



# CITY COUNCIL REGULAR MEETING-

448 E. 1st Street, Room 190 Salida, Colorado 81201

August 06, 2024 - 6:00 PM

## AGENDA

Please register for Regular City Council Meeting

<https://attendee.gotowebinar.com/register/3742005742374996822>.

After registering, you will receive a confirmation email containing information about joining the webinar. To watch live meetings:

<http://www.youtube.com/@cityofsalidacolorado>

### CALL TO ORDER

**Pledge of Allegiance**

**Roll Call**

**Civility Invocation**

1. Civility Invocation

### CONSENT AGENDA

2. Approve Agenda

3. Approve July 16, 2024 Minutes

4. Approve Final Settlement for the 2023 Street Reconstruction Project

5. Approval of Application for Renewable and Clean Energy Initiative Funding for Solar Arrays at the Fire Station

6. Approve Contract with Ovierre Industries for Wayfinding

**CITIZEN COMMENT**—Three (3) Minute Time Limit

### UNFINISHED BUSINESS / ACTION ITEMS

7. **Ordinance 2024-12** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO AMENDING CHAPTER 11 OF THE SALIDA MUNICIPAL CODE, REGARDING CONSTRUCTION AND EXCAVATION IN THE STREETS, SIDEWALKS AND PUBLIC PROPERTY, TO ESTABLISH A PROCEDURE FOR THE UNDERGROUNDING OF UTILITY FACILITIES. **Second Reading and Public Hearing**

### NEW BUSINESS / ACTION ITEMS

8. **Resolution 2024-45** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA COLORADO, APPROVING THE SHAKEN ROOST MAJOR SUBDIVISION. **(Public Hearing)**

9. **Resolution 2024-46** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA COLORADO, APPROVING THE MEMORADUM OF UNDERSTANDING BETWEEN THE CITY OF SALIDA AND PLACES TO AGE

10. **Resolution 2024-47** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, CONSENTING TO THE CALLING OF AN ELECTION BY THE CHAFFEE HOUSING AUTHORITY ON NOVEMBER 5, 2024, AND THE SUBMISSION OF A QUESTION TO IMPOSE A SALES TAX WITHIN THE BOUNDARIES OF THE AUTHORITY

11. **Resolution 2024-48** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, CONSENTING TO THE CALLING OF AN ELECTION BY THE CHAFFEE HOUSING AUTHORITY ON NOVEMBER 5, 2024 AND THE SUBMISSION OF A QUESTION TO COLLECT AND RETAIN AUTHORITY REVENUE

*Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph. 719-530-2630 at least 48 hours in advance.*



- 12. Resolution 2024-49** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA COLORADO, ADOPTING AN EMAIL RETENTION POLICY AND AMENDING THE SALIDA CITY COUNCIL HANDBOOK TO INCLUDE SUCH POLICY
- 13. Ordinance 2024-13** AN ORDINANCE OF THE CITY OF SALIDA, COLORADO ANNEXING TO THE CITY OF SALIDA A CERTAIN TRACT OF LAND IN UNINCORPORATED CHAFFEE COUNTY KNOWN AS THE SALIDA QUALITY FARMS, LLC – MEADOWLARK DRIVE ANNEXATION. **FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING**
- 14. Ordinance 2024-14** AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE SALIDA QUALITY FARMS, LLC / MEADOWLARK DRIVE ANNEXATION AS HIGH DENSITY RESIDENTIAL (R-3) ZONE DISTRICT. **FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING**
- 15. Ordinance 2024-15** AN ORDINANCE OF THE CITY OF SALIDA, COLORADO ANNEXING TO THE CITY OF SALIDA A CERTAIN TRACT OF LAND IN UNINCORPORATED CHAFFEE COUNTY KNOWN AS THE SUESSE ANNEXATION. **FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING**
- 16. Ordinance 2024-16** AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE SUESSE ANNEXATION AS HIGH DENSITY RESIDENTIAL (R-3) ZONE DISTRICT. **FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING**

#### **COUNCILORS, MAYOR AND CITY TREASURER REPORTS**

##### **Council Reports**

- Critelli, Fontana, Naccarato, Pappenfort, Stephens, Martin

##### **Mayor Report**

##### **Treasurer Report**

##### **Attorney Report**

##### **Department Updates**

#### **EXECUTIVE SESSION**

**17.**

**EXECUTIVE SESSION:** For the purpose of conferencing with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S Section 24-6-402(4)(b), and for the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e), and the following additional details are provided for identification purposes: **Development incentives request from property owner; and Legal advice from the City Attorney to the City Council regarding proper application of the Municipal Code and other City requirements and regulations and other relevant confidential advice.**

#### **ADJOURN**





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City Clerk | Deputy City Clerk

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Mayor Dan Shore





### **CIVILITY INVOCATION**

We are here working together to create a thriving community. It is the intention of the Salida City Council to promote civil communication by adopting the following guidelines for speaking to the public in the City Council Chambers. It is our hope that by acting in this manner we can help create a safe space for people to share their perspectives and opinions:

- We honor the opportunity to be engaged in the process of governance for the benefit of our community.
- We acknowledge that each of us brings a unique perspective to this conversation and that our perspectives may differ.
- We challenge ourselves to value varying points of view and hold all contributions as equally important.
- We understand and accept that while we may sometimes disagree, we can always be courteous and kind.
- We commit to respectful language, avoiding rumor, harsh criticism or personal accusation, even when feeling emotionally charged.
- We will, to best of our ability, speak thoughtfully and listen with attention, respect, and curiosity.
- We are confident that there may be even better solutions than any of us have thought of, which may be discovered through civil conversations.
- We affirm our support for women's rights, including equal pay, equal treatment under the law and in the workplace, and the right to determine choices that impact the direction and personal values of one's life, including all individuals' reproductive health choices.
- We commit to the City of Salida being a hate-free zone and declare and affirm a policy of non-discrimination on the basis of a person's race, color, religion, ancestry, national origin, age, sexual orientation, gender, gender identity, marital status, military or veteran status, socio-economic class, medical condition, or physical or mental disability.





# CITY COUNCIL REGULAR MEETING-

448 E. 1st Street, Room 190 Salida, Colorado 81201  
July 16, 2024 - 6:00 PM

## MINUTES

Please register for Regular City Council Meeting  
<https://attendee.gotowebinar.com/register/3742005742374996822>.

After registering, you will receive a confirmation email containing information about joining the webinar. To watch live meetings:

<http://www.youtube.com/@cityofsalidacolorado>

### CALL TO ORDER

#### Pledge of Allegiance

#### Roll Call

#### PRESENT

Council Member Suzanne Fontana  
Council Member Dominique Naccarato  
Council Member Justin Critelli  
Council Member Aaron Stephens  
Council Member Alisa Pappenfort  
Council Member Wayles Martin  
Mayor Dan Shore  
Treasurer Ben Gilling

#### Civility Invocation

Civility Invocation

### CONSENT AGENDA

Council Member Pappenfort moved to combine and approve the consent agenda, Seconded by Council Member Critelli.

Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

Approve Agenda

Approve July 2, 2024 Minutes

Notice to Award Professional Services Agreement for The South Ark Neighborhood Engineering Design

Approve JazzFest Special Event

### MOTION PASSED

#### CITIZEN COMMENT—Three (3) Minute Time Limit

Adam Martinez and Carrie Mesch spoke during public comment.

### UNFINISHED BUSINESS / ACTION ITEMS

**Ordinance 2024-07** AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO AMENDING CHAPTER 16, ARTICLE XIII OF THE SALIDA MUNICIPAL CODE, REGARDING INCLUSIONARY HOUSING, TO FURTHER PROMOTE AND ASSIST THE DEVELOPMENT OF WORKFORCE HOUSING. **Second Reading and Public Hearing**

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Council Member Critelli moved to approve Ordinance 2024-07, Seconded by Council Member Naccarato.  
Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

### **MOTION PASSED**

**Mayor Shore recused himself from the discussion and decision of Ordinance 2024-08**

**Ordinance 2024-08** AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO APPROVING A SUBSTANTIAL MODIFICATION OF THE GREEN HEART PLANNED DEVELOPMENT AND MINOR SUBDIVISION TO MODIFY THE REQUIREMENTS FOR INCLUSIONARY HOUSING FOR THE 1.23 ACRE SITE. **Second Reading and Public Hearing**

Council Member Naccarato moved to approve Ordinance 2024-08, Seconded by Council Member Pappenfort.  
Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Stephens, Council Member Pappenfort, Council Member Critelli, Council Member Martin

### **MOTION PASSED**

Council Member Pappenfort moved to approve the applicant's second request waiving the application fees,  
Seconded by Council Member Naccarato.

Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Stephens, Council Member Pappenfort

Voting Nay: Council Member Critelli, Council Member Martin

### **MOTION PASSED**

**Mayor Shore returned to the meeting**

**Ordinance 2024-09** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AMENDING THE CITY CODE TO ADD SECTION 10-7-90 ENTITLED KNOWINGLY ALLOWING UNDERAGE PERSONS TO POSSESS OR CONSUME ETHYL ALCOHOL AND/OR MARIJUANA ON PRIVATE PROPERTY TO THE SALIDA MUNICIPAL CODE. **Second Reading and Public Hearing**

Council Member Critelli moved to continue Ordinance 2024-09, Seconded by Council Member Pappenfort.

Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

### **MOTION PASSED**

**Ordinance 2024-10** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AUTHORIZING THE EXECUTION AND DELIVERY OF A SITE LEASE, A LEASE PURCHASE AGREEMENT, AND RELATED DOCUMENTS IN CONNECTION WITH THE ACQUISITION OF CERTAIN PROPERTY FOR CITY PURPOSES; APPROVING THE FORMS OF SUCH DOCUMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO. **Second Reading and Public Hearing**

Council Member Pappenfort moved to approve Ordinance 2024-10, Seconded by Council Member Fontana.  
Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

### **MOTION PASSED**

**Ordinance 2024-11** AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO APPROVING A LEASE OF REAL PROPERTY LOCATED AT 348 H STREET FROM THE CITY OF SALIDA TO HYLTON LUMBER LLC. **Second Reading and Public Hearing**

Council Member Fontana moved to approve Ordinance 2024-11, Seconded by Council Member Stephens.  
Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

### **MOTION PASSED**

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## **NEW BUSINESS / ACTION ITEMS**

### **Approve City of Salida Social Media Policy**

Council Member Pappenfort moved to approve the City of Salida Social Media Policy, Seconded by Council Member Naccarato.

Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

## **MOTION PASSED**

**Resolution 2024-44** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, FINDING THE SALIDA SCHOOL DISTRICT ANNEXATION PETITION TO BE IN SUBSTANTIAL COMPLIANCE WITH STATE STATUTES AND SETTING A PUBLIC HEARING ON SAID PETITION.

Council Member Fontana moved to approve Resolution 2024-44, Seconded by Council Member Critelli.

Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

## **MOTION PASSED**

**Ordinance 2024-12** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO AMENDING CHAPTER 11 OF THE SALIDA MUNICIPAL CODE, REGARDING CONSTRUCTION AND EXCAVATION IN THE STREETS, SIDEWALKS AND PUBLIC PROPERTY, TO ESTABLISH A PROCEDURE FOR THE UNDERGROUNDING OF UTILITY FACILITIES. **FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING**

Council Member Critelli moved to approve Ordinance 2024-12, Seconded by Council Member Stephens.

Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

## **MOTION PASSED**

### **COUNCILORS, MAYOR AND CITY TREASURER REPORTS**

#### **Council Reports**

- Naccarato, Pappenfort, Stephens, Martin, Critelli, Fontana

Reports were given

#### **Mayor Report**

Report was given

#### **Treasurer Report**

Report was given

#### **Attorney Report**

#### **Department Updates**

Department Updates were given

## **EXECUTIVE SESSION**

**Executive Session** for discussion of a personnel matter under C.R.S. Section 24-6- 402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: **6 month performance evaluation with the City Administrator**



Council Member Naccarato moved to enter into Executive Session, Seconded by Council Member Critelli.  
Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

**MOTION PASSED**

Council entered into Executive Session at 7:16 pm and returned to the Regular Meeting at 8:52pm.

**Adjourned at 8:54pm**

**ADJOURN**



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City Clerk | Deputy City Clerk

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Mayor Dan Shore





# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Public Works	David Lady - Public Works Director	August 6, 2024

## **AGENDA ITEM**

Council Action – Approve Final Settlement for the 2023 Street Reconstruction Project

Consent Agenda

## **BACKGROUND**

The 2023 Street Reconstruction Project included improvements to Poncha Boulevard from Crestone Avenue to Holman Avenue. This work consisted of sidewalks, paving, drainage, water service replacement, and landscaping improvements. This work was completed in two Phases over 2023 and 2024.

## **RECOMMENDATION**

City Council awarded a Construction Contract to Y&K Excavation, Inc. on February 7, 2023. A subsequent change order to complete Phase 2 was approved on June 20, 2023. With the change order, the project had a total budget of \$3,493,428.62. The final project construction cost was \$3,432,321.20. The 5% retainage in the amount of \$171,616.06 has been withheld pending approval of final settlement by council. Public Notice of Final Settlement was advertised on July 16<sup>th</sup> and July 19<sup>th</sup>, 2024.

Y&K Excavation, Inc. provided excellent quality of work and coordination with the City throughout the project.

## **FISCAL IMPACT**

To approve final settlement to Y&K Excavation, Inc. in the amount of \$171,616.06 for the 2023 Street Reconstruction Project.

## **MOTION**

A City Councilmember should state “I move to combine and approve the items on the consent agenda”, followed by a second and a roll call vote.





# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Christy Doon - City Administrator	August 6, 2024

## **AGENDA ITEM**

Submittal of DOLA Renewable and Clean Energy Initiative Grant Application.

## **BACKGROUND**

The Department of Local Affairs opened up a supplemental grant application, due August 1. The funding allows communities to increase renewable and clean energy offerings at public facilities. The new fire station is currently being constructed to be "solar ready", including all the components necessary to install solar panels. This grant will allow the City to complete the improvements to the new fire station at a decreased cost.

## **RECOMMENDATION**

Grants of this type usually require a 50% match. Given the reduced match requirement, staff recommends approval of this grant application.

## **FISCAL IMPACT**

The total cost of the project is \$515,000. The grant requires a 25% match, equaling \$128,750.

## **MOTION**

A City Councilmember should state "I move to combine and approve items on the consent agenda", followed by a second and a roll call vote.





# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Parks and Recreation	Diesel Post - Parks and Recreation Director	August 6, 2024

## AGENDA ITEM

Consent agenda – Approval of a contract with Ovierre Industries for vehicular wayfinding update

## BACKGROUND

A City-wide wayfinding sign update was approved in the 2024 budget. Drew Nelson began the project and it was then turned over to Parks and Recreation. Staff worked with a designer to develop the updated wayfinding signs (attached), and completed an informal bid process. The Results of that process are below:

Bidder	Bid
Eclipse	\$57,865.00
Ovierre Industries (local bidder)	\$51,542.80-\$6000 design credit=\$47,635.26
Sixline Metal Works	No bid

## RECOMMENDATION

Based on the City's purchasing policy, staff recommends that council approve entering into a contract with Ovierre Industries for the 2024 Wayfinding update project

## FISCAL IMPACT

The 2024 budget includes \$125,000 for Wayfinding. The contract for this component of the project is \$47,635.26. The below shows the spending to date and this new contract. Overall, a budget savings of \$33,690 is anticipated.

Budget	\$125,000
River corridor	8,349
Ped wayfinding	35,325
Ovierre contract - Vehicular wayfinding	47,635
Remaining	\$33,691

## MOTION

A City Councilmember should state, "I move to approve the Consent agenda," followed by a second and a roll call vote.



# GENERAL CONTRACT FOR SERVICES

Item 6.

This Contract for Services is made effective as of July 17, 2024, by and between The City of Salida of Salida, Colorado (the "Recipient"), and Ovierre Industries LLC of 7747 CR 150, Salida, Colorado 81201 (the "Provider").

**1. DESCRIPTION OF SERVICES.** Beginning on July 17, 2024 Ovierre Industries LLC will provide to the Recipient the following services (collectively, the "Services"):

Project management, production and installation of a vehicular wayfinding signage suite, as described in attachments A & B.

**2. PAYMENT.** Payment shall be made to Provider according to the following schedule:

Event and Payment Amount

*Due to trigger project start (no PO necessary, unless by City Finance department)*

Project Deposit (50%): \$23,817.63

*Due upon project completion*

Project Remainder (50%): \$23,817.63

\* *based on estimate 660 (Attachment B) and provided inventory, although final number may vary based on site fitting panel requirements and inventory during project.*

If any invoice is not paid when due, interest will be added to and payable on all overdue amounts at 5 percent per month, or the maximum percentage allowed under applicable Colorado laws, whichever is less.

The Recipient shall pay all costs of collection, including without limitation, reasonable attorney fees. In addition to any other right or remedy provided by law, if the Recipient fails to pay for the Services when due, Ovierre Industries has the option to treat such failure to pay as a material breach of this Contract, and may cancel this Contract and/or seek legal remedies.

**3. TERM.** This Contract will terminate automatically upon completion by Provider of the Services required by this Contract.

**4. DEFAULT.** The occurrence of any of the following shall constitute a material default under this Contract:

- a. failure to make a required payment when due
- b. insolvency or bankruptcy of either entity



- c. The subjection of any of either party's property to any levy, seizure, general assignment for the benefit of creditors, application or sale for or by any creditor or government agency.
- d. The failure to make available or deliver the Services in the time and manner provided for in this Contract.

**5. REMEDIES.** In addition to any and all other rights a party may have available according to law, if a party defaults by failing to substantially perform any provision, term or condition of this Contract (including without limitation the failure to make a monetary payment when due), the other party may terminate the Contract by providing written notice to the defaulting party. This notice shall describe with sufficient detail the nature of the default. The party receiving such notice shall have 15 days from the effective date of such notice to cure the default(s). Unless waived in writing by a party providing notice, the failure to cure the default(s) within such time period shall result in the automatic termination of this Contract.

**6. FORCE MAJEURE.** If performance of this Contract or any obligation under this Contract is prevented, restricted, or interfered with by causes beyond either party's reasonable control ("Force Majeure"), and if the party unable to carry out its obligations gives the other party prompt written notice of such event, then the obligations of the party invoking this provision shall be suspended to the extent necessary by such event. The term Force Majeure shall include, without limitation, acts of God, fire, explosion, vandalism, storm or other similar occurrence, orders or acts of military or civil authority, or by national emergencies, insurrections, riots, or wars, or strikes, lock-outs, work stoppages or other labor disputes, or supplier failures. The excused party shall use reasonable efforts under the circumstances to avoid or remove such causes of non-performance and shall proceed to perform with reasonable dispatch whenever such causes are removed or ceased. An act or omission shall be deemed within the reasonable control of a party if committed, omitted, or caused by such party, or its employees, officers, agents, or affiliates.

**7. DISPUTE RESOLUTION.** The parties will attempt to resolve any dispute arising out of or relating to this Agreement through friendly negotiations amongst the parties. If the matter is not resolved by negotiation within 30 days, the parties will resolve the dispute using the below Alternative Dispute Resolution (ADR) procedure.

Any controversies or disputes arising out of or relating to this Agreement will be resolved by binding arbitration under the rules of the American Arbitration Association. The arbitrator's award will be final, and judgment may be entered upon it by any court having proper jurisdiction.

**8. ENTIRE AGREEMENT.** This Contract contains the entire agreement of the parties, and there are no other promises or conditions in any other agreement whether oral or written concerning the subject matter of this Contract. This Contract supersedes any prior written or oral agreements between the parties.

**9. SEVERABILITY.** If any provision of this Contract will be held to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds





that any provision of this Contract is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited.

**10. AMENDMENT.** This Contract may be modified or amended in writing by mutual agreement between the parties, if the writing is signed by the party obligated under the amendment.

**11. GOVERNING LAW.** This Contract shall be construed in accordance with the laws of the State of Colorado.

**12. NOTICE.** Any notice or communication required or permitted under this Contract shall be sufficiently given if delivered in person or by certified mail, return receipt requested, to the address set forth in the opening paragraph or to such other address as one party may have furnished to the other in writing.

**13. WAIVER OF CONTRACTUAL RIGHT.** The failure of either party to enforce any provision of this Contract shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Contract.

**14. ATTORNEY'S FEES TO PREVAILING PARTY.** In any action arising hereunder or any separate action pertaining to the validity of this Agreement, the prevailing party shall be awarded reasonable attorney's fees and costs, both in the trial court and on appeal.

**15. CONSTRUCTION AND INTERPRETATION.** The rule requiring construction or interpretation against the drafter is waived. The document shall be deemed as if it were drafted by both parties in a mutual effort.

**16. ASSIGNMENT.** Neither party may assign or transfer this Contract without the prior written consent of the non-assigning party, which approval shall not be unreasonably withheld.

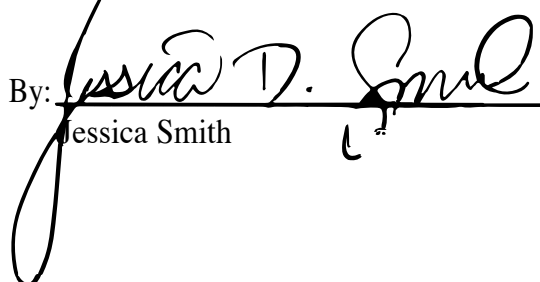
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the date first above written.

Service Recipient:

By: \_\_\_\_\_  
Representative

Date: \_\_\_\_\_

Service Provider:  
Ovierre Industries

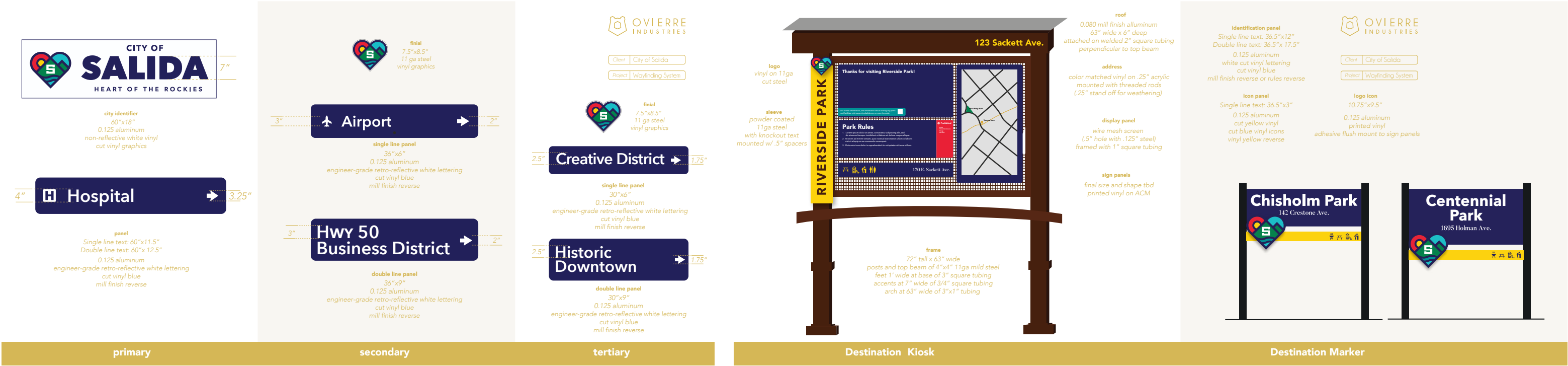
By:  \_\_\_\_\_  
Jessica Smith

Date: 07/17/2024



OVIERRE  
INDUSTRIES





SERVICES

- Fabricate signs to specs on approved proof
- Remove original signage
- Install new signage
- Contract engineering and installation service providers as needed
- Coordinate any permitting needs

PRODUCT

Sign suite as listed in Attachment B, estimate 660 referencing current sign inventory. Inventory adjustments may be made during project completion at the City of Salida's discretion.

EXCLUSIONS

- This list is not comprehensive, but rather meant to indicate exclusions relevant to the project under contract which should be addressed separately.*
- Maintenance of new signage
  - Repair of signage during and after its useful life (standard exterior sign life span to range from 5-7 years with normal use)





# ESTIMATE

**Ovierre Industries**  
7747 County Road 150  
Salida, Colorado 81201  
United States

BILL TO  
**City of Salida**  
Diesel Post

diesel.post@cityofsalida.com

**Estimate Number:** 660

**Estimate Date:** April 18, 2024

**Valid Until:** May 18, 2024

**Estimate Total (USD):** \$47,635.26

Items	Quantity	Price	Amount
<b>Custom Sign</b> Primary   City Identifier Panel size: 60"x18" substrate: .125" aluminum graphics: Printed vinyl on reflective white	7	\$383.00	\$2,681.00
<b>Custom Sign</b> Primary   Single Line Text Panel size: 60"x11.5" substrate: .125" aluminum graphics: Cut blue vinyl with knockout white reflective text	23	\$267.44	\$6,151.12
<b>Custom Sign</b> Primary   Double Line Text Panel size: 60"x12.5" substrate: .125" aluminum graphics: Cut blue vinyl with knockout white reflective text	4	\$299.47	\$1,197.88
<b>Custom Sign</b> Secondary   Finial size: 7.5"x8.5" substrate: .125" aluminum graphics: Contour cut vinyl print	21	\$56.11	\$1,178.31
<b>Custom Sign</b> Secondary   Single Line Panel size: 36"x6" substrate: .125" aluminum graphics: Cut blue vinyl with knockout white reflective text	69	\$87.98	\$6,070.62
<b>Custom Sign</b> Secondary   Double Line Panel size: 36"x9" substrate: .125" aluminum graphics: Cut blue vinyl with knockout white reflective text	20	\$123.47	\$2,469.40





## ESTIMATE

**Ovierre Industries**  
 7747 County Road 150  
 Salida, Colorado 81201  
 United States

Items	Quantity	Price	Amount
<b>Custom Sign</b> Tertiary   Finnacle size: 7.5"x8.5" substrate: .125" aluminum graphics: Contour cut vinyl print	24	\$56.11	\$1,346.64
<b>Custom Sign</b> Tertiary   Single Line Panel size: 30"x6" substrate: .125" aluminum graphics: Cut blue vinyl with knockout white reflective text	32	\$87.98	\$2,815.36
<b>Custom Sign</b> Tertiary   Double Line Panel size: 36"x9" substrate: .125" aluminum graphics: Cut blue vinyl with knockout white reflective text	5	\$123.47	\$617.35
<b>Custom Sign</b> Destination   Identification Panel, Single Line size: 36.5"x12" substrate: .125" aluminum graphics: Cut blue and white vinyl reverse: rules text or mill finish	16	\$129.00	\$2,064.00
<b>Custom Sign</b> Destination   Identification Panel, Double Line size: 36.5"x17.5" substrate: .125" aluminum graphics: Cut blue and white vinyl reverse: rules text or mill finish	13	\$142.00	\$1,846.00
<b>Custom Sign</b> Destination   Icon Bar size: 36.5"x3" substrate: .125" aluminum graphics: Cut blue and yellow vinyl reverse: yellow vinyl or mill finish	29	\$57.74	\$1,674.46
<b>Custom Sign</b> Destination   Logo size: 10.75"x9.5" substrate: .125" aluminum graphics: Contour cut print vinyl	29	\$118.00	\$3,422.00





## ESTIMATE

**Ovierre Industries**  
 7747 County Road 150  
 Salida, Colorado 81201  
 United States

Items	Quantity	Price	Amount
<b>Custom Sign</b> Destination Kiosk size: 72"x63" frame: mild steel, wire mesh, mill finish roof finish: powder coated in rust finish and yellow sign panels: printed vinyl on ACM logo icon: contour cut print vinyl on 11 ga steel address: color match vinyl on .24" acrylic, stud mount	4	\$2,386.78	\$9,547.12
<b>Installation</b> Street wayfinding installation and hardware package	1	\$7,754.00	\$7,754.00
<b>Installation</b> Kiosk installation and hardware package	4	\$700.00	\$2,800.00
<b>Less Design Credit</b> Design invoice to be applied to project	1	(\$6,000.00)	(\$6,000.00)
<b>Subtotal:</b>			\$47,635.26
<b>Total:</b>			\$47,635.26
<b>Estimate Total (USD):</b>			<b>\$47,635.26</b>





# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Public Works	David Lady - Public Works Director	August 6, 2024

## **AGENDA ITEM**

**Ordinance 2024-12:** An Ordinance of the City Council for the City of Salida, Colorado amending Chapter 11 of the Salida Municipal Code, regarding construction and excavation in the streets, sidewalks, and public property, to establish a procedure for the undergrounding of utility facilities. **Second Reading and Public Hearing**

## **BACKGROUND**

Chapter 11 of the municipal code, which in part, addresses construction and excavations in the City rights of way does not include information regarding when the undergrounding of facilities that are owned or used by utilities will take place. Development related growth and expansion of utility services has raised issues related to the undergrounding of utility facilities, requiring clarity within the code. These amendments define such utility facilities and provide additional information concerning items such as the timing of undergrounding and related responsibilities.

## **RECOMMENDATION**

Staff recommends Council approve Ordinance 2024-12.

## **FISCAL IMPACT**

There is no fiscal impact.

## **MOTION**

A City Councilmember should state "I move to \_\_\_\_\_ Ordinance 2024-12 on second reading", followed by a second and a roll call vote."



