

**Chapter 17.17**  
**ANNEXATIONS**

**SECTIONS:**

- 17.17.010 Purpose**
- 17.17.020 Applicability**
- 17.17.030 Application**
- 17.17.040 Annexation Impact Report**
- 17.17.050 Criteria and Decision for Annexations not requiring an Election**
- 17.17.060 Review Process for Annexations not requiring an Election**
- 17.17.070 Disconnection of Territory**
- 17.17.080 Zoning of Annexed Properties**

**17.17.010 PURPOSE.**

The purpose of this section is to outline the process of annexing land into the City of Fruita as well as disconnecting land from the City of Fruita. The Chapter is intended to ensure annexations and disconnections are in support of the goals in the City of Fruita Comprehensive Plan, including:

1. The City of Fruita will maintain a distinctive edge to define the community.
2. Development will be directed inward to preserve agricultural land and open space and better utilize existing infrastructure and resources.
3. Annexations should ensure new development is consistent with the desired densities and land uses outlined in the Future Land Use Map (FLUM), does not promote sprawling growth patterns, and is considerate of adjacent uses.
4. Annexations should not require the extension of services, utilities and infrastructure outside the UGB.
5. Consider a disconnection process for ‘floating parcels’ and/or land outside the Urban Growth Boundary (UGB).

**17.17.020 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.

**17.17.030 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. Subject to Section 31-12-115 et. Seq., CRS, following a determination by City Council that the petition for annexation is valid, the annexation application for the subject property shall be accompanied by a land use application for any other applicable land use process, such as a Subdivision, Site Design Review or Conditional Use Permit or an annexation agreement.

**17.17.040 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. A traffic impact analysis prepared by a qualified firm or party for annexations with a projected trip generation at any peak hour of one-hundred vehicles or greater.
- F. A continuation plan for pedestrian/bicycle/curb infrastructure to the site;
- G. A parking demand and supply analysis prepared by a qualified firm or party
- H. Wastewater, water, drainage, and irrigation impacts, and;
- I. Other relevant information as required by the Community Development Department.

**17.17.050 CRITERIA FOR ANNEXATIONS NOT REQUIRING AN ELECTION.**

- A. If the subject property is located within the city's Urban Growth Boundary (UGB) as

defined by the Fruita Community Plan, annexation may be approved only after considering the following criteria:

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

B. If the subject property is located in the Planning Influence Area (PIA) defined by the City of Fruita Comprehensive 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:

1. The annexation meets the requirements of the applicable State Statutes;
2. The area would have a positive net fiscal benefit to the community;
3. The area is necessary to accommodate an activity that cannot be reasonably accommodated on lands within the existing UGB;
4. The area would allow for the logical and concurrent extension of urban services (water, streets, sewer, etc.);
5. The area would offer a desirable new “edge” to the community, and;
6. The area discourages a sprawling development pattern and contributes to the

Community Vision as described in the City of Fruita Comprehensive Plan.

- C. Annexation of property outside both the UGB and PIA should only be considered for extraordinary circumstances, and must meet the following criteria:
1. The annexation meets the requirements of the applicable State Statutes;
  2. The area is necessary to accommodate an activity that cannot be reasonably accommodated on lands within the existing UGB boundary; and
  3. The area discourages a sprawling development pattern and contributes to the Community Vision as described in the City of Fruita Comprehensive Plan.

**17.17.060 REVIEW PROCESS FOR ANNEXATIONS NOT REQUIRING AN ELECTION.**

- A. All annexations shall require approval by City Council shall be processed in accordance with the Procedures outlined in Section 17.07.040, Common Development Review Procedures, and the following requirements.
1. The Community Development Director shall make recommendations to the Planning Commission and the City Council on any petition for annexation not requiring an election based on the criteria in Section 17.17.050.
  2. The Planning Commission shall review the proposed annexation in a public hearing and make a recommendation to the City Council on any petition for annexation not requiring an election based on the criteria in Section 17.17.050.
  3. 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.
- B. An applicant may withdraw a request for annexation at any time.

**17.17.070 DISCONNECTION OF TERRITORY.**

- A. 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, which shall be subject to the following review process.
1. The Community Development Director shall make recommendations to the Planning Commission and the City Council on any application for the disconnection of territory.

2. The Planning Commission shall make a recommendation concerning the requested disconnection to the City Council.
3. 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.

**17.17.080 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.