FRUITA PLANNING COMMISSION
IN-PERSON/VIRTUAL MEETING
June 13, 2023
6:00 P.M.

**Public Link to Meeting**
When: June 13, 2023 - 6:00 PM Mountain Time (US and Canada)

This meeting will be held in person with the option to attend virtually. The link to join the meeting electronically will be posted on 6/13/2023 prior to the meeting at https://www.fruita.org/c/pc/page/planning-commission-meeting-93 under Planning Commission Meetings. You may also contact the City of Fruita at (970) 858-0786 for information to connect to the meeting.

The following items will be presented at this public hearing of the Fruita Planning Commission for their consideration. The Planning Commission will formulate a recommendation that will be forwarded to the Fruita City Council. 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.

General Rules
Land use public hearings are similar to a court proceeding. Proper procedures will ensure a fair hearing for all and allow the land use items to be acted on in a timely manner. In the interests of time and to assure a fair hearing for everyone, the following rules will be followed:
1. There will generally be a 15-minute presentation (maximum) by the applicant.
2. Individual speakers will normally be limited to 3 minutes each.
   (Additional comments may be submitted in writing.)
3. The applicant will then have a rebuttal time of approximately 5 minutes.

The purpose of a land use hearing is to have the facts of a case presented in a manner that will assist the decision-makers in making a fair, legal, and complete decision. The hearing is a fact-finding forum by unbiased decision-makers. Unruly behavior, such as booing, hissing, cheering, applause, verbal outbursts, or other inappropriate behavior, detract from the hearing and will not be permitted.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. AMENDMENTS TO THE AGENDA
   None.

D. APPROVAL OF THE AGENDA

E. WITHDRAWN ITEMS
   None.
F. CONTINUED ITEMS
   None

G. CONSENT ITEMS

1. APPROVAL OF MINUTES: May 9, 2023, Planning Commission meeting.

H. HEARING ITEMS:

1. IMPACT FEES
   Application #: 2023-19
   Application Name: Impact Fees
   Application Type: Land Use Code Amendment
   Representative: City of Fruita
   Description: This is a request for approval of amendments to Title 17.47 of the Fruita Municipal Code concerning Impact Fees.

2. SUBDIVISIONS
   Application #: 2023-20
   Application Name: Subdivisions
   Application Type: Land Use Code Amendment
   Representative: City of Fruita
   Description: This is a request for approval of amendments to Title 17 of the Fruita Municipal Code concerning the subdivision process.

3. FLUM – DMU Core Amendment
   Application #: 2023-21
   Application Name: Future Land Use Map – DMU Core Amendment
   Application Type: Comprehensive Plan Amendment
   Representative: City of Fruita
   Description: This is a request for approval of amendments to the Future Land Use Map concerning the Downtown Mixed-Use (DMU) Core area.

OTHER BUSINESS
   1. Community Development Updates.
   2. Visitors and Guests.
   3. Other Business.

ADJOURNMENT

RULES OF PROCEDURE
1. THE HEARING IS OPENED BY THE CHAIR OF THE PLANNING COMMISSION
   The Chair reads the item on the agenda.
2. THE STAFF PRESENTS THE STAFF REPORT
   The Fruita City staff present their reports.
3. THE PETITIONER SUMMARIZES THE PROJECT
   The petitioner or his/her representative is asked to present the proposal. Presentations should be brief and to the point but covering all of the main aspects of the project.
4. PUBLIC COMMENTS
People speaking should step up to the microphone and speak clearly, stating their name and address. They should be brief and to the point and try not to repeat what others have said. The Chair asks for those in favor of the item to speak and then those opposed to the item to speak. Any others who wish to speak are then asked to come up to the microphone.

5. REBUTTAL
The Chair asks for the petitioner’s rebuttal. During this brief time, the petitioner should address the major questions raised by the public and the Commission.

6. THE HEARING IS CLOSED TO PUBLIC COMMENTS AND THE ITEM IS DISCUSSED
The Chair closes the public hearing to public comments. No further comments from the public are allowed at this time. The Commission discusses the item and may ask the petitioner, staff, or members of the public to come back to the microphone to answer questions.

7. VOTE
The Chair asks the Commission for a motion on an item. After the motion is seconded, the Chair asks for a discussion on the motion. The motion may be amended and if it is amended, the Commission votes on whether to accept the amendment. After discussion and consideration of any amendments, the Commission votes on the motion. If the motion fails, or if there is a tie vote, another motion may be made and voted on using the same procedure. In addition to recommending an item be approved, approved with conditions or denied, the Commission may also table an item or continue an item to a later date.

8. FOLLOW UP
The Planning Commission’s decision is forwarded to the Fruita City Council. Once a project is approved by the City Council it must be revised to reflect all the conditions placed on it by the City Council before documents are recorded and/or building permits are issued. If the project fails to meet the Fruita Land Use Code time limits for final documents, the project approval of the project lapses and the project must be resubmitted.

9. The Planning Commission may also continue a project or deny a project. At the request of the Planning Commission, the City Council may continue a scheduled public hearing to allow the Planning Commission more time to consider or reconsider the application.
A. CALL TO ORDER

Five Planning Commissioners were in attendance. (Jessica Hearns, Mel Mulder, Derek Biddle, Amy Miller, and Patrick Hummel were present.)

B. PLEDGE OF ALLEGIANCE

Commissioner Biddle led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None

D. APPROVAL OF THE AGENDA

COMMISSIONER MILLER MOVED TO APPROVE THE AGENDA
COMMISSIONER HEARNS SECONDED THE MOTION
MOTION PASSED 5-0

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

Application #: 2023-19
Application Name: Title 17.47 – Public Dedications and Impact Fees
Application Type: Land Use Code Amendment
Representative: City of Fruita
Description: This is a request for approval of amendments to Title 17.47 of the Fruita Municipal Code concerning the timing of payment of Impact Fee’s and amending the Parks, Health, Recreation, Open Space, and Trails impact fee base value.

COMMISSIONER HEARNS MOVED TO APPROVE THE CONTINUED ITEM
COMMISSIONER MILLER SECONDED THE MOTION
MOTION PASSED 5-0

G. CONSENT ITEMS

APPROVAL OF MINUTES

April 11, 2023, Planning Commission Meeting.

COMMISSIONER HEARNS MOVED TO APPROVE THE MINUTES
COMMISSIONER MILLER SECONDED THE MOTION
MOTION PASSED 3-0 (COMMISSIONER MULDER AND COMMISSIONER HUMMEL ABSTAINED FROM THE VOTE AS THEY WERE NOT PRESENT AT THE LAST MEETING)

H. HEARING ITEMS

Application #: 2023-11
Project Name: Adele’s Acres
Application: Preliminary Plan
Property Owner: 1024 19 Rd LLC
Location: 1024 19 Road
Description: This is a request for approval of a Preliminary Plan of a 48 lot subdivision on approximately 15.01 acres

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

Slide 1 – Introduction

Slide 2 – Application Details

- Preliminary Plan
- 1024 19 Road - Southeast of 19 Road and J 2/10 Road.
- 48 lots over approximately 15.01 acres
- Annexed and Zoned in 2022

Slide 3 – Legal Notice

- All Legal Notice accomplished in accordance with local law.
- Post Cards – April 19, 2023
- Sign Posting – April 12, 2023
- Newspaper – April 19, 2023

Slide 4 – Site Posting and Buffer Zone

Mr. Hemphill explained that the buffer area must be at least a 350’ radius or 20 unique properties. In this case since the area is rural, the area was extended to achieve at least 20 unique properties.

Slide 5 – 2022 Aerial View

Mr. Hemphill pointed out the existing house on the southwest corner of the property which is proposed to remain.

Slide 6 – Zoning Map

Mr. Hemphill mentioned that the property had been zoned for Community Residential (CR).
Slide 7 – Future Land Use Map

Mr. Hemphill said that the Future Land Use Map supported this property to be within the city limits as Community Residential. He pointed out that the subject property sat at the edge of the Urban Growth Boundary.

Slide 8 – Site Plan

Mr. Hemphill showed the lot layout and the right-of-way layout of the subject property in relation to 19 Road and J 2/10 Road. He discussed access to the property. He also talked about an emergency access located in Tract A and 19 Road.

Slide 9 – Review Criteria

- Section 17.21.040 (A)
- 5 criteria to consider.
  - Compatibility with surrounding area.
  - Adequate provisions of all required services.
  - Ability to resolve all comments and recommendations without a significant redesign.

Mr. Hemphill spoke about the Pre-Consultation meeting and what is usually discussed. He mentioned sewer lines, water lines, irrigation systems, right of way and improvements. He said that they were looking at improvements on 19 Road with an extension of a sewer line. The proposal is coming from J and Freemont. He talked about the trunk line extension in Highway 6 & 50 that connected from under the railroad tracks along the Highway 19 Road and through the Iron Wheel Subdivision. He said that there is a recapture along 19 Road north to all these subject properties that would be developing in accordance with the Future Land Use Map. As far as the right of way improvements, typically they would be required in full sections along 19 Road or minor collectors. He added that it was important to acquire the right of way to do the improvements and that they allocate Transportation Impact Fee Funds for those specific areas. Mr. Hemphill added that it was also important to look at the traffic studies and their recommendations and how they respond to that. He spoke about improvements along J 2/10 Road and would be required in accordance with that street section. As far as sewer, the City relies on the engineering team and their comments.

Mr. Hemphill addressed compatibility with surrounding areas. He stated that this would be the first subdivision around this area. He stated that they needed to look at the Future Land Use Map and what does the Code says about what should be built in this area. He said that this subdivision would be compatible with the surrounding area once it is built out.

Mr. Hemphill talked about the review comment process. He also stated that this application can resolve the comments and recommendations without a significant redesign if they were able to respond to all comments adequately.
Slide 10 – Review Comments & Public Comments

- REVIEW COMMENTS:
  - No reviewer expressed any major concerns with the proposed development plan.
- PUBLIC COMMENTS:
  - No written public comments have been received by Staff at this time.
  - Neighborhood meeting held on Dec. 7, 2022, by applicant.

Slide 11 – Suggested Motion

- Mr. Chair, I move we (approve/deny) application 2023-11, the Adeles Acres Preliminary Plan to the City Council with the condition that all review comments and all issues identified in the Staff Report be adequately resolved with the Final Plat application.

Slide 12 – Next Steps

- Following Planning Commission
  - City Council public hearing – June 6, 2023 @ 7pm.
  - If approved by City Council.
  - Final Plat submitted within 180 days.
  - Final Plat is administrative, this process ensures comments have been addressed.

Mr. Hemphill concluded his presentation.

Commissioner Biddle thanked him and invited the applicant to speak.

Ms. Courtney Patch with River City Consultants, the applicant’s representative, went up to speak. She introduced the project. She showed an aerial photo showing the subject property and where it is located. She mentioned that the property was annexed and zoned in 2022, it was zoned Community Residential and is approximately 15.01 acres. She stated that currently the land uses in this area are large lot agricultural operations and residential. She showed a site plan of the proposed subdivision layout. She pointed out the existing home that is proposing to stay on approximately 1.77 acres and the other lots are approximately 7000-9900 square feet. She showed a photo of the layout and what the subdivision would look like on top of the aerial photo. She said that they did receive comments and she briefly touched on those comments from the first round of review. She said that irrigation was always a big part of the community and development. She added that they have 20 shares of irrigation water on the property, and it would be divided up between the lots for irrigation and drainage for the landscaping tracts. She said that there is not flood irrigation happening on the site but in the past it has been. That will cease with the subdivision and with the improvements to the drainage and irrigation system they are going to improve the rates that are leaving the site and less water will be used and less runoff will be generated. She talked about a detention pond that will pump at a low flow rate. She talked about density; the minimum is between 4-6 units and currently they were proposing 3 because the lots are a little bit bigger but also because the existing home is taking up approximately 2 acres of their overall acreage which dropped the unit count down to 3 units per acres versus 4. They will be having discussions internally and with the property owner to see if
they can increase that and bring in planning to see if there is any leeway. She said that Mr.
Hemphill mentioned the J 2/10 Road construction improvements and they have been requested to
do half street improvements on the south part of J 2/10 Road. They will be working towards that
for the Final Plat submittal. She brought up that their engineering team is confident that they can
adequately address all the comments that they have received with response to comments. As far
as the traffic study, they were going to get their traffic engineer who prepared the traffic study
report involved. She said that there was only one comment on the traffic report, and he will get
involved to respond to that. The Fire Department had minor suggestions to move fire hydrants
within the subdivision and this will be taken care of. Planning mentioned adding a trail
connection on the north end and they did mention between lots 11-12 which are in the middle of
the northern section of the lot. The telecommunications tower, they are working to get it
removed. She concluded her presentation.

Commissioner Biddle thanked her and opened the meeting to public comment.

There was none.

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

Commissioner Hearns asked if a Preliminary Plat would be the same thing as a Preliminary
Plan?

Mr. Hemphill confirmed it was.

Commissioner Hearns stated that the application was a Preliminary Plan of a major subdivision
for single family lots. She asked if this was correct?

Mr. Hemphill said that the Code stated that a Preliminary Plan was required for anything over
ten lots in this particular case, yes.

Commissioner Hearns asked if approval of the plan forced the lot lines and doesn’t force what is
built on them, is this correct?

Mr. Hemphill confirmed this.

Commissioner Hearns asked if they wanted them to be multi-family for some reason, they would
have leeway to change that between now and design?

Mr. Hemphill said no.

Commissioner Hearns asked if this would be single family only?

Mr. Hemphill stated that duplexes would work. The proposal is single family detached. If they
wanted to change that, they would consider that.
Commissioner Hearns stated that if they did throughout design or as they moved forward with the Final Plat and addressing density acreage, what would the process be if they determined single family or duplexes weren’t working, would it come back as a Preliminary Plan?

Mr. Hemphill stated that if they wanted to go over the allowed by right density in the Code which is 4-6 dwelling units per acre, if they wanted to go above that, the density bonus kicks in and there would be consideration on that.

Commissioner Hummel asked if it was normal that even though there was a question from Staff regarding the density that this plat would be approved and they wouldn’t go through another round so that they could get that updated before it came before Planning Commission again? He didn’t feel that this would be a minor redo.

Mr. Hemphill verified that Commissioner Hummel was asking what was considered a major redesign that would kick it back through the public hearing process?

Commissioner Hummel confirmed this. He added that if they were changing from 48 to 54 lots that would significantly redraw this plat.

Mr. Hemphill said that an increase in the number of lots, a decrease in open space or an adjustment to the construction specifications like if they wanted a smaller street section that would kick it back through in accordance with the Land Use Code.

Commissioner Hummel asked why was Staff recommending approval if it was below what the Code specified for this area?

Mr. Hemphill stated that they could put a duplex on one of the lots which would be two units. They could get the density by decreasing the 1.7-acre parcel by a little bit and get closer to the four.

Commissioner Hummel asked if they had seen this historically?

Mr. Hemphill said no. It would be up to the applicant and the design team to come up with that.

Commissioner Hummel said that if they give the go ahead based on the 3 units, it could stay at that unless they hinge a statement to the end of the approval that it would only be approved if they have the density 4-6 which is what the code requires.

Mr. Hemphill added it was as proposed and that the property owner was present at the meeting.

Mr. Caris said that what was tricky is that they don’t have any density minimums codified in the Code. They have a range that is allowed by future land use not necessarily specifically by zone district and what is tricky for them is what is dissimilar to other agencies throughout the valley they ask for quite a bit of engineering to come before the Planning Commission and Council. Sometimes these things are not necessarily ferreted out, but they also have a very prescriptive by right use code in the zoning classifications. He continued that it was hard to hold up a
development when there is lot coverage maximums and setbacks and density that is afforded to a zone district. From their perspective they won’t materially change the zoning that is already afforded to this property by drawing a different lot line. He added that they would if they were to drop it to 3500 square feet because then there are some prescriptive amenities that are required to achieve that density bonus that would have to go through a public hearing process to be afforded. Sure, it would change the redesign and the Planning Commission could contemplate that this would be a compatibility issue, but they have development and property rights under the zone district to begin with. They either ask for a layout and hope the design could work or they ask for the engineering and they sacrifice a little clarity as to where everything is going to land. They would have to prove it to the public.

Commissioner Hummel said that this made sense and he thanked Mr. Caris. He said that the way he looked at the range, and he felt that this was a good example of why the range could exist, they are taking out a parcel and it is a larger square footage, and it is going to remain a single family independent of the rest of the development. The 4-6 range for the entire development seems like there is a good place for that. He continued that this all made sense being able to go to a higher density, a duplex for example, on some of those lots would be compatible with the Comp Plan having innovative neighborhood design that has a mix of uses. He continued that in the general planning review comments 3A it had trail misspelled as trial, he hoped to get this updated.

Mr. Hemphill thanked him for pointing that out.

Commissioner Hummel wondered what the rest of the Commission thought about the density. He would like to have a caveat attached to the approval if that was the way they decided to go so that they reached that land use requirement.

Commissioner Hearns stated that she was feeling similarly. She added that the criteria start with the word conformance with the plans and codes. She didn’t disagree with Staff, the Staff report had portions that conform but there are portions of the plan that she felt that don’t conform particularly goal 4 and 9. Those are the ones that are encouraging housing diversity so what they were getting at that data has shown that they have 81% of occupied homes are all single family and 97% are that way and goal 9 is economic sustainability. If they don’t have diversity in housing, they are drawing the types of people to live in Fruita that they want to have here. She thought that this subdivision at 3 dwelling units per acre is an excellent candidate for encouraging that through some sort of addition. This is what she came here wanting to talk about.

Commissioner Miller agreed and would like to see some duplexes thrown in there. She added that they needed to be careful that they are not stepping on those rights. They have met the basic criteria and have met the Comp Plan. They could encourage it; it would be wonderful to see some of those put in there but she didn’t feel comfortable requiring it.

Commissioner Biddle agreed. He would not want to require it but encourage it absolutely.
Commissioner Mulder said that this development is new in that area and as this builds out it is going to determine what happens in the future around it. The developer is indicating that they’re dealing with a little higher density in the development. He thought is what Mr. Hemphill has said and what Commissioner Hearns and Commissioner Hummel has said it is up to Staff to take the review agency comments and apply it to this location. He didn’t think they could put down a hard cut and dry density now. It is not working for them yet. He did think that in the future as this builds out, they will see what is going to happen in this area. He liked what Ms. Patch said and Mr. Hemphill said that as it builds out it is going to determine what happens within the Code.

Mr. Hemphill commended Commissioner Mulder for bringing it up about the edge and what stuck out to him is his recollection is when they were going through the Comprehensive Plan update was a long workshop about how the community wanted to see an edge. Did they want to see a soft edge where density feathers or a distinct edge where they decide where Fruita is? The City wanted a hard edge, identifiable as to where the city limits were. That is what the Code allows to happen in addition to a broad spectrum of different housing types. They were building single family detached housing for a while and it was copy and paste. There are still opportunities afforded to private property owners and developers alike to build duplexes, triplexes, apartment buildings in the core which is supported on the Future Land Use Map as infill projects but also how they were going to develop the edge. This is the proposal that they have seen, they can still do single family detached housing, ADUs are allowed, and they will have housing type within this area if that is the community and neighborhood that wants to be built out. He was glad that they talked about the edge because that is where this is.

Commissioner Hummel said he was concerned that they were going back to a model with a reduced density of feathering the edge and he preferred not to go back to that because we heard differently from the community. If they can require the 4-6 then he would like to see some kind of strong emphasis on point number 6 and Staff’s comments which are that density increases and further discussion with Council as part of the project as it builds out further with Staff.

Commissioner Miller asked what that would look like with the big piece taken out? She wanted to know where they were at in the subdivision piece. She felt like that would change the picture.

Mr. Hemphill responded that there were an additional 4 lots that would need to be included or units. He said that this was insignificant.

Commissioner Miller said that it was stated that they would be working towards this.

Mr. Hemphill said that they were trying to get 2 more units. The property owner had stated that they would like the opportunity for rebuttal.

Commissioner Biddle asked them to come up and state their name.

Mr. Darryl Cordova, one of the owners of 1024 19 Road LLC, said that the 1.77 acres belonged to Gary, and he will retain ownership of it after they divide. He said that his thought was he would like to put 3 duplexes on that piece of ground, future growth. He said that he didn’t know
if it would fly with the City of Fruita, but they could split that ground and put 3 duplexes on it. He said that they were just throwing it out there. They are open to suggestions and that is one of them and the lot may open and eliminate the density problem. He thanked them for their time.

Commissioner Hearns asked if this was platted as proposed and they wanted to change the subdivision or the applicant wanted to change the subdivision to have 3 duplexes on that parcel, what is that process?

Mr. Hemphill stated that it would be a minor subdivision application.

Commissioner Hearns asked if this was administrative?

Mr. Hemphill confirmed this. He stated that what the Code would allow, they could approve up to 60 units with the 4 times the 15 and then move on and say as long as you can get sewer there, work with Staff, City Engineering and Public Works on right of way improvements and they irrigation, there is enough. All those things can align with the impetus that if they want the density there approve up to the 60 units total and then if they came in and want one of the bigger lots allocated as a duplex then as Staff as they are reviewing those building permits, they have a process for that.