**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 12  
(Series of 2024)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO  
AMENDING CHAPTER 11 OF THE SALIDA MUNICIPAL CODE, REGARDING  
CONSTRUCTION AND EXCAVATION IN THE STREETS, SIDEWALKS AND PUBLIC  
PROPERTY, TO ESTABLISH A PROCEDURE FOR THE UNDERGROUNDING OF  
UTILITY FACILITIES**

**WHEREAS**, the City of Salida, Colorado (the “City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

**WHEREAS**, pursuant to C.R.S. § 31-15-401, the City possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety, and welfare; and

**WHEREAS**, obstructions and excavations in City rights of way disrupt and interfere with public use of the rights of way; and

**WHEREAS**, obstructions and excavations in City rights of way result in loss of parking and loss of business to merchants and others whose places of business are in the vicinity of such obstructions and excavations; and

**WHEREAS**, it is desirable to adopt policies and regulations which will enable the City to gain greater control over the disruption and interference with the public use of public streets and rights of way, in order to provide for the health, safety and well-being of the City’s residents and users of City streets; and

**WHEREAS**, the various public and commercial utilities, broadband and communications providers and similar entities which install, maintain, and operate facilities under the City’s streets are constrained, from time to time, to make excavation cuts which degrade the surfaces of these thoroughfares, thereby reducing their useful life; and

**WHEREAS**, demand for access to broadband services is growing, and in order to fill such demand, more broadband network infrastructure is being installed in rights of way; and

**WHEREAS**, the current Chapter 11 of the Salida Municipal Code (the “Code”), which, in part, addresses construction and excavations in the rights of way does not include information regarding when undergrounding of utility facilities will take place; and

**WHEREAS**, the City has determined that locating such utility facilities underground improves the aesthetics of the City, provides for better protection of such utility facilities from damage due to accident, inclement weather, and other causes, and better protects the safety and welfare of the City’s citizens; and



**WHEREAS**, the City desires to amend Chapter 11 of the Code to provide for the undergrounding of utility facilities.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, THAT:**

**Section 1.** The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

**Section 2.** Chapter 11, Section 11-1-10, Definitions, is hereby amended by adding the following definition to read as follows:

*Utility Facilities* means, including, without limitation, any pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennae, poles, street lights, ducts, fixtures and appurtenances and other like equipment used in connection with transmitting, receiving, distributing, offering, and providing broadband, electric, and other utility services.

**Section 3.** The name of Chapter 11, Article III is hereby amended as follows:

**ARTICLE III. – ~~CONSTRUCTION AND EXCAVATIONS~~ to CONSTRUCTION, EXCAVATIONS AND UNDERGROUNDING**

**Section 4.** A new Section 11-3-135 within Chapter 11 is hereby created to read as follows:

**Sec. 11-3-135. – Underground Construction and Use of Poles.**

(a) When required by general ordinances, resolutions, regulations or rules of the City or applicable state or federal law, a permittee's Utility Facilities shall be placed underground at no cost to the City. Placing Utility Facilities underground does not preclude the use of ground-mounted appurtenances.

(b) Where all Utility Facilities are installed underground at the time of a permittee's construction, or when all such Utility Facilities are subsequently placed underground, all permittee Utility Facilities that by their nature can function underground, shall also be placed underground at no expense to the City unless funding is generally available for such relocation to all users of the rights of way. Related equipment, such as pedestals, must be placed in accordance with the City's applicable code requirements and rules. In areas where existing Utility Facilities are aerial, the permittee may install aerial Utility Facilities.



(c) For above ground Utility Facilities, a permittee shall utilize existing poles and conduit wherever possible.

(d) Should the City desire to place its own Utility Facilities in trenches or bores opened by a permittee, the permittee shall cooperate with the City in any construction by the permittee that involves trenching or boring, provided that the City has first notified the permittee in some manner that it is interested in sharing the trenches or bores in the area where the permittee's construction is occurring. A permittee shall allow the City to place its Utility Facilities in the permittee's trenches and bores, provided the City incurs any incremental increase in cost of the trenching and boring. Should the City desire to install Utility Facilities such as ducts or conduit for the possible use of other entities, then the permittee shall allow the City to place these Utility Facilities in the permittee's trenches and bores, provided the City shares proportionally in the cost of trenching and boring. The City shall be responsible for maintaining its respective Utility Facilities buried in a permittee's trenches and bores under this paragraph.

**Section 5.** *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING, on the 16<sup>th</sup> day of July, 2024, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 19<sup>th</sup> day of July, 2024, and set for second reading and public hearing on the 6<sup>th</sup> day of August, 2024.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the 6<sup>th</sup> day of August, 2024.

CITY OF SALIDA, COLORADO

\_\_\_\_\_  
Mayor

[SEAL]

ATTEST:

\_\_\_\_\_  
City Clerk/Deputy Clerk



PUBLISHED IN FULL in the Mountain Mail after First Reading on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and BY TITLE ONLY, after final adoption on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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City Clerk/Deputy City Clerk





# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Community Development	Glen Van Nimwegen - Associate Planner	August 6, 2024

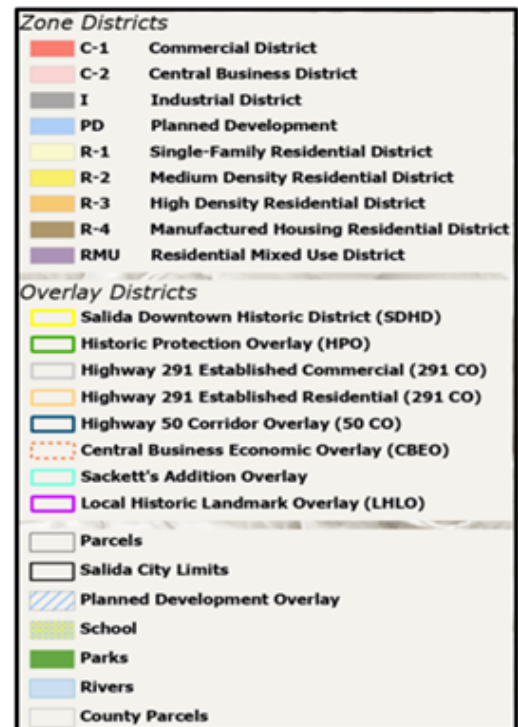
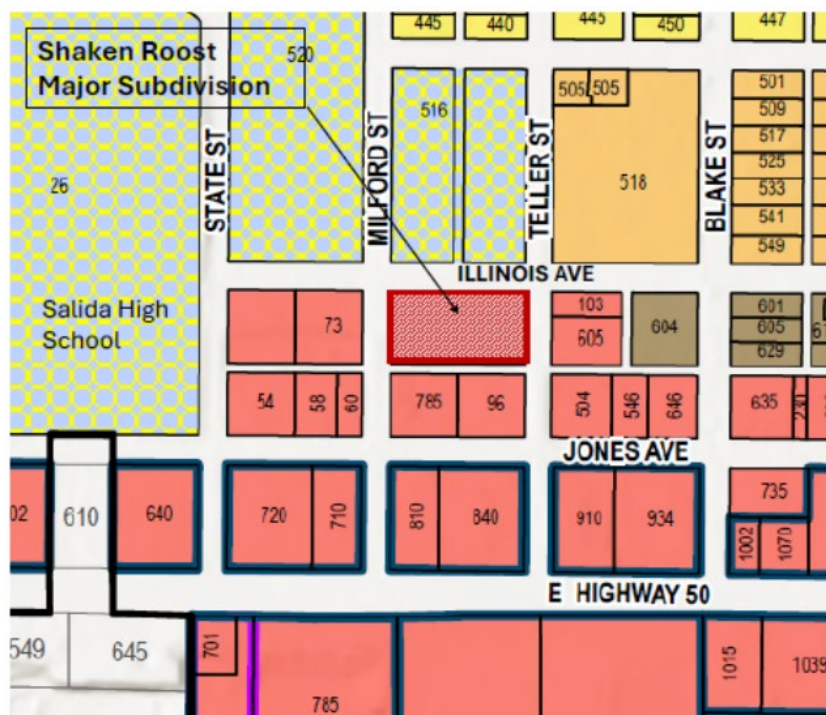
## AGENDA ITEM

Resolution 2024-45: Public Hearing for Consideration of Approval of the Shaken Roost Major Subdivision.

## BACKGROUND

The Planning Commission and City Council held a conceptual review meeting of the proposed subdivision on March 18, 2024. The Planning Commission recommended approval of the major subdivision on July 6, 2024. The proposed major subdivision reconfigures the north half of Block 17, Roberd's Addition to the City of Salida into 14 duplex lots. The site is surrounded by commercial, multi-family and public uses which includes the Salida High and Middle Schools, Early Childhood Education Center and the Salida Apartments.

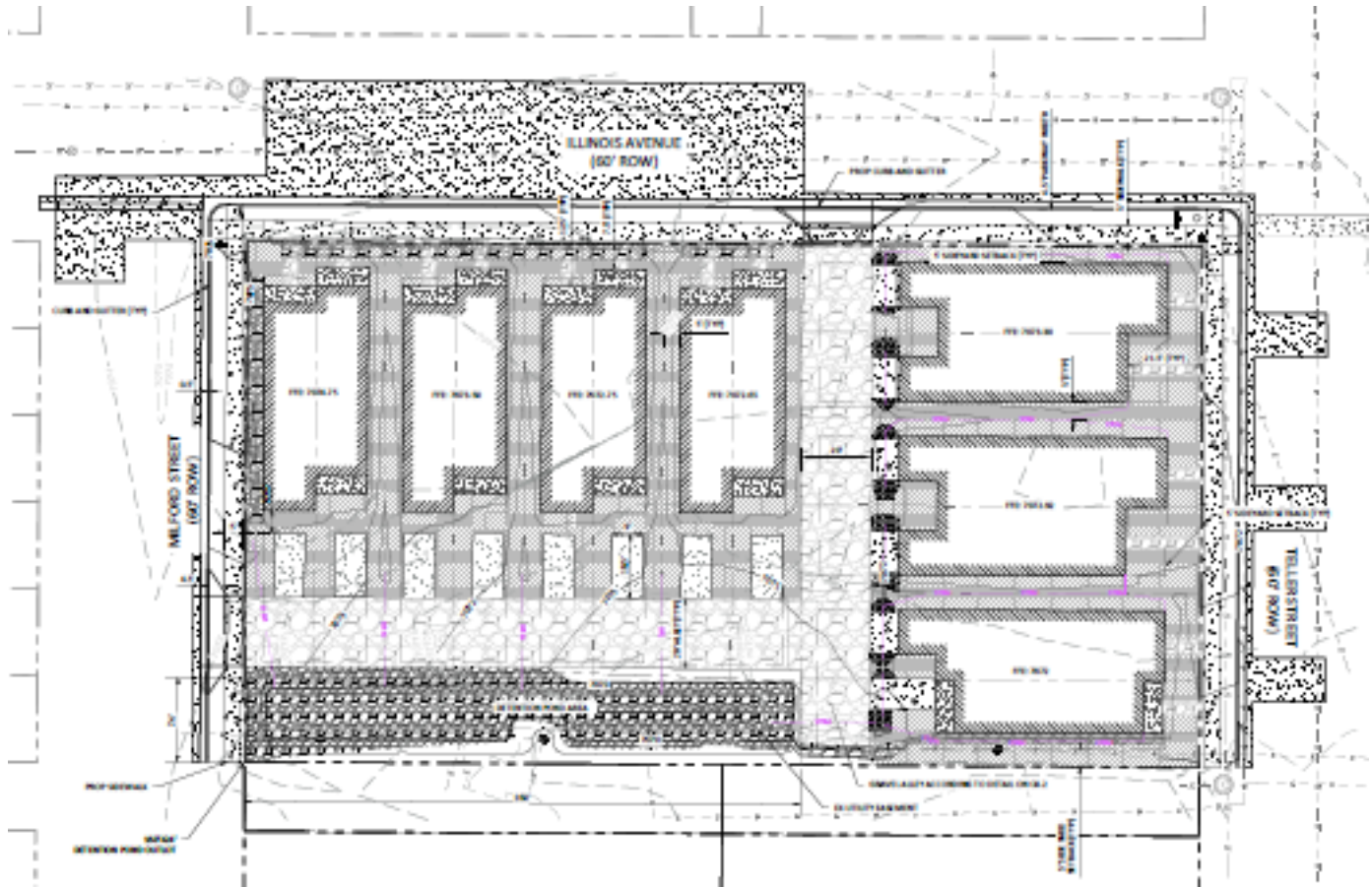
The site is zoned C-1, which is a commercial district, but does allow duplex residential units subject to a Limited Impact Review by the Planning Commission. Because these lots are being reviewed by the Planning Commission through the major subdivision, subsequent approval of the duplex units





will be administrative.

Today's development plan is like the Conceptual Plan reviewed last March by having eight units on Illinois Avenue and six fronting Teller Street. However, the new proposal includes a private alley that connects Milford to Illinois, at the back of the lots, which will be the principal vehicle access to the units and the location of the off-street parking spaces. The proposal shown at the conceptual review indicated that all access to the units would be from the adjacent streets. A retention basin has been added on the south side of the site.



#### PROCESS:

A public hearing was conducted by the Planning Commission for the major subdivision process on July 9<sup>th</sup> and recommended approval to Council, with some changes to staff's recommendation. Council will hold a public hearing this evening and may adopt the proposed Resolution. Each public hearing was noticed by a newspaper ad, mailing letters to property owners within 175 feet and posting a sign on the property 15 days prior to the hearing. After approval of the Shaken Roost Major Subdivision by Council, approval of the development of the lots will be administrative. This includes staff reviewing for conformance with this plat and subsequent subdivision improvement/housing agreement; and recording a maintenance agreement for the common wall between the units.

#### OBSERVATIONS:

This section is intended to highlight concerns raised by staff to assist the Council in doing the same. Additional concerns or questions may arise after a presentation by the applicant.



- 1) The site is zoned C-1 which allows duplex residences on the three lots. Therefore, staff will approve the final construction plans of the units on the lots. Because this is a major subdivision, affordable housing units must be part of the project. This also affords the project reduced lot areas and increased coverage.

Lot #	C-1 Requirements*			Shaken Roost Major Subdivision		
	Min Lot Area for attached units (SF)	Lot coverage for attached units	Lot Frontage for attached units (feet)	Lot Area (SF)	Lot Coverage (feet)	Lot Frontage for Attached Units (feet)
1	2,520	66%	20	2,520.7	TBD	20
2	2,520	66%	20	2,520.9	TBD	20
3	2,520	66%	20	2,521.1	TBD	20
4	2,520	66%	20	2,521.3	TBD	20
5	2,520	66%	20	2,521.5	TBD	20
6	2,520	66%	20	2,521.7	TBD	20
7	2,520	66%	20	2,521.9	TBD	20
8	2,520	66%	20	2,522.1	TBD	20
9	2,520	66%	20	2,880.4	TBD	25.03
10	2,520	66%	20	2,880.0	TBD	25.03
11	2,520	66%	20	2,879.8	TBD	25.03
12	2,520	66%	20	2,879.1	TBD	25.03
13	2,520	66%	20	2,534.8**	TBD	22.03**
14	2,520	66%	20	3,221.7**	TBD	28.03**

\* Because the major subdivision will provide affordable housing within the project in compliance with Chapter 13, the above reduced lot area and frontage; and increased lot coverage is allowed.

\*\* The lot sizes were adjusted to accommodate Xcel requirements after Planning Commission recommendation.

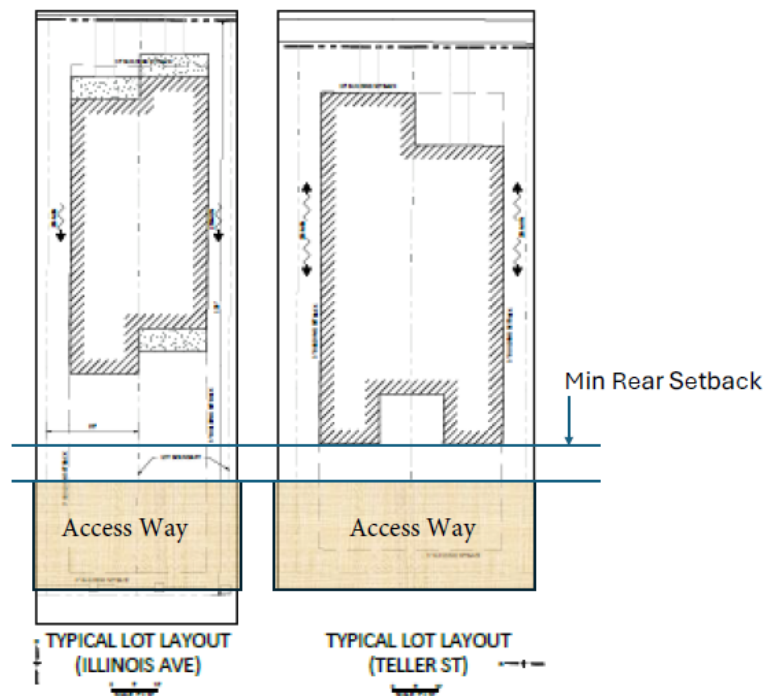
- 2) Fees-in-Lieu: Major subdivisions require the collection of the following fees-in-lieu at an amount that are in place at the time of submission of building permits:
- 16.7% of the units in the project must be affordable =  $14/6 =$  two built units that meet the maximum AMI sales price requirements of Sec. 16-13-60 of the SMC in place at the time of major subdivision application submittal. A fee-in-lieu for the fractional remainder of two units ( $2/6$ ) must be paid per the requirements of Sec. 16-13-40.
  - Fair Contribution to Schools is collected at the time a building permit is issued per the fee schedule in place at time of building permit.
  - Open space fees-in-lieu are required at the time of issuing a building permit per the fee schedule in place at time of building permit.



3) Each lot will have separate connections to the city water and sewer services. Each unit will be metered individually.

4) Private access ways are included as a part of each lot. Staff is requiring the rear yard of five feet be applied to the edge of the access way to allow easier vehicle access and to keep structures out this drive as shown here.

5) Xcel Energy (electric) identified some unresolved issues regarding service provision through the site and to individual units. They have requested 10' PUE's (public utility easements) on the front and back of all the lots. There should be plenty of room in the rear utilizing the private alley, but the proposed Illinois easement requirement will potentially squeeze the north side of Lot 9. The developer's consultant explained they are continuing to work with Xcel.



There is an existing overhead electric line that crosses the south side of the site. All or a portion of this line may have to be buried. Also, the location of transformers was commented on by Xcel. These are additional details that must be worked out with Xcel.

UPDATE: The applicant resolved these issues with Xcel on July 22<sup>nd</sup>. The lot line between Lots 13 and 14 will move north three (3) feet. They will also add a 10 foot wide public utility easement on the east side of the subdivision and designate the private access ways as utility easements. The attached plat reflects the changes.

- 6) The private access ways and the southern retention basin will not be maintained by the City of Salida. Therefore, a homeowner's association, or other entity, will have to be created to maintain these spaces.
- 7) Prior to recording the subdivision, a subdivision improvement / inclusionary housing agreement will have to be approved by Council. The agreements generally address the amount, timing and guarantee of the construction of public improvements, including the sidewalks around the project, that are necessary for the project; provision of any fees-in-lieu (schools, open space and inclusionary housing fraction) and the provision of affordable housing consistent with Article XIII of Chapter 16 of the Salida Municipal Code.



SUBDIVISION REVIEW STANDARDS: (Section 16-6-120):

- 1) Conformance with the Comprehensive Plan. The proposed subdivision shall carry out the purpose and spirit of the Comprehensive Plan and conform to all of the Plan's applicable objectives, guiding principles and recommended actions. It shall be designed to be compatible with surrounding land uses and to protect neighbors from undesirable noise, glare and shadows, and shall not cause adverse effects on their privacy, solar access and views.
  - The proposed subdivision is zoned for commercial uses, but the residential use is allowed and is consistent with the Future Land Use Map adopted last August which designates the area as Higher Efficiency Residential Neighborhoods. After approval of this major subdivision, final construction of the units will be by administrative approval. The applicant accurately identified this site as a great use given the adjoining school sites. Hopefully it will become home for current and future teachers.
  - New development should complement the neighborhood's mass and scale. The allowed residential development is compatible with the surrounding land uses.
- 2) Complies with the Zone District Standards. The proposed subdivision shall comply with the use and dimensional standards of the underlying zone district and shall provide off-street parking as required for those uses.
  - The newly created lots are zoned Commercial District (C-1) and meet the zone district standards. The lots are being created by a major impact review and subsequent development of the lots will be administrative.
  - The off-street parking requirement of one space for each unit must be met.
  - Staff is recommending the rear setback be north of the private access way for Lots 1-8; and east of the access way for Lots 9-14 as described under Observation #4, and now a part of the proposed Resolution as attached Exhibit B.
- 3) Design Standards. The proposed subdivision shall be provided with improvements which comply with Article VII and landscaping which complies with Section 16-8-90 of this Chapter.
  - a. Streets. Existing and proposed streets shall be suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed subdivision.
    - Curb, gutter and sidewalks will be constructed around the perimeter of the project. Portions of Illinois Avenue and Teller Street will be repaved as well.
  - b. Utilities. Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision.



- Adequate utilities are in place to serve the development. Each new unit will have separate utilities. The site is presently served by a commercial  $\frac{3}{4}$  tap for sewer and water; and a residential  $\frac{3}{4}$  tap for sewer and water. There will be credit for the existing taps to apply to future taps. Final inspections are required with Public Works prior to Certificate of Occupancy.
  - Xcel Energy has requested additional easements and questioned the proximity of the existing overhead lines and location of proposed transformers. As mentioned under Observation #5, the applicant has resolved these issues with Xcel and the changes are reflected in the attached subdivision plat.
- c. Phases. If the subdivision is to be developed in phases, each phase shall contain the required parking spaces, landscape areas, utilities and streets that are necessary for creating and sustaining a stable environment.'
- There will not be phases with this development.
- 4) Natural Features. The layout of lots and blocks shall provide desirable settings for structures by making use of natural contours and maintaining existing views, affording privacy for residents and protecting them from adverse noise and vehicular traffic. The system of roadways and the lot layout shall be designed to take advantage of visual qualities of the area. Natural features and native vegetation shall be preserved whenever possible. Tree masses and individual trees of six-inch caliper or greater shall be preserved.
- The existing tree canopy will be assessed for possible inclusion into the project.
- 5) Floodplains. Tracts of land or portions thereof lying within the one-hundred-year floodplain may only be subdivided for open space until the subdivider has shown that compliance with the requirements of the City's floodplain regulations can be met.
- The property is not located within the 100-year floodplain.
- 6) Noise Reduction. Where a subdivision borders on or contains a highway right-of-way, the City shall require adequate provisions for reduction of noise. A parallel street, landscaping, screening, easement, greater lot depth, increased rear yard setbacks and fencing are potentially appropriate solutions, among others.
- This subdivision does not border a highway right-of-way.
- 7) Future Streets. When a tract is subdivided into lots or parcels which are intended for future re-subdivision, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate re-subdivision, with provision for adequate utility easements and connectors for such re-subdivision.
- This subdivision is not intended for future re-subdivision.



8) Parks, Trails and Open Space. Each subdivision, minor or major, or condominium project with five (5) units or more, shall dedicate and develop land or pay a fee-in-lieu for the purpose of providing active parks, open space, passive recreation facilities and/or recreation trails or other public purposes as determined by the City for the benefit of those who occupy the property and be made accessible to the public. The intent of this regulation is to ensure that a comprehensive, integrated network of parks, trails and open spaces is developed and preserved as the community grows.

- No park dedication is required by the City. This subdivision will be required to provide the open space fees that will be collected at the time of issuance of the building permit per the fee schedule in place at time of building permit.

9) Common Recreation Facilities. Where a development is proposed to contain common recreation facilities, such facilities shall be located within the development so as to be easily accessible to the residents and to least interfere with neighboring developments.

- This development does not include any common recreation facilities.

10) Lots and Blocks.

- a. Pattern. The size, shape and orientation of lots shall be appropriate to the design and location of the proposed subdivision and to the type of development contemplated. Where appropriate, lots shall be laid out to respect the existing City pattern. Blocks generally shall not be less than three hundred (300) feet nor more than one thousand two hundred (1,200) feet in length.
  - The pattern of the lots within the subdivision is generally consistent with the surrounding lots.
- b. Frontage. Residential lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot and should provide consolidated access points to the maximum extent feasible.
  - The lots front on local streets.
- c. Right angles. Side lot lines shall be approximately at right angles or radial to street lines.
  - This standard has been met.
- d. Double frontage lots. Double frontage lots are prohibited, except where they are necessary to provide for the separation of residential development from collector or arterial streets or to overcome specific limitations of topography or orientation. A planting and screening easement of at least ten (10) feet shall be provided along the portion of the lot which abuts



such a collector or arterial street. There shall be no right of access across a planting and screening easement. The screening easement shall be maintained by the property owner.

- There are no double frontage lots.
- e. "T" intersections. The building area of lots shall not face directly into the oncoming traffic of an intersecting street of a "T" intersection.
  - There will not be any building areas facing a "T" intersection.
- f. Solar energy. For purposes of protecting and enhancing the potential of utilizing solar energy in the proposed subdivision, detached single-family lots are encouraged to be laid out in such a manner that the houses will be oriented so that their long axis will run east/west and so that the houses will not block the solar access of adjacent houses.
  - The new lots are oriented east/west and north/south.

#### 11) Architecture.

- The minimum standard is the same building front elevation cannot be repeated more than every fifth lot or directly across the street. For duplex units, the elevation is defined as the two attached units. This will be stipulated for the new subdivision.

#### 12) Codes. The subdivision shall comply with all applicable City building, fire and safety codes for the proposed development.

- The development will comply with all applicable building, fire and safety codes.

#### 13) Inclusionary Housing.

- The inclusionary housing requirements will be met by requiring two of the units in the project to be affordable per the requirements of Sec. 16-13-60. The remaining fraction of the inclusionary housing requirement (2/6) will be required as fee-in-lieu at the time of development per Sec. 16-13-40.

#### REVIEW AGENCY COMMENTS:

Finance Department: System development fees must be paid at the time of issuance of a building permit. There is currently one  $\frac{3}{4}$  inch water meter and sewer tap serving the existing home; and one  $\frac{3}{4}$  inch water meter and sewer tap serving the commercial use.

Salida Fire Department, Kathy Rohrich, Assistant Chief: Fire has no concerns with this subdivision.

Salida Police Department, Russ Johnson, Chief: No issues from PD at this time.



Public Works Director, David Lady: Provide a five-foot-wide sidewalk, or a fee-in-lieu equal to the construction cost of the sidewalk, at the discretion of the PW Director. The proposal is to build the required sidewalks with the other required subdivision improvements.

Xcel Energy: As stated above under Observations: Xcel Energy (electric) identified some unresolved issues regarding service provision throughout the site and to individual units. They have requested 10' PUE's (public utility easements on the front and back of all the lots. There should be room in the rear utilizing the private alley, but the requirement will squeeze the north side of Lot 9. The developer's consultant explained they are continuing to work with Xcel. There is an existing overhead electric line that crosses the south side of the site. All or a portion of this line may have to be buried. Also, the location of transformers was commented on. These are additional details that must be worked out with Xcel.

UPDATE: The applicant resolved the electric and communication utilities access on July 22<sup>nd</sup> and the attached subdivision plat reflects the changes.

Atmos Energy: No concerns at this time.

Salida Public Schools: The district superintendent responded that they will accept the Fair Contribution to School Sites fee-in-lieu.

### RECOMMENDED FINDINGS:

The purpose of the process for a major subdivision is to determine the compliance of the application with the review standards contained in Section 16-6-120.

1. The application complies with the comprehensive plan and the proposed subdivision shall carry out the purpose and spirit of the comprehensive plan and conform to all of the applicable objectives, guiding principles and recommended actions.
2. The applicant has complied with the review standards for subdivisions.

### FISCAL NOTE

There is no fiscal impact.

### RECOMMENDATION

On July 9, 2024, the Planning Commission recommended approval of the Shaken Roost Major Subdivision subject to the conditions recommended by staff as modified below (cross-out and CAPS):

- ~~1. Prior to Council review of the major subdivision, the applicant will work with Xcel Energy to determine if additional public utility easements are required to serve the subdivision. If so, the plat shall be amended to show the new easements.~~



1. Prior to recordation of the final plat, Council shall approve a subdivision improvement / inclusionary housing agreement for the project to generally address the amount, timing and guarantee of the construction of public improvements that are necessary for the project; require the provision of any fees-in-lieu (schools, open space and inclusionary housing) and affordable housing consistent with Article XIII of Chapter 16 of the Salida Municipal Code.
  - a. Two (2) built inclusionary housing units shall be provided per the requirements of Sec. 16-13-60 of the Salida Municipal Code. Additionally, fees-in-lieu for the remaining fraction of affordable unit (2/6) shall be paid per the fee schedule in place at time of building permit. THE AFFORDABLE UNITS WILL BE BUILT NO LATER THAN THE SIXTH MARKET RATE UNIT.
2. The final plat shall have the following notes and additions:
  - a. Pursuant to Section 16-6-140 of the Salida Municipal Code (SMC), Fair Contributions to School Sites as may be amended, at the time that residential dwelling units are constructed on any of the lots herein, a payment in lieu of land dedication for Fair Contributions to Public School Sites shall be paid by the owner of each lot within this subdivision prior to issuance of a building permit for any new residence on such lot.
  - b. Pursuant to Section 16-6-120(8) of the SMC, Parks, Trails and Open Space fees-in-lieu shall be provided at the time of development (issuance of a building permit) per the fee schedule in place at time of building permit.
  - c. Provide a Typical Building Setback exhibit like as shown under Observation #4 above.
  - d. The Access Easements and Outlot for Retention Pond will not be maintained by the City of Salida; or will be maintained by the homeowners association or other entity per the C.C.&R.s recorded at Reception No.\_\_\_\_\_.
  - e. The Shaken Roost Major Subdivision meets the standards of Chapter 16 of the SMC and is subject to the terms of the executed Subdivision Improvement and Inclusionary Housing Agreement as recorded at Reception No.\_\_\_\_\_.
  - f. Pursuant to Section 16-6-120(11) of the SMC, no residential façade elevation may be repeated more than once per five (5) lots on the same side of the street.
3. Water and sewer system development fees are due at the time of issuance of a building permit per the fee schedule in place at time of building permit.
4. The applicant will continue to work with Xcel Energy to receive approval of utility access and maintenance.

