii 'Hancock'	Hancock Coralberry	#5	S	S	
Syringa patula 'Miss Kim'	Lilac, Miss Kim	#5	S	M	
Syringa vulgaris	Lilac	#5	S	L	
Tanacetum niveum	Daisy, Snow	#1	P	S	
Tanacetum x coccineum	Daisy, Painted	#1	P	S	
Thuja occidentalis	Arborvitae, American	#5	S	L	
Thymus pseudolanuginosa	Thyme, Woolly	#1	GC	S	✓
Thymus Serpyllum	Thyme, Wild	#1	GC	S	✓
Veronica pectinata	Speedwell, Blue Woolly	#1	GC	S	✓
Veronica prostrata	Speedwell, Prostrate	#1	GC	S	✓
Veronica spicata	Blue Spike Speedwell	#1	P	S	
Viburnum opulus	Cranberry bush, European (Snowball bush)	#5	S	L	
Viburnum opulus 'Compactum'	Cranberry bush, Compact European (Snowball bush)	#5	S	M	
Viburnum trilobum 'Compactum'	Cranberry bush, Compact American	#5	S	M	
Vinca minor	Periwinkle		GC	S	✓
Weigela florida 'Java Red'	Weigela, Java Red	#5	S	M	
Weigela florida 'Variegata'	Weigela, Variegated	#5	S	M	
Yucca baccata	Yucca, Banana	#5	S	M	✓
Yucca filamentosa 'Golden Sword'	Yucca, Golden Sword	#5	S	S	✓
Yucca harrimaniae	Yucca, Harriman's	#5	S	S	✓
Zinnia grandiflora	Zinnia, Rocky Mountain	#1	P	S	✓

Choosing a Soil Amendment

no. 7.235

by J.G. Davis and C.R. Wilson¹(5/05)

Quick Facts...

- Soil amendments improve the physical properties of soils.
- Amendments are mixed into the soil. Mulches are placed on the soil surface.
- The best soil amendments increase water- and nutrient-holding capacity and improve aeration and water infiltration.
- Wood products can tie up nitrogen in the soil.
- Sphagnum peat is superior to Colorado mountain peat.
- When using biosolids, choose Grade 1 biosolids.

A soil amendment is any material added to a soil to improve its physical properties, such as water retention, permeability, water infiltration, drainage, aeration and structure. The goal is to provide a better environment for roots.

To do its work, an amendment must be thoroughly mixed into the soil. If it is merely buried, its effectiveness is reduced, and it will interfere with water and air movement and root growth.

Amending a soil is not the same thing as mulching, although many mulches also are used as amendments. A mulch is left on the soil surface. Its purpose is to reduce evaporation and runoff, inhibit weed growth, and create an attractive appearance. Mulches also moderate soil temperature, helping to warm soils in the spring and cool them in the summer. Mulches may be incorporated into the soil as amendments after they have decomposed to the point that they no longer serve their purpose.

Organic vs. Inorganic Amendments

There are two broad categories of soil amendments: organic and inorganic. Organic amendments come from something that is or was alive. Inorganic amendments, on the other hand, are either mined or man-made. Organic amendments include sphagnum peat, wood chips, grass clippings, straw, compost, manure, biosolids, sawdust and wood ash. Inorganic amendments include vermiculite, perlite, tire chunks, pea gravel and sand.

Not all of the above are recommended by Colorado State University. These are merely examples. Wood ash, an organic amendment, is high in both pH and salt. It can magnify common Colorado soil problems and should not be used as a soil amendment. Don't add sand to clay soil -- this creates a soil structure similar to concrete.

Organic amendments increase soil organic matter content and offer many benefits. Organic matter improves soil aeration, water infiltration, and both water- and nutrient-holding capacity. Many organic amendments contain plant nutrients and act as organic

fertilizers. Organic matter also is an important energy source for bacteria, fungi and earthworms that live in the soil.

Application Rates

If your soil has less than 3 percent organic matter, then apply 3 cubic yards of your chosen organic amendment per 1,000 square feet. To avoid salt buildup, do not apply more than this. Retest your soil before deciding whether to add more soil amendment.

Wood Products

Wood products can tie up nitrogen in the soil and cause nitrogen deficiency in plants. Microorganisms in the soil use nitrogen to break down the wood. Within a few months, the nitrogen is released and again becomes available to plants. This hazard is greatest with sawdust, because it has a greater surface area than wood chips. If you plan to apply wood chips or sawdust, you may need to apply nitrogen fe

If you plan to apply wood chips or sawdust, you may need to apply nitrogen fertilizer at the same time to avoid nitrogen deficiency.

