

RESOLUTION 2023-21_
A RESOLUTION OF THE FRUITA CITY COUNCIL OF THE CITY OF
FRUITA, COLORADO WAIVING PARKS, OPEN SPACE AND TRAILS
IMPACT FEES FOR THE FRUITA MEWS DEVELOPMENT

WHEREAS, IndiBuild, LLC, the developer of the Fruita Mews affordable housing project (“MEWS Project”) has requested that the City waive the requirement that it pay parks, open space and trail fees (“POST Fees”); and

WHEREAS, the City has determined that IndiBuild, LLC is required to pay \$93,000 in POST Fees in accordance with Section 17.47.090(D) of the City’s Land use Code for the MEWS Project; and

WHEREAS, Section 17.47.070(H) of the City’s Land Use Code allows City Council to “in its sole discretion and by an affirmative vote of at least three fourths (3/4) of all members of the Council, waive, suspend, defer 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;” and

WHEREAS, the City of Fruita Comprehensive Plan 2020 (“Fruita in Motion”) specifically states as a Community Value a commitment “to a land use pattern and supporting policies that promote access to housing across the income spectrum of its residents;” and

WHEREAS, Fruita in Motion also states as a goal the City’s support of affordable housing and creation of a diversity of housing types; and

WHEREAS, C.R.S. § 29-20-104.5(5) states that “[a]ny impact fee or other similar development charge shall be collected and accounted for in accordance with part 8 of article 1 of this title. Notwithstanding the provisions of this section, a local government may waive an impact fee or other similar development charge on the development of low- or moderate-income housing or affordable employee housing as defined by the local government,” without any accounting requirements; and

WHEREAS, the Fruita Housing Authority has determined that the MEWS Project provides low-income housing; and

WHEREAS, at its June 20, 2023 meeting the City Council considered IndiBuild, LLC’s formal request for a waiver of the POST fees; and

WHEREAS, the City Council finds that the MEWS Project provides low income housing and meets the goals of Fruita in Motion to provide low income housing.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE , COLORADO THAT:

1. The above Recitals are true and correct.
2. The City Council hereby finds that the MEWS Project will provide low income housing and a variety of housing types by providing 50 residential rental apartment units, which will help the City meet the stated goals and values of Fruita in Motion.
3. The City Council hereby waives the POST fees for the MEWS Project in accordance with the Land Use Code Sections 17.47.070(D) 17.47.070(H) and C.R.S. § 29-20-104.5(5), specifically finding that such is necessary to for the MEWS Project and such promotes economic development within the City and promotes the public health and safety of the City's citizens by providing low income housing.

PASSED, APPROVED, AND ADOPTED THIS ____ DAY OF _____, 2023 BY THE FRUITA CITY COUNCIL OF THE CITY OF FRUITA ON A FIRST AND FINAL READING, BY A VOTE OF ____ FOR AND ____ AGAINST.

City of Fruita

Joel Kincaid, Mayor

ATTEST:

Margaret Sell, City Clerk