Commissioner Hearns asked if the up to language, is that in case they wildly wanted to change something and it something like 80 or 100 they just haven’t done the design to ensure the utilities are sufficient so that is why it would be capped?

Mr. Hemphill said yes.

Commissioner Hearns asked about criteria 2. It is the compatibility with surrounding land uses, she agreed that the surrounding land use is single family and zoned that way, but she didn’t know if there was some leeway to consider surrounding land use with its density. If they were looking at the current picture they are talking about massive density where there isn’t any, so it doesn’t feel like infill and it doesn’t feel like an edge just yet. She asked if this was in the criteria or is the criteria specifically surrounding land use?

Mr. Hemphill said that existing land uses, applicable zoning district requirements, and other City codes and regulations really take into consideration land use compatibility. When they are thinking about the Comprehensive Plan where the future zoning is going to be, how does it look, how does it get built out? They need to compare it to transportation standards; can they get there and serve the area with the density they envision happening there? Once time goes by and they see a development application and they start to review it, those kinds of things have already been considered and they were there tonight to talk about if they were proposing something wild and crazy that doesn’t meet the Comp Plan or Code? When they are proposing 48 single family detached lots that meet the lot size criteria and is honed in on their application, then that is when compatibility can be considered as being met with what could be there in the Comprehensive Plan or what is currently there which they would use for some infill projects. Balancing those together it does make sense to have residential uses in this location.
Commissioner Hearns agreed. She mentioned a comment on considering this when it is built out. She was thinking about the next one that comes, if this is up to 60 lots then the next one will be compared to this one, are they comfortable with that? She thinks she is. It was in reading the criteria, it doesn’t talk about density just the use.

Mr. Hemphill said that they have the lot size limitation which is density by design to a point where if you have 7000 square foot minimum lot sizes you are going to get 4 dwelling units per acre on average. When applications come in single family detached and attached with property line down the middle or duplexes, those are all single family uses. They work well together.

Commissioner Hearns had a question on criteria 4. She said it was omitted on the presentation. It was on natural uses and environmental protection. Is that because the definition here is there is nothing particularly unique, they don’t have to care about the cottonwoods, so it is not applicable?

Mr. Hemphill stated that he didn’t believe there were any cotton woods left. He said that they were going to be repurposed. There is no need to preserve any unique feature there. No eagles nest, no historic structure or landmark.

Commissioner Hummel pointed out that these were good points if this is what we are comparing things towards then they are also going to be comparing their approval. Future developments will look to their approval of this subdivision. He would feel better about the approval if they mentioned something about the 4-6 density as well as the housing mix and referencing the Code.

Commissioner Mulder asked if he could state that in the motion?

Commissioner Hearns said that she thought there were some disagreements on property rights and added that to the motion.

Commissioner Hummel said that he would not say requiring, he was saying encouraging item number 6 of the general plan review comments and on an emphasis on a mix of housing types per what the Land Use Code section’s reference to that would be.

Mr. Hemphill stated that what he was hearing was that they are encouraging the applicant to relook at how some of these things are built out once it goes through that process and that they were relying on Staff to make sure that they are considering those talking with the applicant and the property owner to discuss future options but to also include that every single minor change needs to come back through because it is inherently allowed in the Land Use Code to have 4-6 and to have a mix of housing types.

Commissioner Hummel confirmed that this was correct.

Commissioner Biddle stated that he would be fine with that.

Commissioner Mulder added that they had to remember the hard edge/soft edge conversation that they had and in the past. This is going to determine a lot of what goes on afterwards.
Commissioner Hearns stated that this was a concern with just encouragement. The way in which she read the word conformance for criteria 1 and the way in which she read Fruita in Motion, they want a hard edge, this is at it not even close to it, it literally is the edge. She added that the plan gave little developments at what it could be at 8 dwellings and talks about if it were 5 dwelling units per acre that they would meet the goals for anticipated growth within the community. She didn’t feel that it conforms to the plan and then she asked what does a conformance of a list mean? Is it your favorite things on the list? Is it 51% of the things on the list or is it all of the things on the list? For this application for her, it is all the things on the list hitting the edge and hitting diversity. She also recognized the property rights of the owner. She didn’t believe that it conformed to the plan.

Mr. Caris stated that it sounded like they were talking about density minimums. To implement the Comp Plan, they want to codify that this was a minimum. He added that it sounded like potentially prescriptively requires certain housing variations to be constructed. Whether implemented at Planning Commission level or Council level, in its truest form, that is implementation of the plan. He noted that this was a broader policy related question that would need to be discussed. He stated that they support that, and it is not foreign as the City of Grand Junction has implemented density minimums in their residential zone districts. He was unsure that they wanted to set that policy with an application but that they would want to do that as part of a broader conversation. He added that implementing the Comp Plan we would do through zoning. Not through changing the future land use, they would do it through implementing 4-8.

Commissioner Hummel mentioned the innovative neighborhood designs and this and while he would be good with dialing back the recommendation from strict requirements, his question with the plan in general was what is the innovative component of this design? Is it the future housing mix that goes on it? Is it the view corridor? What is innovative about this design?

Ms. Patch answered that they understood where they were going to with the density and what proposal is looking like now and with the edge conversation, those are all things they are taking into consideration. They are not necessarily trying to cram this crazy dense subdivision right on the border of these nice agricultural open lots that are right along the buffer zone with the county. The views are great too, that is the property owner’s intent was to try to keep some larger lots for single family residential and as Mr. Hemphill and Mr. Caris are mentioning single family residential does include duplexes that can be attached or detached. They are allowed to have ADUs if that is something they want to do. If they were looking for more affordable or a mix of housing, these are all things that they can consider but it is hard to see if it can be forced on their application as they are mentioning as well. They are willing to try and up their density by using duplexes or look at another idea that was briefly brought up earlier, the redesign of the larger lot or do a minor subdivision to take that out of the density calculation. This would give them more leeway on the proposed lots and not look at that acreage that is not being upped with houses right now. These are things that they discussed with their supervisors and the applicant, and they plan on having that further discussion with the City of Fruita, but the plan is as proposed now. They hoped to stick with the larger lots and be able to let Gary keep his house on 1.7 acres. The area and the buffer zone are taken into consideration.
Mr. Caris added that requiring or by encouraging an applicant to incorporate certain things in their development that are outside of the zone district is not allowed. These things are allowed. They are in the zone district that they are in. When the zoning decision was made, he did not want to conflate the two things, they are talking about neighborhood design, they have these entitlements. They are allowed multifamily and duplexes. Requesting that they incorporate these into their design is their prerogative. He thought it would be appropriate to encourage those things that are allowed, and they have those entitlements and potentially some flexibility with regards to lot size which might be difficult to achieve if they were in the 7000 square foot box.

Commissioner Hearns stated that this was helpful because she was struggling with what they could and could not do. She appreciated the representative mentioning that they looked at the edge and they read and were aware of them. She appreciates how challenging it must’ve been for something with nothing near it. She felt strongly that it just isn’t perfect yet. She said that she would like to add what Mr. Caris’ last suggestion was and ask for a few potential layouts that are amenable to the property owners when Council sees this for a decision.

Commissioner Hummel said that with focusing on housing mixes, let the density go for the moment because they are more interested in the housing mixes because the density is already achieved?

Commissioner Hearns affirmed this.

Commissioner Hummel liked this idea.

Commissioner Hearns thought the suggested motion is vague. She wanted to add something similar, with the condition that all Commissioners comments tonight are addressed in some kind of site plan layouts. She asked if this was sufficient language?

Mr. Hemphill asked if it was to show them how the applicant is attempting to meet the minimum density or for a mix of housing?

Commissioner Miller said it was for the mix of housing. She said the 1.7 makes it harder.

COMMISSIONER HUMMEL MOVED TO APPROVE APPLICATION 2023-11 ADELE’S ACRE PRELIMINARY PLAN TO THE CITY COUNCIL WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ALL ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION WITH THE ADDITION OF APPROXIMATELY 2-3 REVISED LAYOUTS OF THE PLAN INCLUDING A MIX OF HOUSING TYPES FOR COUNCIL TO CONSIDER

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 5-0
Application #: 2023-14  
Application Name: 1824 J 2/10 Road  
Application Type: Annexation  
Location: 1824 J 2/10 Road  
Current Zone: Mesa County Zoning AFT  
Description: This is a request to annex approximately 6.6 acre into the city limits.

Kelli McLean, Planning Technician, gave a combined Staff presentation for both the annexation and rezone applications. Although the presentation was combined, the applications would go through separate hearing processes. She stated that the annexation would go first as the rezone was contingent upon the annexation.

Slide 1 – Introduction of 1824 J 2/10 Road Annexation

Slide 2 – Application Details

Application #: 2023-14  
Application Name: 1824 J 2/10 Road  
Application Type: Annexation  
Applicants: Pete Hitchcock & Anthony Stolarczyk  
Location: 1824 J 2/10 Road  
Current Zone: Mesa County Zoning AFT  
Description: This is a request to annex approximately 6.6 acre into the city limits.

Slide 3 – Legal Notice

This slide showed postcards and the 350’ Buffer Zone for the Annexation.

Slide 4 – Legal Notice

- Post Cards: April 19, 2023 (20 days prior)  
- Sign Posting: April 12, 2023 (27 days prior)  
- Newspaper: April 19, 2023 (20 days prior)

Slide 5 – Zoning Map and Aerial View

Slide 6 – Future Land Use Map

Slide 7 – Review Criteria

- Section 17.17.050 (A)  
- 9 criteria to consider.  
  - Must meet the requirements of State Statutes -1/6th contiguity.  
  - Must be within the UGB.  
  - Can be served with police and other municipal services.
• The area meets or can meet the existing infrastructure standards set forth by the City.

Slide 8 – Review Comments & Public Comments

• **REVIEW COMMENTS:**
  - No reviewer expressed concerns with this annexation.
• **PUBLIC COMMENTS:**
  - No written public comments have been received by Staff at this time.

Slide 9 – Suggested Motion

• Mr. Chair, I move that we recommend **approval** to City Council, of application #2023-14, the annexation of 1824 J 2/10 Road.

Slide 10 – Next Steps

• City Council on June 6, 2023
  - If approved the annexation will be effective 30 days after the Ordinance is adopted

Slide 11 – Introduction to 1824 J 2/10 Road Rezone

Slide 12 – Application Details

Application #: 2023-13
Application Name: 1824 J 2/10 Road
Application Type: Rezone
Applicants: Pete Hitchcock & Anthony Stolarczyk
Location: 1824 J 2/10 Road
Current Zone: Mesa County Zoning AFT
Description: This is a request to rezone approximately 6.6 acres from Mesa County Zoning AFT to Community Residential (CR).

Slide 13 – Legal Notice

This slide showed the post cards and buffer zone for the rezone.

Slide 14 – Legal Notice

• Post Cards: April 19, 2023 (20 days prior)
• Sign Posting: April 12, 2023 (27 days prior)
• Newspaper: April 19, 2023 (20 days prior)

Slide 15 – Zoning Map and Aerial View
Slide 16 – Future Land Use Map

Slide 17- Close up to the Future Land Use Map

Slide 18 – Review Criteria

Slide 19 Review Comments & Public Comments

• **REVIEW COMMENTS:**
  • No reviewer expressed concerns with this annexation.
• **PUBLIC COMMENTS:**
  • No written public comments have been received by Staff at this time.

Slide 20 – Suggested Motion

• Mr. Chair, I move we recommend approval of Application 2023-13, 1824 J 2/10 Road Rezone, zoning the property to Community Residential to the Fruita City Council.

Ms. McLean concluded her presentation.

Commissioner Biddle thanked her and invited the representative to speak.

Mr. Pete Hitchcock went up to speak. He stated that Ms. McLean wrapped things up. He did want to add that they did hold a neighborhood meeting, they had two people show up. One was a neighbor from a block away and his comment was that he was concerned about the City forcing him to annex. Another neighbor wanted to talk about a fence line that had fallen over and she wished them the best and thought single family homes would be good there. They are currently zoned Mesa County AFT and they are wanting to become annexed and rezoned Community Residential. He thanked them.

Commissioner Biddle asked if there was anyone online.

There was not.

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

Commissioner Miller stated that she thought this was straightforward. She asked if the City of Fruita has ever forced annexation?

Mr. Caris responded that they do not, they typically do not force annexation unless it was part of an enclave and in that scenario for consistency for utility service there has been times when they have encouraged or approached property owners to annex to be able to build out the roadways and to extend the sewer service. They have been able to with most of the 60 feet county rights-of-ways do not have to do that but it is something that can happen and it is a slightly different
path than the annexation proceedings that they have experienced this evening. They can do this by resolution.

Commissioner Miller thanked him.

Mr. Caris stated that he wanted to take separate votes, one on the annexation and one on the zone for procedural purposes.

Commissioner Biddle closed Commissioner discussion and asked for a motion.

COMMISSIONER HEARNS MOVED THAT THEY RECOMMEND TO CITY COUNCIL OF APPLICATION #2023-14 THE ANNEXATION OF 1824 J 2/10 ROAD

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 5-0

Application #:  2023-13
Application Name:  1824 J 2/10 Road
Application Type:  Rezone
Location:  1824 J 2/10 Road
Current Zone:  Mesa County Zoning AFT
Description:  This is a request to rezone approximately 6.6 acres from Mesa County Zoning AFT to Community Residential (CR).

COMMISSIONER MILLER MOVED TO RECOMMEND APPROVAL OF THE ZONE REQUEST TO ZONE THE SUBJECT PROPERTY TO COMMUNITY RESIDENTIAL WITH NO CONDITIONS TO THE FRUITA CITY COUNCIL.

COMMISSIONER HUMMEL SECONDED THE MOTION

MOTION PASSED 5-0

I. OTHER BUSINESS

1. Community Development Updates
2. Mr. Caris spoke about the upcoming Code amendments, potential changes for subdivision applications, and the DMU boundary line.
3. Visitors and Guests
   None
4. Other Business
   Election of Officers
COMMISSIONER MILLER MOVED TO KEEP COMMISSIONER BIDDLE AS CHAIR
COMMISSIONER MULDER SECONDED THE MOTION
MOTION PASSED 5-0

COMMISSIONER HEARNS MOVED TO RETAIN COMMISSIONER MULDER AS VICE-CHAIR
COMMISSIONER MILLER SECONDED THE MOTION
MOTION PASSED 5-0

Adjournment 7:39 pm
Respectfully submitted,
Kelli McLean
Planning Technician, City of Fruita
Application #: 2023-19  
Project Name: Impact Fees  
Application: Land Use Code Amendment  
Representative: City of Fruita  
Request: This is a request for approval of amendments to Title 17.47 of the Fruita Municipal Code concerning Impact Fees.

BACKGROUND:

This is a request for approval of amendments to the Land Use Code concerning the timing of payment of impact fees for residential, non-residential, and multifamily developments. An amendment to the Parks, Health, Recreation, Open Space, and Trails (PHROST) Impact Fee Base Value is proposed as well as clarifying a base rate adjustment based on a 10-year average of how the Transportation Impact Fee’s are calculated.

TIMING OF PAYMENT:

For residential developments, (single-family, townhomes, and condominiums as defined in Section 17.57 Definitions and Rules of Interpretations of the Land Use Code) impact fees will be due in full at the time of permit approval for a Planning Clearance.

For non-residential and multifamily developments, impact fees are currently due at Planning Clearance approval. Staff is proposing these fees be calculated and due at the time of the issuance of a Certificate of Occupancy.

Also, the Ordinance states that all accessory dwelling units are excluded from paying impact fees.
PARKS, HEALTH, RECREATION, OPEN SPACE, AND TRAILS IMPACT FEES:

With regard to the PHROST Fee itself, City Council directed Staff to conduct an Impact Fee Study (in accordance with the PHROST Master Plan) for the implementation and determine the appropriate impact fee based on level of service and cost factors. The fees represent the highest amount supportable for each type of housing unit, which represents new growth’s fair share of the cost for capital facilities. For Single Family, the maximum supported fee is $3,179 and for Multifamily its $2,154. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

TRANSPORTATION IMPACT FEE:

As for the Transportation Impact Fee’s, the Ordinance proposes adding additional language regarding the basis for which the Transportation Impact Fee values are set. The ordinance proposes a 10-year rolling average of the Colorado Department of Transportation’s Construction Cost Index. The purpose of this is to avoid large increases or decreases year-over-year for the city’s transportation impact fee values.

The modifications to this section also include removing an old phasing schedule related to the implementation of the Transportation Impact Fee when amendments took place in 2020.

REVIEW OF LAND USE CODE REQUIREMENTS:

17.09.080 (B) Approval Criteria. Amendment to this Title may be made upon a finding that the amendment is consistent with the city’s goals, policies and Comprehensive Plan.

The proposed amendments related to the PHROST Plan align with Goal #1 and Policy 1.1 on page 111 of the Fruita PHROST Master Plan. This policy reads as follows below:

Policy 1.1 Support financial strategies that allow for the provision of adequate facilities and programs into the future.

1.1.1: Develop short-term cost recovery percentages with the goal of establishing resource allocation/cost recovery philosophy and policy using a community-informed model for all fees charged by FPR.

1.1.2: Prioritize the funding of large capital parks and recreation facilities such as completing primary trails development, Reed Park Renovation, Little Salt Wash Park Expansion, Lagoon Development Area, future land acquisition in the southeast area of
the Urban Development Boundary (UDB), and Etchart Park Design and Construction by further evaluating Chapter 17.19, Section 17.19.090 of the Fruita Municipal Code to update development costs which will result in the per household maximum combined parkland and trail impact fee.

1.1.3: Evaluate land values and current construction costs to update the POST Impact Fee.

Staff does not believe that the proposed amendments would deviate from the Plan Vision which states, “The City of Fruita values quality of place. It’s an inclusive city, with a small-town feel and vibrant downtown, surrounded by public lands. People love to live, work, and play in Fruita because the City facilitates community, safe neighborhoods, family-friendly events, and walking and biking. The City governs in a way that’s responsive to its citizens and prioritizes high-impact services and projects. Fruita fosters a fun and funky ambiance around the arts, agriculture, and recreation.” (Page 3, Comprehensive Plan).

Additionally, it is a commitment of Staff to continue to review the Land Use Code to help ensure that the regulations reflect the best promotion of Fruita’s Core Services. Staff believes these amendments meet this criterion.

REVIEW COMMENTS:

No reviewer expressed concerns regarding this proposed Land Use Code amendments.

PUBLIC COMMENTS:

At this time, no written public comments have been received regarding this proposed Land Use Code amendment.

LEGAL NOTICE:

17.07.040 (E)(3)
When a proposed amendment to the zone district regulations pertains to an entire zone district or all zone districts, notice shall be given only by publication in a newspaper of general circulation within the city, at least 15 days prior to the public hearing and posting of the notice at least five (5) days prior to the hearing at the Fruita City Hall, 325 East Aspen, Fruita, CO 81521, with no posting on any specific property or mailing required.

Legal Notice in Paper- May 24, 2023 (20 days prior to public hearing)
Posted Legal Notice- May 24, 2023 (20 days prior to public hearing)
STAFF RECOMMENDATION:
Staff recommends **approval** of the proposed Land Use Code amendments as proposed.

SUGGESTED MOTION:
Mr. Chair, I move we recommend (**approval**/denial) of the proposed Land Use Code amendments to the Fruita City Council.

**FRUITA PLANNING COMMISSION: JUNE 13, 2023**
**FRUITA CITY COUNCIL: JULY 18, 2023**
ORDINANCE NO. 2023-06

AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 17.47 OF THE FRUITA LAND USE CODE CONCERNING IMPACT FEES.

WHEREAS, Title 17.47 of the City of Fruita (the “City”) Municipal Code (the “Code”) sets forth the purposes and applicability of Public Dedications and Impact Fees;

WHEREAS, the Land Use Code has been established for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the community;

WHEREAS, City staff has proposed amendments to the Land Use Code for consideration; and

WHEREAS, the Planning Commission will be reviewing the proposed amendments at their June 13, 2023, public hearing; and

WHEREAS, this Ordinance was introduced at first reading on June 6, 2023, pursuant to Section 2.13(B) of the City Charter; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the requirement of Section 2.13(B) of the City Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council.

TIMING OF PAYMENT:

Section 2. Amendments to Chapter 17.47.025 (A), (B), and (C). Chapter 17.47.025 (A), (B), and (C) are hereby amended to read as follows:

A. Notwithstanding any provision contained in this Chapter to the contrary, any vacant building lot within the city created prior to January 1, 1980, shall be subject to the impact fees/land dedications set forth in this Chapter. Impact Fees for new residential development of such lots shall be calculated based on the impact fees in effect and payable at the time of Planning Clearance approval. Accessory dwelling units shall be excluded from payment of impact fees.
B. For single-family dwelling units, townhomes, and condominiums, as defined in Section 17.57, impact fees are calculated and due in full at the time of Planning Clearance.