## **MOTION**

A City Councilmember should state "I move to \_\_\_\_\_ Resolution 2024-45 approving the Shaken Roost Major Subdivision, followed by a second and a roll call vote.



Attachments

Resolution 2024-45  
Proof of Publication  
Application  
Shaken Roost Major Subdivision Plat  
Development Plan  
Utility Plan  
Letter from Xcel Energy



**CITY OF SALIDA, COLORADO  
RESOLUTION NO. 45  
(Series of 2024)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA COLORADO,  
APPROVING THE SHAKEN ROOST MAJOR SUBDIVISION**

**WHEREAS**, Joni Baker, officer of the property owner, Shaken Roost LLC (“Developers”) submitted an application for approval of a Major Impact Review for the Shaken Roost Major Subdivision; and

**WHEREAS**, the property (“Property”) that is subject to the proposed subdivision consists of a .95 acre parcel located on the south side of Illinois Avenue, between Milford and Teller Streets, more particularly described in Exhibit A; and

**WHEREAS**, the property is zoned C-1, Commercial District; and

**WHEREAS**, the Planning Commission and City Council held a conceptual meeting on the proposed Major Subdivision on March 18, 2024; and

**WHEREAS**, on July 9, 2024 the Salida Planning Commission held a public hearing and recommended approval of the Shaken Roost Major Subdivision, consisting of 14 lots for the construction of 14 units in the form of seven (7) duplex residential buildings; and

**WHEREAS**, the Salida City Council held a duly noticed public hearing on August 6, 2024.

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

The Shaken Roost Major Subdivision is hereby approved, subject to the following conditions:

1. Prior to recordation of the final plat, Council shall approve a subdivision improvement / inclusionary housing agreement for the project to generally address the amount, timing and guarantee of the construction of public improvements that are necessary for the project; require the provision of any fees-in-lieu (schools, open space and inclusionary housing) and affordable housing consistent with Article XIII of Chapter 16 of the Salida Municipal Code.
  - a. Two (2) built inclusionary housing units shall be provided per the requirements of Sec. 16-13-60 of the Salida Municipal Code. Additionally, fees-in-lieu for the remaining fraction of affordable unit (2/6) shall be paid per the fee schedule in place at time of building permit. The on-site affordable units will be constructed no later than the sixth market rate unit.
2. The final plat shall have the following notes and additions:



- a. At the time residential dwelling units are constructed on any of the lots herein, a payment in lieu of land dedication for Fair Contributions to Public School Sites, pursuant to Section 16-6-140 of the Salida Municipal Code (SMC), shall be paid by the owner of each lot within this subdivision prior to issuance of a building permit for any new residence on such lot.
  - b. Pursuant to Section 16-6-120(8) of the SMC, Parks, Trails and Open Space fees-in-lieu shall be provided at the time of development (issuance of a building permit) per the fee schedule in place at time of building permit.
  - c. A Typical Building Setback exhibit shall be provided, like as shown in Exhibit B.
  - d. The Access Easements and Outlot for Retention Pond will not be maintained by the City of Salida; or will be maintained by the homeowners association or other entity per the C.C.&R.s recorded at Reception No. \_\_\_\_\_.
  - e. The Shaken Roost Major Subdivision must meet the standards of Chapter 16 of the SMC and is subject to the terms of the executed Subdivision Improvement and Inclusionary Housing Agreement as recorded at Reception No. \_\_\_\_\_.
  - f. Pursuant to Section 16-6-120(11) of the SMC, no residential façade elevation may be repeated more than once per five (5) lots on the same side of the street.
- 3. Water and sewer system development fees are due at the time of issuance of a building permit per the fee schedule in place at time of building permit.
  - 4. The applicant will continue to work with Xcel Energy to receive approval of utility access and maintenance.

**RESOLVED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of August, 2024.

CITY OF SALIDA

By \_\_\_\_\_  
Dan Shore, Mayor

[SEAL]

ATTEST: \_\_\_\_\_  
City Clerk/Deputy City Clerk



EXHIBIT A

That part of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 5, Township 49 North, Range 9 East of the New Mexico Principal Meridian, (City of Salida), Chaffee County, Colorado, described as follows:

Beginning at the intersection of the south line of Illinois Avenue with the west line of Teller Street, the same being the northeast corner of Block No. 17 of Roberd's Third Addition to the City of Salida, Colorado;

thence running South along the west line of Teller Street 150 feet to the intersection of the west line of Teller Street with the north line of the East-West alley in said Block;

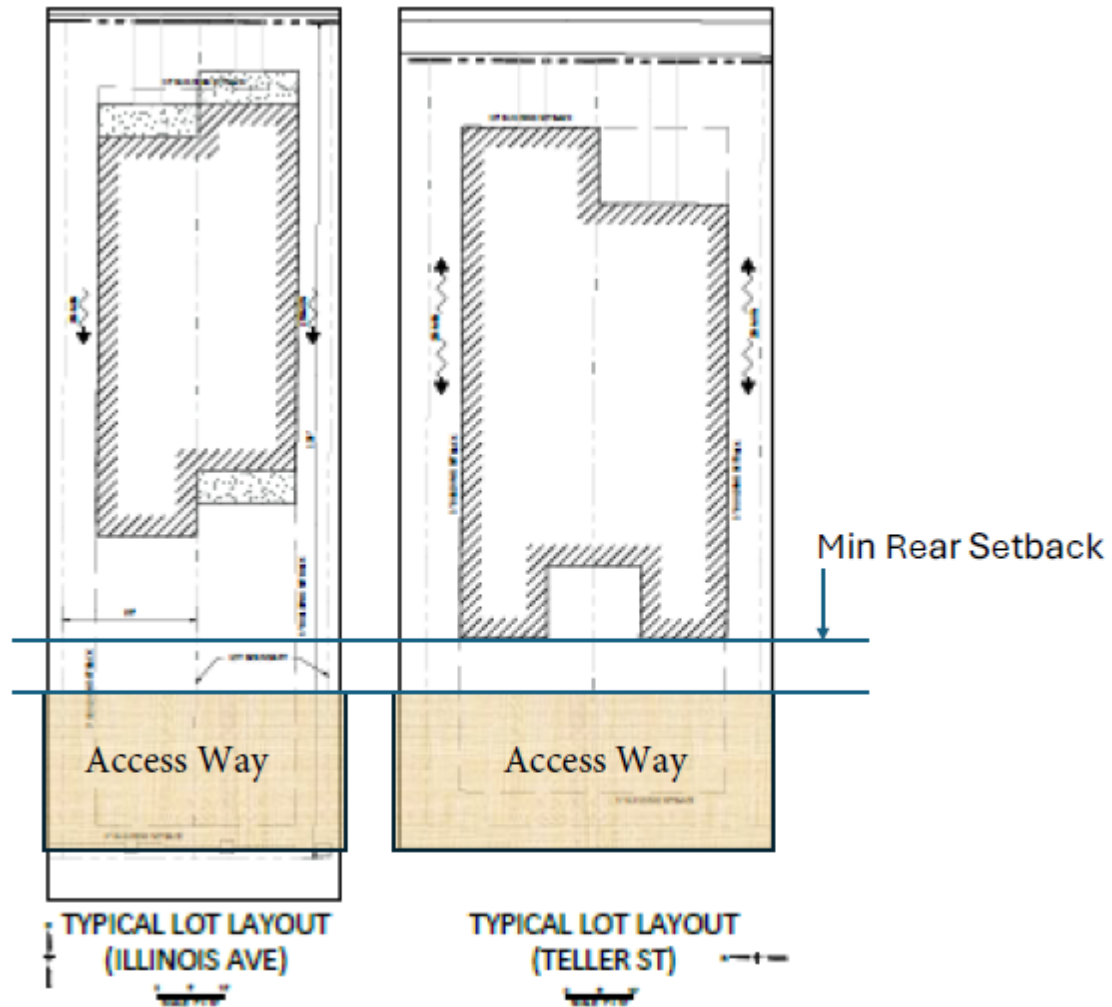
thence at right angles and due West along said alleyway boundary 275 feet to the east line of Millford Street;

thence Northerly along the easterly line of Milford Street 150 feet to the intersection of the east line of Milford Street with the south line of Illinois Avenue;

thence East along the south line of Illinois Avenue 275 feet to the place of beginning, being the North half (N1/2) of said Block No. 17, Roberd's Third Addition.



EXHIBIT B





**PUBLIC NOTICE  
NOTICE OF A PUBLIC HEARING BEFORE  
THE CITY COUNCIL OF THE CITY  
OF SALIDA CONCERNING A MAJOR  
IMPACT REVIEW APPLICATION FOR THE  
SHAKEN ROOST MAJOR SUBDIVISION  
TO ALL MEMBERS OF THE PUBLIC AND  
INTERESTED PERSONS: PLEASE TAKE  
NOTICE** that on Tuesday, August 6, 2024 at or  
about the hour of 6:00 p.m., a public hearing  
will be conducted by the City of Salida City  
Council at City Council Chambers, 448 E.

1st Street, Salida, Colorado and online at the  
following link: <https://attendee.gotowebinar.com/register/3742005742374996822>

The hearing is regarding a major impact review application submitted by Joni Baker of Shaken Roost LLC for a major subdivision of a .95 acre parcel located on the south side of Illinois Avenue, between Milford and Teller Streets. The proposed subdivision will consist of 14 duplex lots for the construction of 14 residential units configured as seven (7) duplex residential structures. The site is zoned Commercial District (C-1). The Planning Commission forwarded a recommendation of approval to the City Council from their July 9, 2024 public hearing.

Interested individuals may make comments during the public hearing via GoToWebinar at the above link. Comments may also be submitted via email ahead of time to [glen.vannimwegen@cityofsalida.com](mailto:glen.vannimwegen@cityofsalida.com) by 12:00pm on August 6, 2024. Further information on the application may be obtained from the Community Development Department by calling (719) 530-2631.

Published in The Mountain Mail July 19, 2024





## GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112

Salida, CO 81201

Phone: 719-539-4555 Fax: 719-539-5271

Email: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)

Item 8.

### 1. TYPE OF APPLICATION (Check-off as appropriate)

- |  |  |
|--|--|
| <input type="checkbox"/> Annexation                          | <input type="checkbox"/> Administrative Review:<br>(Type)_____                           |
| <input type="checkbox"/> Pre-Annexation Agreement            |  |
| <input type="checkbox"/> Appeal Application (Interpretation) |  |
| <input type="checkbox"/> Certificate of Approval             | <input type="checkbox"/> Limited Impact Review:<br>(Type)_____                           |
| <input type="checkbox"/> Creative Sign Permit                |  |
| <input type="checkbox"/> Historic Landmark/District          |  |
| <input type="checkbox"/> License to Encroach                 | <input checked="" type="checkbox"/> Major Impact Review:<br>(Type)Major Subdivision_____ |
| <input type="checkbox"/> Text Amendment to Land Use Code     |  |
| <input type="checkbox"/> Watershed Protection Permit         |  |
| <input type="checkbox"/> Conditional Use                     | <input type="checkbox"/> Other:_____   |

### 2. GENERAL DATA (To be completed by the applicant)

#### A. Applicant Information

Name of Applicant: Joni Baker

Mailing Address: 1501 H Street, Salida, CO 81201

Telephone Number: 740-438-1279 FAX: \_\_\_\_\_

Email Address: jilrjdbaker@gmail.com

Power of Attorney/ Authorized Representative: \_\_\_\_\_  
(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)

#### B. Site Data

Name of Development: Shaken Roost Subdivision

Street Address: 77 Illinois Avenue

Legal Description: Lot \_\_\_\_\_ Block 17 Subdivision Roberd's Thir (attach description)

Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge.

Signature of applicant/agent  Date 06-06-2024

Signature of property owner  Date 06-06-2024





## LIMITED IMPACT & MAJOR IMPACT SUBMITTAL REQUIREMENTS

448 East First Street, Suite 112  
Salida, CO 81201  
Phone: 719-530-2626 Fax: 719-539-5271  
Email: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)

*An application is meant to highlight the requirements and procedures of the Land Use Code. With any development application, it is the responsibility of the applicant to read, understand, and follow all of the provisions of the Land Use Code.*

### 1. PROCEDURE (Section 16-3-80)

**A. Development Process** (City Code Section 16-3-50) Any application for approval of a development permit shall include a written list of information which shall constitute the applicant's development plan, which shall be that information necessary to determine whether the proposed development complies with this Code. The development plan shall include the following, as further specified for each level of review on the pre-application checklist:

1. Pre-Application Conference (Limited Impact and Major Impact Review Applications)
2. Submit Application
3. Staff Review. Staff report or decision forwarded to the applicant (Administrative review)
4. Public Notice
5. Public Hearing with Planning Commission (Limited Impact and Major Impact Review Applications)
6. Public Notice
7. Hearing Conducted by City Council (Major Impact Review)

### ☒ **B. Application Contents** (City Code Section 16-3-50)

- ☒ 1. A General Development Application
- ☒ 2. A copy of a current survey or the duly approved and recorded subdivision plat covering the subject lots where the proposal is for development on previously subdivided or platted lots;
- ☒ 3. A brief written description of the proposed development signed by the applicant;
- ☐ 4. Special Fee and Cost Reimbursement Agreement completed. *\*major impact only*
- ☒ 5. Public Notice.
  - a) List. A list shall be submitted by the applicant to the city of adjoining property owners' names and addresses. A property owner is considered adjoining if it is within 175 feet of the subject property regardless of public ways. The list shall be created using the current Chaffee County tax records.
  - b) Postage Paid Envelopes. Each name on the list shall be written on a postage-paid envelope. Postage is required for up to one ounce. Return Address shall be: City of Salida, 448 E. First Street, Suite 112, Salida, CO 81201.
  - c) Applicant is responsible for posting the property and submittal of proof of posting the public notice.



- ☒ 6. Developments involving construction shall provide the following information:
- (i) A development plan map, at a scale of one (1) inch equals fifty (50) feet or larger with title, date, north arrow and scale on a minimum sheet size of eight and one-half (8½) inches by eleven (11) inches, which depicts the area within the boundaries of the subject lot, including:
    - a. The locations of existing and proposed land uses, the number of dwelling units and the square footage of building space devoted to each use;
    - b. The location and dimensions, including building heights, of all existing and proposed Buildings or structures and setbacks from lot lines or building envelopes where exact dimensions are not available;
    - c. Parking spaces;
    - d. Utility distribution systems, utility lines, and utility easements;
    - e. Drainage improvements and drainage easements;
    - f. Roads, alleys, curbs, curb cuts and other access improvements;
    - g. Any other improvements;
    - h. Any proposed reservations or dedications of public right-of-way, easements or other public lands, and
    - i. Existing topography and any proposed changes in topography, using five-foot contour intervals or ten-foot contour intervals in rugged topography.
  - (ii) 24" x 36" paper prints certified by a licensed engineer and drawn to meet City specifications to depict the following:
    - a. Utility plans for water, sanitary sewer, storm sewer, electric, gas and telephone lines;
    - b. Plans and profiles for sanitary and storm sewers; and
    - c. Profiles for municipal water lines; and
    - d. Street plans and profiles.
  - (iii) Developments in the major impact review procedure shall provide a development plan map on paper prints of twenty-four (24) inches by thirty-six (36) inches, with north arrow and scale, and with title and date in lower right corner, at a scale of one (1) inch equals fifty (50) feet or larger which depicts the area within the boundaries of the subject lots and including those items in Section 16-3-40(a)(3).

- N/A ☐ 7. Any request for zoning action, including review criteria for a requested conditional use (Sec. 16-4-190 ) or zoning variance (Sec. 16-4-180);



- ☒ 8. Any subdivision request including a plat meeting the requirements of Section 16-6-110;
- ☒ 9. Any other information which the Administrator determines is necessary to determine whether the proposed development complies with this Code, including but not limited to the following:

(i) A tabular summary of the development proposal, which identifies the total proposed development area in acres, with a breakdown of the percentages and amounts devoted to specific land uses; total number and type of proposed residential units; total number of square feet of proposed nonresidential space; number of proposed lots; and sufficient information to demonstrate that the plat conforms with all applicable dimensional standards and off-street parking requirements.

(ii) A description of those soil characteristics of the site which would have a significant influence on the proposed use of the land, with supporting soil maps, soil logs and classifications sufficient to enable evaluation of soil suitability for development purposes. Data furnished by the USDA Natural Resource Conservation Service or a licensed engineer shall be used. The data shall include the shrink/swell potential of the soils, the groundwater levels and the resulting foundation requirements. Additional data may be required by the City if deemed to be warranted due to unusual site conditions.

(iii) A report on the geologic characteristics of the area, including any potential natural or man-made hazards which would have a significant influence on the proposed use of the land, including but not limited to hazards from steep or unstable slopes, rockfall, faults, ground subsidence or radiation, a determination of what effect such factors would have, and proposed corrective or protective measures.

(iv) Engineering specifications for any improvements.

(v) A plan for erosion and sediment control, stabilization and revegetation.

(vi) A traffic analysis prepared by a qualified expert, including projections of traffic volumes to be generated by the development and traffic flow patterns, to determine the impacts of a proposed development on surrounding City streets and to evaluate the need for road improvements to be made.

(vii) A storm drainage analysis consisting of the following:

(a) A layout map (which may be combined with the topographic map) showing the method of moving storm sewer water through the subdivision shall be provided. The map shall also show runoff concentrations in acres of drainage area on each street entering each intersection. Flow arrows shall clearly show the complete runoff flow pattern at each intersection. The location, size and grades of culverts, drain inlets and storm drainage sewers shall be shown, as applicable.

(b) The applicant shall demonstrate the adequacy of drainage outlets by plan, cross-section and/or notes and explain how diverted stormwater will be handled after it leaves the subdivision. Details for ditches and culverts shall be submitted, as applicable.

(c) The projected quantity of stormwater entering the subdivision naturally from areas outside of subdivision and the quantities of flow at each pickup point shall be calculated.

(viii) Evidence of adequate water supply and sanitary sewer service - Data addressing the population planned to occupy the proposed subdivision and future development phases and other developments that may need to be served by extensions of the proposed water supply and sewage disposal systems. The resulting domestic, irrigation and fire flow demands shall be expressed in terms of gallons of



water needed on an average day and at peak time, and the resulting amounts of sewage to be treated shall be expressed in gallons per day.

(ix) An analysis shall be submitted addressing how water for domestic use and for fire flows is to be provided, along with the collection and treatment of sewage generated by the property to be subdivided.

(x) A statement shall be submitted addressing the quantity, quality and availability of any water that is attached to the land.

(xi) A preliminary estimate of the cost of all required public improvements, tentative development schedule (with development phases identified), proposed or existing covenants and proposed maintenance and performance guarantees. The applicant shall submit, at least in summary or outline form, any agreements as may be required by Section 16-2-70, relating to improvements and dedications.

(xii) If intending to use solar design in the development, include a description of the steps that have been taken to protect and enhance the use of solar energy in the proposed subdivision. This shall include how the streets and lots have been laid out and how the buildings will be sited to enhance solar energy usage.

(xiii) If applicable, a report shall be submitted identifying the location of the one-hundred-year floodplain and the drainageways near or affecting the property being subdivided. If any portion of a one-hundred-year floodplain is located on the property, the applicant shall also identify the floodway and floodway fringe area. The applicant shall also describe the steps that will be taken to ensure that development locating in the floodway fringe area is accomplished in a manner which meets Federal Insurance Administration standards.

(xiv) If applicable, a report shall be submitted on the location of wetlands, as defined by the U.S. Army Corp of Engineers, on or affecting the property being subdivided. The report shall outline the development techniques planned to ensure compliance with federal, state and local regulations.

(xv) A landscape plan, meeting the specifications of Section 16-8-90.

(xvi) If applicable, a description of how the proposal will comply with the standards of any of the overlays.

(xvii) A site plan for parks, trails and/or open space meeting the requirements of Section 16-6-110 below. If an alternate site dedication or fee in lieu of dedication is proposed, detailed information about the proposal shall be submitted.

(xviii) All development and subdivision naming shall be subject to approval by the City. No development or subdivision name shall be used which will duplicate or be confused with the name of any existing street or development in the City or the County;

N/A ☐ 10. An access permit from the Colorado Department of Transportation; and

N/A ☐ 11. A plan for locations and specifications of street lights, signs and traffic control devices.



## 2. REVIEW STANDARDS (If necessary, attach additional sheets)

The application for Limited or Major Impact Review shall comply with the following standards.

### 1. Consistency with Comprehensive Plan. The use shall be consistent with the City's Comprehensive Plan.

The development maintains consistency with the City's comprehensive plan in several manners. At the forefront, this is an attempt for more affordable housing units in downtown Salida. The developer's hope that these units can provide housing for teacher's at the schools located directly adjacent to the development.

The proposed layout maintains a small city feel by providing dense housing unit development. The surrounding right-of-way will be developed with sidewalk to provide more multi-modal transportation.

The developer is a local to Salida, support of the project will be supporting a local business that hopes to establish itself as a reliable and quality developer within the city.

### 2. Conformance to Code. The use shall conform to all other applicable provisions of this Land Use Code, including, but not limited to:

- a. Zoning District Standards. The purpose of the zone district in which it is located, the dimensional standards of that zone district, and any standards applicable to the particular use, all as specified in Article 5, Use and Dimensional Standards.

The site is zoned C-1. Inclusionary Housing Development standards are being upheld. The site has been reviewed to meet the dimensional standard set forth in Table 16-F.

- b. Site Development Standards. The parking, landscaping, sign and improvements standards.

1 Parking space has been provided for each unit. Landscaping will be provided in accordance with the land use and development code.

### 3. Use Appropriate and Compatible. The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

While the property is zoned commercial, the area consists of a school and residential property. Therefore, adding more residential units within the commercial zoning is deemed appropriate with this property to conform with the surrounding residential and education uses.



- 4. Nuisance.** The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and similar conditions.

The proposed duplex units are not anticipated to create a nuisance. The architecture will be in conformance with more standard residential developments.

- 5. Facilities.** There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

The development has begun coordination with Public Works who has indicated that no extensions or improvements will be required to connect the proposed residential units to the existing sewer and water infrastructure.

- 6. Environment.** The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

The developments design mitigates significant impacts to the environment through using stormwater infrastructure to reduce the post development flows to the historic level.



SHAKEN ROOST SUBDIVISION  
LOCATED IN THE  
NORTH 1/2 OF BLOCK 17, ROBERD'S THIRD ADDITION TO THE CITY OF SALIDA  
CHAFFEE COUNTY, COLORADO  
SHEET 1 OF 2

CERTIFICATE OF DEDICATION AND OWNERSHIP:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BEING ALL OF THE OWNERS, MORTGAGEES AND LIEN HOLDERS OF CERTAIN LAND IN THE CITY OF SALIDA, CHAFFEE COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

That part of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 5, Township 44 North, Range 9 East of the New Mexico Principal Meridian, (City of Salida), Chaffee County, Colorado, described as follows:

Beginning at the intersection of the south line of Illinois Avenue with the west line of Teller Street, the same being the northeast corner of Block No. 17 of Roberd's Third Addition to the City of Salida, Colorado; thence running South along the west line of Teller Street 150 feet to the intersection of the west line of Teller Street with the north line of the East-West alley in said Block; thence at right angles and due West along said alleyway boundary 275 feet to the east line of Milford Street; thence Northerly along the easterly line of Milford Street 150 feet to the intersection of the east line of Milford Street with the south line of Illinois Avenue; thence East along the south line of Illinois Avenue 275 feet to the place of beginning, being the North half (N1/2) of said Block No. 17, Roberd's Third Addition.

DO HEREBY LAY-OUT, PLAT AND SUBDIVIDE THE ABOVE DESCRIBED PROPERTY INTO LOTS, AN OUTLOT AND EASEMENTS WITH DISTANCES AND DIRECTIONS, AS SHOWN ON PLAT SHEET 2, TO BE KNOWN AS:

SHAKEN ROOST SUBDIVISION

LOCATED WITHIN  
BLOCK 17, ROBERD'S THIRD ADDITION TO THE CITY OF SALIDA  
CHAFFEE COUNTY, COLORADO

AND THE OUTLOT AND DUPLEX LOT 14 ARE SUBJECT TO A 10.0 FOOT WIDE UTILITY EASEMENT FOR THE EXISTING AND FUTURE PUBLIC UTILITY LINES AS SHOWN ON SHEET 2.

AND DUPLEX LOTS 1 THRU 8, INCLUSIVE, ARE SUBJECT TO A 23.67 FOOT WIDE ACCESS AND PUBLIC UTILITY EASEMENT, THE LOCATION OF WHICH IS SHOWN ON SHEET 2 CONTAINED HEREIN..

AND DUPLEX LOTS 9 THRU 14, INCLUSIVE, ARE SUBJECT TO A 20.0 FOOT WIDE ACCESS AND PUBLIC UTILITY EASEMENT, THE LOCATION OF WHICH IS SHOWN ON SHEET 2 CONTAINED HEREIN.

AND DUPLEX LOTS 9 THRU 14, INCLUSIVE, ARE SUBJECT TO A 10.0 FOOT WIDE PUBLIC UTILITY ADJACENT TO THE EAST BOUNDARY OF SAID LOTS AS SHOWN ON SHEET 2.

AND DUPLEX LOTS 8 AND 9 MAY BE SUBJECT TO THE RIGHTS OF THE OWNERS OF THE SCOTT & SWALLOW DITCH TO OPERATE, MAINTAIN INSPECT AND REPAIR SAID DITCH PURSUANT TO COLORADO LAW RELATIVE TO DITCH RIGHTS.

AND OUTLOT A IS RESERVED FOR DRAINAGE PURPOSES, INCLUDING A DETENTION POND, SUBJECT TO AN EASEMENT FOR EXISTING OVERHEAD PUBLIC UTILITY LINES, AS SHOWN.

AND SHAKEN ROOST MAJOR SUBDIVISION MEETS THE STANDARDS OF CHAPTER 16 OF THE SALIDA MUNICIPAL CODE AND IS SUBJECT TO THE TERMS OF THE EXECUTED SUBDIVISION IMPROVEMENT AND INCLUSIONARY HOUSING AGREEMENT AS RECORDED AT RECEPTION NO. \_\_\_\_\_.