Sphagnum Peat vs. Mountain Peat

Sphagnum peat is an excellent soil amendment, especially for sandy soils, which will retain more water after sphagnum peat application. Sphagnum peat is generally acid (i.e., low pH) and can help Gardeners grow plants that require a more acidic soil. Colorado mountain peat is not as good a soil amendment. It often is too fine in texture and generally has a higher pH.

Mountain peat is mined from high-altitude wetlands that will take hundreds of years to rejuvenate, if ever. This mining is extremely disruptive to hydrologic cycles and mountain ecosystems. Sphagnum peat is harvested from bogs in Canada and the northern United States. The bogs can be revegetated after harvest and grow back relatively quickly in this moist environment.

Are Biosolids Safe?

Biosolids are byproducts of sewage treatment. They may be found alone or composted with leaves or other organic materials. The primary concerns about biosolids are heavy metal content, pathogen levels and salts. To avoid excessive levels of heavy metals and to ensure that pathogens have been killed, always choose a Grade 1 biosolid. While Grade 1 biosolids are acceptable for food Gardens, do not use them on root Crops because they will come in direct contact with the edible portion of the plant. Do not use biosolids below Grade 1.

Manure vs. Compost

Fresh manure can harm plants due to elevated ammonia levels. To avoid this problem, use only aged manure (at least six months old). Pathogens are another potential problem with fresh manure, especially on vegetable Gardens. Compost manure for at least two heating cycles at 130 to 140 degrees F to kill any pathogens before applying the manure to vegetable Gardens. **Most home composting systems do not sustain temperatures at this level.** Home-composted products containing manure are best used in flower Gardens, shrub borders and other nonfood Gardens. See fact sheets [9.369, Preventing E. coli From Garden to Plate](#), and [7.212, Composting Yard Waste](#).

During composting, ammonia gas is lost from the manure. Therefore, nitrogen levels may be lower in composted manure than in raw manure. On the other hand, the phosphorus and potassium concentrations will be higher in composted manure. Modify fertilizer practices accordingly. Salt levels also will be higher in composted manure than in raw manure. If salt levels are already high in your Garden soil, do not apply manures.

Other composts are available that are made primarily from leaf or wood products alone or in combination with manures or biosolids.

Factors to Consider When Choosing an Amendment

There are at least four factors to consider in selecting a soil amendment:

- how long the amendment will last in the soil,
- soil texture,
- soil salinity and plant sensitivities to salts, and
- salt content and pH of the amendment.

Laboratory tests can determine the salt content, pH and organic matter of organic amendments. The quality of bulk organic amendments for large-scale landscape uses can then be determined.

Longevity of the Amendment

The amendment you choose depends on your goals.

- Are you trying to improve soil physical properties quickly? Choose an amendment that decomposes rapidly.
- Do you want a long-lasting improvement to your soil? Choose an amendment that decomposes slowly.
- Do you want a quick improvement that lasts a long time? Choose a combination of amendments.

Amendment	Decomposition rate
Grass clippings, manures	Rapid decomposition (days to weeks)
Composts	Moderate decomposition (about six months)
Wood chips (redwood, cedar), hardwood bark, peat	Slow decomposition (possibly years)

Soil Texture

Soil texture, or the way a soil feels, reflects the size of the soil particles. Sandy soils have large soil particles and feel gritty. Clay soils have small soil particles and feel sticky. Both sandy soils and clay soils are a challenge for Gardeners. Loam soils have the ideal mixture of different size soil particles.

When amending sandy soils, the goal is to increase the soil's ability to hold moisture and store nutrients. To achieve this, use organic amendments that are well decomposed, like composts or aged manures.

With clay soils, the goal is to improve soil aggregation, increase porosity and permeability, and improve aeration and drainage. Fibrous amendments like peat, wood chips, tree bark or straw are most effective in this situation.

Use Tables 2 and 3 for more specific recommendations. Because sandy soils have low water retention, choose an amendment with high water retention, like peat, compost or vermiculite. Clay soils have low permeability, so choose an amendment with high permeability, like wood chips, hardwood bark or perlite. Vermiculite is not a good choice for clay soils because of its high water retention.

Soil Texture	Permeability	Water Retention
Sand	high	low
Loam	medium	medium
Silt	low	high
Clay	low	high

Amendment	Permeability	Water Retention
Fibrous Peat Wood chips Hardwood bark	low-medium high high	very high low-medium low-medium
Humus Compost Aged manure	low-medium low-medium	medium-high medium
Inorganic Vermiculite Perlite	high high	high low

Soil Salinity and Plant Sensitivity to Salts

Some forms of compost and manures can be high in salts. Avoid these amendments in soils that are already high in salts (above 3 mmhos/cm) or when growing plants that are sensitive to salts. Raspberry, strawberry, bean, carrot, onion, Kentucky bluegrass, maple, pine, viburnum and many other landscape plants are salt sensitive. In such cases, choose sphagnum peat or ground leaves instead of compost or manures.