C. For multi-family dwelling units, as defined in Section 17.57, and non-residential projects, impact fees will be established at the time the complete application is submitted and due at issuance of Certificate of Occupancy.

Section 3. Amendments to Chapter 17.47.040 (B). Chapter 17.47.040 (B) is hereby amended to read as follows:

B. In the event no general standard or formula for determining required dedication or impact fees has been adopted relating to a particular certain type or size of development, dedication or impact fee, the owner/developer may voluntarily agree to comply with the dedication or fee recommended by the City staff or request a review and determination by City Council in a public hearing. Unless the owner/developer affirmatively requests the City to implement the provisions of subsection C of this Section, at the pre-application conference and prior to submittal of a subdivision Concept Plan.

Section 4. Amendments to Chapter 17.47.070 (H). Chapter 17.47.070 (H) is hereby amended to read as follows:

H. The City Council may, in its sole discretion and by an affirmative vote 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. Any resolution adopted by the City Council providing for the waiver, suspension, deferment or altering of impact fees shall contain specific findings of fact supporting the waiver, suspension, deferment or alteration or payment.

PARKS, HEALTH, RECREATION, OPEN SPACE, AND TRAILS:

Section 5. Amendments to Chapter 17.47.090. Chapter 17.47.090 is hereby amended to read as follows:

17.47.090 PUBLIC PARKS, HEALTH, RECREATION, OPEN SPACE, AND TRAILS IMPACT FEE/DEDICATION.

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, Health, Recreation, Open Space, and Trails Master Plan ("PHROST") 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. It is intended for the PHROST Master Plan to be a guiding document by identifying the initiatives, partnerships, and infrastructure needed by the community to create the playing grounds for success. The City leads the Grand Valley in parks, health, recreation, open space, and trails. The City drives local efforts for world-class outdoor recreation opportunities and regional connectivity. Recreational programming, events, and outdoor recreation opportunities bring the community together around a lifestyle to positively impact the community’s health. The City takes the initiative to protect the natural environment within and surrounding Fruita. Fruita residents value their access to outdoor recreation and the ability to walk and bike safely around the City. The City should act as a trailhead, where residents and visitors can easily walk/ride out of their door to surrounding trail systems or City destinations.

Parks and recreational facilities are important spaces for Fruita residents to be active and gather. As Fruita continues to develop and grow, providing sufficient parks and recreational facilities in addition to expanding existing facilities will be increasingly important.

The payment of the cash equivalent fee in lieu 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 or the general city population.

Consistent with this Section and with Chapter 17.43 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 shall include a dedication of land to the city or other entity, as determined by the City Council, to be used for public parks, open space, and/or payment of a public parks, open space, and trails fee in lieu of such dedication, as provided herein. Accessory dwelling units are not subject to this fee.

B. Payment in Lieu of Dedication and Improvements.
Figure PR6 shows the cost factors for each component of the City of Fruita’s Parks and Recreation Impact Fee. Impact fees for parks and recreation are based on persons per housing unit and are only assessed against residential development. The fees for park improvements are calculated per person, so by multiplying the
total cost per person by the housing unit size calculates the maximum supportable fee. The fees represent the highest amount supportable for each type of housing unit, which represents new growth’s fair share of the cost for capital facilities. The City may adopt fees that are less than the amounts shown. Accessory dwelling units are not subject to this fee.

However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure PR6. Maximum Supportable Park & Recreation Impact Fee

<table>
<thead>
<tr>
<th>Fee Component</th>
<th>Cost per Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park Land</td>
<td>$187</td>
</tr>
<tr>
<td>Improvements</td>
<td>$1,127</td>
</tr>
<tr>
<td>Gross Total</td>
<td>$1,314</td>
</tr>
<tr>
<td>Credit for Debt Payments</td>
<td>50</td>
</tr>
<tr>
<td>Net Total</td>
<td>$1,314</td>
</tr>
</tbody>
</table>

Residential

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Persons per Housing Unit</th>
<th>Maximum Supportable Fee</th>
<th>Current Maximum Fees</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>2.42</td>
<td>$3,179</td>
<td>$1,860</td>
<td>$1,319</td>
</tr>
<tr>
<td>Multifamily</td>
<td>1.64</td>
<td>$2,154</td>
<td>$1,860</td>
<td>$294</td>
</tr>
</tbody>
</table>

Single-Family: Single-family detached is a one-unit structure detached from any other house, that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A one-family house that contains a business is considered detached as long as the building has open space on all four sides. Also included in the definition is single-family attached (townhouse), which is a one-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.

Multi-Family: 2+ units (duplexes and apartments) are units in structures containing two or more housing units, further categorized as units in structures with “2, 3 or 4, 5 to 9, 10 to 19, 20 to 49, and 50 or more apartments.”

C. The above land values per person and development costs are based on average land values in Fruita and data on recent park and trail-construction costs in the region for 2022 PHROST Impact Fee Study (TischlerBise, May 31, 2022). The base rate may be adjusted by resolution of the City Council annually for inflation based on the construction cost index published by the Engineering News Record.
D. The city may require the applicant to dedicate other land owned by the applicant for use as a public park, open space, or trail. If the city determines to accept other 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.

E. The proceeds from a fee in lieu of land dedication shall be placed in a public parks, open space, and trails fund established by the city and maintained for the acquisition and improvement of land for public parks, open space, and trails, which may benefit the residents of the city in general, as well as those of the proposed development.

TRANSPORTATION IMPACT FEES:

Section 6. Amendments to Chapter 17.47.130 (D)(2). Chapter 17.47.130 (D)(2) is hereby amended to read as follows:

2. The base rate for residential subdivisions with single family and duplex dwelling units for which no traffic impact analysis is performed, shall be six thousand seven hundred sixty-three dollars ($6,763.00) per dwelling unit. The base rate fees may be adjusted by resolution of the City Council annually for inflation based on the latest 10-year average of the Colorado Department of Transportation Construction Cost Index, published quarterly by CDOT. For multi-family dwelling units in excess of two units, the base rate of six thousand seven hundred sixty-three dollars ($6,763.00) shall be multiplied by a factor of 0.68 per unit for the fee per dwelling unit. Said fees are based upon traffic impact analysis performed according to subsection (D)(1) of this Section and adjusted to reflect recent actual costs incurred on local road projects.

Section 7. Amendments to Chapter 17.47.130 (D)(3). Chapter 17.47.130 (D)(3) is hereby amended to remove the outdated Retail/Commercial impact fee phasing schedule.

Section 8. Codification of Amendments. The codifier of the City’s Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Code. The City Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors. Such corrections may also include naming references as well as references to studies.

Section 9. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid
provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subdivision, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 10. Effective Date. This Ordinance shall take effect thirty (30) days after final adoption in accordance with Section 2.13(G) of the Fruita Home Rule Charter.

Section 11. Safety Clause. The City Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 12. Publication. The City Clerk is ordered to publish this Ordinance in accordance with Chapter 2.13(F) of the Code.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL ON THIS 18TH DAY OF JULY 2023.

CITY OF FRUITA

__________________________
Joel Kincaid, Mayor

ATTEST:

____________________________
Margaret Sell, City Clerk
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## Parks, Health, Recreation, Open Space, and Trails Impact Fee

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## Revenue from Parks, Health, Recreation, Open Space, and Trails Impact Fee

11. **Implementation and Administration**

## Implementation and Administration

12. **Credits and Reimbursements**

## Credits and Reimbursements

13. **Service Area**

## Service Area

14. **Appendix A: Land Use Assumptions**

## Appendix A: Land Use Assumptions

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## Overview

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## Population and Housing Characteristics

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## Base Year Population and Housing Units

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Impact fees are one-time payments for new development’s proportionate share of the capital cost of infrastructure. The following study addresses the City of Fruita's Parks, Health, Recreation, Open Space, and Trails facilities. Impact fees do have limitations and should not be regarded as the total solution for infrastructure funding. Rather, they are one component of a comprehensive funding strategy to ensure provision of adequate public facilities. Impact fees may only be used for capital improvements or debt service for growth-related infrastructure. They may not be used for operations, maintenance, replacement of infrastructure, or correcting existing deficiencies. Although Colorado is a “home-rule” state and home-rule municipalities were already collecting “impact fees” under their home-rule authority granted in the Colorado Constitution, the Colorado Legislature passed enabling legislation in 2001, as discussed further below.

Colorado Impact Fee Enabling Legislation

For local governments, the first step in evaluating funding options for facility improvements is to determine basic options and requirements established by state law. Some states have more conservative legal parameters that basically restrict local government to specifically authorized actions. In contrast, “home-rule” states grant local governments broader powers that may or may not be precluded or preempted by state statutes depending on the circumstances and on the state’s particular laws. Home rule municipalities in Colorado have the authority to impose impact fees based on both their home rule power granted in the Colorado Constitution and the impact fee enabling legislation enacted in 2001 by the Colorado General Assembly.

Impact fees are one-time payments imposed on new development that must be used solely to fund growth-related capital projects, typically called “system improvements”. An impact fee represents new growth’s proportionate share of capital facility needs. In contrast to project-level improvements, impact fees fund infrastructure that will benefit multiple development projects, or even the entire service area, as long as there is a reasonable relationship between the new development and the need for the growth-related infrastructure.

According to Colorado Revised Statute Section 29-20-104.5, impact fees must be legislatively adopted at a level no greater than necessary to defray impacts generally applicable to a broad class of property. The purpose of impact fees is to defray capital costs directly related to proposed development. The statutes of other states allow impact fee schedules to include administrative costs related to impact fees and the preparation of capital improvement plans, but this is not specifically authorized in Colorado’s statute. Impact fees do have limitations and should not be regarded as the total solution for infrastructure funding. Rather, they are one component of a comprehensive portfolio to ensure adequate provision of public facilities. Because system improvements are larger and costlier, they may require bond financing and/or funding from other revenue sources. To be funded by impact fees, Section 29-20-104.5 requires that the capital improvements must have a useful life of at least five years. By law, impact fees can only be used for
capital improvements, not operating or maintenance costs. Also, impact fees cannot be used to repair or correct existing deficiencies in existing infrastructure.

**Additional Legal Guidelines**

Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against regulatory takings. Land use regulations, development exactions, and impact fees are subject to the Fifth Amendment prohibition on taking of private property for public use without just compensation. To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest. In the case of impact fees, that interest is the protection of public health, safety, and welfare by ensuring development is not detrimental to the quality of essential public services. The means to this end is also important, requiring both procedural and substantive due process. The process followed to receive community input (i.e., stakeholder meetings, work sessions, and public hearings) provides opportunities for comments and refinements to the impact fees.

There is little federal case law specifically dealing with impact fees, although other rulings on other types of exactions (e.g., land dedication requirements) are relevant. In one of the most important exaction cases, the U. S. Supreme Court found that a government agency imposing exactions on development must demonstrate an “essential nexus” between the exaction and the interest being protected (see Nollan v. California Coastal Commission, 1987). In a more recent case (Dolan v. City of Tigard, OR, 1994), the Court ruled that an exaction also must be “roughly proportional” to the burden created by development.

There are three reasonable relationship requirements for impact fees that are closely related to “rational nexus” or “reasonable relationship” requirements enunciated by a number of state courts. Although the term “dual rational nexus” is often used to characterize the standard by which courts evaluate the validity of impact fees under the U.S. Constitution, TischlerBise prefers a more rigorous formulation that recognizes three elements: “need,” “benefit,” and “proportionality.” The dual rational nexus test explicitly addresses only the first two, although proportionality is reasonably implied, and was specifically mentioned by the U.S. Supreme Court in the Dolan case. Individual elements of the nexus standard are discussed further in the following paragraphs.

All new development in a community creates additional demands on some, or all, public facilities provided by local government. If the capacity of facilities is not increased to satisfy that additional demand, the quality or availability of public services for the entire community will deteriorate. Impact fees may be used to cover the cost of development-related facilities, but only to the extent that the need for facilities is a consequence of development that is subject to the fees. The Nollan decision reinforced the principle that development exactions may be used only to mitigate conditions created by the developments upon which they are imposed. That principle likely applies to impact fees. In this study, the impact of development on infrastructure needs is analyzed in terms of quantifiable relationships between various types of development and the demand for specific facilities, based on applicable level-of-service standards.
The requirement that exactions be proportional to the impacts of development was clearly stated by the U.S. Supreme Court in the Dolan case and is logically necessary to establish a proper nexus. Proportionality is established through the procedures used to identify development-related facility costs, and in the methods used to calculate impact fees for various types of facilities and categories of development. The demand for facilities is measured in terms of relevant and measurable attributes of development (e.g., persons per household).

A sufficient benefit relationship requires that impact fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. The calculation of impact fees should also assume that they will be expended in a timely manner and the facilities funded by the fees must serve the development paying the fees. However, nothing in the U.S. Constitution or the state enabling legislation requires that facilities funded with fee revenues be available exclusively to development paying the fees. In other words, benefit may extend to a general area including multiple real estate developments. Procedures for the earmarking and expenditure of fee revenues are discussed near the end of this study. All of these procedural as well as substantive issues are intended to ensure that new development benefits from the impact fees they are required to pay. The authority and procedures to implement impact fees is separate from and complementary to the authority to require improvements.

**Proposed Maximum Supportable Impact Fee**

The Parks, Health, Recreation, Open Space, and Trails impact fee is based on the actual levels of service and includes components for improvements and park land. The impact fee is only calculated for residential development. A summary of methodologies used in the analysis is provided in Figure 1.

**Figure 1. Summary of City of Fruita Impact Fees**

<table>
<thead>
<tr>
<th>Fee Category</th>
<th>Service Area</th>
<th>Incremental Expansion</th>
<th>Plan-Based</th>
<th>Cost Recovery</th>
<th>Cost Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks, Health, Recreation, Open Space, and Trails</td>
<td>Citywide</td>
<td>Improvements, Park Land</td>
<td>N/A</td>
<td>N/A</td>
<td>Population</td>
</tr>
</tbody>
</table>

**Maximum Supportable Impact Fees**

Figure 2 provides a schedule of the maximum supportable impact fee for Parks, Health, Recreation, Open Space, and Trails facilities. The fees represent the highest amount supportable for each type of residential unit, which represents new growth’s fair share of the cost for capital facilities. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

**Figure 2. Maximum Supportable Impact Fee**

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Persons per Housing Unit</th>
<th>Maximum Supportable Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>2.42</td>
<td>$3,179</td>
</tr>
<tr>
<td>Multifamily</td>
<td>1.64</td>
<td>$2,154</td>
</tr>
</tbody>
</table>
GENERAL METHODS FOR IMPACT FEES

There are three general methods for calculating impact fees. The choice of a particular method depends primarily on the timing of infrastructure construction (past, concurrent, or future) and service characteristics of the facility type being addressed. Each method has advantages and disadvantages in a particular situation and can be used simultaneously for different cost components.

Reduced to its simplest terms, the process of calculating impact fees involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, the calculation of impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following paragraphs discuss three basic methods for calculating impact fees and how those methods can be applied to City of Fruita.

Cost Recovery Method (past improvements)
The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new development will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.

Incremental Expansion Method (concurrent improvements)
The City of Fruita impact fees use the incremental expansion method to document current level-of-service (LOS) standards for the infrastructure types included in the study, using both quantitative and qualitative measures. This approach assumes there are no existing infrastructure deficiencies or surplus capacity. New development is only paying its proportionate share for growth-related infrastructure. Revenue will be used to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments to keep pace with development. The incremental expansion methodology is used for the parks and recreation impact fee. This is a conservative approach, which limits the City’s General Fund exposure. If a plan-based approach were utilized, reliance on long-range growth projections would be likely, which could force the City to spend more General Fund dollars to implement the plan if growth does not occur as projected.

Plan-Based Method (future improvements)
Although not used in City of Fruita, the plan-based method allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a long-range facility plan and development potential is identified by a land use plan. There are two basic options for determining the cost per demand unit: 1) total cost of a public facility can be divided by total service units (average cost), or 2) the growth-share of the public facility cost can be divided by the net increase in service units over the planning timeframe (marginal cost).
Evaluation of Possible Credits

Regardless of the methodology, a consideration of “credits” is integral to the development of a legally defensible impact fee methodology. There are two types of “credits” with specific characteristics, both of which should be addressed in impact fee studies and ordinances. The first is a revenue credit due to possible double payment situations, which could occur when other revenues may contribute to the capital costs of infrastructure covered by the impact fee. This type of credit is integrated into the Fire impact fee calculation, thus reducing the fee amount. The second is a site-specific credit or developer reimbursement for construction of system improvements. This type of credit is addressed in the administration and implementation of the development impact fee program.

Please note, calculations throughout this report are based on an analysis conducted using MS Excel software. Results are discussed in the memo using one- and two-digit places (in most cases). Figures are typically either truncated or rounded. In some instances, the analysis itself uses figures carried to their ultimate decimal places; therefore, the sums and products generated in the analysis may not equal the sum or product if the reader replicates the calculation with the factors shown in the report (due to the rounding of figures shown, not in the analysis).
The Parks, Health, Recreation, Open Space, and Trails Impact Fee is based on the incremental expansion methodology. The impact fee methodology assumes the City will construct additional recreation improvements and acquire additional park land. The study includes the replacement costs of improvements to park and recreational facilities and the expansion of park land. No revenue credit is necessary to avoid double payments as there is no current debt obligations for the park improvements included in the impact fee calculations. There are two components to the Parks, Health, Recreation, Open Space, and Trails Impact Fee:

- Park Land
- Park Improvements

Figure PR1 diagrams the general methodology used to calculate the Parks, Health, Recreation, Open Space, and Trails impact fee. It is intended to read like an outline, with lower levels providing a more detailed breakdown of the impact fee components. The Parks, Health, Recreation, Open Space, and Trails impact fee is derived from the product of persons per housing unit (by type of unit) multiplied by the net capital cost per person. The boxes in the next level down indicate detail on the components included in the fee.
Figure PR1. Parks, Health, Recreation, Open Space, and Trails Impact Fee Methodology

PARKS, HEALTH, RECREATION, OPEN SPACE, AND TRAILS IMPACT FEE

Residential Development

Persons per Housing Unit by Type of Unit

Multiplied By Net Capital Cost per Person

- Park Land Cost per Person
- Park Improvements Cost per Person
Parks, Health, Recreation, Open Space, and Trails Level of Service and Cost Factors

The Parks, Health, Recreation, Open Space, and Trails Impact Fee is based on an inventory of Community and Neighborhood Park land and current values of park improvements throughout the city. The impact fee does not include a land component for other park types as it is assumed the Parks and Recreation Department’s focus over the next 5-10 years will be the buildout of Community and Neighborhood parks. Improvement costs have been estimated by TischlerBise staff. The use of existing standards means there are no existing infrastructure deficiencies. New development is only paying its proportionate share for growth-related infrastructure.

Park Land and Improvements Level of Service

Figure PR2 lists the current inventory of Community and Neighborhood Park land owned by the City of Fruita. Figure PR3 lists the current inventory of park improvements and their replacement costs. In total there is currently 37 acres of Community and Neighborhood Park land, and 65 park improvements.

To calculate the current park land level of service, the existing Community and Neighborhood Park land acreage, (37) is divided by the current population (13,654). This results in level of service standards of 2.71 acres of park land per 1000 persons.

The park land cost per acre ($68,970) is then utilized to generate a cost per person factor which is calculated by applying the level of service factor to the cost per acre. As shown in Figure PR2, 2.71 acres per 1000 persons / 1000 x $68,970 per acre = $187 per person.

Figure PR2. Park Land Level of Service

<table>
<thead>
<tr>
<th>Community and Neighborhood Parks</th>
<th>Acres [1]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Salt Wash Park</td>
<td>23.0</td>
</tr>
<tr>
<td>Heritage Park</td>
<td>4.0</td>
</tr>
<tr>
<td>Olga Anson Park</td>
<td>5.0</td>
</tr>
<tr>
<td>Prospector Park</td>
<td>2.0</td>
</tr>
<tr>
<td>Reed Park</td>
<td>3.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>37</strong></td>
</tr>
</tbody>
</table>

Level-of-Service Standards

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Share</td>
<td>100%</td>
</tr>
<tr>
<td>Share of Acreage</td>
<td>37.0</td>
</tr>
<tr>
<td>2021 Population</td>
<td>13,654</td>
</tr>
<tr>
<td><strong>Acres per 1,000 Persons</strong></td>
<td><strong>2.71</strong></td>
</tr>
</tbody>
</table>

Cost Analysis

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Acres per 1,000 Persons</td>
<td>2.71</td>
</tr>
<tr>
<td>Average Cost per Acre [2]</td>
<td>$68,970</td>
</tr>
<tr>
<td><strong>Capital Cost Per Person</strong></td>
<td><strong>$187</strong></td>
</tr>
</tbody>
</table>

[1] Source: Fruita Parks PHROST Master Plan
[2] Source: Fruita Parks PHROST Master Plan
To calculate the current park improvements level of service, the existing park improvements, (65) is divided by the current population (13,654). This results in level of service standards of 4.76 improvements per 1000 persons.