ACKNOWLEDGEMENT:

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE CAUSED THESE PRESENTS TO BE EXECUTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

SHAKEN ROOST LLC, A COLORADO  
LIMITED LIABILITY COMPANY (OWNER)

\_\_\_\_\_  
JONI L. BAKER, PRESIDENT

\_\_\_\_\_  
FOR HIGH COUNTRY BANK, MORTGAGEE

STATE OF COLORADO }  
COUNTY OF CHAFFEE } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC  
ADDRESS

CERTIFICATE OF TITLE INSURANCE COMPANY:

I, JAMES L. TREAT, A LICENSED TITLE INSURANCE AGENT REPRESENTING STEWART TITLE GUARANTY COMPANY IN THE STATE OF COLORADO DO CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE REAL PROPERTY SHOWN AND DESCRIBED ON THIS PLAT AND FOUND TITLE VESTED IN SHAKEN ROOST LLC, A COLORADO LIMITED LIABILITY COMPANY FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, EXCEPT: \_\_\_\_\_

LAND SURVEYOR'S STATEMENT:

I, MICHAEL K. HENDERSON, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO DO HEREBY STATE THAT THIS PLAT WAS PREPARED BY ME AND/OR UNDER MY DIRECT SUPERVISION, AND IS BASED ON A MONUMENTED LAND SURVEY OF THE PROPERTY AND LOTS SHOWN AND DESCRIBED HEREIN, WHICH SURVEY WAS PERFORMED UNDER MY RESPONSIBLE CHARGE, AND THAT SAID PLAT AND SURVEY ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
JAMES L. TREAT

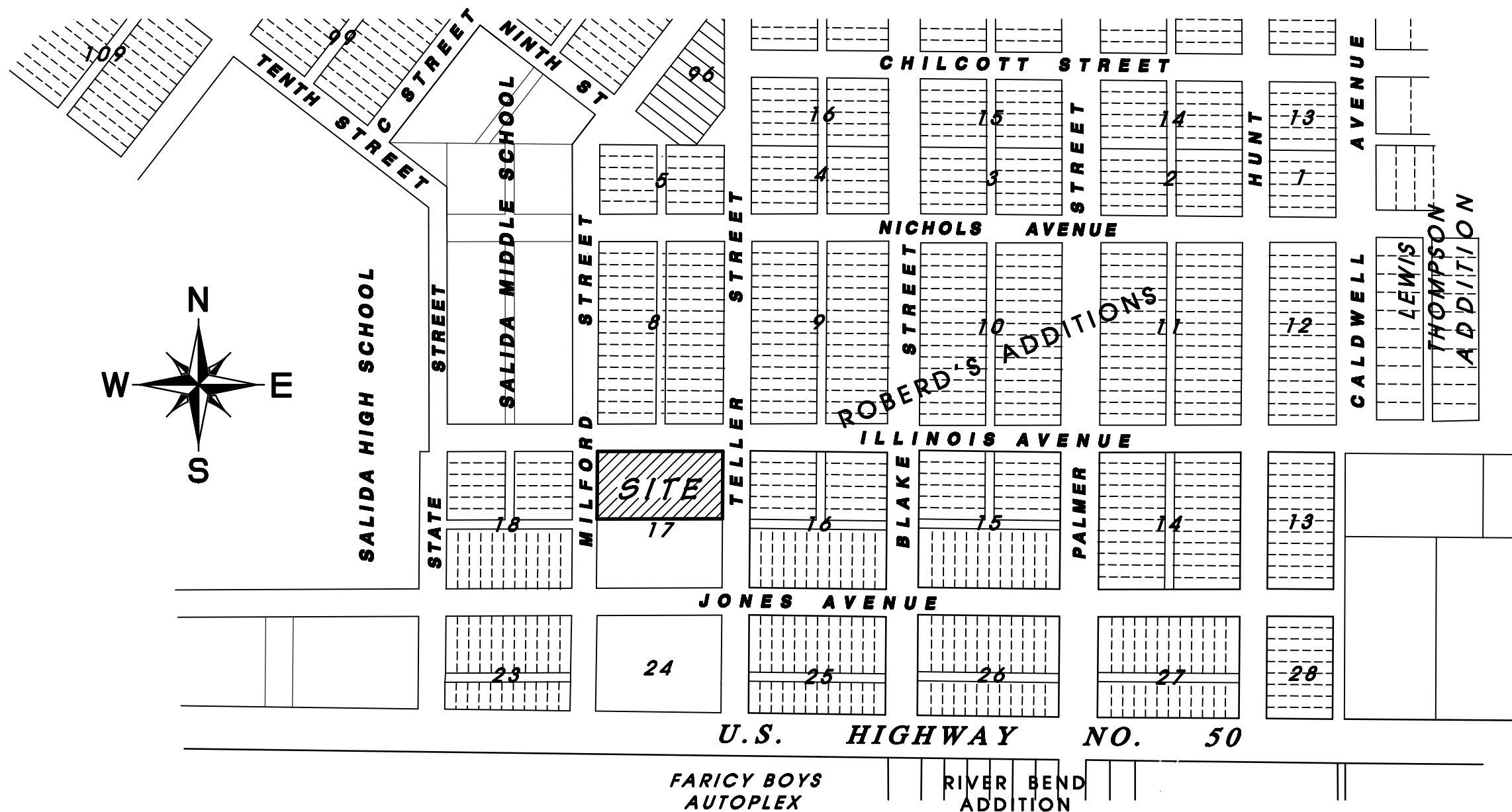
\_\_\_\_\_  
MICHAEL K. HENDERSON  
REG. L.S. NO. 16117  
STATE OF COLORADO

GENERAL LAND SURVEYOR'S NOTES:

SEE SHEET 2.

VICINITY MAP

NOT TO SCALE



DEVELOPMENT NOTES:

PURSUANT TO SECTION 16-6-140 OF THE SALIDA MUNICIPAL CODE (SMC), FAIR CONTRIBUTIONS TO SCHOOL SITES, AS MAY BE AMENDED, AT THE TIME THAT RESIDENTIAL DWELLING UNITS ARE CONSTRUCTED ON ANY OF THE LOTS HEREIN, A PAYMENT IN LIEU OF LAND DEDICATION FOR FAIR CONTRIBUTIONS TO PUBLIC SCHOOL SITES SHALL BE PAID BY THE OWNER OF EACH LOT WITHIN THIS SUBDIVISION PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR ANY NEW RESIDENCE ON SUCH LOT.

PURSUANT TO SECTION 16-6-120(B) OF THE SALIDA MUNICIPAL CODE, PARKS, TRAILS AND OPEN SPACE FEES IN LIEU SHALL BE PAID AT THE TIME OF DEVELOPMENT (ISSUANCE OF A BUILDING PERMIT) PER THE FEE SCHEDULE IN PLACE AT THE TIME OF BUILDING PERMIT.

THE ACCESS EASEMENTS AND OUTLOT FOR RETENTION POND WILL NOT BE MAINTAINED BY THE CITY OF SALIDA.

OWNERSHIP AND MAINTENANCE COSTS OF THE OUTLOT SHALL BE DETERMINED BY A PRORATED BASIS OF OWNERSHIP OF THE LOTS WITHIN SHAKEN ROOST SUBDIVISION.

CITY COUNCIL APPROVAL:

THIS PLAT IS APPROVED FOR FILING AND THE CITY OF SALIDA HEREBY ACCEPTS THE DEDICATION OF THE EASEMENTS SHOWN AND DESCRIBED ON THESE PLATS ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR, CITY OF SALIDA

CLERK AND RECORDER'S CERTIFICATE:

THIS PLAT WAS FILED IN THE OFFICE OF THE CLERK AND RECORDER OF CHAFFEE COUNTY, COLORADO, AT \_\_\_\_\_ . M . , ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ , A.D., 2024.

RECEPTION NO. \_\_\_\_\_

\_\_\_\_\_  
CHAFFEE COUNTY CLERK & RECORDER

SHEET 1 OF 2

Additions: 7/30/24 M.K.H.  
Revisions and Additions: 5/30/24 M.K.H. 6/4/24 M.K.H.

SHAKEN ROOST MINOR SUBDIVISION  
IN THE N1/2 BLOCK 17, ROBERD'S THIRD ADDITION TO THE CITY OF SALIDA  
CHAFFEE COUNTY, COLORADO

Job Number: J-23-183  
TPC FILE: J-11-005  
DRAWN BY: TWO CAD  
M.K.H.

HENDERSON LAND SURVEYING CO., INC.  
203 G STREET  
SALIDA, COLORADO

CHECKED:  
Field Book: S335 Page 32

DATE:  
2/19/24

DRAWING NO.  
L-24-06



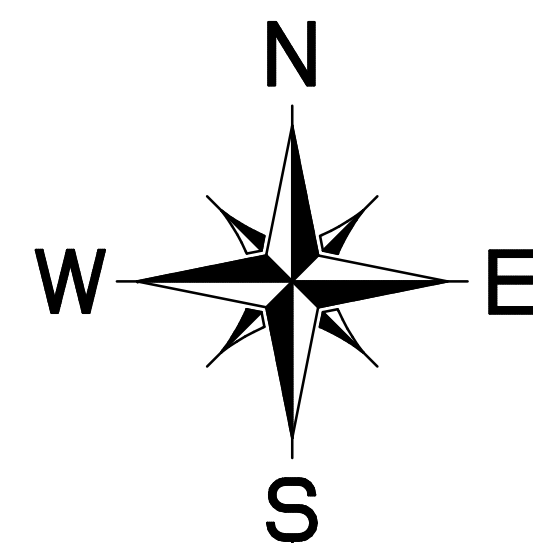
## SHAKEN ROOST SUBDIVISION

LOCATED IN THE  
NORTH 1/2 of BLOCK 17, ROBERD'S THIRD ADDITION TO THE CITY OF SALIDA  
CHAFFEE COUNTY, COLORADO  
SHEET 2 OF 2

BLOCK 8

17

16



GRAPHIC SCALE 1"=20'

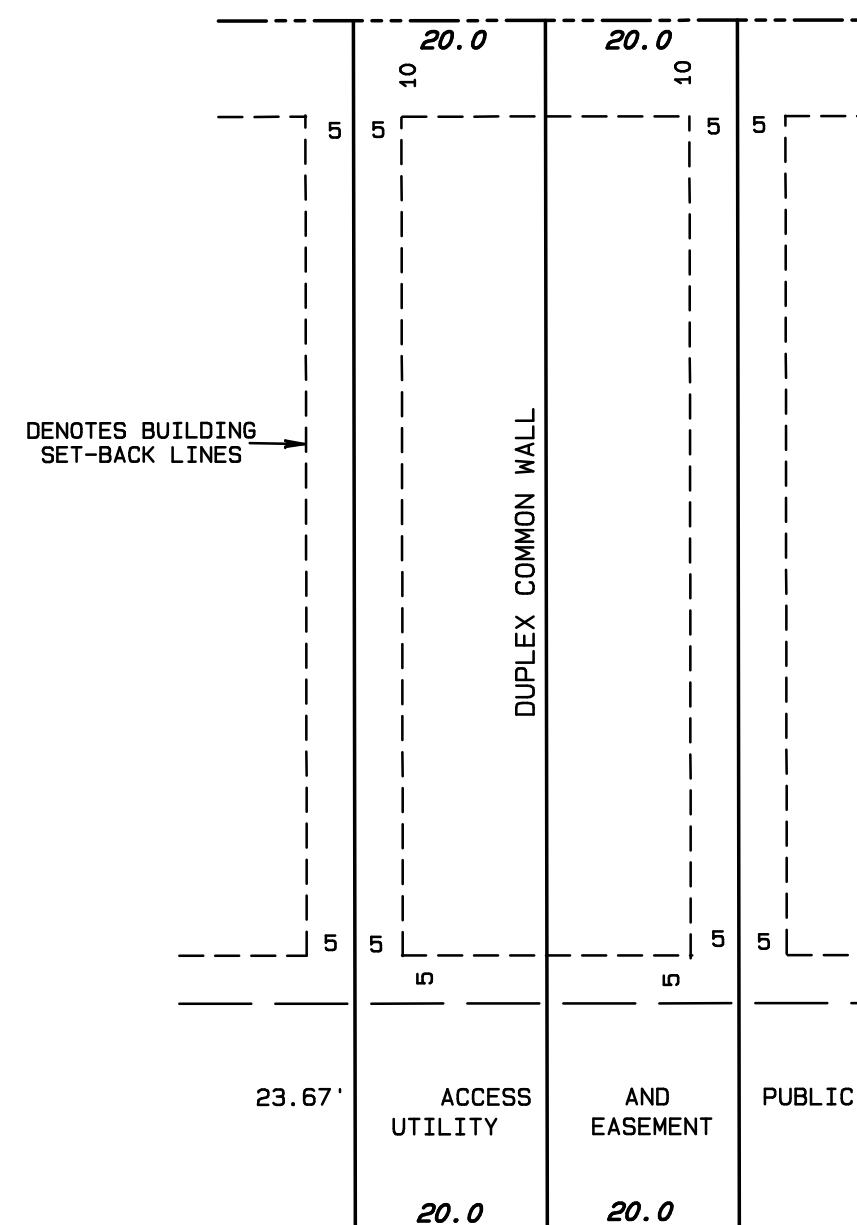
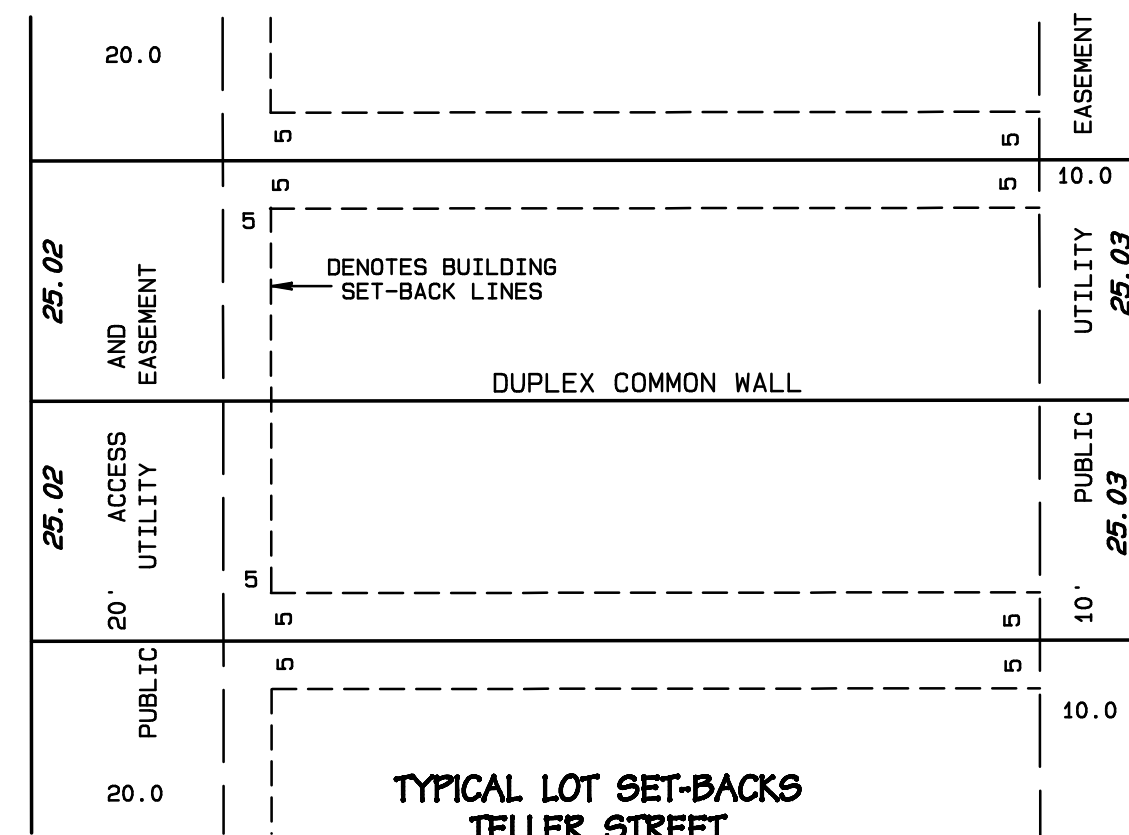
0 20 40 60

DIRECTIONS ARE BASED ON THE BEARING S00°04'00"E BETWEEN  
RECOVERED REBAR SURVEY MONUMENTS AT THE NORTHEAST AND THE  
SOUTHEAST CORNERS OF THE PROPERTY, AS SHOWN AND DESCRIBED  
ON THIS PLAT.

## LEGEND:

- DENOTES A RECOVERED 5/8" REBAR WITH A 1 3/4" STEEL DISC  
STAMPED "6753".
- DENOTES A 5/8"x24" REBAR WITH A 1 1/2" ALUMINUM CAP  
STAMPED "LS 16117", SET FOR THIS SURVEY.
- DENOTES APPROXIMATE LOCATION OF A SANITARY SEWER LINE.
- DENOTES A CITY OF SALIDA WATER MAIN.
- DENOTES APPROXIMATE LOCATION OF A GAS LINE.
- DENOTES AN OVERHEAD ELECTRIC LINE.
- DENOTES AN OVERHEAD TELEPHONE LINE.
- TV— DENOTES AN OVERHEAD TELEVISION LINE.

## ILLINOIS AVENUE

TYPICAL LOT SET-BACKS  
ILLINOIS AVENUETYPICAL LOT SET-BACKS  
TELLER STREET

ILLINOIS AVENUE

TELLER STREET

ZONING:  
BLOCK 17 IS ZONED COMMERCIAL (C1)

DEVELOPMENT NOTES:  
SEE SHEET 2

SHEET 2 OF 2

Revisions and Additions: 7/30/24/24 M.K.H.  
Revisions and Additions: 8/30/24 M.K.H. 6/4/24 M.K.H.

## SHAKEN ROOST SUBDIVISION

IN THE N1/2 BLOCK 17, ROBERD'S THIRD ADDITION TO THE CITY OF SALIDA  
CHAFFEE COUNTY, COLORADO

Job Number: J-24-132  
TPC FILE: J-11-005  
B.S.H.  
DRAWN BY: T.W. JORD  
M.K.H.

HENDERSON LAND SURVEYING CO., INC.  
203 G STREET  
SALIDA, COLORADO

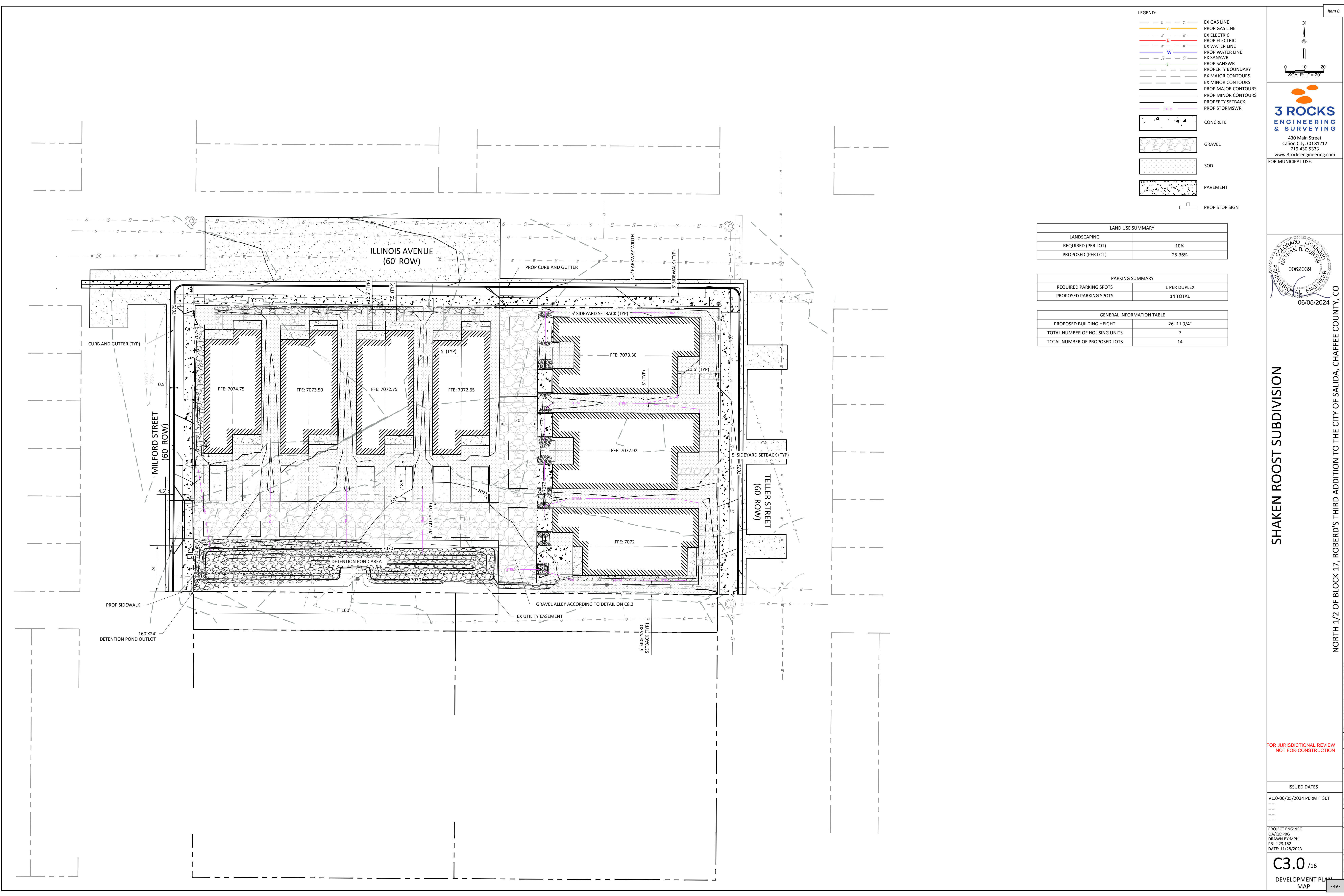
DATE:  
2/19/24

DRAWING NO.  
L-24-06

CHECKED:  
Field Book: S335 Page  
32

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED  
UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER  
SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY  
BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT  
CONTAINED HEREON.





LEGEND:

- EX GAS LINE
- PROP GAS LINE
- EX ELECTRIC
- PROP ELECTRIC
- EX WATER LINE
- PROP WATER LINE
- EX SANSWR
- PROP SANSWR
- PROPERTY BOUNDARY
- EX MAJOR CONTOURS
- EX MINOR CONTOURS
- PROP MAJOR CONTOURS
- PROP MINOR CONTOURS
- PROPERTY SETBACK
- PROP STORMSWR

CONCRETE

GRAVEL

SOD

PAVEMENT

PROP STOP SIGN

LAND USE SUMMARY	
LANDSCAPING	
REQUIRED (PER LOT)	10%
PROPOSED (PER LOT)	25-36%

PARKING SUMMARY	
REQUIRED PARKING SPOTS	1 PER DUPLEX
PROPOSED PARKING SPOTS	14 TOTAL

GENERAL INFORMATION TABLE	
PROPOSED BUILDING HEIGHT	26'-11 3/4"
TOTAL NUMBER OF HOUSING UNITS	7
TOTAL NUMBER OF PROPOSED LOTS	14

Item 8.

0

10'

20'

SCALE: 1" = 20'

3 ROCKS

ENGINEERING & SURVEYING

430 Main Street

Canon City, CO 81212

719.430.5333

www.3rocksendeering.com

FOR MUNICIPAL USE:

COLORADO

LICENSED

PROFESSIONAL ENGINEER

0062039

NA HAW R. CURTIS

06/05/2024

SHAKEN ROOST SUBDIVISION

NORTH 1/2 OF BLOCK 17, ROBERD'S THIRD ADDITION TO THE CITY OF SALIDA, CHAFFEE COUNTY, CO

FOR JURISDICTIONAL REVIEW

NOT FOR CONSTRUCTION

ISSUED DATES

V1.0-06/05/2024 PERMIT SET

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PROJECT ENG: NRC

QA/QC: PMS

DRAWN BY: MPH

PRJ # 23.152

DATE: 11/28/2023

C3.0

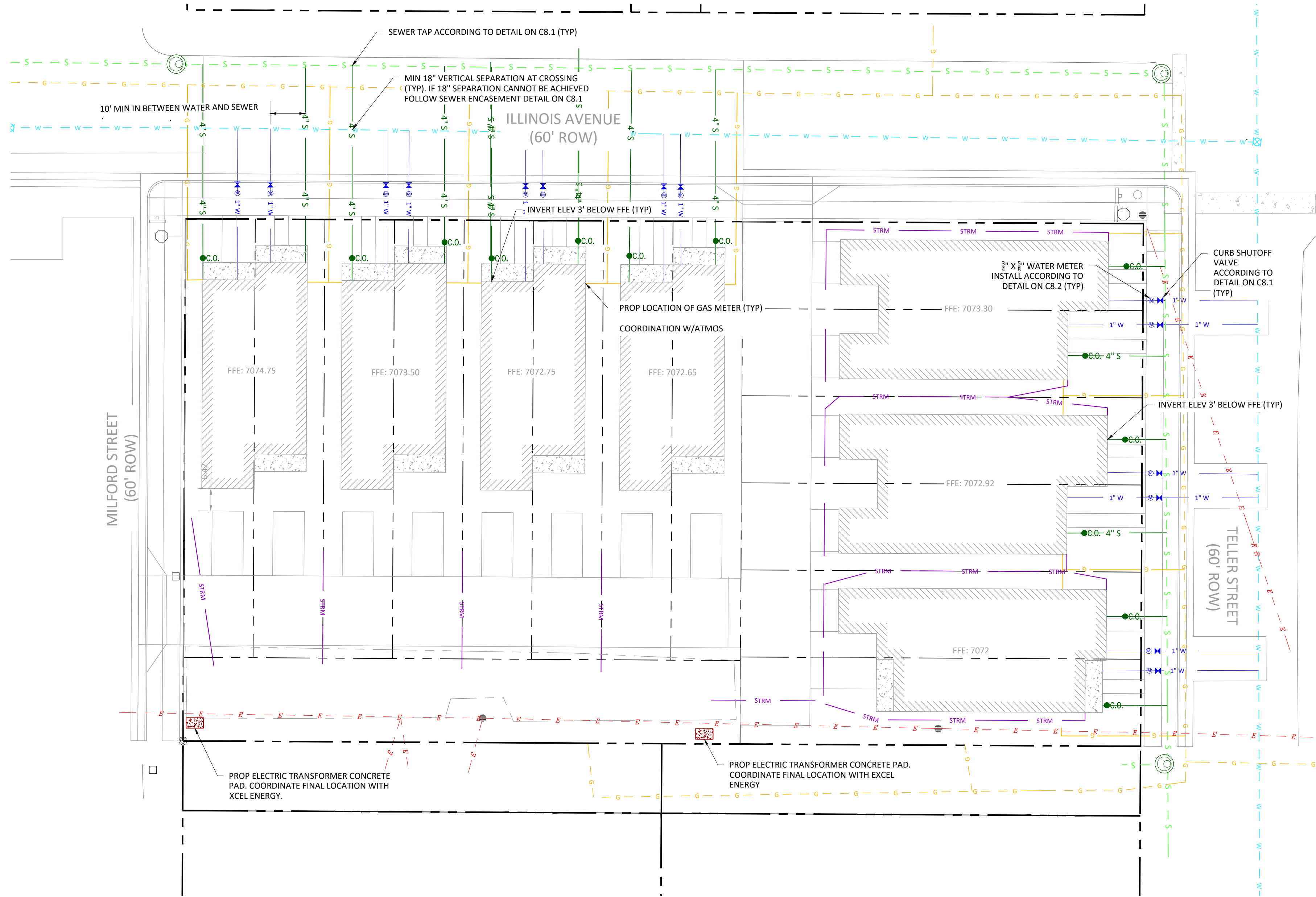
/16

DEVELOPMENT PLAN

MAP

49





- LEGEND:
- EX TELEPHONE
  - PROP TELEPHONE
  - EX GAS LINE
  - PROP GAS LINE
  - EX CABLE TELEVISION LINE
  - PROP CABLE TELEVISION LINE
  - EX ELECTRIC
  - PROP ELECTRIC
  - EX WATER LINE
  - PROP WATER LINE
  - EX SANSWR
  - PROP SANSWR
  - PROPERTY BOUNDARY

Item 8.

N

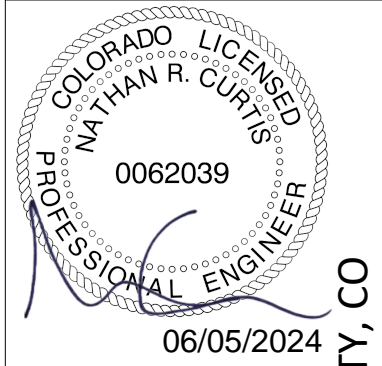
0 10' 20'

SCALE: 1" = 20'

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& SURVEYING

430 Main Street  
Cañon City, CO 81212  
719.430.5333  
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FOR MUNICIPAL USE:



- WATER NOTES:
- ALL WATER TO MAINTAIN 60" MINIMUM COVER UNLESS NOTED OTHERWISE.
  - IN NO CASE SHALL FIELD DEFLECTIONS EXCEED MANUFACTURER'S RECOMMENDATIONS.
  - THE CONTRACTOR SHALL ENSURE PIPES ARE FREE OF GRAVEL AND DEBRIS PRIOR TO BEING INSTALLED IN THE TRENCH. IF THE PIPE IS DIRTY, HAS GRAVEL OR DEBRIS INSIDE, OR HAS SAT UNUSED FOR A LONG PERIOD OF TIME, THE PIPE WILL REQUIRE CLEANING PRIOR TO INSTALLATION.
  - WATER LINES TO HAVE BLUE ID TAPE INSTALLED 2' ABOVE PIPE.
  - MIN 10' HORIZONTAL SEPARATION BETWEEN WATER AND SANITARY SEWER LINES EXCEPT FOR AT CROSSINGS.
  - WATER SERVICES SHALL BE 1" HDPE DR9 PRESSURE CLASS 200 PSI, C.T.S. CONTRACTOR SHALL FOLLOW THE CITY OF SALIDA STANDARD CONSTRUCTION SPECIFICATIONS, SECTION 02512 SITE WATER DISTRIBUTION FOR ALL TAPPING, INSTALLATION AND MATERIAL SPECIFICATIONS.
  - MIN 18" VERTICAL SEPARATION BETWEEN WATER AND SANITARY SEWER LINES AT CROSSINGS WITH WATER OVER SEWER UNLESS USING CITY CROSSING DETAIL W/FLOW FILL. SEE SHEET C8.1 FOR DETAIL.
  - SET VALVES ON SOLID 3'X3'X6" MIN CONCRETE BLOCKS ON SUBSOIL.
  - SET VALVE BOX COVERS FLUSH WITH FINISHED GRADE.
  - WATER PIPE MATERIAL AND CLASS, WATER METER, AND VALVES SHALL CONFORM TO THE CITY OF SALIDA APPROVED MATERIALS LIST.

- SANITARY NOTES:
- CLEANOUTS SHALL BE LOCATED WITHIN 5' OUTSIDE OF THE STRUCTURES AT THE POINT OF THE SANITARY SEWER SERVICE.
  - ENSURE SANITARY LINES ARE AT A MINIMUM 2% SLOPE ACCORDING TO THE CITY OF SALIDA DETAIL. SEE DETAIL ON SHEET C8.1.
  - ALL SANITARY TO MAINTAIN 42" MINIMUM COVER UNLESS NOTED OTHERWISE.
  - SEWER LINES TO HAVE GREEN ID TAPE INSTALLED 2' ABOVE PIPE.
  - MIN 10' HORIZONTAL SEPARATION BETWEEN WATER AND SANITARY SEWER LINES EXCEPT FOR AT CROSSINGS.
  - MIN 18" VERTICAL SEPARATION BETWEEN WATER AND SANITARY SEWER LINES AT CROSSINGS WITH WATER OVER SEWER UNLESS USING CITY CROSSING DETAIL W/FLOW FILL.
  - SEWER LINE INSTALLATION TO CONFORM TO CITY OF SALIDA STANDARD SPECIFICATIONS.
  - ALTERNATE PIPE MATERIALS, CLASS FITTINGS, AND APPURTENANCES TO CONFORM TO THE CITY OF SALIDA APPROVED MATERIALS LIST.

