

**Chapter 17.06**  
**ANNEXATIONS**

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**17.06.010 PURPOSE AND APPLICABILITY.** Land may be annexed to the City as deemed appropriate by the City Council in accordance with this Chapter and the Municipal Annexation Act of 1965, as amended, Sections 31.12-101 *et. seq.* C.R.S. Land may be disconnected from the City if the City Council is of the opinion that the best interests of the City of Fruita will not be prejudiced by the disconnection of such land in accordance with Part 5 of Article 12 of Title 31, C.R.S. Because Fruita is a home rule municipality, Part 6 of Article 12 of Title 31, C.R.S., permitting disconnection by court decree, shall not be applicable to the City of Fruita.

**17.06.020 APPLICATION.** Application requirements and processing procedures for annexations or disconnection shall comply with those described in the Municipal Annexation Act of 1965, as amended, Sections 31-12-101 *et. seq.*, C.R.S. Applications shall be made in such form and in such numbers as required by the Community Development Director. If, in the opinion of the Community Development Director, existing right-of-way adjacent to the land requested to be annexed should be annexed at the same time, the applicant shall submit a legal description, prepared by a registered land surveyor, of the subject right-of-way with the application for annexation. Additionally, annexation application shall be accompanied by a land use application for the subject property such as a Subdivision, Site Design Review or Conditional Use Permit or an annexation agreement.

**17.06.030 ANNEXATION IMPACT REPORT.**

Any petition for annexation not requiring an election shall be accompanied by an annexation impact report, which contains the following elements:

- A. Plans of the municipality for extending to or otherwise providing for municipal services;
- B. The City of Fruita's anticipated financing of the extension of services;
- C. The special districts included in the territory to be annexed;

- D. The effect of annexation on the public school district system including the estimated number of students generated and capital construction required to educate each student;
- E. Traffic/pedestrian/bicycle impacts;
- F. Wastewater, water, drainage, and irrigation impacts, and;
- G. Other relevant information as required by the Community Development Department.

**17.06.040 CRITERIA AND DECISION FOR ANNEXATIONS NOT REQUIRING AN ELECTION.**

A. Criteria.

1. If the subject property is located within the city's Urban Growth Area (UGA) as defined by the Fruita Community Plan, annexation may be approved only after considering the following criteria:
  - a. The annexation meets the requirements of the State Statutes;
  - b. The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;
  - c. The area is contiguous with existing urban development;
  - d. The area is or can be efficiently served by police and other municipal services;
  - e. The development is consistent with community goals, principles, and policies as expressed in the Fruita Community Plan;
  - f. The annexation is supported by local residents and landowners;
  - g. Water and ditch rights can be provided, as applicable, in accordance with city policies;
  - h. The area will have a logical social and economic association with the city, and;
  - i. The area meets or can meet the existing infrastructure standards set forth by the city.

2. If the subject property is located in the Growth Management Area (GMA) as defined by the Fruita Community Plan, annexation may be approved only after considering the following criteria in addition to the criteria required to be considered for property in the Urban Growth Area:
  - a. The area would have a positive net fiscal benefit to the community;
  - b. The area is necessary to accommodate an activity that cannot be reasonably accommodated on lands within the existing UGA boundary;
  - c. The area would allow for the logical and concurrent extension of urban services (water, streets, sewer, etc.);
  - d. The area would offer a desirable new “edge” to the community, and;
  - e. The area discourages a sprawling development pattern and contributes to the Community Vision as described in the Fruita Community Plan.
3. Annexation of property outside both the UGA and GMA should only be considered for extraordinary circumstances.

**B. Decision.** The Community Development Director shall make recommendations to the Planning Commission and the City Council on any petition for annexation not requiring an election. Following public hearings as required by law, the City Council shall approve, conditionally approve or disapprove all petitions for annexation not requiring an election. The city retains complete discretion and authority to approve or deny an annexation petition for any reason or to require an annexation agreement as a condition of approval of any annexation.

**17.06.045 DISCONNECTION OF TERRITORY.** In accordance with Section 31-12-501, C.R.S., when the owner of a tract of land within and adjacent to the boundary of the City of Fruita desires to have such land disconnected from the City of Fruita, such owner may file an application for disconnection with the Community Development Director requesting disconnection. The Community Development Director shall make recommendations to the Planning Commission and the City Council on any application for the disconnection of territory. The Planning Commission shall then make a recommendation concerning the requested disconnection to the City Council. If the City Council, in its sole discretion, is of the opinion that the best interests of the City of Fruita will not be prejudiced by the disconnection of such land, the City Council may enact an ordinance effecting such disconnection. If the ordinance is enacted, it shall be immediately effective upon the required publication and the required filing with the Mesa County Clerk and Recorder. Two (2) certified copies thereof shall be filed by the

City Clerk with the office the Mesa County Clerk and Recorder. The County Clerk and Recorder shall retain one copy and shall file the second certified copy with the division of local government in the Colorado Department of Local Affairs, as provided by Section 24-32-109, C.R.S.

**17.06.050 ZONING OF ANNEXED PROPERTIES.** Land annexed to the city shall be zoned in accordance with the City of Fruita's zoning regulations within ninety (90) days following annexation of the land. The city's acceptance of a land use application or issuance of building permit may be contingent upon approval of city zoning.