The weighted average cost per improvement ($15,384,135 total cost / 65 total improvements = $236,679) is then utilized to generate a cost per person factor which is calculated by applying the level of service factor to the cost per improvement. As shown in Figure PR3, 4.76 improvements per 1000 persons / 1000 x $236,679 per improvement = $1,127 per person.

**Figure PR3. Park Improvements Level of Service**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquatics, Lap Pool</td>
<td>1</td>
<td>$8,894,082</td>
<td>$8,894,082</td>
</tr>
<tr>
<td>Basketball Court</td>
<td>1</td>
<td>$45,000</td>
<td>$45,000</td>
</tr>
<tr>
<td>Basketball, Practice</td>
<td>1</td>
<td>$38,117</td>
<td>$38,117</td>
</tr>
<tr>
<td>Bike Course</td>
<td>2</td>
<td>$769,000</td>
<td>$1,538,000</td>
</tr>
<tr>
<td>Diamond Field</td>
<td>4</td>
<td>$450,000</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>Disc Golf</td>
<td>2</td>
<td>$20,000</td>
<td>$40,000</td>
</tr>
<tr>
<td>Event Space</td>
<td>1</td>
<td>$80,000</td>
<td>$80,000</td>
</tr>
<tr>
<td>Fitness Course</td>
<td>1</td>
<td>$25,412</td>
<td>$25,412</td>
</tr>
<tr>
<td>Horseshoe Court</td>
<td>7</td>
<td>$2,000</td>
<td>$14,000</td>
</tr>
<tr>
<td>Loop Walk</td>
<td>3</td>
<td>$80,000</td>
<td>$240,000</td>
</tr>
<tr>
<td>Natural Area</td>
<td>4</td>
<td>$114,352</td>
<td>$457,410</td>
</tr>
<tr>
<td>Open Turf</td>
<td>9</td>
<td>$31,765</td>
<td>$285,881</td>
</tr>
<tr>
<td>Passive Node</td>
<td>8</td>
<td>$9,529</td>
<td>$76,235</td>
</tr>
<tr>
<td>Picnic Ground</td>
<td>1</td>
<td>$25,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Playground, Local</td>
<td>7</td>
<td>$150,000</td>
<td>$1,050,000</td>
</tr>
<tr>
<td>Rectangular Field, Large</td>
<td>1</td>
<td>$115,000</td>
<td>$115,000</td>
</tr>
<tr>
<td>Shelter, Large</td>
<td>2</td>
<td>$127,058</td>
<td>$254,117</td>
</tr>
<tr>
<td>Shelter, Small</td>
<td>9</td>
<td>$31,765</td>
<td>$285,881</td>
</tr>
<tr>
<td>Skate Park</td>
<td>1</td>
<td>$120,000</td>
<td>$120,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>65</strong></td>
<td><strong>$236,679</strong></td>
<td><strong>$15,384,135</strong></td>
</tr>
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</table>

**Level-of-Service Standards**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Share</td>
<td>100%</td>
</tr>
<tr>
<td>Share of Improvements</td>
<td>65.0</td>
</tr>
<tr>
<td>2021 Population</td>
<td>13,654</td>
</tr>
<tr>
<td><strong>Improvements per 1,000 Persons</strong></td>
<td><strong>4.76</strong></td>
</tr>
</tbody>
</table>

**Cost Analysis**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Improvements per 1,000 Persons</td>
<td>4.76</td>
</tr>
<tr>
<td>Average Cost per Improvement</td>
<td>$236,679</td>
</tr>
<tr>
<td><strong>Capital Cost Per Person</strong></td>
<td><strong>$1,127</strong></td>
</tr>
</tbody>
</table>

[1] Source: Fruita Parks PHROST Master Plan
Projection of Growth-Related Park Land and Improvement Needs

To estimate the 10-year growth needs for park land, the current level of service (2.71 acres 1000 persons) is applied to the projected park population growth. Fruita is projected to increase by 2,108 residents over the next ten years (see Appendix A). As shown in Figure PR4, it is projected that the City will need to acquire 5.7 acres of park land to accommodate the needs generated by new development. By applying the cost for park land ($68,970 per acre), the estimated growth-related expenditure is approximately $394,000.

Figure PR4. 10-Year Park Land Needs to Accommodate Growth

<table>
<thead>
<tr>
<th>Type of Infrastructure</th>
<th>Level of Service</th>
<th>Demand Unit</th>
<th>Cost / Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park Land</td>
<td>Residential</td>
<td>2.71 Acres</td>
<td>per 1,000 persons</td>
</tr>
</tbody>
</table>

Growth-Related Need for Park Land

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Residential Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base</td>
<td>2021</td>
<td>13,654</td>
</tr>
<tr>
<td>Year 1</td>
<td>2022</td>
<td>13,865</td>
</tr>
<tr>
<td>Year 2</td>
<td>2023</td>
<td>14,076</td>
</tr>
<tr>
<td>Year 3</td>
<td>2024</td>
<td>14,286</td>
</tr>
<tr>
<td>Year 4</td>
<td>2025</td>
<td>14,497</td>
</tr>
<tr>
<td>Year 5</td>
<td>2026</td>
<td>14,708</td>
</tr>
<tr>
<td>Year 6</td>
<td>2027</td>
<td>14,919</td>
</tr>
<tr>
<td>Year 7</td>
<td>2028</td>
<td>15,130</td>
</tr>
<tr>
<td>Year 8</td>
<td>2029</td>
<td>15,340</td>
</tr>
<tr>
<td>Year 9</td>
<td>2030</td>
<td>15,551</td>
</tr>
<tr>
<td>Year 10</td>
<td>2031</td>
<td>15,762</td>
</tr>
<tr>
<td>Ten-Year Increase</td>
<td>2,108</td>
<td>5.7</td>
</tr>
</tbody>
</table>

Projected Expenditure $393,966

Growth-Related Expenditures for Park Land $393,966

To estimate the 10-year growth needs for park improvements, the current level of service (4.76 improvements per 1000 persons) is applied to the projected population growth. Fruita is projected to increase by 2,108 residents over the next ten years (see Appendix A). As shown in Figure PR5, it is projected that the City will need 10 additional park improvements to accommodate the needs generated by new development. By applying the weighted average cost for improvements ($236,679 per improvement), the estimated growth-related expenditure is approximately $2.37 million.
Figure PR5. 10-Year Park Improvements Needs to Accommodate Growth

<table>
<thead>
<tr>
<th>Type of Infrastructure</th>
<th>Level of Service</th>
<th>Demand Unit</th>
<th>Cost / Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improvements</td>
<td>Residential</td>
<td>4.76</td>
<td>Improvements per 1,000 persons</td>
</tr>
</tbody>
</table>

### Growth-Related Need for Improvements

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Residential Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base</td>
<td>2021</td>
<td>13,654</td>
</tr>
<tr>
<td>Year 1</td>
<td>2022</td>
<td>13,865</td>
</tr>
<tr>
<td>Year 2</td>
<td>2023</td>
<td>14,076</td>
</tr>
<tr>
<td>Year 3</td>
<td>2024</td>
<td>14,286</td>
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<tr>
<td>Year 4</td>
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<td>14,497</td>
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<tr>
<td>Year 5</td>
<td>2026</td>
<td>14,708</td>
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<tr>
<td>Year 6</td>
<td>2027</td>
<td>14,919</td>
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<tr>
<td>Year 7</td>
<td>2028</td>
<td>15,130</td>
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<tr>
<td>Year 8</td>
<td>2029</td>
<td>15,340</td>
</tr>
<tr>
<td>Year 9</td>
<td>2030</td>
<td>15,551</td>
</tr>
<tr>
<td>Year 10</td>
<td>2031</td>
<td>15,762</td>
</tr>
<tr>
<td>Ten-Year Increase</td>
<td>2,108</td>
<td>$2,374,631</td>
</tr>
</tbody>
</table>

Projected Expenditure $2,374,631

Growth-Related Expenditures for Improvements $2,374,631
Parks, Health, Recreation, Open Space, and Trails Impact Fee

Figure PR6 shows the cost factors for each component of the City of Fruita’s Parks and Recreation Impact Fee. Impact fees for parks and recreation are based on persons per housing unit and are only assessed against residential development. The fees for park improvements are calculated per person, so by multiplying the total cost per person by the housing unit size calculates the maximum supportable fee.

The fees represent the highest amount supportable for each type of housing unit, which represents new growth’s fair share of the cost for capital facilities. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

**Figure PR6. Maximum Supportable Park & Recreation Impact Fee**

<table>
<thead>
<tr>
<th>Fee Component</th>
<th>Cost per Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park Land</td>
<td>$187</td>
</tr>
<tr>
<td>Improvements</td>
<td>$1,127</td>
</tr>
<tr>
<td><strong>Gross Total</strong></td>
<td><strong>$1,314</strong></td>
</tr>
<tr>
<td>Credit for Debt Payments</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Net Total</strong></td>
<td><strong>$1,314</strong></td>
</tr>
</tbody>
</table>

**Residential**

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Persons per Housing Unit</th>
<th>Maximum Supportable Fee</th>
<th>Current Maximum Fees</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>2.42</td>
<td>$3,179</td>
<td>$1,860</td>
<td>$1,319</td>
</tr>
<tr>
<td>Multifamily</td>
<td>1.64</td>
<td>$2,154</td>
<td>$1,860</td>
<td>$294</td>
</tr>
</tbody>
</table>
Revenue from Parks, Health, Recreation, Open Space, and Trails Impact Fee

Revenue from the City’s Parks, Health, Recreation, Open Space, and Trails Impact Fee is estimated in Figure PR7. The impact fee revenue projection is based on projected units in the City of Fruita over the next ten years. By multiplying the projected residential growth in the City by the impact fee amounts, we estimate projected impact fee revenue of approximately $2.76 million. Projected expenditures total $2.76 million.

Figure PR7. Estimated Revenue from Parks, Health, Recreation, Open Space, and Trails Impact Fee

<table>
<thead>
<tr>
<th>Infrastructure Costs for Park Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Cost</strong></td>
</tr>
<tr>
<td>$2,768,597</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Projected Development Impact Fee Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Single Family</strong></td>
</tr>
<tr>
<td><strong>$3,179 per unit</strong></td>
</tr>
<tr>
<td><strong>Housing Units</strong></td>
</tr>
<tr>
<td><strong>Year</strong></td>
</tr>
<tr>
<td><strong>Year 1</strong></td>
</tr>
<tr>
<td><strong>Year 2</strong></td>
</tr>
<tr>
<td><strong>Year 3</strong></td>
</tr>
<tr>
<td><strong>Year 4</strong></td>
</tr>
<tr>
<td><strong>Year 5</strong></td>
</tr>
<tr>
<td><strong>Year 6</strong></td>
</tr>
<tr>
<td><strong>Year 7</strong></td>
</tr>
<tr>
<td><strong>Year 8</strong></td>
</tr>
<tr>
<td><strong>Year 9</strong></td>
</tr>
<tr>
<td><strong>Year 10</strong></td>
</tr>
</tbody>
</table>

| **Ten-Year Increase** | **810** | **90** |
| **Projected Revenue** | $2,574,724 | $193,873 |

Projected Revenue => $2,768,597
Total Expenditures => $2,768,597
Non-Impact Fee Funding => $0
IMPLEMENTATION AND ADMINISTRATION

Impact fees should be periodically evaluated and updated to reflect recent data. If cost estimates or demand indicators change significantly, the City should redo the fee calculations. Colorado’s enabling legislation allows local governments to “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.”

Credits and Reimbursements

A general requirement that is common to development impact fee methodologies is the evaluation of credits. A revenue credit may be necessary to avoid potential double payment situations arising from one-time development impact fees plus on-going payment of other revenues that may also fund growth-related capital improvements. The determination of revenue credits is dependent upon the development impact fee methodology used in the cost analysis and local government policies.

Policies and procedures related to site-specific credits should be addressed in the resolution or ordinance that establishes the development impact fees. Project-level improvements, required as part of the development approval process, are not eligible for credits against development impact fees. If a developer constructs a system improvement included in the fee calculations, it will be necessary to either reimburse the developer or provide a credit against the fees due from that particular development. The latter option is more difficult to administer because it creates unique fees for specific geographic areas.

Service Area

A development impact fee service area is a region in which a defined set of improvements provide benefit to an identifiable amount of new development. Within a service area, all new development of a type (single-family, commercial, etc.) is assessed at the same development impact fee rate. Land use assumptions and development impact fees are each defined in terms of this geography, so that capital facility demand, projects needed to meet that demand, and capital facility cost are all quantified in the same terms. Development impact fee revenue collected within a service area is required to be spent within that service area.

Implementation of a large number of small service areas is problematic. Administration is complicated and, because funds collected within the service area must be spent within that area multiple service areas may make it impossible to accumulate sufficient revenue to fund any projects within the time allowed.

As part of our analysis of the City and the type of facilities and improvements included in the development impact fee calculation, TischlerBise has determined that a citywide service area is appropriate for the City of Fruita for the Parks, Health, Recreation, Open Space, and Trails impact fee.
APPENDIX A: LAND USE ASSUMPTIONS

Overview

The City of Fruita, Colorado, retained TischlerBise to analyze the impacts of development on its Parks, Health, Recreation, Open Space, and Trails facilities and to calculate impact fees based on that analysis. The population and housing unit projections contained in this document provide the foundation for the impact fee study. To evaluate demand for growth-related infrastructure from various types of development, TischlerBise prepared documentation on demand indicators by type of housing unit development. These metrics (explained further below) are the demand indicators to be used in the impact fee study.

Impact fees are based on the need for growth-related capital improvements, and they must be proportionate by type of land use. The demographic data and development projections are used to demonstrate proportionality and to anticipate the need for future infrastructure. Demographic data reported by the U.S. Census Bureau, and data provided by Fruita staff, are used to calculate base year estimates and annual projections for a 10-year horizon. Impact fee studies typically look out five to ten years, with the expectation that fees will be updated every three to five years.

Figure A1: Fruita Municipal Boundary
Population and Housing Characteristics

Impact fees often use per capita standards and persons per housing unit or persons per household to derive proportionate share fee amounts. Housing types have varying household sizes and, consequently, a varying demand on City infrastructure and services. Thus, it is important to differentiate between housing types.

When persons per housing unit (PPHU) is used in the development impact fee calculations, infrastructure standards are derived using year-round population. In contrast, when persons per household (PPHH) is used in the development impact fee calculations, the fee methodology assumes all housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. Thus, TischlerBise recommends that fees for residential development in Fruita be imposed according to persons per housing unit.

Based on housing characteristics, TischlerBise recommends using two housing unit categories for the impact fee study: (1) Single Family, and 2) Multifamily. Each housing type has different characteristics which results in a different demand on City facilities and services. Figure A2 shows the US Census American Community Survey 2015-2019 5-Year Estimates data for the City of Fruita. Single family units have a household size of 2.42 persons and multifamily units have a household size of 1.64 persons.

Figure A2 illustrates the persons per housing unit factors that will be included in the impact fee analysis. The population and housing unit totals listed in the figure are not involved in the analysis, separate base year population and housing units are estimated in the next section.

Figure A2: City of Fruita Persons per Housing Unit

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Persons</th>
<th>Housing Units</th>
<th>Persons per Housing Unit</th>
<th>Households</th>
<th>Persons per Household</th>
<th>Housing Unit Mix</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family [1]</td>
<td>12,317</td>
<td>5,080</td>
<td>2.42</td>
<td>4,769</td>
<td>2.58</td>
<td>91%</td>
</tr>
<tr>
<td>Multifamily [2]</td>
<td>830</td>
<td>506</td>
<td>1.64</td>
<td>506</td>
<td>1.64</td>
<td>9%</td>
</tr>
<tr>
<td>Total</td>
<td>13,147</td>
<td>5,586</td>
<td>2.35</td>
<td>5,275</td>
<td>2.49</td>
<td></td>
</tr>
</tbody>
</table>

[1] Includes detached and attached single family homes as well as mobile homes
[2] Includes structures with 2+ units

Source: U.S. Census Bureau, 2019 American Community Survey 5-Year Estimates

Base Year Population and Housing Units

To illustrate the growth in the City, annual building permit data is listed in Figure A2. Over the past four years, the City has seen a total of 362 new housing units constructed. On average, there has been 81 single family units and 9 multifamily units constructed annually.
Population and Housing units for the base year of 2021 is based off 2020 U.S. Census data and 2021 housing permit data. The 2020 Census population estimate is 13,395 residents. Additionally, according to U.S. Census data there are a total of 5,502 housing units. The housing unit mix from the 2015-2019 ACS is applied to this total to get a total of 5,004 single family units and 498 multifamily units in the City. 2021 housing permits are then added to these totals, and the persons per housing unit TischlerBise derived is used to estimate the population increase. The base year population is then estimated to be 13,654 with a total of 5,621 housing units, with 5,086 single family units and 535 multifamily units.

Projected Population and Housing Units

Housing unit projections are based off of the residential permitting data that was provided by city staff. New construction is expected to continue at the pace of the previous four years, with 81 new single family units and 9 multifamily units being added each year, for a total increase of 900 housing units in the next 10 years.

Population projections are the result of persons per housing unit factors being applied to the housing unit projections. In total, the City of Fruita is projected to increase by 2,108 residents of the next ten years, an increase of 15.4 percent from the base year.
Figure A4: City of Fruita Residential Development Projections

<table>
<thead>
<tr>
<th></th>
<th>Base Year</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
<th>2029</th>
<th>2030</th>
<th>2031</th>
<th>Total Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent Increase</td>
<td></td>
<td>1.5%</td>
<td>1.5%</td>
<td>1.5%</td>
<td>1.5%</td>
<td>1.4%</td>
<td>1.4%</td>
<td>1.4%</td>
<td>1.4%</td>
<td>1.4%</td>
<td>1.4%</td>
<td>15.4%</td>
<td></td>
</tr>
<tr>
<td>Housing Units [2]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family</td>
<td></td>
<td>5,086</td>
<td>5,167</td>
<td>5,248</td>
<td>5,329</td>
<td>5,410</td>
<td>5,491</td>
<td>5,572</td>
<td>5,653</td>
<td>5,734</td>
<td>5,815</td>
<td>5,896</td>
<td>810</td>
</tr>
<tr>
<td>Multifamily</td>
<td></td>
<td>535</td>
<td>544</td>
<td>553</td>
<td>562</td>
<td>571</td>
<td>580</td>
<td>589</td>
<td>598</td>
<td>607</td>
<td>616</td>
<td>625</td>
<td>90</td>
</tr>
<tr>
<td>Total Housing Units</td>
<td></td>
<td>5,621</td>
<td>5,711</td>
<td>5,801</td>
<td>5,891</td>
<td>5,981</td>
<td>6,071</td>
<td>6,161</td>
<td>6,251</td>
<td>6,341</td>
<td>6,431</td>
<td>6,521</td>
<td>900</td>
</tr>
</tbody>
</table>
APPENDIX B: LAND USE DEFINITIONS

Residential Development

As discussed below, residential development categories are based on data from the U.S. Census Bureau, American Community Survey. Fruita will collect development fees from all new residential units. One-time development fees are determined by site capacity (i.e. number of residential units). This category also contains mobile homes and recreational vehicles

**Single-Family:** Single-Family detached is a one-unit structure detached from any other house, that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A one-family house that contains a business is considered detached as long as the building has open space on all four sides. Also included in the definition is Single family attached (townhouse), which is a one-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.

**Multi-Family:** 2+ units (duplexes and apartments) are units in structures containing two or more housing units, further categorized as units in structures with “2, 3 or 4, 5 to 9, 10 to 19, 20 to 49, and 50 or more apartments.”
Application #: 2023-20
Project Name: Subdivisions
Application: Land Use Code Amendment
Representative: City of Fruita
Request: This is a request for approval of amendments to Title 17 of the Fruita Municipal Code concerning the subdivision process.

BACKGROUND:

This is a request to approve amendments to Title 17 of the Municipal Code concerning the subdivision review process. The purpose of these amendments is to modify the subdivision review process to allow for all subdivision applications, except for Planned Unit Developments, to be reviewed and approved through the administrative review process. City Staff presented this topic to the City Council at their April 25th Workshop and received direction to move forward. There are also a few items to clean up in the Chapters proposed for amendments (grammatical or code references).

SUBDIVISIONS – 17.21

Currently, subdivisions are classified in two (2) categories, Minor Subdivision and Major Subdivision. Presently Minor Subdivisions are defined as any subdivision that creates 10 or fewer lots, lot line or boundary line adjustments, consolidation plats combining no more than 3 lots, condominiumization plats, and correction plats. Minor Subdivisions are reviewed and approved administratively.

As for Major Subdivisions, these are subdivision applications that create more than 10 lots and/or do not otherwise conform to the Minor Subdivision characteristics.