- UTILITY NOTES:
- ALL WORK TO BE DONE IN STRICT COMPLIANCE WITH RESPECTIVE UTILITY COMPANY REQUIREMENTS.
  - ALL PRIMARY ELECTRIC LINES TO MAINTAIN 42" MINIMUM COVER.
  - ALL SECONDARY ELECTRIC LINES TO MAINTAIN 36" MINIMUM COVER.
  - CONTRACTOR TO PROVIDE SHORING TO OSHA STANDARDS WHEN EXCAVATION IS 5' IN DEPTH OR MORE.
  - TRACER WIRE TO BE INSTALLED ON ALL NEW WATER AND SANITARY LINES.

## SHAKEN ROOST SUBDIVISION

NORTH 1/2 OF BLOCK 17, ROBERD'S THIRD ADDITION TO THE CITY OF SALIDA, CHAFFEE COUNTY, CO

FOR JURISDICTIONAL REVIEW  
NOT FOR CONSTRUCTION

ISSUED DATES
V1.0-06/05/2024 PERMIT SET
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----
----
PROJECT ENG: NRC
QA/QC: PMS
DRAWN BY: MPH
PRJ # 23.152
DATE: 11/28/2023

C7.0 /16

UTILITY PLAN



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
 Denver, Colorado 80223  
 Telephone: **303.571.3306**  
 Facsimile: 303.571.3284  
 donna.l.george@xcelenergy.com

June 28, 2024

City of Salida  
 448 East First Street, Suite 112  
 Salida, CO 81201

Attn: Glen Van Nimwegen

**Re: Shaken Roost**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the major subdivision/major impact review for **Shaken Roost** and has some **conflicts**.

Prior to the customer/developer's application to our Builder's Call Line, instructions were given to build 7.5-feet away from PSCo's existing power lines (NESC code) and to keep all equipment and people 10-feet away from the power lines (OSHA). It does not appear that these changes were made on the plan and are not maintaining proper clearances from the existing primary lines. It also appears that the transformer locations are not what was discussed.

PSCo requests 10-foot-wide rear and front lot dry utility easements abutting property lines adjacent to the public road right-of-way and that all access easements are also dedicated for utility use.

To serve individual units, the unnamed track needs to be labeled as a PUE allowing you to provide service to individual lots. Where are the service drops? What is the proposed use of this track? Is for access or additional parking? If this is for excess parking, protective bollards need to be provided by the developer.

The property owner/developer/contractor must complete the application process for any new electric service, or modification to existing facilities via [xcelenergy.com/InstallAndConnect](https://xcelenergy.com/InstallAndConnect). It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

For additional easements that may need to be acquired by separate PSCo document (i.e. transformers), the Designer must contact a Right-of-Way Agent.

As a safety precaution, PSCo would like to remind the developer to contact Colorado 811 for utility locates prior to construction.

Donna George  
 Right of Way and Permits  
 Public Service Company of Colorado dba Xcel Energy  
 Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com





# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Christy Doon - City Administrator	August 6, 2024

## **AGENDA ITEM**

Resolution 2024 - 46, A Resolution of the City Council of the City of Salida, Colorado Approving the a Memorandum of Understanding Between the City of Salida and Places to Age

## **BACKGROUND**

Places to Age, a 501c3, is brining forward a conceptual proposal for a senior housing development to include assisted living, memory care and potentially independent living, on an 8-acre portion of property owned by Salida Quality Farms, LLC and located off Meadowlark Drive west of the Angelview Subdivision. The conceptual plans also include a 4-acre park dedication to be combined with the adjacent park space proposed under the Angelview Planned Development.

The Places to Age wishes to enter into a Memorandum of Understanding (MOU) with the City of Salida to delineate agreed upon responsibilities throughout the process. The four components proposed to be included in the MOA are: 1) technical assistance; 2) funding; 3) fee waivers or reductions; and 4) miscellaneous items.

This MOU is not intended to, and does not, replace any of the conditions of development that are established through the annexation, zoning or subdivision process. The intent of this agreement is to clearly establish what each party has responsibility for throughout the review and development process.

## **RECOMMENDATION**

Staff believes the memorandum of Agreement will benefit the City as well as Places to Age. By clearly delineating the responsibilities of each entity, we should be able to address issues in a timely manner as they arise.

## **FISCAL IMPACT**

There is no fiscal impact.

## **MOTION**

A City Councilmember should state "I move to \_\_\_\_\_ Resolution 2024 - 46, A Resolution of the City Council of the City of Salida, Colorado Approving the a Memorandum of Understanding Between the City of Salida and Places to Age", followed by a second and a roll call vote.



**CITY OF SALIDA, COLORADO  
RESOLUTION NO. 46  
(Series of 2024)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA COLORADO,  
APPROVING THE MEMORADUM OF UNDERSTANDING BETWEEN THE CITY OF  
SALIDA AND PLACES TO AGE**

**WHEREAS**, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

**WHEREAS**, the City recognizes the need for housing for all members of the community as well as the need to provide services to older citizens who require greater assistance as they age; and

**WHEREAS**, Places to Age is a non-profit organization that focuses on providing assisted living and memory care facilities to Chaffee County; and

**WHEREAS**, Places to Age has developed a project proposal for a senior housing development to potentially include independent living, assisted living, and memory care facilities within the City; and

**WHEREAS**, the City and Places to Age wish to enter into a Memorandum of Understanding (“MOU”) to formally delineate agreed upon conditions and responsibilities that pertain to the future development of the Places to Age project; and

**WHEREAS**, it is the desire of the City Council to adopt this MOU between the City and Places to Age; and

**WHEREAS**, the City Council finds it in the best interest of the City to adopt the MOU, attached and incorporated herein, to guide the City and Places to Age through the development of this senior housing development project.

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

**Section 1.** The Salida City Council incorporates the foregoing recitals as its conclusions, facts, determinations and findings.

**Section 2.** The Memorandum of Understanding, attached and incorporated herein as Exhibit A, is hereby approved and adopted.

**RESOLVED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of August, 2024.



CITY OF SALIDA

By \_\_\_\_\_  
Dan Shore, Mayor

[SEAL]

ATTEST: \_\_\_\_\_  
City Clerk/Deputy City Clerk



**MEMORANDUM OF UNDERSTANDING**  
**between the City of Salida and Places to Age Non-profit Corporation**

This Memorandum of Understanding (MOU) is made this \_\_\_\_ day of \_\_\_\_, 2024 between City of Salida ("City") and Places to Age, a Colorado non-profit corporation whose address is P.O. Box 502, Salida, CO 81201 ("Places to Age") :

**I. Recitals**

1. Places to Age is a non-profit corporation with the goal of bringing assisted living and memory care facilities to Chaffee County and has developed a project proposal for a senior housing development to include independent living, assisted living, and memory care facilities (the "Project");

2. The City of Salida and Places to Age wish to enter into this MOU to delineate agreed upon conditions and responsibilities that pertain to the future development of the Project;

3. The Project location is preliminarily identified as shown on "Exhibit A" attached; and

4. The Parties intend to bind themselves to the obligations stated in this Agreement.

**II. Understanding between the Parties**

5. The City agrees to establish one point of contact, Carolyn Poissant, Senior Planner, as the point of contact for the City to be available to provide Salida-specific information regarding the process. Places to Age agrees to provide Cheryl Brown-Kovacic as the point of contact.

6. The City further agrees to share examples of requests for proposals (RFPs) for construction and other samples to use as a guide and to complete the Annexation Impact report as requested by the County prior to the annexation public hearing by the City Council.

7. Places to Age agrees to utilize an architect/design team with expertise in senior housing and to contract with a programming/operations consultant with expertise in senior care facility management.

8. The City will assist with composing a template for letters of support ("LOS") for grant applications and helping to identify appropriate parties and entities to obtain LOS from. Additionally, the City will inform Places to Age of potential



funding sources and grant opportunities. The City is under no obligation, nor does it agree to provide any type of cash match for funding.

9. Places to Age will seek and apply for funding and grants for the Project available through a variety of sources, including other local entities and non-profits; state and federal programs; and private funders and foundations. Places to Age will further execute and comply with all applicable funding and grant requirements. Places to Age will complete, file, and obtain all applicable approvals for all contract reporting documentation.

10. Requests for fee waivers will be made by Places to Age, which fee waiver request shall be reasonably considered by the City Council during the applicable quasi-judicial land use hearings.

11. The City agrees to discuss options for flexibility in terms of the order and timing of required payments and submittals throughout the process of the Project, including completion of public improvements.

12. Through coordination with the City, Places to Age agrees to meet the intent of the City's Inclusionary Housing Ordinance. Places to Age will explore providing inclusionary housing within the Project through workforce housing, and/or independent living units.

13. By executing this MOU, the parties do not waive any immunity or limit liability contained in the Colorado Governmental Immunity Act; do not create a multi-year fiscal obligation; and do not create any other financial obligation not supported by a current appropriation.

14. This MOU does not create any rights in any individual not a party to this document.

CITY OF SALIDA

PLACES TO AGE

By: \_\_\_\_\_  
CITY ADMINISTRATOR

By: \_\_\_\_\_  
DIRECTOR

ATTEST:

\_\_\_\_\_  
CITY CLERK / DEPUTY CITY CLERK



## EXHIBIT A

### CONCEPTUAL PLAN

TO SUPPORT ANNEXATION APPLICATION FOR SALIDA QUALITY FARMS, LLC / MEADOWLARK DRIVE







# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Christy Doon - City Administrator	August 6, 2024

## **AGENDA ITEM**

Resolution 2024 - 47, A Resolution of the City Council of the City of Salida, Colorado Consenting to the Calling of an Election by the Chaffee Housing Authority on November 5, 2024, and the Submission of a Question to Impose a Sales Tax within the Boundaries of the Authority

## **BACKGROUND**

The City of Salida, Town of Buena Vista and Chaffee County (contracting members), collectively formed the Chaffee Housing Authority (CHA), a multi-jurisdictional housing authority, overseen by Section 18 of Article XIV of the Colorado Constitution and Section 29-204.5 of the Colorado Revised Statutes. As a multi-jurisdictional housing authority, the CHA is held to statutory requirements and obligations pertaining to the collection and retention of tax dollars. The founding IGA requires that the member jurisdictions consent to the submission of ballot issues.

The Board of the CHA has determined that it is within the public interest and necessity to request an increase in sales taxes with the Authority to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management and operation of housing projects and programs pursuant to the strategic plan and Intergovernmental Agreement.

The CHA Board is asking voters to approve a 0.5% sales tax, equating to \$3.5 million dollars in the first year, with a sunset of December 31, 2036. The ballot question notes that the CHA will utilize the funds not only for the acquisition, construction or renovation of housing, but also for the management and administration of deed restrictions and rental assistance programs.

The City of Salida, along with the other member jurisdictions have been providing funding to the CHA for the last four (4) years. Specifically, Salida has been budgeting approximately \$31,000 towards CHAs operations annually.

## **RECOMMENDATION**

As a multi-jurisdictional housing authority, the CHA Board is made up of representatives from each of the member jurisdictions. Mayor Dan Shore and Cory Riggs sit as Salida's representatives on the Board. The CHA Board is in full support of this Resolution. Staff understands the importance of a fully funded housing authority, with a multi-year revenue stream that allows the organization to provide housing, services and programs to community members.

## **FISCAL IMPACT**

There is no immediate fiscal impact. If the ballot measure passes, the City could reduce or eliminate our annual contribution from the general fund.

## **MOTION**

A City Councilmember should state "I move to \_\_\_\_\_ Resolution 2024 - 47, A Resolution of the City Council of the City of Salida, Colorado Consenting to the Calling of an Election by the Chaffee Housing Authority on November 5, 2024, and the Submission of a Question to Impose a Sales Tax within the Boundaries of the Authority," followed by a second and a roll call vote.



**CITY OF SALIDA, COLORADO  
RESOLUTION NO. 48  
(Series of 2024)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO,  
CONSENTING TO THE CALLING OF AN ELECTION BY THE CHAFFEE HOUSING  
AUTHORITY ON NOVEMBER 5, 2024 AND THE SUBMISSION OF A QUESTION TO  
COLLECT AND RETAIN AUTHORITY REVENUE**

**WHEREAS**, Chaffee County, Colorado (the “County”) is a duly created and organized county existing under the Constitution and the laws of the State of Colorado (the “State”); and

**WHEREAS**, the City of Salida, Colorado (“Salida”) is a statutory town and political subdivision of the State, duly organized and existing as a statutory municipality under the laws of the State, acting through its elected City Council (the “City Council”); and

**WHEREAS**, the Town of Buena Vista, Colorado (“Buena Vista”) is a statutory town and political subdivision of the State, duly organized and existing as a statutory municipality under the laws of the State, acting through its elected Board of Trustees (the “Board”); and

**WHEREAS**, the County, Buena Vista and Salida are collectively referred to herein as the “Contracting Members”; and

**WHEREAS**, pursuant to Section 18 of Article XIV of the Colorado Constitution and Section 29-1-204.5, Colorado Revised Statutes (the “Act”), the Contracting Members, created the Chaffee Housing Authority, a multijurisdictional housing authority (the “Authority”), which Authority operates pursuant to the Act and an intergovernmental agreement establishing the Authority (the “Contract”); and

**WHEREAS**, the governing bodies of each of the Contracting Members (the “Governing Bodies”) have heretofore approved the Contract for the Authority; and

**WHEREAS**, pursuant to the Contract for the Authority, the Board of Directors of the Authority has a duty to annually adopt an Administrative Plan, Strategic Plan, and/or Community Guidelines for deed restriction management; and

**WHEREAS**, the Board of Directors of the Authority has determined that public interest and necessity require the submission to the voters of the Authority the ability to collect and retain all revenue of the Authority including state and local grants without regard to Article X, Section 20 of the Colorado Constitution (“TABOR”); and



**WHEREAS**, TABOR requires voter approval granting the ability to keep and retain revenues; and

**WHEREAS**, TABOR requires elections on ballot issues (as defined in TABOR) to be held on limited election days; and

**WHEREAS**, November 5, 2024 is one of the election dates at which ballot issues may be submitted pursuant to TABOR; and

**WHEREAS**, the Board of Directors of the Authority has requested that each of the Contracting Members consent to the Authority submitting a ballot issue to the voters of the Authority at the November 5, 2024 election to collect and retain revenue in excess of TABOR; and

**WHEREAS**, it is necessary for the governing bodies of the Contracting Members to consent to the calling of the election by the Authority; and

**WHEREAS**, the City Council finds that retaining revenue in excess of TABOR furthers the goals of the Authority, including but not limited to providing attainable and affordable housing projects or programs for employees of employers located within the jurisdictional boundaries of the Authority, which is in the best interest of Salida.

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

**Section 1.** All actions heretofore taken (not inconsistent with the provisions of this resolution) by the City Council and the officers thereof, directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.

**Section 2.** The City Council hereby consents to the participation of the Authority in an election to be held on November 5, 2024, in the manner prescribed by resolution of the Authority attached hereto as **Exhibit A**.

**Section 3.** If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

**Section 4.** All orders, resolutions, bylaws, ordinances or regulations of Salida, or parts thereof, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency.

**RESOLVED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of August, 2024.



CITY OF SALIDA, COLORADO

---

Dan Shore, Mayor

(SEAL)

ATTEST:

---

City Clerk/Deputy City Clerk



## EXHIBIT A

### FORM OF AUTHORITY RESOLUTION – COLLECT AND RETAIN REVENUE



## CHAFFEE HOUSING AUTHORITY

A RESOLUTION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CHAFFEE AUTHORITY, AT THE ELECTION TO BE HELD NOVEMBER 5, 2024, A BALLOT QUESTION AUTHORIZING A SALES TAX INCREASE.

WHEREAS, the Chaffee Housing Authority (the “Authority”), is a multi-jurisdictional housing authority formed pursuant to an agreement authorized by Section 29-1-204.5 (the “Act”) between Chaffee County, the City of Salida, and the Town of Buena Vista, Colorado (the “Contracting Members”); and

WHEREAS, the members of the Board of Directors of the Authority (the “Board”) have been duly appointed and qualified; and

WHEREAS, the Contracting Members have previously approved an establishing contract setting forth certain powers and functions of the Authority (the “Contract”); and

WHEREAS, the Board has determined that public interest and necessity require an increase in sales taxes within the Authority to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management and operation of housing projects or programs pursuant to a multi-jurisdictional plan (the “Projects”); and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any tax increase; and

WHEREAS, pursuant to Section 29-1-204.5 (7.5), C.R.S., no tax increase shall take effect unless first approved by the registered electors of the Authority; and

WHEREAS, Section 29-1-204.5(2)(f.1), C.R.S. provides that the Authority, subject to an election, may levy a sales or use tax, or both, at a rate not to exceed one percent, upon every transaction or other incident with respect to which a sales or use tax is levied by the state, excluding the sale or use of cigarettes; and

WHEREAS, as required by Section 29-1-204.5(2)(e)(I), C.R.S., the levying of such taxes or fees will fairly distribute the costs of the Authority’s activities among the persons and businesses benefitted thereby and will not impose an undue burden on any particular group of persons and businesses; and

WHEREAS, November 5, 2024 is one of the election dates at which ballot issues may be submitted pursuant to TABOR; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CHAFFEE HOUSING AUTHORITY:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Authority and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed. All



terms used herein and not otherwise defined shall have the meanings set forth in Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto.

Section 2. Pursuant to TABOR, the Uniform Election Code and the Act, the Board hereby determines to call an election to be conducted on November 5, 2024, as a coordinated mail ballot election (the “Election”). The Board hereby determines that at the Election, there shall be submitted to the qualified electors of the Authority the question set forth in Section 3 hereof. Because the election will be held as part of the coordinated election, the Board hereby determines that the County Clerk and Recorder for Chaffee County (the “County Clerk”) shall conduct the election on behalf of the Authority. The officers of the Authority are hereby authorized to enter into one or more intergovernmental agreements with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 3. The Board hereby authorizes and directs the designated election official to certify to the County Clerk on or before September 6, 2024, a ballot question in substantially the following form. Such question shall be submitted to the eligible electors of the Authority at the Election:

#### BALLOT QUESTION TO INCREASE SALES TAX

SHALL THE CHAFFEE HOUSING AUTHORITY’S TAXES BE INCREASED NOT MORE THAN \$3.5 MILLION IN THE FIRST FULL FISCAL YEAR COMMENCING JANUARY 1, 2025, AND BY WHATEVER ADDITIONAL AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER THROUGH DECEMBER 31, 2036, FROM THE IMPOSITION OF A SALES TAX WITHIN THE BOUNDARIES OF THE CHAFFEE HOUSING AUTHORITY AT A RATE NOT TO EXCEED FIVE TENTHS OF ONE PERCENT (0.5%) TO BE USED TO FUND CHAFFEE HOUSING AUTHORITY ACTIVITIES CONSISTENT WITH AND AS DESCRIBED IN THE AGREEMENT ESTABLISHING THE AUTHORITY APPROVED BY CHAFFEE COUNTY, THE CITY OF SALIDA AND THE TOWN OF BUENA VISTA, INCLUDING BUT NOT LIMITED TO:

1. ACQUIRING PROPERTY, SUBSIDIZING OR OTHERWISE PROVIDING INCENTIVES FOR THE ACQUISITION, CONSTRUCTION OR RENOVATION OF HOUSING TO BE USED BY PERSONS OF LOW AND MODERATE INCOME INCLUDING LOCAL WORKFORCE AND OTHER COMMUNITY MEMBERS;
2. MANAGING AND ADMINISTERING DEED RESTRICTIONS AND RENTAL ASSISTANCE PROGRAMS AND THE QUALIFICATION OF ELIGIBLE BUYERS AND TENANTS;

AND SHALL THE SALES TAX AND OTHER REVENUE OF THE AUTHORITY BE COLLECTED AND SPENT AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?



Section 4. [ ] is hereby appointed as the designated election official of the Authority for purposes of performing acts required or permitted by law in connection with the Election. Further, all officers of the Authority shall be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 5. Pursuant to Article V(c) of the Contract and Section 29-1-204.5, the Authority hereby designates the Treasurer to coordinate with the Colorado Department of Revenue regarding the collection, administration, and enforcement of any sales tax.

Section 6. If a majority of the votes cast on the question of increasing Authority taxes for the purposes specified in the Contract submitted at the Election shall be in favor of same, the Authority shall be authorized to proceed with the necessary action to comply with such questions.

Section 7. Any authority to increase taxes, if conferred by the results of the Election, shall be deemed and considered a continuing authority to increase taxes, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 8. The Board hereby determines that the levy of such sales tax will fairly distribute the costs of the Authority's activities among the persons and businesses benefitted thereby and will not impose an undue burden on any particular group of persons or businesses.

Section 9. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 10. All orders, resolutions, bylaws, ordinances or regulations of the Authority, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.



UPON a motion duly made, seconded and carried, the foregoing Resolution was adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

CHAFFEE HOUSING AUTHORITY

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Secretary





# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Christy Doon - City Administrator	August 6, 2024

## **AGENDA ITEM**

Resolution 2024 – 48, A Resolution of the City Council of the City of Salida, Colorado Consenting to the Calling of an Election by the Chaffee Housing Authority on November 5, 2024, and the Submission of a Question to Collect and Retain Authority Revenue

## **BACKGROUND**

The City of Salida, Town of Buena Vista and Chaffee County (contracting members), collectively formed the Chaffee Housing Authority (CHA), a multi-jurisdictional housing authority, overseen by Section 18 of Article XIV of the Colorado Constitution and Section 29-204.5 of the Colorado Revised Statutes. As a multi-jurisdictional housing authority, the CHA is held to statutory requirements and obligations pertaining to the collection and retention of tax dollars. The Board of Directors of the CHA have determined that it is necessary to ask voters for the authority to collect and retain all revenue, including state and local grants without regard to Article X, Section 20 of the Colorado Constitution, otherwise known as the Taxpayer Bill of Rights, TABOR.

The founding IGA requires that the contracting members consent to the submission of ballot issues.

## **RECOMMENDATION**

As a multi-jurisdictional housing authority, the CHA Board is made up of representatives from each of the member jurisdictions. Mayor Dan Shore and Cory Riggs sit as Salida's representatives on the Board. The CHA Board is in full support of this Resolution. Staff understands the importance of a fully funded housing authority, with a multi-year revenue stream that allows the organization to provide housing, services and programs to community members.

## **FISCAL IMPACT**

There is no fiscal impact.

## **MOTION**

A City Councilmember should state "I move to \_\_\_\_\_ Resolution 2024 – 48, A Resolution of the City Council of the City of Salida, Colorado Consenting to the Calling of an Election by the Chaffee Housing Authority on November 5, 2024, and the Submission of a Question to Collect and Retain Authority Revenue", followed by a second and a roll call vote.



**CITY OF SALIDA, COLORADO  
RESOLUTION NO. 48  
(Series of 2024)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO,  
CONSENTING TO THE CALLING OF AN ELECTION BY THE CHAFFEE HOUSING  
AUTHORITY ON NOVEMBER 5, 2024 AND THE SUBMISSION OF A QUESTION TO  
COLLECT AND RETAIN AUTHORITY REVENUE**

**WHEREAS**, Chaffee County, Colorado (the “County”) is a duly created and organized county existing under the Constitution and the laws of the State of Colorado (the “State”); and

**WHEREAS**, the City of Salida, Colorado (“Salida”) is a statutory town and political subdivision of the State, duly organized and existing as a statutory municipality under the laws of the State, acting through its elected City Council (the “City Council”); and

**WHEREAS**, the Town of Buena Vista, Colorado (“Buena Vista”) is a statutory town and political subdivision of the State, duly organized and existing as a statutory municipality under the laws of the State, acting through its elected Board of Trustees (the “Board”); and

**WHEREAS**, the County, Buena Vista and Salida are collectively referred to herein as the “Contracting Members”; and

**WHEREAS**, pursuant to Section 18 of Article XIV of the Colorado Constitution and Section 29-1-204.5, Colorado Revised Statutes (the “Act”), the Contracting Members, created the Chaffee Housing Authority, a multijurisdictional housing authority (the “Authority”), which Authority operates pursuant to the Act and an intergovernmental agreement establishing the Authority (the “Contract”); and

**WHEREAS**, the governing bodies of each of the Contracting Members (the “Governing Bodies”) have heretofore approved the Contract for the Authority; and

**WHEREAS**, pursuant to the Contract for the Authority, the Board of Directors of the Authority has a duty to annually adopt an Administrative Plan, Strategic Plan, and/or Community Guidelines for deed restriction management; and

**WHEREAS**, the Board of Directors of the Authority has determined that public interest and necessity require the submission to the voters of the Authority the ability to collect and retain all revenue of the Authority including state and local grants without regard to Article X, Section 20 of the Colorado Constitution (“TABOR”); and



**WHEREAS**, TABOR requires voter approval granting the ability to keep and retain revenues; and

**WHEREAS**, TABOR requires elections on ballot issues (as defined in TABOR) to be held on limited election days; and

**WHEREAS**, November 5, 2024 is one of the election dates at which ballot issues may be submitted pursuant to TABOR; and

**WHEREAS**, the Board of Directors of the Authority has requested that each of the Contracting Members consent to the Authority submitting a ballot issue to the voters of the Authority at the November 5, 2024 election to collect and retain revenue in excess of TABOR; and

**WHEREAS**, it is necessary for the governing bodies of the Contracting Members to consent to the calling of the election by the Authority; and

**WHEREAS**, the City Council finds that retaining revenue in excess of TABOR furthers the goals of the Authority, including but not limited to providing attainable and affordable housing projects or programs for employees of employers located within the jurisdictional boundaries of the Authority, which is in the best interest of Salida.

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

**Section 1.** All actions heretofore taken (not inconsistent with the provisions of this resolution) by the City Council and the officers thereof, directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.

**Section 2.** The City Council hereby consents to the participation of the Authority in an election to be held on November 5, 2024, in the manner prescribed by resolution of the Authority attached hereto as **Exhibit A**.

**Section 3.** If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

**Section 4.** All orders, resolutions, bylaws, ordinances or regulations of Salida, or parts thereof, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency.

**RESOLVED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of August, 2024.



CITY OF SALIDA, COLORADO

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Dan Shore, Mayor

(SEAL)

ATTEST:

---

City Clerk/Deputy City Clerk



## EXHIBIT A

### FORM OF AUTHORITY RESOLUTION – COLLECT AND RETAIN REVENUE



## CHAFFEE HOUSING AUTHORITY

A RESOLUTION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CHAFFEE AUTHORITY, AT THE ELECTION TO BE HELD NOVEMBER 5, 2024, A BALLOT QUESTION AUTHORIZING THE COLLECTION AND RETENTION OF AUTHORITY REVENUE.

WHEREAS, the Chaffee Housing Authority (the “Authority”), is a multi-jurisdictional housing authority formed pursuant to an agreement authorized by Section 29-1-204.5 (the “Act”) between Chaffee County, the City of Salida, and the Town of Buena Vista, Colorado (the “Contracting Members”); and

WHEREAS, the members of the Board of Directors of the Authority (the “Board”) have been duly appointed and qualified; and

WHEREAS, the Contracting Members have previously approved an establishing contract setting forth certain powers and functions of the Authority (the “Contract”); and

WHEREAS, the Board has determined that public interest and necessity require an election within the Authority to authorize the Authority to collect, retain and spend all revenues without regard to the limitations of Article X, Section 20 of the Colorado Constitution (“TABOR”); and

WHEREAS, TABOR requires voter approval to allow for the collection and retention of revenues; and

WHEREAS, November 5, 2024 is one of the election dates at which ballot issues may be submitted pursuant to TABOR; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CHAFFEE HOUSING AUTHORITY:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Authority and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed. All terms used herein and not otherwise defined shall have the meanings set forth in Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto.

Section 2. Pursuant to TABOR, the Uniform Election Code and the Act, the Board hereby determines to call an election to be conducted on November 5, 2024, as a coordinated mail ballot election (the “Election”). The Board hereby determines that at the Election, there shall be submitted to the qualified electors of the Authority the question set forth in Section 3 hereof. Because the election will be held as part of the coordinated election, the Board hereby determines that the County Clerk and Recorder for Chaffee County (the “County Clerk”) shall conduct the election on behalf of the Authority. The officers of the Authority are hereby authorized to enter into one or more intergovernmental agreements with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such



intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 3. The Board hereby authorizes and directs the designated election official to certify to the County Clerk on or before September 6, 2024, a ballot question in substantially the following form. Such question shall be submitted to the eligible electors of the Authority at the Election:

#### BALLOT QUESTION TO RETAIN REVENUE

WITHOUT INCREASING TAXES, SHALL THE CHAFFEE HOUSING AUTHORITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL GRANTS OR INTERGOVERNMENTAL REVENUES RECEIVED FROM THE STATE OR OTHER LOCAL GOVERNMENTS AND ALL OTHER REVENUE RECEIVED BY THE AUTHORITY FROM WHATEVER SOURCE PREVIOUSLY RECEIVED AND IN EACH YEAR HEREFTER AS A VOTER APPROVED REVENUE CHANGE AND EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 4. [ ] is hereby appointed as the designated election official of the Authority for purposes of performing acts required or permitted by law in connection with the Election. Further, all officers of the Authority shall be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 5. If a majority of the votes cast on the question of collecting and retaining all revenue for the purposes specified in the Contract submitted at the Election shall be in favor of same, the Authority shall be authorized to proceed with the necessary action to comply with such questions.