Salt Content and pH of the Amendment

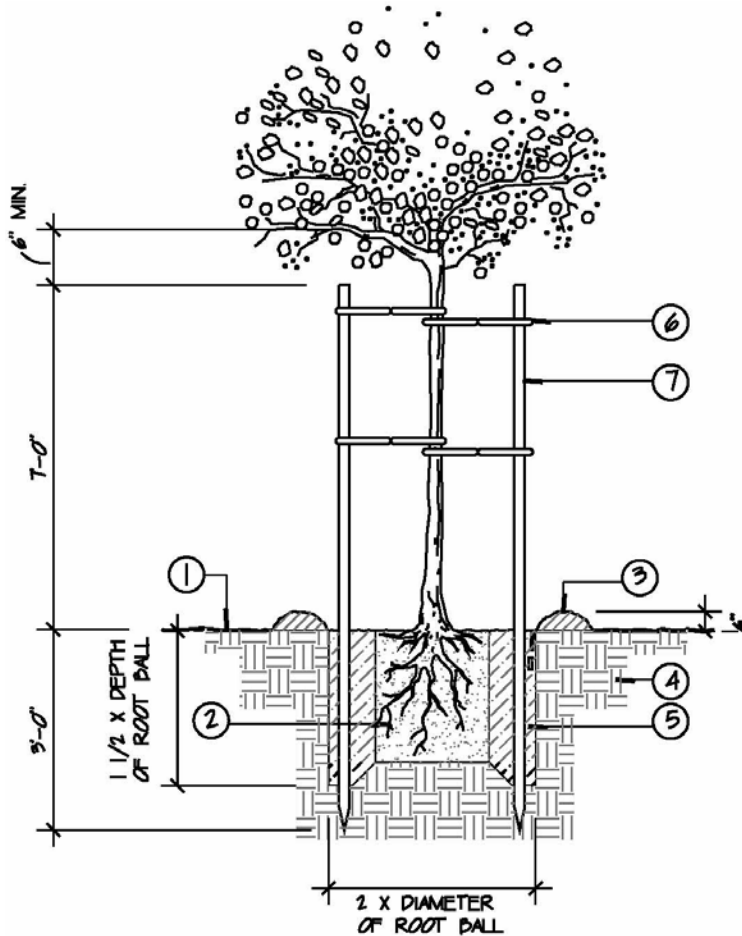
Always beware of salts in soil amendments. High salt content and high pH are common problems in Colorado soils. Therefore, avoid amendments that are high in salts or that have a high pH. Amendments high in salts and/or pH include wood ash, Colorado mountain peat and composted manures. An amendment with up to 10 mmhos/cm total salts is acceptable if well mixed into low-salt soils (less than 1 mmhos/cm). Amendments with a salt content greater than 10 mmhos/cm are questionable. Choose a low-salt amendment for soils testing high in salts.

Sphagnum peat and compost made from purely plant sources are low in salts and are good choices for amending Colorado soils. Ask for an analysis of the organic amendments that you are considering, and choose your amendments wisely. If no analysis is available, test a small amount of the amendment before purchasing a large quantity.

¹J.G. Davis, Colorado State University Extension soil specialist and associate professor, soil and crop sciences; and C.R. Wilson, Extension horticulture agent, Denver County. 6/00. Reviewed 5/05.

EXAMPLE OF TYPICAL STAKING/GUYING OF TREE

DETAIL



KEY

- ① FINISH GRADE
- ② ROOTBALL
- ③ TEMPORARY 6" WATERING BASIN
- ④ NATIVE SOIL
- ⑤ BACKFILL MIX (PER PLANTING SPECIFICATIONS)
- ⑥ TREE TIES (MIN. 4 REQUIRED) SECURE TO POLE W/GALV. NAIL.
- ⑦ 2" DIA. TREATED LODGEPOLE PINE STAKE

NOTE:

- STAKES SHALL NOT PIERCE ROOTBALL AND SHALL EXTEND INTO UNDISTURBED SOIL.
- PLACE PRE-MANU. TIES ACCORDING TO MANU. RECOMMENDATIONS.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
6TH DAY OF APRIL, 2010.**

City of Fruita

ATTEST:

H. Kenneth Henry, Mayor

City Clerk