The proposed amendments now classify any subdivision application as a Preliminary Plan and a Final Plat and will be reviewed and approved administratively. The proposed amendments are only intended to modify to the subdivision review process and not the approval criteria.
STANDARD REVIEW PROCEDURES – 17.07

In addition to the process modifications, the proposed amendments refine and make changes to the neighborhood meeting criteria. Currently, a neighborhood meeting and its materials are required to be given to Staff no less than 7 days before the 1st public hearing and don’t require the meeting materials to be given until after the application has been submitted. The changes proposed will now require the neighborhood meeting to be conducted and completed prior to the application being submitted. The proposed changes also better define when a neighborhood meeting can be conducted and the noticing requirements. To also ensure that communication with the public is continued and consistent with city goals and policies, Staff will now be attending these meetings to help ensure the Fruita community can ask Staff questions and provide feedback and input. This should also ensure that questions or concerns brought up at the neighborhood meeting can be discussed and/or integrated into the application submittal.

SPECIFIC REVIEW PROCEDURES – 17.09

Because of the change in the review process, the amendments also include the Density Bonus chapter. Currently, Density Bonuses are allowed for subdivision applications in the Community Residential (CR), South Fruita Residential (SFR), and PUD zone districts if a development proposes density over the by right allowances (CR = 6 dwelling units/acre by right, SFR = 4 dwelling units/acre by right) and are reviewed by the Planning Commission with a decision by the City Council.

The proposed modifications will not change the requirements for consideration of additional density, it will only change the process. The process modifications align with the proposed modifications to the subdivision process as administrative review and approval.

REVIEW OF LAND USE CODE REQUIREMENTS:

17.09.080 (B) Approval Criteria. Amendment to this Title may be made upon a finding that the amendment is consistent with the city’s goals, policies and Comprehensive Plan.

Regarding the city’s goals and policies, there are no modifications to the subdivision approval criteria in the amendments. It has always been the goal of the city to communicate clearly and effectively with the public on subdivision applications. In order to continue to provide greater communication prior to the submittal of any subdivision application, the neighborhood meeting was implemented when the Land Use Code was
updated in October 2021. The proposed amendments also contain modified neighborhood meeting criteria to ensure communication with the public continues at a high level.

The proposed amendments regarding the subdivision review process will not deviate from the Comprehensive Plan because the approval/review criteria for subdivision applications is not proposed to change.

**REVIEW COMMENTS:**

No reviewer expressed concerns regarding these proposed Land Use Code amendments.

**PUBLIC COMMENTS:**

At this time, no written public comments have been received regarding this proposed Land Use Code amendment.

**LEGAL NOTICE - 17.07.040 (E)(3):**

When a proposed amendment to the zone district regulations pertains to an entire zone district or all zone districts, notice shall be given only by publication in a newspaper of general circulation within the city, at least 15 days prior to the public hearing and posting of the notice at least five (5) days prior to the hearing at the Fruita City Hall, 325 East Aspen, Fruita, CO 81521, with no posting on any specific property or mailing required.

Legal Notice in Paper- May 24, 2023 (20 days prior to public hearing)
Posted Legal Notice- May 24, 2023 (20 days prior to public hearing)

**STAFF RECOMMENDATION:**

Staff recommends **approval** of the proposed Land Use Code amendments as proposed.

**SUGGESTED MOTION:**

Mr. Chair, I move we recommend (**approval**/denial) of the proposed Land Use Code amendments to the Fruita City Council.

**FRUITA PLANNING COMMISSION: JUNE 13, 2023**

**FRUITA CITY COUNCIL: ORDINANCE, 2ND READING, JULY 18, 2023**
Chapter 17.21
SUBDIVISIONS

Sections:

17.21.010 Purpose and Authority; Jurisdiction; Enforcement
17.21.020 Applicability
17.21.030 Review Process – Minor Subdivisions
17.21.040 Review Process – Major Subdivisions
17.21.045 Consequences for No Action
17.21.050 Phased Subdivisions and Subdivision Filings
17.21.060 Approval to Begin Site Development
17.21.070 Withdrawal of Approval
17.21.080 Corrections to Recorded Plats
17.21.090 Required Subdivision Improvements
17.21.110 Related Costs – Public and Other Required Subdivision Improvements
17.21.112 Public Improvements to be the Property of the City
17.21.120 Guarantee of Improvements
17.21.130 Subdivision Improvements Required prior to Issuance of Planning Clearances
17.21.140 Recapture Agreements
17.21.150 Time Extensions

17.21.010 PURPOSE AND AUTHORITY; JURISDICTION; ENFORCEMENT.

A. The purpose of this Chapter is to assist in the orderly development of the City. It sets forth the minimum standards for the design and improvement of land subdivision projects to ensure that each building site is able to accommodate the proposed structure and uses, ensure the proper distribution of development with access to necessary infrastructure, utilities, and services, provide procedures that encourage the preservation of important or unique natural features, and provide procedures that support the overall health and welfare of the residents of the City of Fruita. It is intended to assist in the orderly, efficient and integrated development of the city, consistent with the Fruita Comprehensive Plan.

B. These regulations have been adopted in accordance with Title 31 of the Colorado Revised Statutes, as amended, which enables the city to control the subdivision of all property within all zones within the boundaries of the municipality. It shall be unlawful for any person, partnership or corporation to subdivide land within the legal boundaries of the City of Fruita without having first complied with the provisions of these regulations.

C. Any subdivider or agent of a subdivider who transfers or sells subdivided land before a final plat for such land has been approved, signed by the City Council and recorded in the office
of the Mesa County Clerk and Recorder is subject to penalties and remedies as provided by 31-23-216, C.R.S., as amended and by Chapter 17.55.

17.21.020 APPLICABILITY.

This chapter applies to all divisions of land into two or more parcels, building sites, tracts, or lots. No plat of a subdivision creating a new parcel shall be approved unless it conforms to the provisions of this Title. The transfer, conveyance, or sale of any land located within the City by reference to a plat which has not been approved by the City and recorded by Mesa County shall be prohibited and considered a violation of this Code.

A. Subdivision Approval Required

1. No building permit or certificate of occupancy may be issued for improvements within a subdivision prior to recordation of the Final Plat and any required Development Agreement.

B. Effect on Existing Subdivisions

1. Subdivisions with a recorded Final Plat prior to the effective date of this Title shall not be regulated by this Chapter unless proposed for any resubdivision or further development not originally contemplated in the recorded Plat.

2. For Final Plats not yet recorded on the effective date of this Title, the applicants have two years from the effective date of this Title to finalize requirements and record the Final Plat.

3. This Chapter is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of private agreements or restrictive covenants running with the land. Where this chapter imposes a greater restriction than the imposed existing provisions of law, contract, or deed, the provisions of this Chapter shall control.

17.21.030 REVIEW PROCESS –SUBDIVISIONS.

1. Preliminary Plan

A. Applicability. The preliminary subdivision plan provides general graphic information and text indicating property boundaries, easements, land use, streets, utilities, drainage, open space, parks and other information required to evaluate a proposed subdivision. A preliminary subdivision plan shall be required for every subdivision except as otherwise provided for herein.

B. Subdivisions shall be processed in accordance with the Procedures outlined in Section 17.07.040, Common Development Review Procedures.
C. Subdivisions are reviewed Administratively by the Community Development Director based on the following criteria:

1. Conformance to the City of Fruita’s Comprehensive Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;

2. Compatibility with the area around the subject property in accordance with Section 17.05.080.C;

3. Adequate provision of all required services and facilities (roads, bicycle and pedestrian facilities, parks, police protection, fire protection, domestic water, wastewater services, irrigation water, storm drainage facilities, etc);

4. Preservation of natural features and adequate environmental protection; and

5. Ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.

6. All subdivided lots have perpetual, unobstructed legal vehicular and pedestrian access to a public way. A proposed subdivision shall not eliminate or obstruct legal access from a public way to an adjacent property.

7. All new lots shall conform with the requirements of the zone district, as well as the Land Use Compatibility Criteria in Section 17.05.080.C.

8. The subdivision shall not create or increase a non-conforming use or structure.

9. For Subdivisions requiring off-site improvements, the subdivision will be required to follow Chapter 17.49 of the Fruita Land Use Code.
2. **Final Plat**

   A. Final Plat applications must be submitted within 180 days of approval of the Preliminary Plan unless a time extension has been granted pursuant to Section 17.21.160. If more than 180 days have elapsed from the date of the approval of the Preliminary Plan application, and if no extension is granted, the Preliminary Plan approval shall expire.

   1. An application for Final Plat approval shall conform to the approved Preliminary Plan, including any conditions of approval, the requirements of this Title, and any other applicable regulations. Final Plat applications are administratively reviewed and approved by the Community Development Director and may be combined with the related Development Agreement. The Community Development Department shall evaluate the Final Plat application for compliance with the approval of the Preliminary Plan including any conditions of approval and all requirements of this Title.

      a. The applicant may withdraw the Final Plat application at any time in writing to the Community Development Department.

      b. Final Plats for Subdivisions must be recorded within two years of Preliminary Plan approval unless a time extension is granted pursuant to Section 17.21.160.

      c. The Final Plat and related documents must be recorded within ninety (90) days of the approval of the Development Agreement unless a time extension has been granted pursuant to Section 17.21.160. If more than ninety (90) days have elapsed from the date of the approval of the Development Agreement, and if no extension is granted, the approval of the Final Plat, Development Agreement and related documents shall expire.

      d. Additional requirements for Final Plat approval.

         1. As part of the Final Plat submittal requirements, a licensed professional land surveyor shall prepare a letter to the Fruita Community Development Director and the subdivider documenting any deficiencies in the Final Plat to be corrected. After all corrections to the Final Plat are made to the satisfaction of the peer reviewer, the subdivider shall obtain from the reviewer a signed and sealed certification to the Community Development Department that the Final Plat has been reviewed, and to the best of his or her knowledge, the plat satisfies the requirements pursuant to Section 38-51-106, C.R.S., as amended, for the recording of subdivision plats in the office of the Mesa County Clerk and Recorder. The subdivider shall pay all review fees charged by the peer reviewer, which shall be billed directly to the subdivider by the peer reviewer.

         This certification makes no warranties to any person for any purpose. It
is prepared to establish for the City of Fruita Community Development Director and the County Clerk and Recorder that a professional peer review has been obtained. The certification does not warrant:

i. Title or legal ownership of the land platted nor the title of legal ownership of adjoiners;

ii. Errors and/or omissions, including but not limited to, the omission(s) of rights-of-way and/or easements, whether or not of record;

iii. Liens and encumbrances, whether or not of record; and

iv. The qualifications, licensing status and/or any statement(s) or representation(s) made by the surveyor who prepared the above named subdivision plat.

2. The Final Plat shall be approved by certain reviewers as determined by the city with signatures indicating all requirements or changes have been fulfilled.

3. The Community Development Department staff shall ensure the Final Plat and related documents are recorded with the Mesa County Clerk and Recorder’s office including, but not limited to, the following: the executed Development Agreement; delivery of the performance guarantee required by Section 17.21.130; powers of attorney; deeds conveying easements; land or rights-of-way not dedicated on the Final Plat; the declaration of covenants; evidence of incorporation of the homeowners association, if applicable; and, homeowner’s association bylaws, if applicable.

17.21.030 REVIEW PROCESS—MINOR SUBDIVISIONS.

A. Minor Subdivisions.

The following subdivisions are classified as Minor subdivisions:

a. Subdivisions that create ten (10) or fewer additional building lots, or divide existing multi-family buildings into no more than ten (10) townhouse or condominium lots.

b. Conveyances of real property to the city for public dedication purposes.

c. Consolidation plats combining no more than three (3) lots.
d. Correction plats. (Section 17.21.090)

e. Lot line or boundary line adjustments which do not create additional lots.

f. Vacation of Right of Way

g. Condominiumization

2. Minor Subdivisions are reviewed Administratively by the Community Development Director based on the following criteria:

a. The subdivision shall be completed in one (1) phase.

b. All subdivided lots have perpetual, unobstructed legal vehicular and pedestrian access to a public way. A proposed subdivision shall not eliminate or obstruct legal access from a public way to an adjacent property.

c. All new lots shall conform with the requirements of the zone district, as well as the Land Use Compatibility Criteria in Section 17.05.080.C.

d. The subdivision shall not create or increase a non-conforming use or structure.

e. For Minor Subdivisions requiring off-site improvements, the subdivision will be required to follow Chapter 17.49 of the Fruita Land Use Code.

3. Minor Subdivisions shall be processed in accordance with the Procedures outlined in Section 17.07.040, Common Development Review Procedures

a. Any person aggrieved by a decision of the Community Development Director, or his or her designee, under the procedures set forth above, may appeal such decision to the City Council pursuant to Chapter 17.25;

b. Upon expiration of the appeal period in Section 17.25, the Minor Subdivision approval becomes final and the owner has one hundred eighty (180) days from the date of approval to comply with any required conditions of approval and record the plat. Time extensions may be granted pursuant to section 17.21.160.

17.21.40 REVIEW PROCESS - MAJOR SUBDIVISIONS

Major Subdivisions are those not otherwise conforming to the criteria for Minor Subdivisions under subsection 17.21.030(A), above.

A. Major Subdivisions are reviewed Administratively by the Community Development Director based on the following criteria:
1. Conformance to the City of Fruita’s Comprehensive Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;

2. Compatibility with the area around the subject property in accordance with Section 17.05.080.C;

3. Adequate provision of all required services and facilities (roads, bicycle and pedestrian facilities, parks, police protection, fire protection, domestic water, wastewater services, irrigation water, storm drainage facilities, etc);

4. Preservation of natural features and adequate environmental protection; and

5. Ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.

B. Major Subdivisions shall be processed in accordance with the Procedures outlined in Section 17.07.040, Common Development Review Procedures, including all public notice procedures for Concept and Preliminary Plan. Additionally, the following process steps are applicable to all Major Subdivisions.

1. Preliminary Plan. An application for Preliminary Plan approval is subject to all requirements of this Title, and other applicable regulations.

   a. The Preliminary Plan application may be continued or withdrawn by the applicant at any time in writing to the Community Development Department. The applicant may be responsible for paying for the cost of an additional public notice if public notice for the public hearing has already been sent out.

   b. Final Plat applications must be submitted within 180 days of approval of the Preliminary Plan unless a time extension has been granted pursuant to Section 17.21.160. If more than 180 days have elapsed from the date of the approval of the Preliminary Plan application, and if no extension is granted, the Preliminary Plan approval shall expire.

2. Final Plat. An application for Final Plat approval shall conform to the approved Preliminary Plan, including any conditions of approval, the requirements of this Title, and any other applicable regulations. Final Plat applications are administratively reviewed and approved by the Community Development Director, and may be combined with the related Development Agreement. The Community Development Department shall evaluate the Final Plat application for compliance with the approval of the Preliminary Plan including any conditions of approval and all requirements of this Title.
a. The applicant may withdraw the Final Plat application at any time in writing to the Community Development Department.

b. Final Plats for Major Subdivisions must be recorded within two years of Preliminary Plan approval by the City Council unless a time extension is granted pursuant to Section 17.21.160.

c. The Final Plat and related documents must be recorded within ninety (90) days of the approval of the Development Agreement unless a time extension has been granted pursuant to Section 17.21.160. If more than ninety (90) days have elapsed from the date of the approval of the Development Agreement, and if no extension is granted, the approval of the Final Plat, Development Agreement and related documents shall expire.

d. Additional requirements for Final Plat approval.

1. As part of the Final Plat submittal requirements, a licensed professional land surveyor shall prepare a letter to the Fruita Community Development Director and the subdivider documenting any deficiencies in the Final Plat to be corrected. After all corrections to the Final Plat are made to the satisfaction of the peer reviewer, the subdivider shall obtain from the reviewer a signed and sealed certification to the Community Development Department that the Final Plat has been reviewed, and to the best of his or her knowledge, the plat satisfies the requirements pursuant to Section 38-51-106, C.R.S., as amended, for the recording of subdivision plats in the office of the Mesa County Clerk and Recorder. The subdivider shall pay all review fees charged by the peer reviewer, which shall be billed directly to the subdivider by the peer reviewer.

This certification makes no warranties to any person for any purpose. It is prepared to establish for the City of Fruita Community Development Director and the County Clerk and Recorder that a professional peer review has been obtained. The certification does not warrant:

i. Title or legal ownership of the land platted nor the title of legal ownership of adjoining;

ii. Errors and/or omissions, including but not limited to, the omission(s) of rights-of-way and/or easements, whether or not of record;

iii. Liens and encumbrances, whether or not of record; and

iv. The qualifications, licensing status and/or any statement(s) or representation(s) made by the surveyor who prepared the above named subdivision plat.

2. The Final Plat shall be approved by certain reviewers as determined by the city with signatures indicating all requirements or changes have been
fulfilled.

3. The Community Development Department staff shall ensure the Final Plat and related documents are recorded with the Mesa County Clerk and Recorder’s office including, but not limited to, the following: the executed Development Agreement; delivery of the performance guarantee required by Section 17.21.130; powers of attorney; deeds conveying easements; land or rights of way not dedicated on the Final Plat; the declaration of covenants; evidence of incorporation of the homeowners association, if applicable; and, homeowner’s association bylaws, if applicable.

17.21.0450 CONSEQUENCES FOR NO ACTION
A. This section applies if development within the subdivision has not commenced within three (3) years of the recording date of the Final Plat or within three (3) years of the issuance of approval by the Community Development Director to begin construction, or any additional time period approved by the City Council.

1. The City Council may, following a public hearing, vacate its approval of the subdivision after a public hearing.

2.1. A vacation renders the Plat null and void.

3.2. For purposes of this subsection, “commence” means either:
   a. Starting construction of the public and other required improvements within the subdivision, or
   b. The sale of an individual lot or unit within the development, or
   c. Issuance of the first building permit for construction within the subdivision.

17.21.0560 PHASED SUBDIVISIONS AND SUBDIVISION FILINGS.
Preliminary Plan and Final Plat applications shall include a phasing or filing schedule. No phasing or filing schedule may exceed five years without re-approval by the City Council.

Lots in future phases cannot be sold until all required public and other subdivision improvements are completed and accepted by the City or a Development Agreement is in place for each phase of the development. For subdivisions to be completed by phasings or filings, a Final Plat application is required for each future filing and a Final Plan application is required for each future phase.

17.21.0670 APPROVAL TO BEGIN SITE DEVELOPMENT.
A. No excavation, trenching, or other site development work shall begin until the following minimum requirements are met:

   1. The Development Agreement has been recorded along with the required
2. The City Engineer signs approved for construction drawings;

3. All fees, including review fees, permit fees and impact fees are paid;

4. A pre-construction meeting is held with the City Engineer and/or Public Works Director, and the subdivider receives a signed copy of the inspection/approval form for the development;

5. Copies of permits issued by other governmental entities (such as a Construction Site Storm Water Discharge Permit issued by the Colorado Department of Public Health and Environment, and a complete and accurate copy of the final Construction Storm Water Management Plan); and

6. All other documents required by this Chapter.

B. Exceptions. Specific work tasks may be undertaken prior to compliance with subsection A above, only with the written approval of the city. Work tasks are limited to:

1. Surveying;

2. Installation of erosion control measures;

3. Placement of equipment or construction trailers, including utility hook-ups with a valid Planning Clearance and Building Permit if required;

4. Demolition, under a valid demolition permit;

5. Tree removal, clearing and grubbing;

6. Removal/relocation of irrigation facilities necessary to maintain irrigation service to adjoining properties;

7. Undergrounding of overhead electric or telecommunication lines;

8. Work within a Grand Valley Drainage District easement, with its written permission, and;

9. Other required infrastructure, which in the opinion of the city, is desirable to expedite due to weather or environmental conditions or which require close coordination with critical city-managed infrastructure or utility projects.

17.21.0780 WITHDRAWAL OF APPROVAL.
The city decision-making body may withdraw its approval of a plan or plat if it is determined that information provided by the subdivider, upon which that decision was based, was false or inaccurate.
17.21.0890 CORRECTIONS TO RECORDED PLATS.
If it is discovered that there is a minor survey or drafting error in a recorded plat, the applicant shall file the plat with an affidavit executed by a registered land surveyor and approved by the County Surveyor. If however, the correction of the error results in major alterations, as determined by the Community Development Director, then the corrected plat is subject to the full approval procedures for subdivisions contained in this Chapter and the recording of the corrected plat.

17.21.1090 REQUIRED SUBDIVISION IMPROVEMENTS.
The following subdivision improvements shall be constructed at the sole expense of the subdivider in accordance with the City of Fruita Design Criteria and Construction Specifications Manual, this Title, and sound construction and local practices. Standards and specifications published by the Colorado Department of Transportation shall apply to all State Highways. Where specific requirements are set out in other sections of this Title, the most restrictive shall apply.

A. Street Improvements.
1. Street grading and surfacing and all related improvements of all internal streets within the subdivision.

2. Adjacent streets and related improvements. All adjacent streets and related improvements providing primary or secondary access to the proposed subdivision shall be capable of adequately handling the vehicular traffic generated by the subdivision, at full occupancy, as determined by the city based on generally accepted traffic engineering standards and any applicable city standards. In applying this standard, the minimum acceptable level of service for all streets within the City of Fruita is Level of Service "C", as defined by the Institute of Transportation Engineers (ITE) Trip Generation Manual, latest edition. (See also the Transportation Impact Fee Study prepared by Mesa County, Colorado by Duncan Associates, 2018.)