Section 6. Any authority to collect and retain revenue, if conferred by the results of the Election, shall be deemed and considered a continuing authority to collect and retain such revenue, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 7. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 8. All orders, resolutions, bylaws, ordinances or regulations of the Authority, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.



UPON a motion duly made, seconded and carried, the foregoing Resolution was adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

CHAFFEE HOUSING AUTHORITY

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Secretary





# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Sara Law - Sustainability Coordinator/PIO	August 6, 2024

## **AGENDA ITEM**

RESOLUTION 2024-49: A Resolution of the City Council of the City of Salida Colorado, adopting an email retention policy and amending the Salida City Council Handbook to include such policy

## **BACKGROUND**

An email retention policy is crucial for a municipality because it ensures the preservation of important communications and records. This policy helps maintain compliance with legal and regulatory requirements, supports transparency and accountability, aids in efficient information management, and protects the municipality in legal proceedings by ensuring that relevant documents are accessible and properly archived. It also facilitates continuity and consistency in municipal operations by preserving institutional knowledge and historical records. These guidelines specify retention periods in accordance with the "Colorado Model Municipal Records Retention Schedule," as adopted by the City of Salida.

## **RECOMMENDATION**

Staff recommends the adoption of Resolution 2024-49.

## **FISCAL IMPACT**

There is no fiscal impact.

## **MOTION**

A City Councilmember should state "I move to \_\_\_\_\_ Resolution 2024-49, A Resolution of the City Council of the City of Salida Colorado, adopting an email retention policy and amending the Salida City Council Handbook to include such policy", followed by a second and a roll call vote.



**CITY OF SALIDA, COLORADO  
RESOLUTION NO. 49  
(Series of 2024)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA  
COLORADO, ADOPTING AN EMAIL RETENTION POLICY AND AMENDING  
THE SALIDA CITY COUNCIL HANDBOOK TO INCLUDE SUCH POLICY**

**WHEREAS**, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

**WHEREAS**, the City Council now desires to adopt an email retention policy to ensure that the City of Salida maintains and retains those files identified as “General Information” for the periods of time indicated within the Colorado Model Municipal Records Retention Schedule; and

**WHEREAS**, in addition, the City Council amended the Salida City Council Handbook, previously known as the Salida City Council Meeting Rules of Procedure, at various times; most recently on May 7<sup>th</sup>, 2024, via Resolution 2024-33; and

**WHEREAS**, the City Council desires to amend said Handbook with an Email Retention Policy addressing record retention schedules for emails; and

**WHEREAS**, it is the desire of the City Council to adopt this Email Retention Policy citywide, and also to incorporate an amendment to the City Council Handbook with the addition of the Email Retention Policy, to ensure transparency and to allow the Council to function at its highest ability to serve the City of Salida.

**NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF SALIDA, COLORADO, THAT:**

**Section 1.** The City Council incorporates the foregoing recitals as finding by the City Council.

**Section 2.** The City Council hereby adopts an Email Retention Policy for the City of Salida, attached and incorporated herein as Exhibit A.

**Section 3.** Additionally, the Salida City Council Handbook is hereby amended with the addition of the Email Retention Policy, attached and incorporated herein as Exhibit A, which shall become the new Chapter 11 of the updated Salida City Council Handbook.

**RESOLVED, APPROVED, AND ADOPTED this 6<sup>th</sup> day of August, 2024.**



CITY OF SALIDA

By:

\_\_\_\_\_  
Dan Shore, Mayor

[SEAL]

ATTEST: \_\_\_\_\_  
City Clerk/Deputy City Clerk



**Exhibit A**  
**Email Retention Policy**



# Chapter 11: Email Retention Policy

## PURPOSE

## RETENTION POLICY

To ensure that the City of Salida, each Department, and staff member is responsible for maintaining and retaining those files identified under this policy's "General Information" for the periods of time indicated as referenced by the "COLORADO MODEL MUNICIPAL RECORDS RETENTION SCHEDULE, adopted by the City of Salida. Any changes in computer systems or record formats that affect the retained files must be identified and documented. The "COLORADO MODEL MUNICIPAL RECORDS RETENTION SCHEDULE" is an exhibit at the end of this policy.

## POLICY

1. Departments and Staff maintain program and system documentation in conjunction with the files listed under General Information for the required retention period as referenced by the "COLORADO MODEL MUNICIPAL RECORDS RETENTION SCHEDULE". This documentation should include record formats, label descriptions, flowcharts, and/or a narrative description in sufficient detail to explain the use of programs that process the identified files.
2. IT Management ensures that all backup archived copies of the retained files are clearly labeled and secured to prevent inadvertent release or destruction by means of off-site storage and archiving. The IT Administrator or designee shall be responsible for preserving all electronic public records either on or off the system for a length of time consistent with the City ordinances and Colorado State Statues.
3. IT Management ensures that the program and application systems that process the identified files are retained and archived when new versions or replacement systems are implemented. Alternatively, the IT Management may elect to convert the archived historical information to the record format supported by the new version of the application software.
4. Departments and Staff will provide, as necessary, computer time to the auditors to conduct audits with retrieval programs at mutually agreed upon times.
5. All electronic communications via the Internet and online services are considered transitory writing and are not retained in the City of Salida's normal course of business.
6. E-mail is not backed-up on a permanent basis. The City stores E-mail only to the degree that allows it to be restored in case of a disaster or system failure, usually, a one day system backup.
7. E-mail is a form of sending/receiving information and documents. As such, E-mail is not a separate category of document for which there is a separate retention schedule. All electronic communications via the Internet and online services are considered transitory writing and are not retained in the City's normal course of business. As with any other form of communication received or sent, the sending/receiving employee must determine if the content of the E-mail has lasting value and whether the same should be preserved.



8. It is the user's responsibility to determine if the E-mail is important enough to retain, and if so, to save the E-mail to an appropriate location, locally or on the network. All Email senders/recipients share the custodial responsibility for the proper handling of E-mail messages sent/received. All City E-mail senders/recipients are required to understand and determine the retention, deletion, and archiving requirements for all E-mail messages sent/received by the employee. Saved E-mail messages should be complete, reasonably accessible (if a public record), manageable, and secure for the life of the record. To be complete, the archived email message should include the following information: recipient(s), sender, subject, text, date sent, time sent, complete attachment(s), and group list member names.

9. If retention is warranted because the content of the E-mail message makes it a City record, the E-mail message must be retained outside of the employee's E-mail inbox for the period of time specified in the "COLORADO MODEL MUNICIPAL RECORDS RETENTION SCHEDULE."

10. There is no mechanism for restoring deleted or purged E-mail messages.

11. E-mail is not a permanent storage medium. Users are responsible for purging the E-mail "Deleted Items" and "Drafts", on a regular basis not to exceed 30 days. The City will purge any Emails that are 6 months or older, read or unread.

12. E-mail messages that are announcements of meetings, routine exchanges of information, and other documents that have no informational value, should be deleted as soon as they have served their purpose.

13. Employees are responsible for retaining documents sent via the E-mail system in accordance with retention schedules and guidelines established by the City Administrator.

14. Employees who will be absent for an extended period of time must make arrangements to review and purge their E-mail messages, either personally or through a designee.

15. Employees who leave or are terminated from the organization must make arrangements with IT to review and purge their E-mail messages by their final day.

16. If an employee is unsure whether an e-mail message should be saved, the employee should contact either the Office of the City Clerk or the City Attorney.

17. Retired, obsolete, disposed, or auctioned equipment shall have their internal storage device physically removed and stored for physical destruction by a 3rd Party at the request of the IT Management.

#### Suggested Retention Period for City of Salida Records

- Records retention is necessary to protect the Organization and provide historical documentation of the Organization's actions and processes. Please reference the "COLORADO MODEL MUNICIPAL RECORDS RETENTION SCHEDULE". Generally, if there are multiple rules of retention for various documents or files, the strictest rule of retention prevails.



## EXHIBIT A

**40.100 CORRESPONDENCE AND GENERAL DOCUMENTATION**

*Correspondence* is a written communication that is sent or received via the U.S. mail, private courier, facsimile transmission or electronic mail, including letters, postcards, memoranda, notes, telecommunications and any other form of written communications. The term *general documentation* is intended to cover a wide variety of records created in the normal course of business.

**A. Enduring Long-Term Value**

Documentation or correspondence, including e-mail messages, with lasting long-term administrative, policy, legal, fiscal, historical or research value; records that relate to policy issues and actions or activities in which an important precedent is set; records of historic events; and other similar records and documentation.

Retention: Permanent

**B. Routine Value**

Routine operating documentation or correspondence with limited administrative, legal, fiscal, historical, informational or statistical value. Includes routine e-mail messages, letters or memoranda, reading or chronological files that contain duplicates of memos or letters also filed elsewhere, routine requests for information, transmittal documents, etc.

Retention: 2 years

**C. Transitory Value**

General documentation or correspondence of extremely short-term value, including advertisements, drafts and worksheets, desk notes, copies of materials circulated for informational "read only" purposes, other records, including e-mail messages, with preliminary or short-term informational value.

Retention: Until material has been read





## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Community Development	Carolyn Poissant - Senior Planner	August 6, 2024

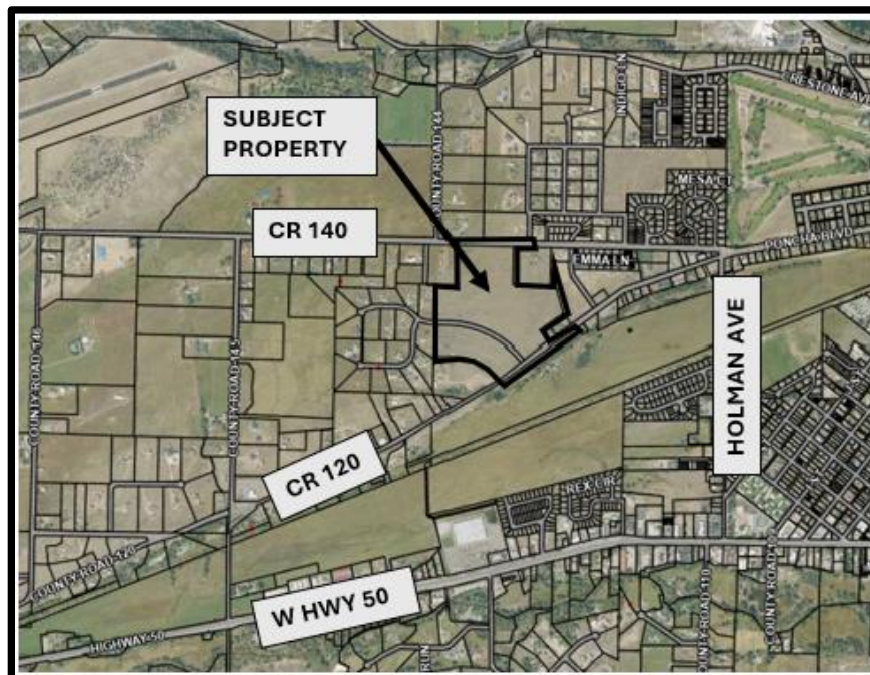
### AGENDA ITEM

Ordinance 2024-13: First reading on the proposed Salida Quality Farms, LLC / Meadowlark Drive Annexation for a 43.02-acre property plus portions of County Road 120 and County Road 140 (approximately 48.98 acres total).

### BACKGROUND

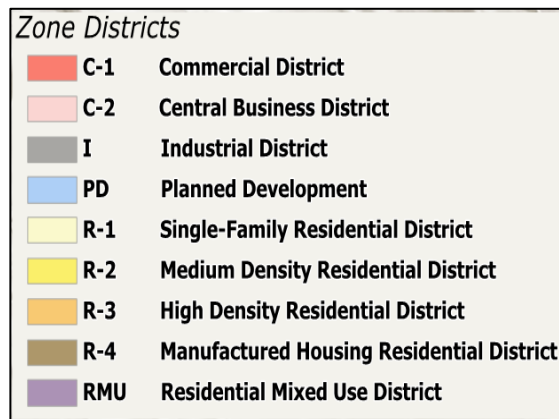
On June 5, 2024, Salida Quality Farms, LLC represented by James L. Treat submitted a complete application to annex a 43.02 - acre property described as Meadowlark Subdivision Exemption Plat Lots 1 and 2, located on Meadowlark Drive between CR 120 and CR 140 adjacent to the western edge of Angelview Subdivision, along with portions of County Road 120 and County Road 140, for a total of 48.98 acres.

Presentations were given to City Council on May 20, 2024 and July 1, 2024 regarding the “Places to Age” senior housing concept, which is one of the proposed uses of the property.



Vicinity Map





An application for annexation is a multi-step process. When annexing a property, the city must follow state statutes for contiguity and procedural requirements. The steps and standards include:

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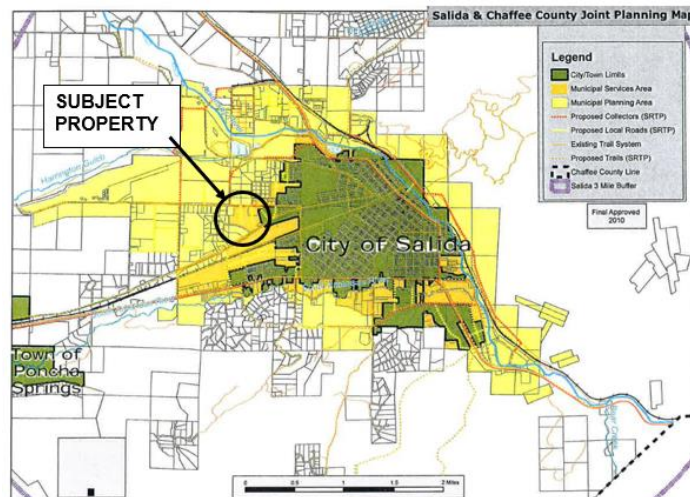


- Staff reviews the petition for compliance with city and state statutes.
- City Council adopts a resolution stating the petition is valid and sets a public hearing date that is no less than 30 days and no greater than 60 days from the resolution date.
  - On July 2, 2024 City Council adopted Resolution 2024-39 finding the Annexation petition in compliance with city and state statutes and set the public hearing date for August 20, 2024.
- The City Council public hearing is advertised in the newspaper for four consecutive weeks.
- Planning Commission holds a public hearing to review the annexation and recommend the zoning designation of the property.
- City Council holds a public hearing on the annexation petition.
- City Council reviews and acts on an annexation agreement.
- City Council holds a public hearing to review and act on the proposed zoning.

### **FINDINGS OF FACT:**

As explained above, the annexation shall be considered by the Commission as a required step prior to the zoning of the property. The following findings of facts are required for annexation:

1. The proposed annexation meets the required 1/6<sup>th</sup> contiguity with the municipal boundary of the City of Salida as shown on the annexation plat. This is a series annexation, with annexation plat A-1 preceding annexation plat A-2. As such, contiguity requirements are satisfied for both properties (C.R.S. 31-12-104).
2. All applicable owners of the property are party to the annexation.
3. The property to be annexed is within the Municipal Services Area (MSA) or potential MSA expansion area of the City of Salida, as defined in the city's and the county's comprehensive plans and the intergovernmental agreement (IGA) approved in 2010. According to the IGA, the MSA "encompasses properties which are eligible for annexation and extension of municipal utilities and infrastructure, within the parameters set forth in the Salida Municipal Code and Salida Comprehensive Plan, which may be amended from time to time." The portion of the property south of Meadowlark Drive is within the "potential expansion area" and the extension of city services would be dependent upon further analysis and future availability.





4. The annexation of the property is consistent with the vision and goals set forth in the Comprehensive Land Use Plan, specifically, to promote new development projects that contain a variety of housing, including affordable units. In addition, the proposal will provide for a logical extension of the City boundary to support the demand for residentially zoned land, which will provide for a variety of housing opportunities.
5. The property may be efficiently served by City fire and police departments.
6. The property is a natural extension of the City's municipal boundary and meets the legal requirements for annexation.

The timeline for the requests related to the annexation is as follows:

Proposed Action	Planning Commission Recommendation	City Council First Reading	City Council Final Action
Findings of Fact Resolution 2024-			8/20/2024
Annexation Ordinance 2024-13	7/9/2024	8/6/2024	8/20/2024
Annexation Agreement Resolution 2024-			8/20/2024
Zoning Ordinance 2024-14	7/9/2024	8/6/2024	8/20/2024

**Annexation Agreement:** On August 20, 2024, staff will propose an annexation agreement that will incorporate the inclusionary housing, park and open space dedication / fees In-lieu, and fair contributions to public school site requirements.

#### **RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:**

- Salida Fire Department: No concerns.
- Salida Police Department: No concerns.
- Salida Parks and Recreation Department: No concerns regarding the annexation. The 4.0-acre park site as shown on the Conceptual Plan is acceptable but may not be sufficient to address the needs of the entire property.
- Public Works Department and City Engineering Consultants: No concerns regarding the annexation.
  - The size of the stormwater detention basin on the proposed Concept Plan appears to be insufficient for the entire property. Appropriate calculations and sizing will need to be provided with any proposed development plan.

(Note: Draft concept / site plans do not have a bearing on the annexation and will be reviewed upon submittal of a development plan application.)
- Salida Finance Department: Upon development system development fees for water and wastewater will be required to be paid.
- Salida School District: We have no issue with this annexation. When development fees are applicable, we will take fees in lieu of land.
- Xcel Energy: No major concerns.



- Atmos Energy: No comment.
- Chaffee County Planning Department: The city should annex the appropriate portions of CR 120 and CR 140 (as included on the draft plats). A Traffic Impact Assessment should be completed with sufficient analysis to determine and address the potential impacts of any future development proposals.
- Chaffee County Building Department: No concerns at this time.

## **PLANNING COMMISSION RECOMMENDATION**

A public hearing with the Planning Commission was held July 9, 2024. The Commission unanimously (7-0) recommended Council approve the proposed Salida Quality Farms, LLC / Meadowlark Drive Annexation with conditions recommended by staff. The Commission also requested that the developer work with adjacent property owners to create a buffer between the properties to act as a transition between the existing homes and new development(s).

## **STAFF RECOMMENDATION**

Staff recommends approval of the proposed annexation, subject to Council approval of an annexation agreement with, at a minimum, the following conditions:

1. All proposed development shall comply with the provisions of the Municipal Code.
2. A minimum of 4 acres of park and open space, generally consistent with the location and configuration adjacent to Angelview Subdivision as shown on the Concept Plan submitted with the annexation application, shall be dedicated prior to development of the parcel. Such dedication shall not preclude any requirements for additional park and open space dedication or fees-in-lieu associated with future development of the property.
3. An internal shared-use path network and appropriate right-of-way dedications shall be required in association with any future development.

## **FISCAL IMPACT**

There is no fiscal impact at this time but demand upon city services will be affected upon development.

## **MOTION**

A City Councilmember should state, "I move to \_\_\_\_\_ Ordinance 2024-13 on first reading and set the second reading and public hearing for August 20, 2024," followed by a second and a roll call and vote.

Attachments: Ordinance 2024-13  
 Salida Quality Farms Annexation petition and Annexation plats  
 Minutes of July 9, 2024 Planning Commission meeting



**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 13  
SERIES OF 2024**

**AN ORDINANCE OF THE CITY OF SALIDA, COLORADO ANNEXING TO THE CITY OF SALIDA A CERTAIN TRACT OF LAND IN UNINCORPORATED CHAFFEE COUNTY KNOWN AS THE SALIDA QUALITY FARMS, LLC – MEADOWLARK DRIVE ANNEXATION**

**WHEREAS**, on June 5, 2024, representatives of Salida Quality Farms, LLC, filed a General Development Application (the “Petition”) to commence proceedings to annex to the City of Salida (the “City”) a certain unincorporated tract of land described as Meadowlark Subdivision Exemption Plat Lots 1 and 2, located on Meadowlark Drive along with portions of County Road 120 and County Road 140, comprised of a total of 48.98 acres in the County of Chaffee, State of Colorado (the “Property”), and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

**WHEREAS**, pursuant to C.R.S. §31-12-108, the City Council by Resolution No. 39, Series of 2024 specified that the City Council would hold a hearing on the proposed annexation at its regular meeting on August 20, 2024 commencing at the hour of 6 p.m. in the City Council Chambers, 448 East First Street, Salida, Colorado; and

**WHEREAS**, pursuant to C.R.S. §31-12-108 to -110, the City Council on August 20, 2024 held a duly-noticed public hearing to consider the proposed annexation; and

**WHEREAS**, notice of such hearing was published on July 12, 2024, July 19, 2024, July 26, 2024, and August 2, 2024 in *The Mountain Mail* newspaper; and

**WHEREAS**, C.R.S. §31-12-105(1)(e) provides that prior to the completion of any annexation within a three-mile area, the municipality shall have in place a plan for that area, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power to be provided by the municipality and the proposed land uses for the area; and

**WHEREAS**, the City hereby sets forth its Findings of Fact, Determinations, and Conclusions with regard to annexation to the City of the Salida Quality Farms, LLC – Meadowlark Drive Annexation; and

**WHEREAS**, the City currently has in place a Comprehensive Plan and other long-range planning documents which constitute the City's annexation plan.



**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, THAT:**

1. The City incorporates the foregoing recitals as findings and determinations by the City Council.
2. The City hereby approves the annexation of the Property described on Exhibit A, attached hereto with the following conditions of approval, and such real Property is hereby annexed to and made a part of the City of Salida.
  - 1) All proposed development shall comply with the provisions of the Municipal Code.
  - 2) A minimum of 4 acres of park and open space, generally consistent with the location and configuration adjacent to Angelview Subdivision as shown on the Concept Plan submitted with the annexation application, shall be dedicated prior to development of the parcel. Such dedication shall not preclude any requirements for additional park and open space dedication or fees-in-lieu associated with future development of the property.
  - 3) An internal shared-use path network and appropriate right-of-way dedications shall be required in association with any future development.
3. Within ten (10) days after final publication of this Ordinance, the City Clerk of the City of Salida, Colorado, on behalf of the City shall:
  - A. File one (1) copy of the Annexation Plat and the original of this Annexation Ordinance in the office of the City Clerk of the City of Salida, Colorado;
  - B. File for recording three (3) certified copies of this Annexation Ordinance and three (3) copies of the Annexation Plat, containing a legal description of the annexation parcel, with the County Clerk and Recorder of Chaffee County, Colorado, with directions to the Chaffee County Clerk and Recorder to file one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs of the State of Colorado and one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Colorado Department of Revenue; and
  - C. File one certified copy of this Annexation Ordinance and one copy of the Annexation Map in the office of the County Assessor of Chaffee County, Colorado.



**INTRODUCED ON FIRST READING**, on the 6<sup>th</sup> day of August, 2024, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 9<sup>th</sup> day of August, 2024, and set for second reading and public hearing on the 20<sup>th</sup> day of August, 2024.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF SALIDA, COLORADO

\_\_\_\_\_  
Mayor

[SEAL]

ATTEST:

\_\_\_\_\_  
City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and BY TITLE ONLY, after final adoption on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Clerk/Deputy City Clerk



**EXHIBIT A**

**ANNEXATION PARCEL A – 1**

**ANNEXATION PARCEL A - 2**



**LEGAL DESCRIPTION  
OF  
A TRACT OF LAND**

**A - 1**

ALL THAT TRACT OF LAND LOCATED IN THE NORTH HALF (N 1/2) OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE THE REFERENCE MONUMENT TO THE NORTH QUARTER CORNER OF SAID SECTION 6 BEARS NORTH 71°50'25" EAST, A DISTANCE OF 1067.19 FEET, SAID REFERENCE MONUMENT LIES 14.82 FEET DUE NORTH OF THE QUARTER CORNER AND IS MARKED BY A 2 1/2" ALUMINUM CAP WITNESS CORNER STAMPED LS 16117;  
THENCE SOUTH 01°27'06" WEST, A DISTANCE OF 228.98 FEET;  
THENCE NORTH 88°37'33" WEST, A DISTANCE OF 499.49 FEET;  
THENCE SOUTH 09°16'37" EAST, A DISTANCE OF 993.48 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO.120;  
THENCE SOUTH 35°52'34" EAST, A DISTANCE OF 78.90 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO.120;  
THENCE NORTH 54°11'52" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 769.79 FEET;  
THENCE NORTH 35°52'31" WEST, A DISTANCE OF 86.72 FEET TO SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO.120;  
THENCE SOUTH 54°14'56" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 379.80 FEET;  
THENCE NORTH 35°43'57" WEST, A DISTANCE OF 175.58 FEET;  
THENCE NORTH 54°19'23" EAST, A DISTANCE OF 379.80 FEET;  
THENCE NORTH 16°04'31" WEST, A DISTANCE OF 622.98 FEET TO THE POINT OF BEGINNING.  
CONTAINING 10.99 ACRES, MORE OR LESS.

 **LANDMARK**  
SURVEYING & MAPPING  
SYDNEY A. SCHIEREN, PLS 37937  
PO BOX 668  
SALIDA, COLORADO 81201



**LEGAL DESCRIPTION  
OF  
A TRACT OF LAND**

A-2

ALL THAT TRACT OF LAND LOCATED IN THE NORTH HALF (N 1/2) OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT A POINT, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE THE REFERENCE MONUMENT TO THE NORTH QUARTER CORNER OF SAID SECTION 6 BEARS NORTH 71°50'25" EAST, A DISTANCE OF 1,067.19 FEET, SAID REFERENCE MONUMENT LIES 14.82 FEET DUE NORTH OF THE QUARTER CORNER AND IS MARKED BY A 2 1/2" ALUMINUM CAP WITNESS CORNER STAMPED LS 16117;  
THENCE SOUTH 01°27'06" WEST, A DISTANCE OF 228.98 FEET;  
THENCE NORTH 88°37'33" WEST, A DISTANCE OF 499.49 FEET TO A #5 REBAR WITH STEEL TAG STAMPED LS 6753 AND THE TRUE POINT OF BEGINNING;  
THENCE NORTH 01°14'55" EAST, A DISTANCE OF 505.90 FEET TO THE SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140;  
THENCE SOUTH 88°30'09" EAST ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 246.18 FEET;  
THENCE NORTH 01°00'32" EAST, A DISTANCE OF 81.14 FEET TO THE NORTH RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD 140;  
THENCE NORTH 88°30'31" WEST, A DISTANCE OF 60.01 FEET;  
THENCE NORTH 88°36'35" WEST, A DISTANCE OF 948.80 FEET, THIS AND THE PRECEDING COURSE ARE ALONG SAID NORTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140;  
THENCE SOUTH 01°23'25" WEST, A DISTANCE OF 83.07 FEET TO SAID SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140 AND THE NORTHWEST CORNER OF LOT 1, MEADOWLARK SUBDIVISION EXEMPTION;  
THENCE SOUTH 01°28'16" WEST, A DISTANCE OF 529.30 FEET;  
THENCE NORTH 88°38'51" WEST, A DISTANCE OF 238.72 FEET;  
THENCE SOUTH 01°25'56" WEST, A DISTANCE OF 479.52 FEET;  
THENCE SOUTH 01°12'14" WEST, A DISTANCE OF 59.87 FEET;  
THENCE SOUTH 01°24'14" WEST, A DISTANCE OF 399.57 FEET TO THE SOUTHWEST CORNER OF LOT 2, MEADOWLARK SUBDIVISION EXEMPTION;  
THENCE SOUTH 89°41'44" EAST, A DISTANCE OF 250.09 FEET TO A POINT OF CURVATURE;  
THENCE SOUTHEASTERLY A DISTANCE OF 682.76 FEET ALONG A CURVE DEFLECTING TO THE RIGHT AND HAVING A RADIUS OF 679.60 FEET, A DELTA ANGLE OF 57°33'44", A CHORD BEARING OF SOUTH 60°54'52" EAST AND A CHORD LENGTH OF 654.41 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;  
THENCE SOUTH 30°30'00" EAST, A DISTANCE OF 58.27 FEET TO THE SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;  
THENCE NORTH 59°30'00" EAST, A DISTANCE OF 89.65 FEET;  
THENCE NORTH 54°11'52" EAST, A DISTANCE OF 375.89 FEET, THIS AND THE PRECEDING COURSE ARE ALONG SAID SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;  
THENCE NORTH 35°52'34" WEST, A DISTANCE OF 78.90 FEET TO THE NORTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;  
THENCE NORTH 09°16'37" WEST, A DISTANCE OF 993.48 FEET TO THE POINT OF BEGINNING.  
CONTAINING 37.99 ACRES, MORE OR LESS.

PREPARED BY:





To: Salida City Council

June 5, 2024

From: Salida Quality Farms LLC owner James Treat and Places to Age Board of Directors

Attached is the annexation application for 43 acres titled as Salida Quality Farms LLC on Meadowlark Drive currently in unincorporated Chaffee County. The annexation area also includes approximately 6 acres of adjacent public right of way, for a total annexation area of 49 acres. This is prime property to add to the City of Salida as it conforms to the county future land use map. It is also within the current Municipal Service Area. As indicated on the attached plat 4 acres on the east side of the property will be donated to the City for park land. This is adjacent to the 3/4 acre designated as park by the neighboring property AngelView Apartments LLC to help meet the goal of the Salida Parks and Recreation department for a large park for multi use in the area. As well as the walkways shown on the plat additional pathways and trails will be designated in future development plans to support a residential mixed use pedestrian friendly community.

Annexation application package includes:

1. Letter of Intent
2. General Development application and title/warranty deed
3. Annexation Petition (8 pages) & Petition for Exclusion from SAFPD(declined)
4. Annexation Map including Site Survey and Conceptual Plan
5. Major Impact Submittal Requirements (6 pages)
6. Public Notices including list of adjoining property owners and stamped addressed envelopes to same.
7. Special fee and Cost Reimbursement Agreement ( 4 pages) (to be provided by the city and given to Mr. Treat for notarized signature)

After annexation the owner has committed to donate 10 acres to Places to Age, a non profit organization bringing Assisted Living and Memory Care facilities to the county. Such age appropriate housing with a wide array of medical services is not currently available necessitating those in need to move away from a place they have called home when they would prefer to remain and contribute to the community. Four acres of land indicated on the concept plat are noted to be dedicated to city park land. Two of these acres are from the 10 acres of donated land gifted to Places to Age and two acres are from the land owner.

In alignment with the character of the community of Salida, Places to Age is planning to build several group homes housing 12 to 15 residents each rather than a large institutional style building. This type of resident oriented Assisted Living/Memory Care facility is becoming the norm in our country as it offers a better quality of life for both residents and staff. It is a plus that the property is close to the Heart of the Rockies Regional Medical Center to permit potential shared medical services and staff. The Assisted Living/Memory Care facilities will bring approximately 40 new job opportunities and Places to Age is collaborating with Colorado Mountain College to offer related training programs to enhance career growth opportunities. Places to Age is working with both the Chaffee Housing Authority and Chaffee Housing Trust to plan for affordable housing options that can support the staff for the facilities as well as the greater community.

The remaining 31 acres of the property will be open for development with an emphasis on quality and affordable housing for older adults. This complements both the Comprehensive Plan and the Recreation Master Plan of the City of Salida.

Rezoning as R-3 is requested which supports the Comprehensive Plan's goal of building to allow for economies of scale with infrastructure use. The property is designated as mixed use residential in the future county land use plan.



We encourage the Salida City Council and Salida Planning Commission to approve this annexation. In addition to providing much needed land for housing this will make possible the retention of older adults who need extended services and enhance the reality of the City of Salida being a community for all ages.



**TO THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, GREETINGS:**

The undersigned hereby petition(s) the City of Salida to annex to the City of Salida the territory shown on the map(s) attached hereto and described on the attachment hereto:

This Petition is signed by the landowners qualified to sign. It is intended that this Petition be a one hundred percent (100%) petition for annexation as described in C. R. S. 1973, Section 31-12-107(l)(g), (as amended).

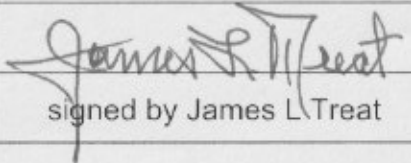
In support of this petition, the undersigned state(s) and allege(s) as follows, to wit:

1. That it is desirable and necessary that the above-described territory be annexed to the City of Salida.
2. That petitioners are landowners of one hundred percent (100%) of the territory, excluding streets and alleys, herein proposed for annexation to the City of Salida.
3. That no less than one-sixth of the aggregate external boundaries of the above-described territory hereby petitioned to the City of Salida is contiguous to the City limits of the City of Salida.
4. Accompanying this petition are two mylars and twenty copies of the annexation map.
5. That a community of interest exists between the above-described territory and the City of Salida, and that the same is urban, or will be urbanized in the near future, and further that the said territory is integrated or is capable of being integrated in the City of Salida.
6. That the above-described territory does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Salida, was held within the twelve months preceding the filing of this petition.
7. That the above-described territory does not include any area included in another annexation proceeding involving city other than the City of Salida.
8. That the above-described territory is not presently a part of any incorporated city, city and county, or town.
9. That the above area described will (not) result in the detachment of the area from any school district and the attachment of the same to another school district.



ANNEXATION PETITION

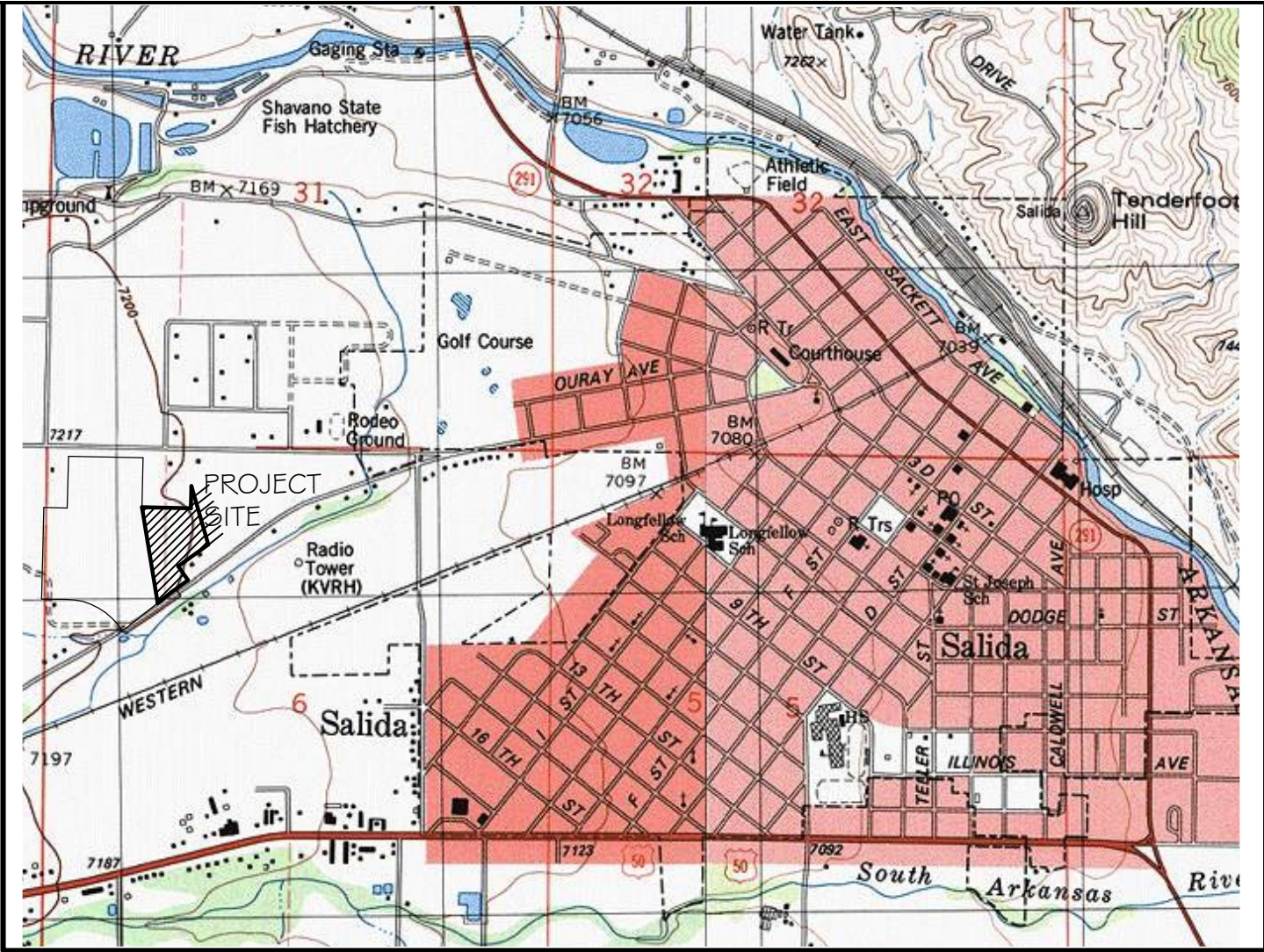
This Section must be filled out if there are multiple properties/property owners petitioning annexation.

Signature of Petitioners Requesting Annexation to the City of Salida, Colorado	Date of Signature of Each Petitioner	Mailing Address of each Petitioner	Description of Property Included the Area Proposed for Annexation Owned by Each person Signing this Petition. (Attach separate sheet, if neces
 signed by James L. Treat		225 G Street, Salida, CO 81201	
			Salida Quality Farms LLC Lots 1&2
			Meadowlark subdivision Exemption Plat
			348581 SUB 272 REC 404372 includes 380' ±



# SALIDA QUALITY FARMS, LLC/MEADOWLARK DRIVE ANNEXATION-1

A PORTION OF LOT 1, MEADOWLARK SUBDIVISION EXEMPTION AND A PORTION OF COUNTY ROAD 120, LOCATED WITHIN THE NORTH HALF OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO



VICINITY MAP  
NOT TO SCALE

## CITY CLERK’S CERTIFICATE

I HEREBY CERTIFY THAT THIS ANNEXATION MAP ALONG WITH THE ORIGINAL ANNEXATION ORDINANCE FOR THE SALIDA QUALITY FARMS, LLC/MEADOWLARK DRIVE ANNEXATION-1 WERE ACCEPTED FOR FILING IN MY OFFICE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024, AND IS DULY RECORDED.

\_\_\_\_\_  
CITY CLERK

## CLERK AND RECORDER’S CERTIFICATE

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP ALONG WITH A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE SALIDA QUALITY FARMS, LLC/MEADOWLARK DRIVE ANNEXATION-1 WERE ACCEPTED FOR FILING IN MY OFFICE AT \_\_\_\_\_,M. ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024 UNDER RECEPTION NUMBER \_\_\_\_\_.

\_\_\_\_\_  
CHAFFEE COUNTY CLERK AND RECORDER

## CITY COUNCIL APPROVAL

WHEREAS, THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY SALIDA QUALITY FARMS, LLC, AS OWNER OF 100 PERCENT OF THE AREA TO BE ANNEXED, EXCEPT PUBLIC ROADWAYS; AND WHEREAS, THE CITY COUNCIL BY RESOLUTION ADOPTED ON \_\_\_\_\_, 2024, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENT OF SECTION 31-12-107(1), WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON \_\_\_\_\_, 2024, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE CITY COUNCIL ADOPTED RESOLUTION NO. \_\_\_\_\_ (SERIES 2024), DETERMINING THAT THE ANNEXATION ELECTION WAS NOT REQUIRED; AND WHEREAS, ON \_\_\_\_\_, 2024 THE CITY COUNCIL ADOPTED ORDINANCE NO. \_\_\_\_\_ (SERIES 2024) APPROVING AND ANNEXING SALIDA QUALITY FARMS, LLC ANNEXATION-1, NOW, THEREFORE, THE CITY COUNCIL OF SALIDA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE 'SALIDA QUALITY FARMS, LLC/MEADOWLARK DRIVE ANNEXATION-1' AS DESCRIBED HEREIN, TO WIT:

ALL THAT TRACT OF LAND LOCATED IN THE NORTH HALF (N 1/2) OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE THE REFERENCE MONUMENT TO THE NORTH QUARTER CORNER OF SAID SECTION 6 BEARS NORTH 71°50'25" EAST, A DISTANCE OF 1067.19 FEET, SAID REFERENCE MONUMENT LIES 14.82 FEET DUE NORTH OF THE QUARTER CORNER AND IS MARKED BY A 2 1/2" ALUMINUM CAP WITNESS CORNER STAMPED LS 16117;  
THENCE SOUTH 01°27'06" WEST, A DISTANCE OF 228.98 FEET;  
THENCE NORTH 88°37'33" WEST, A DISTANCE OF 499.49 FEET;  
THENCE SOUTH 09°16'37" EAST, A DISTANCE OF 993.48 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 120;  
THENCE SOUTH 35°52'34" EAST, A DISTANCE OF 78.90 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 120;  
THENCE NORTH 54°11'52" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 769.79 FEET;  
THENCE NORTH 35°52'31" WEST, A DISTANCE OF 86.72 FEET TO SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 120;  
THENCE SOUTH 54°14'56" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 379.80 FEET;  
THENCE NORTH 35°43'57" WEST, A DISTANCE OF 175.58 FEET;  
THENCE NORTH 54°19'23" EAST, A DISTANCE OF 379.80 FEET;  
THENCE NORTH 16°04'31" WEST, A DISTANCE OF 622.98 FEET TO THE POINT OF BEGINNING, CONTAINING 10.99 ACRES, MORE OR LESS.

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CITY OF SALIDA

BY: \_\_\_\_\_  
MAYOR

## GENERAL NOTES

- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE WEST BOUNDARY OF LOT 1, MEADOWLARK SUBDIVISION EXEMPTION, BETWEEN 2 ALUMINUM CAPS AS SHOWN HEREON, HAVING A BEARING OF NORTH 16°04'31" WEST.
- 2) TOTAL AREA TO BE ANNEXED = 10.99 ACRES
- 3) THIS ANNEXATION SUBJECT TO THE TERMS & CONDITIONS AS SET FORTH IN THE ANNEXATION AGREEMENT RECORDED AT RECEPTION NO. \_\_\_\_\_

## CERTIFICATION OF TITLE

I \_\_\_\_\_, A LICENSED TITLE INSURANCE AGENT IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE PROPERTY HEREBY DEDICATED AND AS SHOWN AND DESCRIBED ON THIS PLAT AND FOUND TITLE VESTED IN SALIDA QUALITY FARMS, LLC, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT AS LISTED BELOW:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
TITLE AGENT

## CERTIFICATE OF DEDICATION AND OWNERSHIP

THIS IS TO CERTIFY THAT SALIDA QUALITY FARMS, LLC IS THE OWNER OF 100% OF THE LAND DESCRIBED AND SET FORTH HEREIN EXCEPT PUBLIC ROADWAYS, AND THAT SUCH OWNER DESIRES AND APPROVES THE ANNEXATION OF THE TERRITORY DESCRIBED HEREIN TO THE CITY OF SALIDA, COLORADO.

EXECUTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

OWNERS:

\_\_\_\_\_  
JAMES TREAT (MANAGING MEMBER SALIDA QUALITY FARMS, LLC)

COUNTY OF CHAFFEE )  
DATE: MAY 6, 2024 ) ss.  
STATE OF COLORADO )

THE FORGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2024, BY JAMES L. TREAT AS SALIDA QUALITY FARMS, LLC MANAGING MEMBER. WITNESS MY HAND AND SEAL.

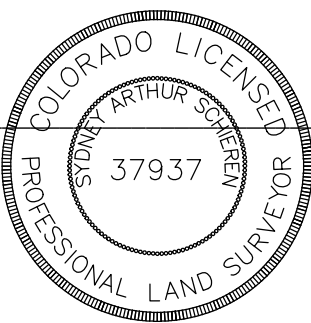
MY COMMISSION EXPIRES \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

## LAND SURVEYOR’S CERTIFICATE

I, SYDNEY A. SCHIEREN, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THE PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SYDNEY A. SCHIEREN  
COLORADO P.L.S. 37937



REVISED:  
DATE: MAY 6, 2024  
DATE: MAY 9, 2024  
DATE: JUNE 14, 2024  
  
  
  
JOB # 1844  
DATE: SEPTEMBER 20, 2023  
SHEET 1 OF 2

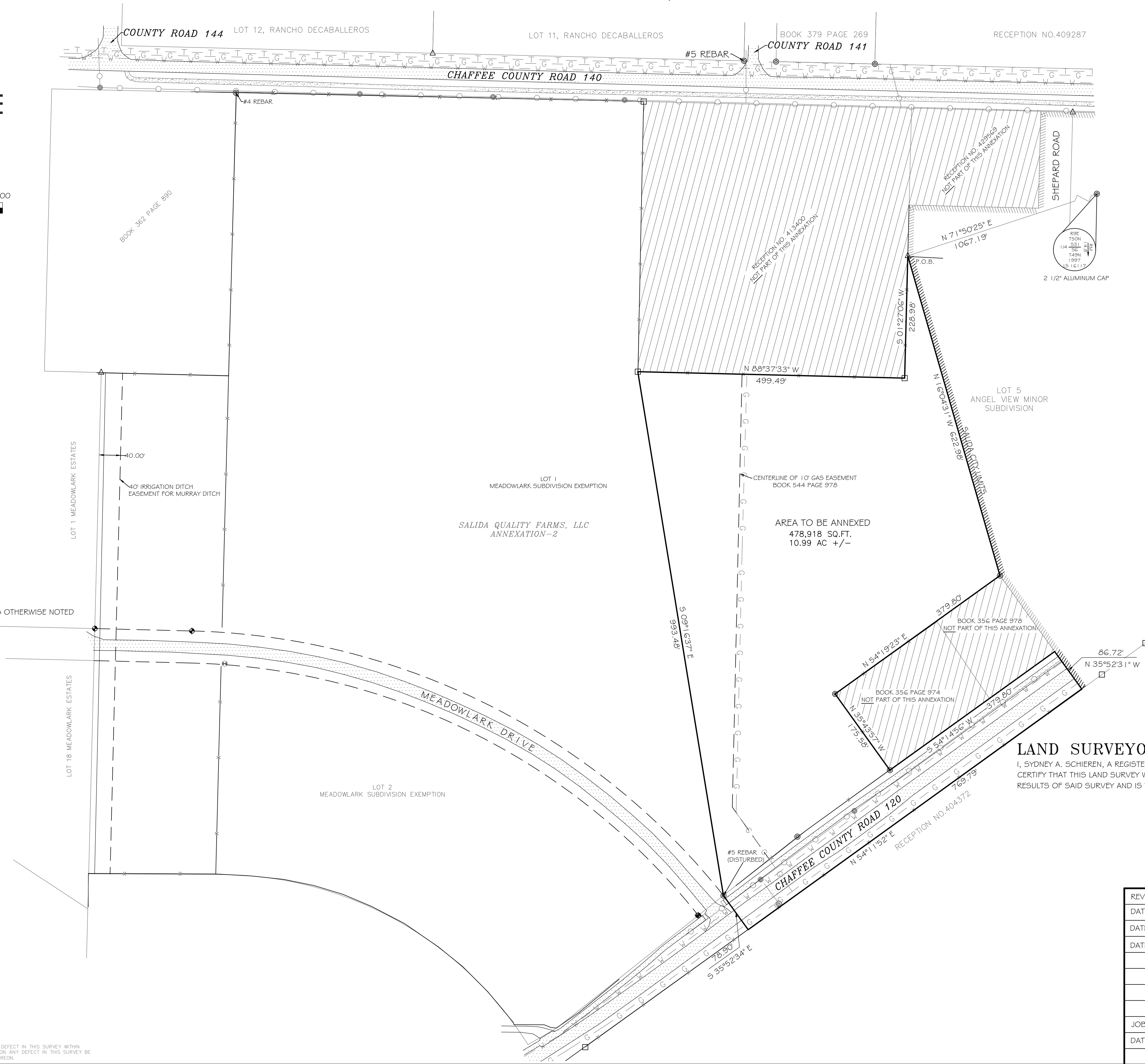
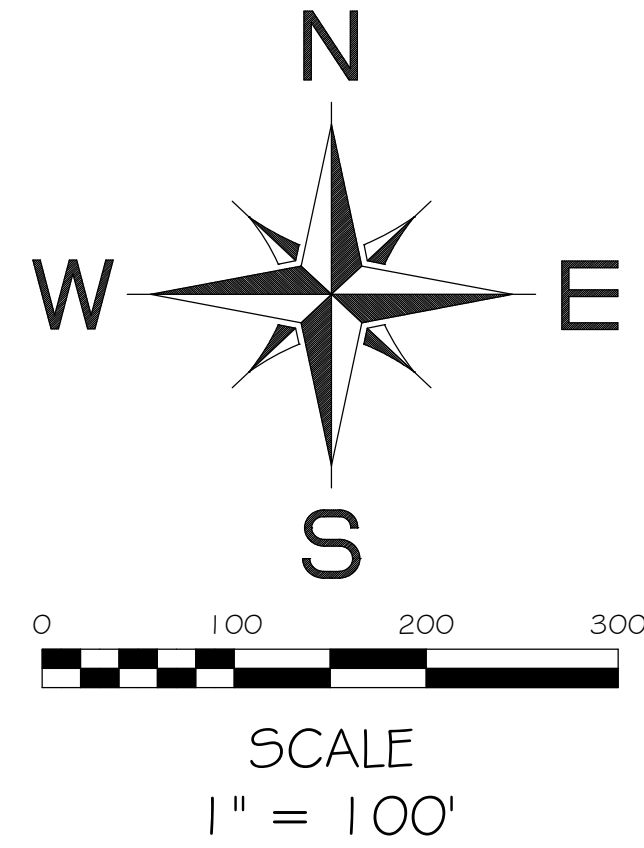
**SALIDA QUALITY FARMS, LLC**  
**MEADOWLARK DRIVE**  
**ANNEXATION-1**  
A PORTION OF LOT 1, MEADOWLARK  
SUBDIVISION EXEMPTION AND A PORTION  
OF COUNTY ROAD 120,  
LOCATED WITHIN THE NORTH HALF OF  
SECTION 6, TOWNSHIP 49 NORTH, RANGE 9  
EAST OF THE NEW MEXICO PRINCIPAL  
MERIDIAN,  
CHAFFEE COUNTY, COLORADO

**LANDMARK**  
SURVEYING & MAPPING  
P.O. BOX 668 SALIDA, CO 81201  
PH 719.539.4021 FAX 719.539.4031



# SALIDA QUALITY FARMS, LLC/MEADOWLARK DRIVE ANNEXATION-1

A PORTION OF LOT 1, MEADOWLARK SUBDIVISION EXEMPTION AND A PORTION OF COUNTY ROAD 120,  
LOCATED WITHIN THE NORTH HALF OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE  
NEW MEXICO PRINCIPAL MERIDIAN,  
CHAFFEE COUNTY, COLORADO



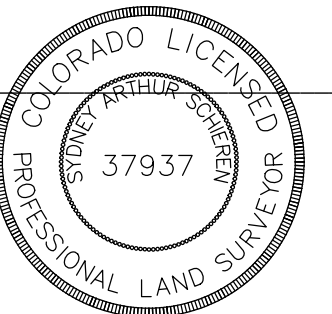
## LEGEND

- FOUND 1" ALUMINUM CAP, LS 1776, UNLESS OTHERWISE NOTED
- FOUND #5 REBAR WITH STEEL TAG, LS 6753
- △ FOUND 1 1/2" ALUMINUM CAP, LS 16117
- ◆ FOUND 1 1/2" ALUMINUM CAP, LS 23904
- ⊙ WATER VALVE
- ⊙ WATER METER
- ⊙ POWER POLE
- ⊙ SEWER MAN HOLE
- ⊙ TELEPHONE PEDESTAL
- X — FENCE
- O — OVERHEAD UTILITY
- W — UNDERGROUND WATER LINE
- G — UNDERGROUND GAS LINE
- T — OVERHEAD TELEPHONE LINE

## LAND SURVEYOR'S CERTIFICATE

I, SYDNEY A. SCHIEREN, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THE PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SYDNEY A. SCHIEREN  
COLORADO P.L.S. 37937

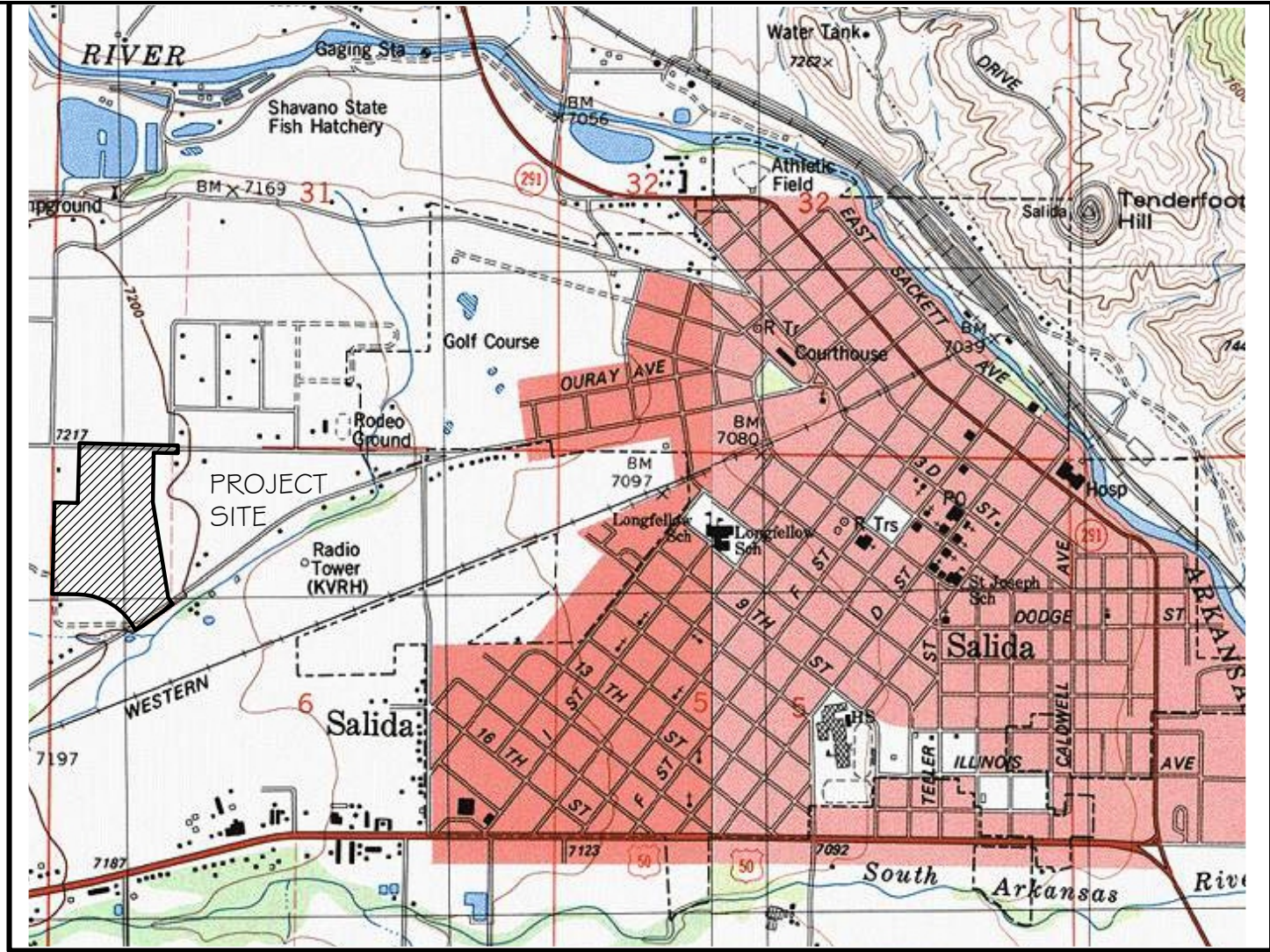


REVISED:	<b>SALIDA QUALITY FARMS, LLC</b> <b>MEADOWLARK DRIVE</b> <b>ANNEXATION-1</b> A PORTION OF LOT 1, MEADOWLARK SUBDIVISION EXEMPTION AND A PORTION OF COUNTY ROAD 120, LOCATED WITHIN THE NORTH HALF OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN CHAFFEE COUNTY, COLORADO
DATE: MAY 6, 2024	
DATE: MAY 9, 2024	
DATE: JUNE 14, 2024	
JOB # 23108	<b>LANDMARK</b> SURVEYING & MAPPING P.O. BOX 668 SALIDA, CO 81201 PH 719.539.4021 FAX 719.539.4031
DATE: SEPTEMBER 20, 2023	
SHEET 2 OF 2	



# SALIDA QUALITY FARMS, LLC/MEADOWLARK DRIVE ANNEXATION-2

A PORTION OF LOT 1 AND LOT 2, MEADOWLARK SUBDIVISION EXEMPTION AND PORTIONS OF COUNTY ROADS 120 AND 140, LOCATED WITHIN THE NORTH HALF OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO



VICINITY MAP  
NOT TO SCALE

## CITY CLERK’S CERTIFICATE

I HEREBY CERTIFY THAT THIS ANNEXATION MAP ALONG WITH THE ORIGINAL ANNEXATION ORDINANCE FOR THE SALIDA QUALITY FARMS, LLC/MEADOWLARK DRIVE ANNEXATION-2 WERE ACCEPTED FOR FILING IN MY OFFICE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024, AND IS DULY RECORDED.

\_\_\_\_\_  
CITY CLERK

## CLERK AND RECORDER’S CERTIFICATE

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP ALONG WITH A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE SALIDA QUALITY FARMS, LLC/MEADOWLARK DRIVE ANNEXATION-2 WERE ACCEPTED FOR FILING IN MY OFFICE AT \_\_\_\_\_M. ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024 UNDER RECEPTION NUMBER \_\_\_\_\_.