Consistent with Chapter 17.437, the city may require a site specific traffic impact analysis prepared by a qualified firm or party for subdivisions with a projected trip generation at any peak hour of one-hundred (100) vehicles or greater. The city will require a continuation plan for adjoining and/or needed pedestrian/bicycle/curb infrastructure based on projected demand and a parking demand and supply analysis prepared by a qualified firm or party.

In the event a project is called up and the City Council determines that improvements to adjacent streets are necessary as a result of the traffic impacts generated by the proposed subdivision, construction of such off-site improvements shall be the responsibility of the developer. Such improvements should follow in accordance with the Procedures outlined in Section Review for Major Subdivisions. The City may require, as a condition of approval of the subdivision:

a. the subdivider to construct all such improvements including the full width of any expanded roadway surface;
b. the subdivider to pay to the city the cost of constructing such improvements in which case the city shall be responsible for constructing the applicable
improvements;
c. the subdivider to participate in a street improvement district which shall be responsible for constructing such improvements;
d. payment of a transportation impact fee consistent with Chapter 17.47 of this Title; or
e. any combination of the above.

If the City Council determines that adjacent streets providing access to the proposed subdivision are presently inadequate to handle existing levels of traffic without the proposed subdivision, the city, or a street improvement district created by the city, shall pay the costs of the improvements necessary to adequately service the subject property without the proposed subdivision. The subdivider shall pay all remaining costs necessitated by development of the subdivision. In the event the City Council determines that the improvements to be constructed and/or paid for by the subdivider will also benefit other properties in the area if further developed or subdivided, and if requested by the subdivider and approved by the City Council, the city shall enter into recapture agreements pursuant to Section 17.21.150 with the subdivider requiring the owner or developer of such other properties, as a condition of subdivision or development, to reimburse the subdivider for a portion of the costs incurred by the subdivider for the street improvements constructed pursuant to this subsection. The City shall calculate the contribution or recapture amount, which shall be roughly proportional to the traffic impacts generated by the other developments or subdivisions.

3. Roadway infrastructure, including but not limited to, curbs, gutters and sidewalks, bicycle and pedestrian paths and trails.

4. Required street signs and other traffic control devices.

5. Street lights.

B. Water and Wastewater Improvements.
1. Wastewater laterals, and mains.

2. Storm drainage system, as required.

3. Potable water distribution system.

4. Fire hydrants.

5. Irrigation System. If the proposed subdivision is located in an area that can be reasonably serviced by an existing irrigation ditch or canal system, the subdivider shall install an irrigation system and shall convey all required irrigation water rights, to the City before conveying any lots in the subdivision. The City shall subsequently lease the water rights back to the property owner’s association. The property owner’s association shall construct, own, and operate the irrigation system, the real property,
and associated easements necessary for operation and maintenance of the irrigation system.

6. Erosion control and storm water management facilities, both temporary and permanent, including obtaining state required permits.

C. Utilities, including but not limited to:
   1. Natural gas lines and related facilities necessary to service the subdivision.
   2. Cable television lines and related facilities necessary to service the subdivision.
   3. Telephone and other telecommunication lines and related facilities necessary to service the subdivision.
   4. Electrical distribution lines and related facilities. All newly constructed electrical distribution lines shall be placed underground to serve new residential subdivision areas.

D. Relocation and/or replacement of existing facilities of the types listed above, as required for the installation of other specified improvements.

E. Public or private park, trail, public site, open space and recreation facilities.

F. Other facilities as may be specified in this Title or required by the City Council.

G. Permanent reference monuments and monument boxes.

17.21.010 RELATED COSTS - PUBLIC AND OTHER REQUIRED SUBDIVISION IMPROVEMENTS.
A subdivider shall provide, at its sole cost, all necessary engineering designs, surveys, field surveys, as-built drawings and incidental services, including the cost of updating city mapping related to the construction of the public and other required subdivision improvements.

17.21.120 PUBLIC IMPROVEMENTS TO BE THE PROPERTY OF THE CITY.
Upon completion of construction of the public improvements in conformity with city standards and the plans, and any properly approved changes, a subdivider shall convey to the city, by bill of sale, all physical facilities necessary for the extension, maintenance and repair of municipal services. The city shall accept the conveyance by administrative approval and issue a Release of Improvements Agreement. Approval of a subdivision does not constitute acceptance by the city for maintenance of wastewater system facilities, parks, streets, alleyways or other public improvements required under a Development Agreement. The acceptance of those facilities for maintenance requires specific action of the City Council upon completion in accordance with the Development Agreement and/or adopted standards.
17.21.1230 GUARANTEE OF IMPROVEMENTS.

To secure the construction and installation of the public and other required subdivision improvements, the subdivider shall choose one of the following options prior to the recording of the subdivision Final Plat:

A. Development Agreement. Furnish the city with a performance guarantee satisfactory to the city, as set forth in a Development Agreement along with other required documents before recording the final plat. (See also, Chapter 17.49.)

B. Final Plat Hold. Complete all required improvements according to the subdivision approval and approved for construction drawings as would be required for a recorded Final Plat with a Development Agreement, pursuant to Chapter 24-49 of this Title. A Development Agreement is required for any improvement involving existing public right-of-way or other existing public property. Before the Final Plat is recorded, an up-to-date title search is required to ensure that there are no additional liens on the property. Failure to provide clear title to land/improvements may result in vacation of the approved Final Plat. All required improvements must be inspected and accepted by the City before the Final Plat is recorded. Additionally, a warranty is required for the improvements before the Final Plat is recorded. The warranty shall be the same as that required in Development Agreements in Chapter 49 of this Title.

1. If the developer selects a Final Plat Hold as the form of financial guarantee, developer shall furnish the City with a surety bond, irrevocable standby letter of credit or cash escrow in the amount set forth annually in the City’s fee schedule to secure necessary and appropriate grading and revegetation in the event of a default by the developer under the Development Agreement prior to the recording of the final plat. If the Community Development Director determines that the Development Agreement is in default, the City of Fruita may access those funds for grading and revegetation purposes.

17.21.1340 SUBDIVISION IMPROVEMENTS REQUIRED PRIOR TO ISSUANCE OF PLANNING CLEARANCES.

All required improvements shall be installed, inspected and approved by city staff prior to issuance of a Planning Clearance for a building permit for the construction of any buildings within a subdivision with the exception of trails, bikeways and landscaping of common open spaces, parks and recreation areas whether dedicated to the city or to a property owners association. Up to twenty percent (20%) of the Planning Clearances in a subdivision may be released when all improvements are completed excluding trails, bikeways, fencing and landscaping of common open spaces, parks and recreation areas. Once all improvements are completed, approved and accepted by the city, all other Planning Clearances can be released. Once a Planning Clearance is released, a Certificates of Occupancy for the building can be issued if all other requirements are met.

The city may approve an exception to this provision for a model house to be constructed if the house is not occupied as a residence until Planning Clearances are released for the subdivision.
and a Certificate of Occupancy is issued.

Improvements required to be completed before release of a Planning Clearance may include but are not limited to the following:

A. Permanent survey monuments referenced to the North American Vertical Datum of 1988 (NAVD) 88 per the Mesa County Survey Monument (MCSM) standards;

B. Wastewater lines and laterals to each lot;

C. Water mains and laterals to each lot;

D. Fire hydrants;

E. Storm drainage structures and conveyances, including associated erosion control measures as needed to prevent siltation of new or existing storm drainage facilities;

F. Grading and base construction of streets and alleys;

G. Soil stabilizing structures;

H. Dry utilities, including telecommunications, cable television, electrical service, and natural gas service shall be installed and operational;

I. Concrete curb, gutter, sidewalks, cross pans and handicap ramps;

J. Asphalt and/or concrete street paving as required;

K. Street signage, pavement markings and required traffic control devices;

L. Overlot grading of all areas to facilitate proper drainage, including grading completed on all lots to match finished grade elevations at all property corners;

M. Street lighting;

N. Permanent soil stabilization and revegetation measures;

O. Developer installed fencing as shown on the construction drawings pursuant to the applicable Development Agreement;

P. Non-potable irrigation system;

Q. All other required public or private improvements pursuant to the applicable Development Agreement and this Title;

R. As built drawings accepted by the City Engineer; and
S. Any other documentation required by the City.

17.21.1450 Recapture Agreements.
As one of the conditions of approval of a subdivision, the city may determine that certain off-site improvements that are of general benefit to the city are required. In this event, the city, by affirmative action of the City Council, may enter into a recapture agreement with a subdivider under which proportionate engineering, surveying and construction costs of off-site water, wastewater, storm drainage and/or street improvements are repaid to the subdivider by other owners or developers who benefit from such improvements over an established period of time. The proportionate share of the cost of the improvements to be repaid by others shall be calculated in accordance with formulas approved by the city.

The subdivider shall request a recapture agreement prior to final City Council action on the development application. The City Council retains sole authority to approve or deny all recapture agreements, at its discretion. Recapture agreements shall not exceed a period of ten (10) years, and shall be incorporated in the Development Agreement.

17.21.1560 Time Extensions

A. The Community Development Director may grant an extension of the deadline to submit Preliminary Plan or Final Plat applications, record the final plat or commence development of the subdivision for up to 365 days. All time extension requests are evaluated on the following criteria:

1. There have been no changes to the area in which the subdivision is located that would affect the proposed subdivision,

2. There have been no changes to the city's rules, regulations and policies including changes to the city's Comprehensive Plan and this Land Use Code that would affect the proposed subdivision, and

3. There has been no significant increase in impact fees required to be paid for the proposed subdivision.
Chapter 17.07
Standard Review Procedures

SECTIONS:
17.07.010 Purpose
17.07.020 Summary of Procedures
17.07.030 Planning Clearance
17.07.040 Common Development Review Procedures
17.07.050 Required Land Development Applications
17.07.060 Amendments to Approved Land Development Applications
17.07.070 Expiration and Extensions of Approval
17.07.080 Temporary Postponement of Improvements
17.07.090 Certificate of Occupancy Required

17.07.010 PURPOSE
The purpose of this chapter is to describe the procedures for review of applications for land use
and development activity in the City of Fruita. This chapter is intended to ensure consistency and
efficiency in the administration of the City’s land use regulations.

17.07.020 SUMMARY OF PROCEDURES
A. The following table summarizes the major procedures for review of applications for land
use and development activity in the City of Fruita. Not all procedures addressed in this
chapter are summarized in this table; see the subsequent sections of this chapter for
additional details on each procedure.

Table 17.07.020, Summary of Review Procedures

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<th>Staff Review</th>
<th>Planning Commission</th>
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<tr>
<td>M = Mandatory O = Optional R = Recommendation D = Decision</td>
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Land Development Applications

| Annexation | M | M | R | R | - | D |
| Concept Plan Review | M | O | R | R | - | R |
| Conditional Use Permit | M | O/M | R | D | - | - |
| Density Bonus | M | M | R | R | - | D |
| Design Guideline Review | M | O | D | - | - | - |
| Home Occupation Permit | O | O | D | - | - | - |
| Mobile Vendor Court | M | O | D | - | - | - |
| Sign Permit | O | O | D | - | - | - |
| Site Design Review | M | O | D | - | - | - |
### Short Term Rental Permit

| Short Term Rental Permit | O | O | D | - | - | - |

### Subdivision

| Subdivision - Major Preliminary Plan | M | M | R | R | - | D |

| Subdivision - Minor Preliminary Plan | M | O | M | D | - | - |

| Subdivision - Final Plat | M | O | D | - | - | - |

| Temporary Use Permit | O | O | D | - | - | - |

| Vacation of ROW | M | O | D | - | - | - |

| Vested Rights Extension | M | O | R | - | - | D |

### Amendments

| Change in Use | O | O | D | - | - | - |

| General Rezoning | M | M | R | R | - | D |

| PUD Rezoning | M | M | R | R | - | D |

| Text Amendments | M | O | R | R | - | D |

### Relief Procedures

| Variance | M | O | R | - | D | - |

| Administrative Adjustments | O | O | D | - | - | - |

| Appeals | O/M* | O | - | - | D* | D |

| Sign Variances | M | O | R | - | - | D |

*A Pre-Application Conference shall be required for an appeal of a decision made by the Planning Commission, Historic Preservation Board, or Board of Adjustment. The Board of Adjustment has the authority to hear and decide appeals related to the denial of an administrative adjustments only. All other appeals are heard and decided by City Council.

### B. The following deadlines for submittal processing and review of a multi-step development approval shall apply.

1. For land development applications deemed to be complete which require a public hearing before both the Planning Commission and City Council, with the exception of annexations, the following decision deadlines apply:
   a. Planning Commission - 75 days
   b. City Council - 110 days

2. For annexation applications deemed to be complete, the following decision deadlines apply:
   a. Setting the City Council hearing date to find the property eligible for annexation – 75 days
   b. City Council hearing to find the property eligible – 120 days
   c. Setting the hearing date to annex the property shall coincide with the accompanying land use final approval (Subdivision, Site Design Review, Conditional Use Permit, etc.). If an annexation agreement is to be used instead, the decision deadlines to annex property shall be 75 days for the

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*Chapter 17.07, Common Development Review Procedures*
Planning Commission and 110 days for the City Council.

3. For Variance applications deemed to be complete, the Board of Adjustment shall render a decision within 75 days.

4. For applications deemed to be complete which require no public hearings and can be administratively approved by staff, the following decision deadlines apply:
   a. Planning Clearances – 5 days
   b. Administrative Modifications – 70 days
   c. Site Design Review – 70 days
   d. Final Plats – 70 days
   e. Sign Permits – 5 days
   f. Temporary Use Permits – 5 days
   g. Home Occupation Permits – 5 days
   h. Short Term Rental Permits – 30 days
   i. Subdivisions – 70 days
   j. Planned Unit Developments (PUD) – 70 days

17.07.030 PLANNING CLEARANCE

A. A Planning Clearance is required for any development requiring a building permit and any of the following, whether a building permit is required or not:
   1. changes in land use or development, including but not limited to new or replacement structures;
   2. significant exterior remodels of existing structures; changes to vehicle access or circulation; landscaping (except single-family residential land uses);
   3. parking, or lighting of the same; changes in building use;
   4. changes in occupancy type, as defined in applicable building codes;
   5. temporary uses;
   6. fences;
   7. sheds and any other accessory building or structure covering more than eighty (80) square feet of land area;
   8. canopies exceeding eight (8) feet in height and other accessory structures covering over eighty (80) square feet of land area, whether permanent or temporary;
   9. fireplaces and wood burning stoves (including replacement of the same);
   10. grading, excavation, or fill of more than fifty (50) cubic yards of material; and
   11. similar changes as determined by the Community Development Director.

B. Procedure. The Community Development Director can administratively approve Planning Clearances.

C. Approval Criteria. Planning Clearances shall be approved only if the application meets...
or can meet all applicable requirements of this Title and other Titles of the Municipal Code. Planning Clearances shall be contingent upon completing the project in accordance with the city’s approval and conditions thereof.

D. Expiration. Planning Clearances expire automatically if:

1. Within one (1) year after the issuance of such permit, the use or development authorized by such permit has not commenced; or

2. Within one (1) year after the issuance of such permit, less than ten (10) percent of the total cost of all construction, alteration, excavation, demolition or similar work on any development authorized by such permit has been completed on the site. With respect to phased development this provision shall apply only to the phase under construction; or

3. After some physical alteration to land or structures begins to take place, such work is discontinued for a period of three (3) years.

17.07.040 COMMON DEVELOPMENT REVIEW PROCEDURES

The common development review procedures in this Section shall apply to all types of development applications in this Title, unless an exception to the common procedures is expressly identified in subsequent sections of this chapter, or in the applicable process section.

A. Pre-Application Meeting

1. Purpose. To help minimize development-planning costs, avoid misunderstandings or misinterpretation of city requirements, and ensure compliance with the requirements of this Title, a pre-application meeting between the applicant and the Community Development Department and other staff is encouraged or required as provided in this Title. The Director or authorized staff may provide recommendations and/or inform the applicant of any potential issues that might be presented to the applicable decision-making body.

2. Applicability.
   a. Required Pre-Application Meeting. A pre-application meeting is required prior to the following types of applications:

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<tr>
<td>Annexation                        M</td>
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<td>Concept Plan Review               M</td>
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<td>Conditional Use Permit            M</td>
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<tr>
<td>Density Bonus                     M</td>
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<td>Design Guideline Review           M</td>
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<td>Site Design Review                M</td>
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<td>Subdivision - Major               M</td>
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<tr>
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b. Optional Pre-Application Meeting. A pre-application meeting is optional, upon the request of the applicant, prior to submission of all other applications under this Code not listed above.

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3. Pre-Application Conference Content. The pre-application meeting is intended to be informational; staff will review the applicant’s preliminary proposal and provide informal feedback on applicable city codes and requirements. The intent is to promote efficiency and two-way communication early in the development review process between applicants and the city.

Pre-application meetings may not adequately address all city requirements or requirements of outside agencies (e.g., CDOT, Health Department, Mesa County). Applicants are encouraged to seek information on permit requirements from other agencies, as applicable.

   a. The applicant shall request in writing a pre-application meeting with the Director. The applicant shall provide the required information as determined necessary by the Director to provide an informal evaluation and any recommendations. The applicant shall provide requested materials to the Director at least fifteen business days in advance of a pre-application meeting.
b. The Director shall schedule a pre-application conference after receipt of a proper request.

c. Prospective applicants are strongly encouraged to contact adjacent property owners for the purpose of soliciting neighborhood input prior to formally submitting an application.

d. Following the pre-application conference, once the applicant has fully prepared its application for a permit or approval, the applicant is encouraged to schedule and hold a pre-submittal meeting with Community Development Department staff prior to submittal of the development application to help ensure the application will be correct and complete when submitted. For applications in which a pre-application meeting is required, a pre-submittal meeting will not be held unless a pre-application meeting has been held.

e. Pre-application meetings are valid for a period of six (6) months from the date of the meeting, after which a new pre-application meeting may be required.

f. Pre-application meetings may not adequately address all city requirements or requirements of outside agencies (e.g., CDOT, Health Department, Mesa County). Applicants are encouraged to seek information on permit requirements from other agencies, as applicable.

5. Waiver. The Director may waive the pre-application conference requirement for applications if s/he finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

B. Application Submittal

1. Application Form and Materials. The Director shall compile the requirements for application contents, forms, and fees and make such materials available to the public. Applications for land development approvals shall be submitted in the form and numbers as determined by the Community Development Director and accompanied by the requisite application fee(s) adopted by the City Council. An application shall not be processed or scheduled for public hearing until the Community Development Director deems it complete. The Director may amend and update the application materials from time to time.

   a. An applicant for a land development application approval, including planning clearances, sign permits, conditional use permits, annexation petitions, subdivisions, planned unit developments, zoning amendments, variances, and other land development applications, shall pay the required fees as established by the City Council.
2. Authority to Submit Applications.
   a. Unless otherwise specified in this Code, applications for review and approval may be initiated by:
      i. The owner of the property that is the subject of the application;
      ii. The owner’s authorized representative; or
      iii. Any review or decision-making body for the City of Fruita.
   b. When an authorized representative files an application under this Code on behalf of the property owner, the representative shall provide the City with written documentation that the owner has authorized the filing of said application.
   c. When a review or decision-making body initiates action under this Code, it does so without prejudice toward the outcome.

3. Concurrent Review of Applications. Where a project involves more than one application under this Title, the Community Development Director may require that all relevant applications for the project to be submitted together for concurrent processing and review; except that variance applications shall be reviewed separately by the Board of Adjustment or the City Council as applicable.

4. Review of Multiple Applications when Subject to Different Review Procedures. Where a project involves multiple applications with different review procedures (e.g., public hearing review of a “major” application or administrative review of a “minor” application as specified herein), the Community Development Director may process the subject applications individually under the respective review procedures, or where the Community Development Director deems it in the public interest, he or she may refer all applications for the project to the applicable hearing body for concurrent review.

5. Waivers. The Director may waive certain submittal requirements in order to eliminate redundancy, reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Director may waive such requirements where s/he finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

C. Determination of Completeness and Review by the Community Development Director.
1. Determination of Completeness. After a development application has been received, the Director shall make a determination of application completeness within fifteen (15) business days of application filing. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Code.
   a. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet, and is accompanied by the applicable fee.
   b. If the application is determined to be incomplete, the Director shall provide
notice to the applicant that includes an explanation of the application deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a resubmittal.

c. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of applicable development review fees.

d. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Title, or other applicable codes, and it shall not preclude a request for additional information or materials in the future to complete the review of the application.

2. Application Review and Recommendation by Community Development Director.
   a. Referral Comments. Following a determination that an application is complete, the Director shall circulate the application to staff and appropriate referral entities for review and comment. The Director shall compile all comments and recommendations from appropriate City staff persons, departments and referral agencies, which shall be provided to the applicant prior to any decision or public hearing.
      i. The Director may request a meeting with the applicant to discuss the application and any written comments. Based on the written comments, the applicant may request an opportunity to revise the application prior to further processing. Additional submittals and reviews may be subject to additional fees as determined by the Director.
   b. Report and Recommendation. Once written comments have been adequately addressed according to the Director, the Director shall prepare a Staff Report and recommendation to the appropriate decision-making body on the development application. The written report and recommendation shall state whether the application complies with the applicable review standards, and whether the application should be continued, approved, approved with conditions, or denied. If the Staff Report finds that the application fails to comply with applicable requirements of this Title, it shall identify the requirements in question and specifically state supporting reasons for the proposed findings. The Staff Report shall be available for prior to the scheduled hearing. The Community Development Department shall provide copies of the application, review comments, public comments and other applicable information to the Planning Commission or the Board of Adjustment, as applicable.
   c. The burden of persuasion on the issue of whether the development or use applied for, if completed as proposed, will comply with the requirements of this Title and should be approved remains, at all times, on the applicant. The Community Development Director may request additional information from the applicant during the course of reviewing the application if, based on professional expertise or relevant input provided by the Planning

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Commission or City Council, the Director believes that such information would be helpful in evaluating the application for compliance with the requirements of this Land Use Code.

d. Administrative Decisions. If the application is subject to an administrative review, the Director shall complete a notice of approval once all applicable review standards have been deemed met or met with conditions.

   i. Minor Subdivisions, except Planned Unit Developments, and Site Design Review shall require public notice prior to the administrative decision the same as the public hearing decision requirements stated in subsection D.E of this section.

   ii. Planning Clearances, Sign Permits, Temporary Use Permits, Home Occupation Permits and Final Plats require no public notice.

D. Neighborhood Meeting. In order to facilitate citizen participation early in the development review process, the City requires certain development applications to complete a neighborhood meeting to inform neighbors and interested members of the public about the project.

D.1. The Neighborhood. At a minimum all properties any part of which is located within the public notice boundary as required in Section 17.07.040 (E) of any portion of the project are considered “the neighborhood.”

1. The applicant is required to provide information about the proposal, which may include a written summary, drawings, renderings, or a physical model. The applicant must show a concerted effort to inform neighbors and the public about the application prior to the first public hearing.

2. The applicant is required to complete a summary of the feedback received, and provide that to the Director at least seven (7) days prior to the public hearing. Any documentation that was presented to the public as part of the outreach should also be included as part of the official record.

2. The Director may, as part of the pre-application meeting, suggest certain forms that would be most appropriate for the development application.

3. Meeting Time and Procedure. The applicant must provide for a physical or virtual meeting and must conduct the meeting. Meetings must be held on a weekday evening that is not a holiday beginning between 5:30 p.m. and 8:00 p.m. The meeting date, time and format must be approved by the Director no less than 14 days in advance of the meeting date. A required neighborhood meeting must be held not more than 180 days before the application is submitted.

4. Meeting Content and Conduct. At the meeting the applicant shall present the overall plan, describe project impacts, describe ways to mitigate impacts, and facilitate a discussion and answer questions during the meeting. The overall plan shall, at a minimum, delineate access to the site, internal circulation, the range of density of the entire property or the mix of housing types. The meeting shall be conducted so that participants have an opportunity to ask questions and provide comments. City staff should gather information and explain the rules and requirements. City staff shall provide information regarding the project’s compliance with the Comprehensive Plan and any applicable adopted plan or ordinance. Included with the application submittal, the applicant must give the
Director a written list of names and addresses of those given notice, how notice was provided, and those participating in the meeting attending, along with a written summary of the meeting including any public comment received.

3. Notice. The applicant shall provide written notice of the date, time, place if an in-person meeting is conducted or the web location/host, together with any and all information required to access the meeting if conducted virtually and subject of the meeting to every owner and group in the neighborhood, as well as the Community Development Department. The notice must be approved by the Director no less than 14 days in advance of the meeting date and shall be, at a minimum, delivered by U.S. mail. The notice must be made no later than 10 calendar days prior to the meeting date.

4. The applicant must choose to complete one or more of the following forms for a neighborhood meeting:
   a. In-Person Meeting. The applicant must hold an informational meeting to gain input from neighbors and citizens. The meeting must be open and accessible to the general public and held in a location in proximity to the proposed development, or in a publicly accessible building such as the Library or City Hall. The applicant or applicant’s representative shall attend the neighborhood meeting and be available to answer questions from the public. The applicant must conduct a minimum level mailing of notice, as outlined in section 17.07.040.E.1.d, to ensure neighbors are aware of the meeting. The city shall provide the applicable mailing list, but the applicant shall be responsible for completing the mailing. Proof of notice shall be required, pursuant to 17.07.040.E.6.
   b. On-line Meeting. The applicant must hold an informational meeting to gain input from neighbors and citizens. The meeting must be open and accessible to the general public. The applicant or applicant’s representative shall attend the neighborhood meeting and be available to answer questions from the public. The applicant shall be responsible for scheduling and coordinating the meeting. The applicant must conduct a minimum level mailing of notice, as outlined in section 17.07.040.E.1.d, to ensure neighbors are aware of the
meeting. The city shall provide the applicable mailing list, but the applicant shall be responsible for completing the mailing. Proof of notice shall be required, pursuant to 17.07.040.E.6.

e. Individual Outreach. The applicant must conduct individual or small group meetings with neighbors of the project. The applicant or applicant’s representative shall be responsible for organizing and attending the meetings.

E. Public Notice. The Director shall establish a place and time certain for a hearing, if required by this Title, on the development application.

1. For every public hearing required by this Title, unless otherwise required by law or this Title, the city shall notify the public of such hearing by:
   a. Publication once in a newspaper of general circulation within the city, at least fifteen (15) days prior to the public hearing; and
   b. Posting notice at the Fruita City Hall, 325 East Aspen, Fruita, CO 81521, at least five (5) days prior to the hearing; and
   c. Sign(s) shall be posted on or near the subject property, and shall be sufficiently conspicuous in terms of size, location and content to provide reasonably adequate notice to potentially interested persons of the land use action at a specified date and time. Such notice(s) shall be posted at least fifteen (15) days prior to the public hearing; and
   d. Written notice shall be mailed to property owners, as recorded at the office of the Mesa County Assessor, of property within three hundred and fifty (350) feet of the subject property, or more until a minimum of twenty (20) unique property owners are provided notice. Notice shall be provided at least fifteen (15) days prior to the public hearing. This requirement does not apply to applications that are not property specific such as Land Use Code or Master Plan amendments.

2. All notices for public hearings shall include the following information:
   a. The date, time, and place of the hearing;
   b. The address or description of the subject property (in any);
   c. The purpose of the hearing, including the scope and nature of the proposed action;
   d. The applicable review board holding the hearing;
   e. The right of interested persons to appear and make public comments; and How to obtain additional information on the application and applicable review.

3. When a proposed amendment to the zone district regulations pertains to an entire zone district or all zone districts, notice shall be given only by publication in a newspaper of general circulation within the city, at least 15 days prior to the public hearing and posting of the notice at least five (5) days prior to the hearing at the Fruita City Hall, 325 East Aspen, Fruita, CO 81521, with no posting on any specific property or mailing required.
4. Major Activity Notice. When a subdivision or commercial or industrial activity is proposed which will cover five (5) or more acres of land, the City of Fruita shall send notice to the Colorado Land Use Commission, the State Geologist, and the Board of County Commissioners of the proposal prior to approval of any zoning change, subdivision or planning clearance for a building permit application associated with such a proposed activity.

5. Notice to Mineral Estate Owners. In addition to the notices described above, and in accordance with Section 24-65.5-103, C.R.S., not less than thirty (30) days before the date scheduled for the first (1st) public hearing on an application for a subdivision creating more than one additional buildable lot, the applicant shall provide notice to mineral estate owners, as defined in Section 24-65.5-102(5), C.R.S. The notice shall be sent and shall contain all of the information required by Section 24-65.5-103, C.R.S. Proof of the giving of such notice shall be submitted by the applicant to the Community Development Department, on forms provided by the Community Development Department, prior to commencement of the hearing.

6. Proof of Notice. Proof of giving notice by mail, personal delivery, posting of a sign, or publication in a newspaper may be established by affidavits of the person with personal knowledge of the giving of notice. The affidavit shall be prima facie evidence of its contents and shall be a part of the record at the subject hearing.

F. Actions by Decision-Making Bodies. All decision-making bodies shall act in accordance with the time limits established in this Title and the City of Fruita. The city shall make every reasonable effort to process review applications as expeditiously as possible, consistent with the need to ensure that the application conforms to the requirements of this Title.

1. Criteria for Approval. Reviews of all applications under the Land Use Code shall be based on the applicable provisions of the Code and other applicable regulations. The burden shall be on the applicant to demonstrate conformity with the applicable regulations. Upon city approval, the applicant shall address all of the conditions imposed by the city decision-making body.

2. Public Hearings. All public hearings with the Planning Commission, Board of Adjustment, Historic Preservation Board, or City Council be conducted in accordance with the following:
   a. The applicant, or the applicant’s representative, shall be present at the public hearing to represent the application.
   b. The Community Development Department shall provide to the review body the application information, a Staff Report, review comments, any applicable recommendation from a City review body, written public comments and other related documents.
   c. At the public hearing, the review body shall accept oral and written testimony from staff, the applicant and members of the public. For the record, Community Development Department staff shall be provided a copy
of all new written or graphic information provided by the applicant or the public at the public hearing.

d. The review body shall consider whether the application complies with all of the applicable requirements of this Title. At the close of the public hearing, the review body shall make a decision, as outlined in section 3, below.

3. Decision. After consideration of the application, the staff report, comments received from other reviewers (if applicable), and the evidence from the public hearing (if applicable), the review body shall make a recommendation or make a decision, depending on their review role for the application.

a. For review bodies making a recommendation to City Council or another board or commission, they shall take one of the following actions:
   i. Continue the hearing to gather more information; or
   ii. Recommend that the application be approved, subject to any conditions it finds necessary to protect the public health, safety and welfare or to ensure compliance with the city’s regulations and stating the reasons for the approval including conditions of approval; or
   iii. Recommend denial of the application, stating the specific reasons for recommending denial.
   iv. The recommendation for approval, approval with conditions or denial of the application shall include specific findings, based upon the evidence submitted, justifying such a recommendation.

b. For review bodies making a decision on the application, they shall take one of the following actions:
   i. Continue the hearing to gather more information; or
   ii. Approve the application, subject to any conditions it finds necessary to protect the public health, safety and welfare or to ensure compliance with the city’s regulations and stating the reasons for the approval including conditions of approval; or
   iii. Deny the application, stating the specific reasons for denial.
   iv. The decision approving, approving with conditions or denying, the application shall include specific findings, based upon the evidence submitted, justifying such a conclusion.

4. Conditions of Approval. A decision-making body may place reasonable conditions on an application to bring the proposal into compliance with this Title or other applicable regulations, or to mitigate the impacts of that development on the surrounding properties or streets. Any condition of approval shall be based on standards adopted by the City, or be reasonably related to the anticipated impacts of the proposed use or development.

a. During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes
formal action to attach that condition to a development approval.
b. Applicant Representations. Any representations of an applicant in submittal materials or during a public hearing shall be considered binding as conditions of approval.

5. Recording of Decisions. Once an application is approved, the approving documentation shall be filed with the Town Clerk and, if required, recorded in the Office of the Mesa County Clerk and Recorder.

6. Effect of a Denial. Whenever City Council denies an application, such action may not be reconsidered by the City for one (1) year unless the applicant clearly demonstrates that circumstances affecting the subject property have substantially changed, or new information is available that could not with reasonable diligence have been presented at the previous hearing.
   a. Nothing contained in this Section shall preclude the submission of a substantially new application as determined by the Community Development Director or the City Engineer.

17.07.050 REQUIRED LAND DEVELOPMENT APPLICATIONS.
A. Land development applications are approved under this Title only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this Title, if completed as proposed, including any conditions of approval. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in this Title, all developments shall occur strictly in accordance with such approved plans, applications, and conditions of approval, as applicable.

B. Physical improvements to land subject to land development application requirements may be approved by the city staff to allow expedited construction of certain specific improvements prior to permit and approval issuance in unique and special circumstances where delays would cause unacceptable impacts to city projects or activities. Such approval requires an administrative order or letter signed by the Public Works Director, City Engineer, or Community Development Director stating the reason for the approval.

C. Land development application approvals issued under this Title shall be issued in the name of the applicant or the applicant’s agent (authorized representative), as applicable. Land development application approvals made under this Title shall identify the property involved and the proposed use, shall incorporate by reference, the plans submitted and shall contain any special conditions or requirements lawfully imposed by the permit issuing authority.

D. Approval of a land development application authorizes the recipient to commence the activity resulting in a change of use of the land or, to obtain a building permit, if required pursuant to the Fruita Municipal Code, to commence work to construct, erect, move, place, or substantially alter buildings or other structures or, to make necessary improvements to a subdivision. However, except as otherwise permitted in this Title, the
intended use may not be commenced, and no building may be occupied, until all of the requirements of this Title and all additional requirements imposed pursuant to the issuance of a permit or approval have been complied with.

17.07.060 AMENDMENTS TO APPROVED LAND DEVELOPMENT APPLICATIONS

A. The Community Development Director may authorize minor deviations from the original approved application, including approvals by the City Council. The Community Development Director shall determine whether amendments to and modifications of approved land development applications are minor or major.

B. Major deviations shall be subject to review and approval by the city decision-making body that approved the original application, provided an application that was approved by City Council may be referred to the Planning Commission first for a recommendation. A major deviation is one that exceeds one or more of the following thresholds:
   1. Increase in the number of residential lots or dwelling units;
   2. Reduction in the area of open space by more than ten (10) percent, or a reduction in the quality of open space, as determined by the Community Development Director;
   3. Increase in permitted floor area by more than ten (10) percent for any single nonresidential building;
   4. Modification to any site design or lot development standard in this Title;
   5. Any change to a requirement imposed through conditions of approval;
   6. Modifications to street standards or other public improvement requirements shall be subject to approval by the City Engineer, pursuant to the City of Fruita Engineering Design Criteria and Construction Specifications. Where a modification potentially affects a project’s compliance with this Title, or any condition of approval related to this Title imposed through the original approval, the request shall be subject to review and approval by the Community Development Director. The Community Development Director may refer the request to the Planning Commission and City Council.

17.07.070 EXPIRATION AND EXTENSIONS OF APPROVAL

A. An approval may expire if timelines, as outlined in this Title or in a Site Specific Development Plan Approval are not met. Unless otherwise outlined in this Title, those timeframes may be extended only when the following conditions are met:
   1. A request for an extension shall be filed prior to the applicable deadline;
   2. The request for an extension shall be made in writing and include justification; and
   3. Any applicable requirements of the approval must have been met.
   4. If the expiration of approval is not noted in a specific process, the expiration period shall be three (3) years from the date of approval. Unless otherwise noted, authority to grant extensions of time shall rest with the decision-making body that granted the original approval.

17.07.080 TEMPORARY POSTPONEMENT OF IMPROVEMENTS
It shall be within the administrative discretion of the Community Development Director to approve a temporary postponement of certain required improvements so long as the public health, safety, and welfare are preserved and the recipient provides a performance bond or other security satisfactory to the city to ensure that all to of the requirements of this Title will be fulfilled within a reasonable period. At a minimum, a request for postponing improvements must be submitted in writing explaining what improvements are requested to be postponed, why the postponement is necessary and when the improvements will be completed. At the Community Development Director’s discretion, a request to postpone improvements may be sent to the City Council for a decision.

17.07.090 CERTIFICATE OF OCCUPANCY REQUIRED.

A. No building or structure shall be occupied, and no change in existing occupancy classification of a building or structure or portion thereof shall be made until the city has authorized the issuance of a Certificate of Occupancy. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of provisions of this Title or other titles of the Municipal Code.

B. The city may suspend or revoke a Certificate of Occupancy or completion issued under the provision of this Title where ever the Certificate was issued in error, or on the basis or incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Title.
Chapter 17.09
SPECIFIC REVIEW PROCEDURES

Sections:

17.09.010 Purpose
17.09.020 Site Design Review
17.09.030 Conditional Uses
17.09.040 Change in Use
17.09.050 Density Bonus
17.09.060 Short Term Rentals
17.09.070 Amendment to Official Zoning Map (Rezoning)
17.09.080 Amendment to the Land Use Code
17.09.090 Vacation of Public Right-of-Way
17.09.100 Vacation of Public Easement
17.09.110 Mobile Food Vendor and Mobile Vendor Court

17.09.010 PURPOSE
The purpose of this Chapter is to outline specific review procedures applicable to development in the City of Fruita.

17.09.020 SITE DESIGN REVIEW.

A. Applicability. Site Design Review is required for the following developments with the exception of subdivisions, detached single family residential, and duplex residential land uses:

1. Changes in land use or remodels that result in an increase in floor area, lot coverage, or parking spaces by more than 40%; or
2. Any change in land use or remodel that requires an Adjustment; or
3. Any development that requires construction of public improvements.

B. Procedure. Two types of Site Design Review are authorized, Administrative Site Design Review and Site Design Review with adjustment, as follows:

1. Administrative Site Design Review. Developments subject to Site Design Review that do not require an Adjustment to any regulation under this Title by more than ten (10) percent (dimensional standards only) are reviewed and acted upon by the Community Development Director.

2. Site Design Review With Adjustment. Developments subject to Site Design Review that require an Adjustment to one or more regulations under this Title by more than ten (10) percent are reviewed through the public hearing process in accordance with Section 17.07.040.
C. Approval Criteria. The city decision-making body may approve a Site Design Review application only upon finding that it meets the applicable requirements of this Title and other applicable regulations.

17.09.030 CONDITIONAL USES.

A. Applicability. A Conditional Use Permit is required for any use identified as a conditional use on the Land Use Table in Section 17.05.090 of this Title.

B. Procedure. Conditional Use Permit applications shall be processed and reviewed through the public hearing process in accordance with Section 17.07.040.

C. Approval Criteria for Conditional Use Permits. A Conditional Use Permit may be granted for a conditional use in a particular zone provided the City Council finds as follows:

1. The proposed use is consistent with the provisions and purposes of this Title, with the purposes of the zone in which it is located, and with the city's Comprehensive Plan;

2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, pursuant to the criteria in Section 17.05.080.C;

3. The proposed use will not materially endanger the public health or safety; and

4. Public services and facilities including, but not limited to, transportation systems, wastewater disposal and treatment, domestic water, fire protection, police protection, and storm drainage facilities are adequate to serve the proposed use.

D. Expiration. A use requiring a Conditional Use Permit must commence within three (3) years of approval or the Conditional Use Permit approval will expire. Conditional uses that have ceased for more than one (1) year cannot be re-established without re-approval of the Conditional Use Permit.

17.09.040 CHANGE IN USE.

A. Applicability. A change in use occurs when there is any change in the occupancy of a building that would change the code requirements that apply to the site, or the Land Use Category as outlined in Chapter 17.05. These changes must be reviewed to ensure that the site can accommodate the type of use that is proposed and that the building meets all requirements for public safety.

1. If there is a change from one principal use of a building or land to another principal use of a building or land, but there is no increase in the size of the existing building or extent of the use of the land and none of the above factors outlined below apply, a
change of use shall not have occurred

B. Procedure. Change in Use applications shall be processed and reviewed administratively in accordance with Section 17.07.040. The Community Development Director may choose to refer the application to City Council for decision.

C. Approval Criteria for Change in Use Applications. A Change in Use Application may be granted for a use in a particular zone provided the following factors are present and confirmed for the new use:

1. The new use has an off-street parking requirement under this Title which is greater than parking available and necessary for the previous use; or

2. The number of vehicle trips generated by the new use is or will be greater than the number of vehicle trips generated by the previous use as determined by the Institute of Transportation Engineers Trip Generation, latest edition; or

3. The amount of stormwater runoff or impervious (to drainage) surface area will be increased with the new use.

4. The amount of wastewater generated by the use will be greater than the previous use.

17.09.050 DENSITY BONUSES.

A. Generally. The purpose of this Section is to help implement portions of the Fruita Community Plan by providing for residential density bonuses in designated zones tied to the provision of community benefits. This Chapter is intended to promote compatibility between land uses, as well as predictability and fairness in the approvals process, consistent with the Fruita Comprehensive Plan. This Section provides opportunities for development incentives in response to applicants providing community benefits beyond those described herein as baseline standards, encouraging applicants to deliver those amenities without incurring unreasonable economic costs, or driving up housing or consumer costs.

B. Applicability. The provisions of this section apply to development in the CR, and SFR zone districts, as well as to any PUD. Projects utilizing the provisions of this Chapter are not necessarily required to be processed as a Planned Unit Development. All densities are based on dwelling units per gross acre, as defined in Chapter 17.03.

C. Process. Density bonus applications shall be processed at the same time and using the same procedure as required for a Major Subdivision, Planned Unit Development, or Site Design Review, as applicable. The Community Development Director/City Council may preliminarily approve a density bonus, with final approval contingent upon the owner and city executing an Annexation Agreement, Development Agreement, PUD Guide and/or other binding agreement as necessary to ensure compliance with this Title and other city requirements (in accordance with the review procedures described in Section 17.07.040). The Community Development Director/City Council may approve, deny, or approve with...
conditions, density bonus applications filed in accordance with this Title subject to applicable review procedures contained in this Title.
D. Criteria. The Community Development Director is authorized to grant density bonuses up to a maximum of eight (8) dwelling units per acre in accordance with the following:

<table>
<thead>
<tr>
<th>Density Bonus Criteria</th>
<th>CR</th>
<th>SFR</th>
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<tbody>
<tr>
<td>Base Density</td>
<td>6.0 DU/acre</td>
<td>4.0 DU/acre</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>8.0 DU/acre</td>
<td>5.0 DU/acre</td>
</tr>
<tr>
<td>20% Open Space</td>
<td>1 additional DU/acre</td>
<td>1 additional</td>
</tr>
<tr>
<td>Bike and Trail Connections</td>
<td>1 additional DU/acre</td>
<td>1 additional</td>
</tr>
<tr>
<td>Alley/shared drive access</td>
<td>1 additional DU/acre</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Mix of housing types</td>
<td>1 additional DU/acre</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

1. A minimum of twenty (20) percent of the project designated as parks, trails, open space or common area. The open space or common area must be easily accessible to a minimum of fifty (50) percent of the lots, by being located within a ¼ mile walking shed, and providing a safe sidewalk or trail connection to the space. A conservation easement, or other form acceptable to the City Attorney, shall be required with the first phase or first filling of the subdivision to ensure the space is permanently designated as an open area.

   a. Open space and common areas shall be a functional part of the project design rather than residual land that is “left over” with no recreational, aesthetic or design importance.

   b. Narrow (less than thirty-five (35) feet in width) linear strips of land should not be counted toward the open space or common area requirement.

   c. Open space or common areas may be developed or undeveloped, active or passive. Areas may include stormwater detention and retention basins if the design of the basin is integral to the open space or common area, is separately managed by the association, and is at a grade of 15% or less. In addition, washes, streams or other natural features should be included and incorporated into open space or common area.

   d. Open space or common areas shall be visible from the street and add to the quality of the neighborhood and shall be accessible to all dwelling units within the development. Open space and common area surrounded by dwelling units with no access to an adjacent street is prohibited.

   e. Open space or common areas may contain private recreation amenities including but not limited to: plazas, courtyards, community garden, basketball/tennis/pickleball courts, clubhouses or community greenhouses.

   f. Open space or common areas shall be grouped contiguously with open space or common areas from adjacent developments, where possible.
2. The project includes an internal trail network, a continuation of an existing trail network, or the continuation of a bike lane system internal to the project and along adjoining rights-of-way. The bike and trail amenities must be at least 500 feet of linear length to qualify for this bonus. On-site trails and/or sidewalks shall be extended to existing off-site trails, sidewalks or parks if the extension is less than two hundred (200) feet in length. An easement, or other form acceptable to the City Attorney, shall be required with the first phase or first filling of the subdivision to ensure the space is permanently designated as a trail.

   a. Walkways, trails and other forms of pedestrian access shall form an interconnected system serving as access to open space, common area and other pedestrian destinations.

3. Access to required parking and/or garages of a minimum of eighty (80%) percent of the proposed dwelling units is by alley or shared drive. For purposes of this Section, a shared drive must serve a minimum of four (4) dwelling units.

4. A mix of housing types are proposed with a minimum of twenty (20%) percent of the dwelling units being single-family attached, duplexes and/or multi-family units. The unit types shall be dispersed within the development, and a site plan shall be recorded to ensure that the final buildout reflects representations in the density bonus review.

17.09.60 SHORT TERM RENTALS

A. Purpose. The purpose of this section is to establish procedures and standards to allow Short-Term Rentals in certain zone districts in the City pursuant to a permit and to provide regulations to assist in protecting the health, safety, and welfare of property owners, neighbors, and occupants. It is the City’s intent to establish Short-Term Rental regulations that promote opportunities to support the local economy and protect the long term residential character of Fruita’s neighborhoods.

B. Applicability and Prohibitions.

1. A Short-Term Rental application is required for any Short-Term Rental located in the City of Fruita, as permitted based on the Land Use/Zoning Table in Section 17.05.090 of this Title. A Short Term Rental Permit is required for each individual dwelling unit.

2. Private covenants running with the land may restrict or prohibit Short-Term Rentals or similar types of uses. It is the responsibility of the property owner, not the City, to ensure compliance with restrictive covenants.

3. It shall be unlawful for any person, whether a principal or agent, clerk or employee, either for him or herself, or for any other person for anybody, corporation or otherwise, to lease or operate a Short-Term Rental without first obtaining a Short Term Rental Permit in accordance with the provisions and procedures of this Section.
4. Short-Term Rentals are not allowed in bed and breakfasts, hotels or lodges or motels as defined in the Fruita Municipal Code, as amended.

C. Short-Term Rental Permit Required.

1. The Community Development Department shall issue permits in accordance with the provisions of this chapter.

2. No person or entity shall sell lodging to temporary occupant(s) of a dwelling unit for fewer than 30 consecutive days without first having obtained a Short-Term Rental permit issued by the City and complying with any conditions or restrictions thereof. A separate Short-Term Rental permit is required for each Short-Term Rental unit. A Short-Term Rental permit may be issued only to the owner of the property used for Short-Term Rental.

3. A Short-Term Rental Permit attaches only to the property for which it is issued and the property owner to which it is issued. The permit is nontransferable upon sale or other transfer of ownership of the property. Upon such transfer of ownership, the new owner of the property shall apply for a new Short-Term Rental Permit if it wishes to continue the use of the property as a vacation rental.

D. Local Point of Contact.

1. The property owner shall designate one or more person(s) who will be the Local Point of Contact and will be available and responsible for immediately responding to complaints within a reasonable amount of time about or violations of any permit terms or any public nuisance regulations.

2. The term local as used herein means having a permanent address within a 25-mile radius from the Short-Term Rental. The local point of contact may be the property owner only if the local criteria is met.

3. The Local Point of Contact must be authorized by the property owner to permit inspection of the premises by the City and/or its agent or employee to ensure compliance with applicable fire and building codes and with the requirements for and/or of the short-term rental permit. Additionally the local contact must have physical access to the property and shall be authorized to make decisions regarding the vacation rental property on behalf of the owner.

E. General Requirements. Prior to a Short-Term Rental Permit being issued pursuant to Section C herein, the property owner of the proposed Short-Term Rental shall:

1. Obtain a sales and lodgers tax license as well as a business license and comply with all applicable local, State and federal taxes;

2. Demonstrate and certify that the unit contains the following on the premises at all times:
a. A smoke detector in good working order.
b. A carbon monoxide detector in good working order.
c. Adequate and functional building egress from each sleeping room in the dwelling unit.
d. Posted notice in the Short-Term Rental for guests providing, in detail, the following information in a highly visible location and readily accessible form:
   i. Location of building exits and fire extinguishers;
   ii. Contact information for the Local Point of Contact;
   iii. Short-Term Rental application number;
   iv. Noise restrictions and quiet hours;
   v. Parking Restrictions;
   vi. Trash disposal, storage and collection schedule;
   vii. Relevant water restrictions.

3. Provide with the application a sketch or drawing of the unit that depicts all rooms, doors and windows, including dimensions, and shows on-site areas available for guest parking;

4. If the Short-Term Rental unit is accessed by a shared driveway, provide the City with a copy of a written instrument authorizing use of the driveway for short-term rental purposes;

5. Permit inspection of the premises by the City or its agent or employee during the pendency of the permit application, and thereafter upon reasonable notice;

6. Provide the name, address and phone number of the Local Point of Contact to the City, and update such information within ten (10) days with the City whenever it changes;

7. Register annually with the City, certifying that the permit terms and requirements are still being met and updating any material changes to the unit or property;

8. Kitchen facilities may only serve the property owner and the guests;

9. Short-Term Rentals are required to be rented for a minimum of 45 days in a calendar year. Failure to rent the property will cause the property to be ineligible for renewal in the subsequent year.

10. Signs advertising Short-Term Rentals, whether on or off premise are prohibited.

11. Digital advertisement shall include the Short-Term Rental application number assigned by the Planning Clearance. The failure to prominently display the Planning Clearance number in any advertisement of accommodation shall be a violation of this Chapter. Advertising shall include any written, oral or video communication or publication disseminated by signage, mailing, print, internet listing, e-mail publication, social media, other electronic means, telephone or other means which is intended to directly or indirectly induce a person to use or
possess the accommodation for consideration.

F. Revocation, Suspension, Expiration and Appeal.
   1. A Short-Term Rental Permit may be suspended or revoked for any of the following reasons:
      a. The owner or designated responsible party has failed to comply with any requirement of Section 17.09.060 of this Title.
      b. The owner or designated responsible party has failed to comply with a condition of or restriction set forth in the Short-Term Rental Permit.
      c. The owner has failed to collect or remit lodging or sales taxes or otherwise comply with local, State and/or federal tax requirements.
      d. Materially false or misleading information has been provided to the City by the applicant, owner or designated responsible party on an application.
      e. The City has received excessive and substantial complaints by neighbors or affected persons, which complaints were not adequately and timely addressed by the owner or Local Point of Contact as determined solely by the City.

   2. Notice of revocation shall be provided to the owner, who shall then be given an opportunity to respond within ten (10) days. The Community Development Director shall issue any decision to revoke or suspend a permit within ten (10) days of the response date.

   3. Any aggrieved person may appeal the issuance, denial, suspension, or revocation of a Short-Term Rental Permit to the Fruita City Council within 10 days of the issuance of the decision.

G. Violations.
   1. Violations of this Chapter shall be enforced pursuant to Chapter 1.28 of the Fruita Municipal Code.

   2. A violation of this Chapter may also be punishable by denial of a license for a Short-Term Rental Permit for the property or property owner that has offended such limitation for a period of two (2) years from the City’s date of revocation.

   3. All amounts due and owing to the City in connection with any violation of this Chapter shall constitute a first priority lien on the Short-Term Rental property and may be collected by any means provided under the Code.

H. Issuance; Renewal.
   1. After considering the criteria set forth in this Chapter, and within sixty (60) days of receiving a complete application and application fee, the Community Development Director may issue a Short-Term Rental Permit to the property owner. Such permit may contain conditions and restrictions.

   2. A permit shall not be issued or renewed until the Short-Term Rental Permit fee
has been paid by the property owner. Such fee shall be set by the Fruita Council annually.

3. Permits shall be valid for a single calendar year, and shall expire on December 31\textsuperscript{st} of each year, unless a request for renewal is made. Each permit is only good for a single calendar year, regardless of when it was originally approved. For instance, a permit that is issued in July shall expire on December 31\textsuperscript{st} of that calendar year. Subject to the requirements of this Chapter, a permit shall be renewed annually, extending the term for one additional calendar year. All permits in compliance with this Title may apply for renewal and are not subject to the random drawing provisions contained herein.

4. A renewal application shall be submitted by December 1\textsuperscript{st} of each year.

5. After considering the criteria set forth in this Chapter, and prior to the expiration of the then-existing Short-Term Rental Permit, the Community Development Director may issue renewal Short-Term Rental Permit to the property owner. Such renewed permit may contain new or modified conditions and restrictions.

I. Temporary Limitation on Issuances of Short-Term Rental Permit

1. Notwithstanding anything in this Chapter, there shall not be more than sixty-five (65) active and valid Short Term Rental Permits within the Licensing Restriction Area Map 17.09.060.1 shown below (the “Licensing Restriction”). Once the Licensing Restriction has been reached, the City shall continue to accept applications for Short Term Rentals which shall be approved or denied in the order received by the City if the Licensing Restriction has been increased or eliminated. In calculating the Licensing Restriction, the City shall include Conditional Use Permits for Bed and Breakfasts issued prior to the enactment of this Section; provided, however, the Licensing Restriction shall not include Accessory Dwelling Units or units currently occupied by the property owner.

Chapter 17.09, Specific Review Procedures
Page 10 of 12
17.09.070 AMENDMENT TO OFFICIAL ZONING MAP (REZONING).

A. Applicability and Procedures. The City Council may amend the number, shape, or boundaries of any zone, removing any property from one zone and adding it to another zone, only after recommendation of the Planning Commission. An amendment to the Official Zoning Map may be initiated by the owner of any property for which a rezoning is sought, or upon application of City Council.

B. Approval Criteria. The Official Zoning Map may be amended when the following findings are made:

1. The proposed rezone is compatible with surrounding land uses, pursuant to Section 17.05.080.C, and is consistent with the city's goals, policies and Comprehensive Plan; and

2. The land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the city's goals, policies and Comprehensive Plan; or

3. The area for which the rezone is requested has changed substantially such that the proposed zoning better meets the needs of the community; or

4. The rezone is incidental to a comprehensive revision of the city's Official Zoning Map which recognizes a change in conditions; or

5. The rezone is incidental to the annexation of the subject property.

C. Additional Requirements. In addition to the procedures for public hearings under Section 17.07.040, if the zoning amendment is approved by the City Council, it shall enact an ordinance to such effect and the amendment to the Official Zoning Map shall become effective thirty (30) days after publication of said ordinance.

17.09.080 AMENDMENT TO THE LAND USE CODE.

A. Applicability and Procedures. City Council may, after the recommendation of the Planning Commission, amend language in this Title, which amendment may be initiated by any citizen or group of citizens, firm or corporation residing or owning property within the city, or by the Community Development Director, or by the Planning Commission, or by the City Council.

B. Approval Criteria. Amendment to this Title may be made upon a finding that the amendment is consistent with the city's goals, policies and Comprehensive Plan.

17.09.090 VACATION OF PUBLIC RIGHT-OF-WAY.

A. The Community Development Director may approve the vacation of a public right-of-
way, upon finding that the vacation will not:

1. Create any landlocked parcels;
2. Negatively impact adjacent properties;
3. Reduce the quality of public services to any parcel of land; and
4. Be inconsistent with the City’s Comprehensive Plan.

B. A right-of-way vacation may be approved through the Major Subdivision platting process as long as the above criteria are met in addition to the following:

1. The right-of-way to be vacated was previously dedicated to the public;
2. The right-of-way to be vacated is entirely within the plat being created; and
3. Existing and proposed utilities are accommodated with sufficient easements.

17.09.100 VACATION OF PUBLIC EASEMENT. The City Council may approve the vacation of a public easement, after recommendation from the Planning Commission, upon finding that there is no longer a public interest in retaining said easement and no utility provider objects to the easement vacation.

17.09.110 MOBILE FOOD VENDOR AND MOBILE VENDOR COURT

A. Purpose. The purpose of this regulation is to allow mobile vendors to operate on private property in certain zone districts in the City.

B. Applicability. These regulations apply to all mobile food vendors and mobile vendor courts operating on private property, except when a mobile food vendor or mobile vendor is operating as a temporary use under the provisions of Section 17.05.100 (E).

C. Signage. The total allowable square footage of signage for a mobile vendor shall be 32 square feet, excluding signage fixed to an operable motor vehicle.

D. Landscaping, Screening and Buffering. Mobile food vendors operating as a temporary use are exempt from the landscaping requirements of the Land Use Code. Mobile vendor courts are subject to the landscaping, screening and buffering provisions of Section 17.13 of the Land Use Code.

E. Parking. Off-street parking shall be provided according to the provisions of Section 17.37 of the Land Use Code. Alternatively, required parking may be met through the provision of a written parking agreement with the owner of a property within 500 feet of the mobile vendor, as measured from the line of the property whereon the mobile vendor is located to the line of the property whereon parking is located. Mobile food vendors operating as temporary uses under the standards of Section 17.05.100(E) shall be exempt from this requirement.
F. **Sanitary Facilities.** Any mobile food vendor or mobile vendor court shall provide and maintain a sanitary facility on site or shall provide and maintain a written agreement with a property and/or business owner allowing mobile vendor employees and customers to share the use of that property’s existing sanitary facilities. The structure containing shared sanitary facilities must be located within 750 feet from location of the mobile vendor as identified on the approved site sketch. No shared sanitary facility may be shared with a residential land use. Mobile food vendors operating as temporary uses under the standards of Section 17.05.100(E) shall be exempt from this requirement.

G. **Utilities.** Permanent hookups to utilities shall not be provided for mobile vendors which are operating as a temporary use under the standards of Section 17.05.100(E) but may be provided for mobile vendor courts.

H. **Wastewater Discharge.** Wastewater produced by mobile vendors shall be discharged only at a facility with an approved industrial pretreatment system or by a licensed waste hauler.
Subdivision Flowchart

Preconsultation/Preapplication Meeting

Applicant shall host a Neighborhood Meeting

Pre-Submittal Meeting
This meeting can be used to review submittal documents with Staff

Project Submittal

Public Noticing:
- Newspaper
- Site Posting
- Postcards

Deemed Complete:
Application goes out for a 21 Day Review with Agency Partners

Staff Report with decision/recommendation

Final Plat Pre-Application meeting

Applicant required to respond to Staff, Agency and Public comments

Adequate resolution of comments

Sign Construction Plans and execute Improvements Agreement

Rounds of Comments

Deemed Incomplete;
Resubmittal required

Determination of Completeness (15 business days)
Application #: 2023-21  
Project Name: Downtown Mixed-Use Core
Application: Comprehensive Plan Amendment – Future Land Use Map
Representative: City of Fruita
Request: This is a request for approval of amendments to the Future Land Use Map concerning the Downtown Mixed Use Core Area.

BACKGROUND:

The purpose of this Coversheet is to provide background on proposed amendments to the City’s Future Land Use Map. The Future Land Use Map (FLUM) is contained in the City’s Comprehensive Plan Fruita In Motion: Plan Like a Local 2020, which was adopted on February 4, 2020. The purpose of the FLUM is to help guide Fruita’s growth, development, land use, and community character.

Currently, the FLUM shows an area South of Pabor and West of Maple as Fruita’s Downtown. At the April 11, 2023, Planning Commission meeting, Staff presented potential changes and received input on proposed FLUM changes for the Downtown. At the April 25, 2023, City Council Workshop, the changes were also discussed, and Staff received direction to move forward.

The primary purpose of the amendment is to include the Family Health West Hospital campus area to the north and to include the Reed Park area to the south. The amendments proposed will not change the current zoning of any of these parcels. The changes will allow for property owners to request a Downtown Mixed Use Core zoning designation if they choose to do so. Like with all rezoning applications, a neighborhood meeting, legal notice, and public hearings will still be required in accordance with the Land Use Code.

Attachments:
1. Current FLUM
2. Proposed additions Map
3. Draft Resolution
LEGAL NOTICE – 17.07.040 (E)(3):

When a proposed amendment to the zone district regulations pertains to an entire zone district or all zone districts, notice shall be given only by publication in a newspaper of general circulation within the city, at least 15 days prior to the public hearing and posting of the notice at least five (5) days prior to the hearing at the Fruita City Hall, 325 East Aspen, Fruita, CO 81521, with no posting on any specific property or mailing required.

Legal Notice in Paper- May 24, 2023 (20 days prior to public hearing)
Posted Legal Notice- May 24, 2023 (20 days prior to public hearing)
Note:
The urban growth boundary may be amended for parcels that petition to develop on the eastern side of 19 Road on a case by case basis.
RESOLUTION 2023 - ___

A RESOLUTION OF THE FRUITA CITY COUNCIL ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP CONTAINED IN THE CITY OF FRUITA COMPREHENSIVE PLAN FRUITA IN MOTION: PLAN LIKE A LOCAL 2020

WHEREAS, the City of Fruita adopted the City of Fruita Comprehensive Plan Fruita In Motion: Plan Like A Local 2020 on February 4, 2020 (Resolution #2020-09), and

WHEREAS, Comprehensive Plans are typically revisited every ten years and can be amended from time to time to continue to ensure alignment with the community’s vision and goals, and

WHEREAS, the Comprehensive Plan contains a Future Land Use Map which is used to help guide Fruita’s growth, development, land use, and community character in the future, and

WHEREAS, the City determined amendments attached in Exhibit A better reflect the goals and policies for the Downtown Fruita area, and

WHEREAS, the City has found that more elements of the Fruita In Motion: Plan Like a Local 2020 are being utilized in the downtown area, and

WHEREAS, the Fruita Planning Commission held a public hearing on June 13, 2023, and recommended approval of the amendments to the Future Land Use Map by a vote of ___-___, and

WHEREAS, the City Council held a public meeting on ______________ to adopt the Future Land Use Map amendments contained in the City of Fruita Comprehensive Plan Fruita In Motion: Plan Like A Local 2020.

NOW THEREFORE, BE IT RESOLVED THAT THE FRUITA CITY COUNCIL
HEREBY:

Section 1: Approves and adopts an amendment to the Future Land Use Map contained in the City of Fruita Comprehensive Plan Fruita In Motion: Plan Like A Local 2020 as shown in Exhibit A attached.

Section 2: This Resolution shall take effect upon its adoption by the City Council.

INTRODUCED AND ADOPTED THIS _____ DAY OF ______________, 2023.

ATTEST: City of Fruita

Margaret Sell, City Clerk Joel Kincaid, Mayor