\_\_\_\_\_  
CHAFFEE COUNTY CLERK AND RECORDER

## CITY COUNCIL APPROVAL

WHEREAS, THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY SALIDA QUALITY FARMS, LLC, AS OWNER OF 100 PERCENT OF THE AREA TO BE ANNEXED, EXCEPTING ROADWAYS; AND WHEREAS, THE CITY COUNCIL BY RESOLUTION ADOPTED ON \_\_\_\_\_, 2024, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENT OF SECTION 31-12-107(1), AND WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON \_\_\_\_\_, 2024, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE CITY COUNCIL ADOPTED RESOLUTION NO. \_\_\_\_\_ (SERIES 2024), DETERMINING THAT THE ANNEXATION ELECTION WAS NOT REQUIRED; AND WHEREAS, ON \_\_\_\_\_, 2024 THE CITY COUNCIL ADOPTED ORDINANCE NO. \_\_\_\_\_ (SERIES 2024) APPROVING AND ANNEXING SALIDA QUALITY FARMS, LLC ANNEXATION-2'. NOW, THEREFORE, THE CITY COUNCIL OF SALIDA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE 'SALIDA QUALITY FARMS, LLC/MEADOWLARK DRIVE ANNEXATION-2' AS DESCRIBED HEREIN, TO WIT:

ALL THAT TRACT OF LAND LOCATED IN THE NORTH HALF (N 1/2) OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT A POINT, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE THE REFERENCE MONUMENT TO THE NORTH QUARTER CORNER OF SAID SECTION 6 BEARS NORTH 71°50'25" EAST, A DISTANCE OF 1,067.19 FEET, SAID REFERENCE MONUMENT LIES 14.82 FEET DUE NORTH OF THE QUARTER CORNER AND IS MARKED BY A 2 1/2" ALUMINUM CAP WITNESS CORNER STAMPED LS 16117;  
THENCE SOUTH 01°27'06" WEST, A DISTANCE OF 228.98 FEET;  
THENCE NORTH 88°37'33" WEST, A DISTANCE OF 499.49 FEET TO A #5 REBAR WITH STEEL TAG STAMPED LS 6753 AND THE TRUE POINT OF BEGINNING;  
THENCE NORTH 01°14'55" EAST, A DISTANCE OF 505.90 FEET TO THE SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140;  
THENCE SOUTH 88°30'09" EAST ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 246.18 FEET;  
THENCE NORTH 01°00'32" EAST, A DISTANCE OF 81.14 FEET TO THE NORTH RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD 140;  
THENCE NORTH 88°30'31" WEST, A DISTANCE OF 60.01 FEET;  
THENCE NORTH 88°36'35" WEST, A DISTANCE OF 948.80 FEET, THIS AND THE PRECEDING COURSE ARE ALONG SAID NORTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140;  
THENCE SOUTH 01°23'25" WEST, A DISTANCE OF 83.07 FEET TO SAID SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140 AND THE NORTHWEST CORNER OF LOT 1, MEADOWLARK SUBDIVISION EXEMPTION;  
THENCE SOUTH 01°28'16" WEST, A DISTANCE OF 529.30 FEET;  
THENCE NORTH 88°38'51" WEST, A DISTANCE OF 238.72 FEET;  
THENCE SOUTH 01°25'56" WEST, A DISTANCE OF 479.52 FEET;  
THENCE SOUTH 01°12'14" WEST, A DISTANCE OF 59.87 FEET;  
THENCE SOUTH 01°24'14" WEST, A DISTANCE OF 399.57 FEET TO THE SOUTHWEST CORNER OF LOT 2, MEADOWLARK SUBDIVISION EXEMPTION;  
THENCE SOUTH 89°41'44" EAST, A DISTANCE OF 250.09 FEET TO A POINT OF CURVATURE;  
THENCE SOUTHEASTERLY A DISTANCE OF 682.76 FEET ALONG A CURVE DEFLECTING TO THE RIGHT AND HAVING A RADIUS OF 679.60 FEET, A DELTA ANGLE OF 57°33'44", A CHORD BEARING OF SOUTH 60°54'52" EAST AND A CHORD LENGTH OF 654.41 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;  
THENCE SOUTH 30°30'00" EAST, A DISTANCE OF 58.27 FEET TO THE SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;  
THENCE NORTH 59°30'00" EAST, A DISTANCE OF 89.65 FEET;  
THENCE NORTH 54°11'52" EAST, A DISTANCE OF 375.89 FEET, THIS AND THE PRECEDING COURSE ARE ALONG SAID SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;  
THENCE NORTH 35°52'34" WEST, A DISTANCE OF 78.90 FEET TO THE NORTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;  
THENCE NORTH 09°16'37" WEST, A DISTANCE OF 993.48 FEET TO THE POINT OF BEGINNING, CONTAINING 37.99 ACRES, MORE OR LESS.

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CITY OF SALIDA

BY: \_\_\_\_\_  
MAYOR

## GENERAL NOTES

- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE WEST BOUNDARY LOT 1, MEADOWLARK SUBDIVISION EXEMPTION, BETWEEN 2 ALUMINUM CAPS AS SHOWN HEREON, HAVING A BEARING OF NORTH 16°04'31" WEST.
- 2) TOTAL AREA TO BE ANNEXED= 25.64 ACRES
- 3) THIS ANNEXATION SUBJECT TO THE TERMS & CONDITIONS AS SET FORTH IN THE ANNEXATION AGREEMENT RECORDED AT RECEPTION NO. \_\_\_\_\_

## CERTIFICATION OF TITLE

I \_\_\_\_\_, A LICENSED TITLE INSURANCE AGENT IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE PROPERTY HEREBY DEDICATED AND AS SHOWN AND DESCRIBED ON THIS PLAT AND FOUND TITLE VESTED IN SALIDA QUALITY FARMS, LLC, EXCEPTING ROADWAYS, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT AS LISTED BELOW:

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
TITLE AGENT

## CERTIFICATE OF DEDICATION AND OWNERSHIP

THIS IS TO CERTIFY THAT SALIDA QUALITY FARMS, LLC IS THE OWNER OF 100% OF THE LAND DESCRIBED AND SET FORTH HEREIN, EXCEPTING ROADWAYS, AND THAT SUCH OWNER DESIRES AND APPROVES THE ANNEXATION OF THE TERRITORY DESCRIBED HEREIN TO THE CITY OF SALIDA, COLORADO.

EXECUTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

OWNERS:

\_\_\_\_\_  
JAMES TREAT (MANAGING MEMBER SALIDA QUALITY FARMS, LLC)

COUNTY OF CHAFFEE )  
STATE OF COLORADO ) ss.

THE FORGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024, BY JAMES L. TREAT AS SALIDA QUALITY FARMS, LLC MANAGING MEMBER. WITNESS MY HAND AND SEAL.

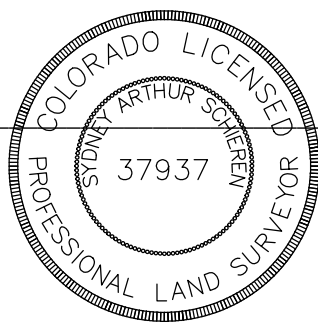
MY COMMISSION EXPIRES \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

## LAND SURVEYOR’S CERTIFICATE

I, SYDNEY A. SCHIEREN, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THE PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SYDNEY A. SCHIEREN  
COLORADO P.L.S. 37937



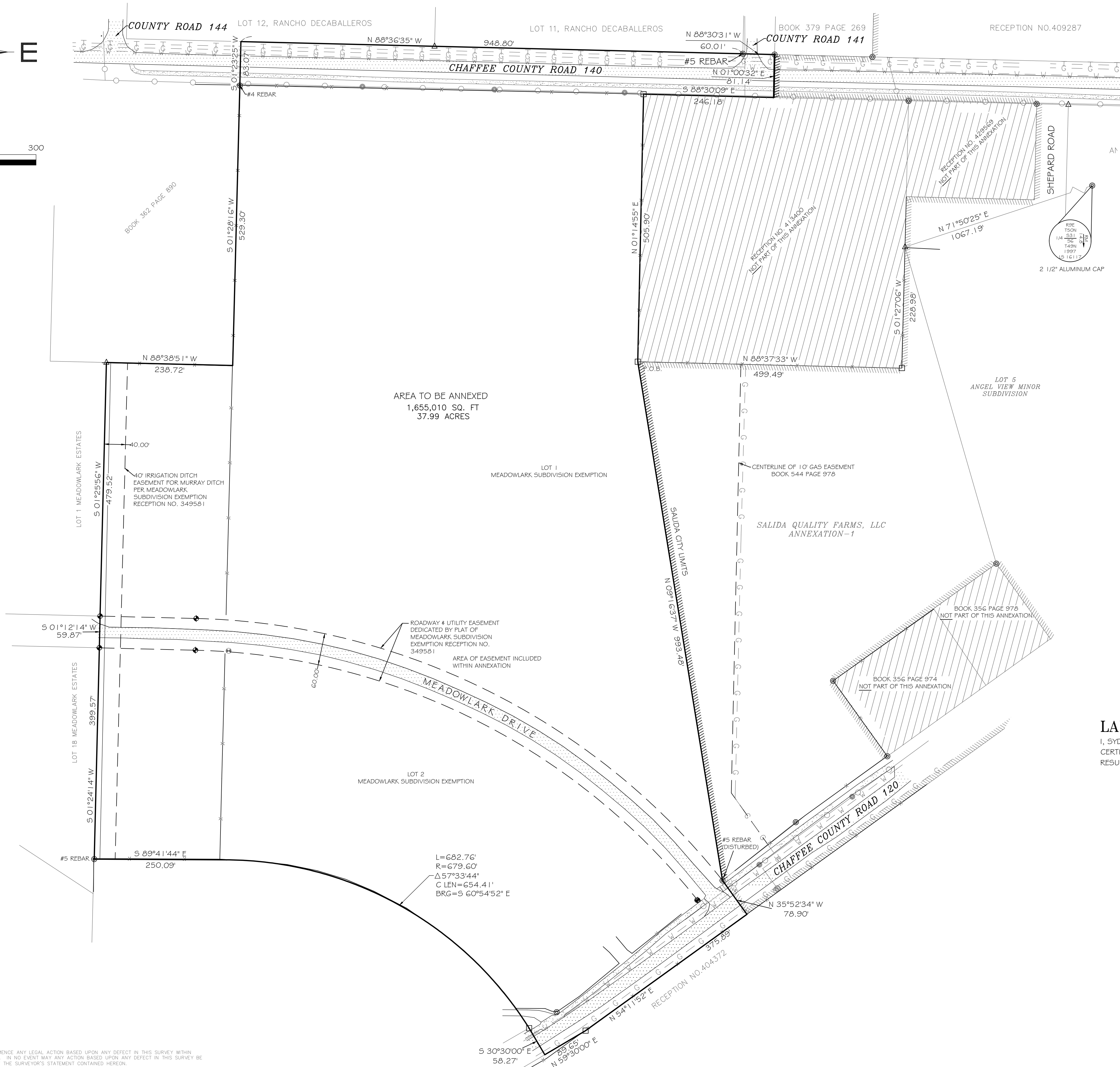
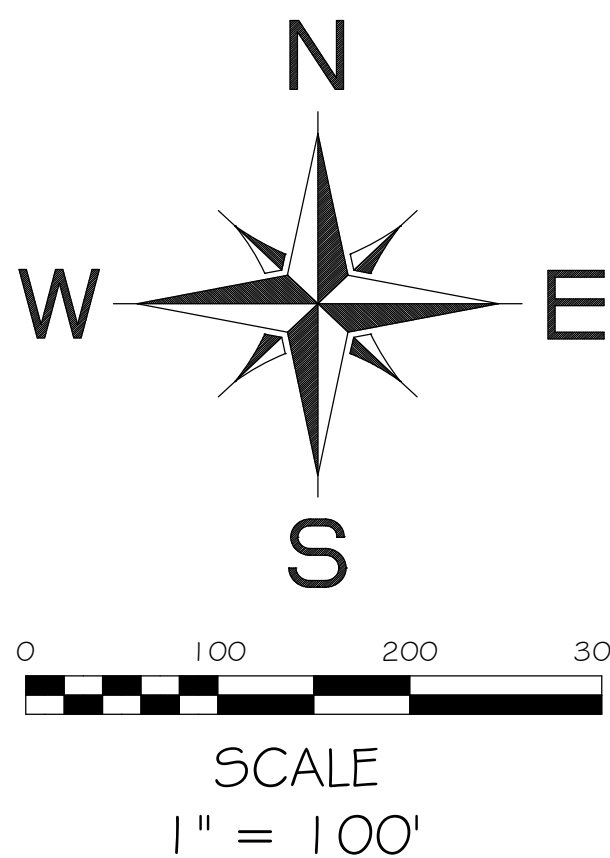
REVISED:  
DATE: MAY 6, 2024  
DATE: MAY 9, 2024  
DATE: JUNE 14, 2024  
  
  
  
JOB # 1844  
DATE: SEPTEMBER 20, 2023  
SHEET 1 OF 2

**SALIDA QUALITY FARMS, LLC  
MEADOWLARK DRIVE  
ANNEXATION-2**  
*A PORTION OF LOT 1 AND LOT 2, MEADOWLARK  
SUBDIVISION EXEMPTION AND PORTIONS OF  
COUNTY ROADS 120 AND 140,  
LOCATED WITHIN THE NORTH HALF OF SECTION 6,  
TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE  
NEW MEXICO PRINCIPAL MERIDIAN,  
CHAFFEE COUNTY, COLORADO*  
**LANDMARK  
SURVEYING & MAPPING**  
P.O. BOX 668 SALIDA, CO 81201  
PH 719.539.4021 FAX 719.539.4031



# SALIDA QUALITY FARMS, LLC/MEADOWLARK DRIVE ANNEXATION-2

A PORTION OF LOT 1 AND LOT 2, MEADOWLARK SUBDIVISION EXEMPTION AND PORTIONS OF COUNTY ROADS 120 AND 140,  
LOCATED WITHIN THE NORTH HALF OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN,  
CHAFFEE COUNTY, COLORADO



## LEGEND

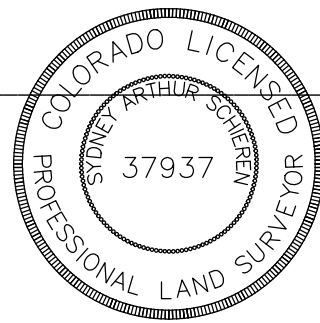
- ⊙ FOUND 1" ALUMINUM CAP, LS 1776, UNLESS OTHERWISE NOTED
- FOUND #5 REBAR WITH STEEL TAG, LS 6753
- △ FOUND 1 1/2" ALUMINUM CAP, LS 16117
- ⊕ FOUND 1 1/2" ALUMINUM CAP, LS 23904
- ⊙ WATER VALVE
- ⊙ WATER METER
- ⊙ POWER POLE
- ⊙ SEWER MAN HOLE
- ⊙ TELEPHONE PEDESTAL
- X — FENCE
- ○ — OVERHEAD UTILITY
- W — UNDERGROUND WATER LINE
- G — UNDERGROUND GAS LINE
- T — OVERHEAD TELEPHONE LINE


## LAND SURVEYOR'S CERTIFICATE

I, SYDNEY A. SCHIEREN, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THE PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



SYDNEY A. SCHIEREN  
COLORADO P.L.S. 37937



REVISED:	<b>SALIDA QUALITY FARMS, LLC MEADOWLARK DRIVE ANNEXATION-2</b>  A PORTION OF LOT 1 AND LOT 2, MEADOWLARK SUBDIVISION EXEMPTION AND PORTIONS OF COUNTY ROADS 120 AND 140, LOCATED WITHIN THE NORTH HALF OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO
DATE: MAY 6, 2024	
DATE: MAY 9, 2024	
DATE: JUNE 14, 2024	
DATE: AUGUST 1, 2024	
JOB # 23108	 <b>LANDMARK</b> SURVEYING & MAPPING P.O. BOX 668 SALIDA, CO 81201 PH 719.539.4021 FAX 719.539.4031
DATE: SEPTEMBER 20, 2023	
SHEET 2 OF 2	





# PLANNING COMMISSION REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201

July 09, 2024 - 6:00 PM

## MINUTES

Email public comments to: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)

Please register for the Planning Commission meeting:  
<https://attendee.gotowebinar.com/rt/1909092342220683277>

### CALL TO ORDER BY CHAIRMAN – 6:00 PM

### ROLL CALL – 6:07 PM

### APPROVAL OF THE MINUTES – 6:08 PM

#### 1. APPROVAL OF MINUTES OF JUNE 24, 2024

Motion: Bomer Second: Dockery

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Alternate Commissioner Layton, Alternate Commissioner Bush

### UNSCHEDULED CITIZENS - None

### AMENDMENT(S) TO AGENDA - None

### PUBLIC HEARINGS

Public Hearings will follow the following procedure:

A. Open Public Hearing

B. Proof of Publication

C. Staff Review of Application/Proposal

D. Applicant's Presentation (if applicable)

E. Public Input

F. Close Public Hearing

G. Commission Discussion

H. Commission Decision

#### 2. Recommendation on Proposed Salida Quality Farms, LLC / Meadowlark Drive Annexation

The applicant, Salida Quality Farms, LLC, represented by James L. Treat has submitted a complete application to annex the property located off Meadowlark Drive between CR 120 and CR 140 adjacent to the western edge of the Angelview subdivision (Parcel Number 380706200024) along with portions of County Road 120 and County Road 140, totaling 48.98 acres. This is a series annexation, with annexation plat A-1 preceding annexation plat A-2. As such, contiguity requirements are satisfied for both properties (C.R.S. 31-12-104).

A. Open Public Hearing - 6:08 PM

B. Proof of Publication

C. Staff Review of Application/Proposal - Carolyn Poissant presenting – 6:09 PM

D. Applicant's Presentation (if applicable) - Dee Dubin, Andi Bruno, and Bill Hussey – 6:14 PM

E. Public Input - 6:33 PM

F. Close Public Hearing - 6:44 PM

G. Commission Discussion - 6:44 PM

H. Commission Decision or Recommendation - below

*Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2630 at least 48 hours in advance.*



**Motion:**

"I hereby make a motion to recommend City Council approve the proposed Salida Quality Farms, LLC Annexation as it meets the findings of fact for annexation, subject to the following conditions to be included in the Annexation Agreement:

1. All proposed development shall comply with the provisions of the Municipal Code.
2. A minimum of 4 acres of park and open space, generally consistent with the location and configuration adjacent to Angelview Subdivision as shown on the Concept Plan submitted with the annexation application, shall be dedicated prior to development of the parcel. Such dedication shall not preclude any requirements for additional park and open space dedication or fees-in-lieu associated with future development of the property.

Motion made by Vice-Chair Bomer, Seconded by Commissioner Kriebel. – **6:44 PM**

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Alternate Commissioner Layton, Alternate Commissioner Bush

**MOTION APPROVED 7-0****3. Recommendation on Proposed R-3 Zoning - Salida Quality Farms, LLC / Meadowlark Drive**

Following approval of the Salida Quality Farms, LLC / Meadowlark Drive Annexation of a 43.02-acre property plus portions of the CR 120 and CR 140 rights-of-way (48.98 acres total) into the City of Salida, the applicant James L. Treat, representing Salida Quality Farms, LLC has requested a designation of the R-3 High Density Residential zone district. The area annexed must be brought under the municipality's zoning ordinance within 90 days from the effective date of the annexation ordinance.

A. Open Public Hearing - 6:08 PM

B. Proof of Publication

C. Staff Review of Application/Proposal - Carolyn Poissant presenting – 6:45 PM

D. Applicant's Presentation (if applicable) - Bill Hussey presenting – 6:49 PM

E. Public Input - 7: 04 PM

F. Close Public Hearing - 7: 13 PM

G. Commission Discussion - 7:13 PM

H. Commission Decision or Recommendation - below

**Motion:**

"To approve the proposed zoning of the Salida Quality Farms, LLC / Meadowlark Drive property as proposed to be annexed, to R-3 High-Density Residential Zone District, as it meets the applicable review standards."

Motion made by Vice-Chair Bomer, Seconded by Commissioner Dockery. – **7:13 PM**

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Alternate Commissioner Layton, Alternate Commissioner Bush

**MOTION APPROVED 7-0****4. Recommendation on Proposed Suesse Annexation**

The applicant, Ned Suesse, has submitted a complete application to annex the 5.71-acre property located at 6953 County Road 105, plus a 0.27-acre portion of Confluence Road right-of-way. The request to zone the property will be considered during a separate Planning Commission public hearing.



- A. Open Public Hearing - 6:08 PM
- B. Proof of Publication
- C. Staff Review of Application/Proposal - Carolyn Poissant presenting – 7:30 PM
- D. Applicant's Presentation - Ned Suesse presenting – 7:36 PM
- E. Public Input - 7:58 PM
- F. Close Public Hearing - 7:58 PM
- G. Commission Discussion - 7:59 PM
- H. Commission Decision or Recommendation - below

**Motion:**

I hereby make a motion to recommend City Council approve the proposed Suesse Annexation as it meets the findings of fact for annexation, subject to specific conditions as outlined below:

1. All proposed development shall meet the requirements of the Municipal Code.
2. The Annexation Agreement shall acknowledge and document the following items:
  - a. the city's intent to serve the property with appropriate public utilities;
  - b. all applicable cost recovery agreements and payment terms and conditions;
  - c. the city acknowledges and allows use of the existing well until failure, after which time the owner shall connect to city water;
  - d. the city acknowledges that existing agricultural uses are allowed to continue and existing associated structures may remain on the property;
  - e. the city acknowledges that a 0.27-acre Confluence Road dedication was made by the owner free from any compensation.

**Recommendations added to (2.) "annexation agreement motion":**

- f. the applicant will be only proportionately responsible for future intersections and / or common road improvements;
- g. there will be no minimum density applied to parcel(s) containing existing historic structures.

Motion made by Vice-Chair Bomer, Seconded by Chairman Follet. – **8:11 PM**

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Alternate Commissioner Layton, Alternate Commissioner Bush

**MOTION APPROVED 7-0**

**5. Recommendation on Proposed R-3 Zoning - 6953 County Road 105 (Suesse Annexation)**

Following approval of the Suesse Annexation of a 5.71-acre property plus a 0.27-acre portion of Confluence Drive right-of-way into the City of Salida, the applicant, Ned Suesse, has requested a designation of the High Density Residential (R-3) zone district. The area annexed must be brought under the municipality's zoning ordinance within 90 days from the effective date of the annexation ordinance.

- A. Open Public Hearing - 6:08 PM
- B. Proof of Publication



C. Staff Review of Application/Proposal - Carolyn Poissant presenting – 8:15 PM

D. Applicant's Presentation (if applicable) - Ned Suesse presenting – 8:18 PM

E. Public Input - 8:19 PM

F. Close Public Hearing - 8:19 PM

G. Commission Discussion - 8:19 PM

H. Commission Decision or Recommendation - below

**Motion:**

“To approve the proposed zoning of Suesse property as proposed to be annexed to R-3 High-Density Residential Zone District, as it meets the applicable review standards.”

Motion made by Vice-Chair Bomer, Seconded by Commissioner Colby. – **8:19 PM**

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Alternate Commissioner Layton, Alternate Commissioner Bush

**MOTION APPROVED 7-0**

**6. Shaken Roost Major Subdivision – Major Impact Review**

The hearing is regarding a major impact review application submitted by Joni Baker of Shaken Roost LLC, for a major subdivision of a .95 acre parcel located on the south side of Illinois Avenue, between Milford and Teller Streets. The proposed subdivision will consist of 14 duplex lots for the construction of 14 residential units configured as seven (7) duplex residential structures. The site is zoned Commercial District (C-1).

A. Open Public Hearing - 6:08 PM

B. Proof of Publication

C. Staff Review of Application/Proposal - Glen Van Nimwegen Presenting – 8:21 PM

D. Applicant's Presentation (if applicable) - Jamie Baker Presenting - 8:33 PM

E. Public Input - 8:38 PM – Ellen Miller spoke

F. Close Public Hearing - 8:42 PM

G. Commission Discussion - 8:42 PM

H. Commission Decision or Recommendation - below

**Motion:**

“I make a motion to recommend the City Council approve the Shaken Roost Major Subdivision as it meets the review standards for a subdivision, subject to the following conditions:

1. Prior to Council review of the major subdivision, the applicant will work with Xcel Energy to determine if additional public utility easements are required to serve the subdivision. If so, the plat shall be amended to show the new easements.
2. Prior to recordation of the final plat, Council shall approve a subdivision improvement / inclusionary housing agreement for the project to generally address the amount, timing and guarantee of the construction of public improvements that are necessary for the project; require the provision of any fees-in-lieu (schools and open space) and affordable housing consistent with Article XIII of Chapter 16 of the Salida Municipal Code.

*Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1<sup>st</sup> Street, Ste. 112, Salida, CO 81201, Ph.719-530-2630 at least 48 hours in advance.*



- a. Two (2) built inclusionary housing units shall be provided per the requirements of Sec. 16-13-60 of the Salida Municipal Code. Additionally, fees-in-lieu for the remaining two (2) proposed units (2/6) shall be paid per the fee schedule in place at time of building permit.
3. The final plat shall have the following notes and additions:
  - a. Pursuant to Section 16-6-140 of the Salida Municipal Code (SMC), Fair Contributions to School Sites as may be amended, at the time that residential dwelling units are constructed on any of the lots herein, a payment in lieu of land dedication for Fair Contributions to Public School Sites shall be paid by the owner of each lot within this subdivision prior to issuance of a building permit for any new residence on such lot.
  - b. Pursuant to Section 16-6-120(8) of the SMC, Parks, Trails and Open Space fees-in-lieu shall be provided at the time of development (issuance of a building permit) per the fee schedule in place at time of building permit.
  - c. Provide a Typical Building Setback exhibit like as shown under Observations #4 above.
  - d. Provide a note stating the Access Easements and Outlot for Retention Pond will not be maintained by the City of Salida; or will be maintained by the homeowner's association per the C.C.& R.s recorded at Reception No.\_\_\_\_\_.
  - e. The Shaken Roost Major Subdivision meets the standards of Chapter 16 of the SMC and is subject to the terms of the executed Subdivision Improvement and Inclusionary Housing Agreement as recorded at Reception No.\_\_\_\_\_.
  - f. Pursuant to Section 16-6-120(11) of the SMC, no residential façade elevation may be repeated more than once per five (5) lots on the same side of the street.
4. Water and sewer system development fees are due at the time of issuance of a building permit per the fee schedule in place at time of building permit.
5. The applicant will continue to work with Xcel Energy to receive approval of utility access and maintenance as outlined in Attachment 6.”

**Changes to motion:**

1. Stike prior to council review and continue with “applicant will work with Xcel.”
2. a. First Inclusionary Housing unit must receive certificate of occupancy (CO) no later than the sixth market rate unit.

Motion made by Vice-Chair Bomer, Seconded by Commissioner Kriebel. – **8:43 PM**

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Alternate Commissioner Layton, Alternate Commissioner Bush

**MOTION APPROVED 7-0**

**UPDATES – 8:45 PM**

**COMMISSIONERS' COMMENTS – 8:45 PM**

**ADJOURN – 8:48 PM**

Motion made by Commissioner Kriebel, Seconded by Vice-Chair Bomer

**APPROVED BY VOICE VOTE**

**\*\*An alternate can only vote on or make a motion on an agenda item if they are designated as a voting member at the beginning of an agenda item. If there is a vacant seat or a conflict of interest, the Chairman shall designate the alternate that will vote on the matter. If a Voting member shows up late to a meeting, they cannot vote on the agenda item if the alternate has been designated.**





## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Community Development	Carolyn Poissant - Senior Planner	August 6, 2024

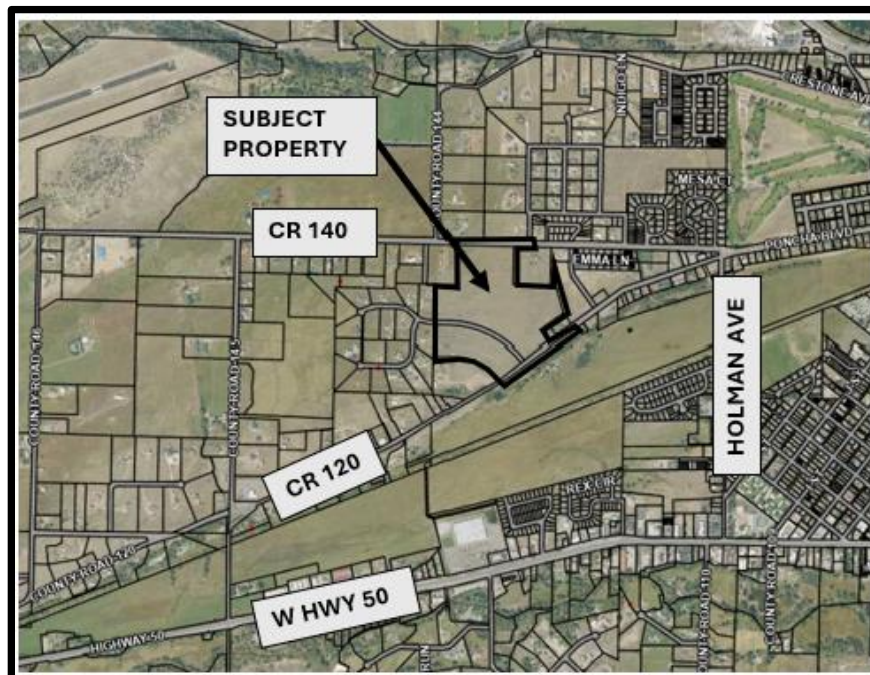
### AGENDA ITEM

Ordinance 2024-14: First reading and setting a public hearing on the proposed zoning of High Density Residential (R-3) for the Salida Quality Farms, LLC / Meadowlark Drive Annexation.

### BACKGROUND:

Following approval of the Salida Quality Farms, LLC / Meadowlark Drive Annexation of a 43.02-acre property plus portions of the CR 120 and CR 140 rights-of-way (48.98 acres total) into the City of Salida, the applicant James L. Treat, representing Salida Quality Farms, LLC has requested a designation of the High Density Residential (R-3) zone district. Per state statute, the area annexed must be brought under the municipality's zoning ordinance within 90 days from the effective date of the annexation ordinance.

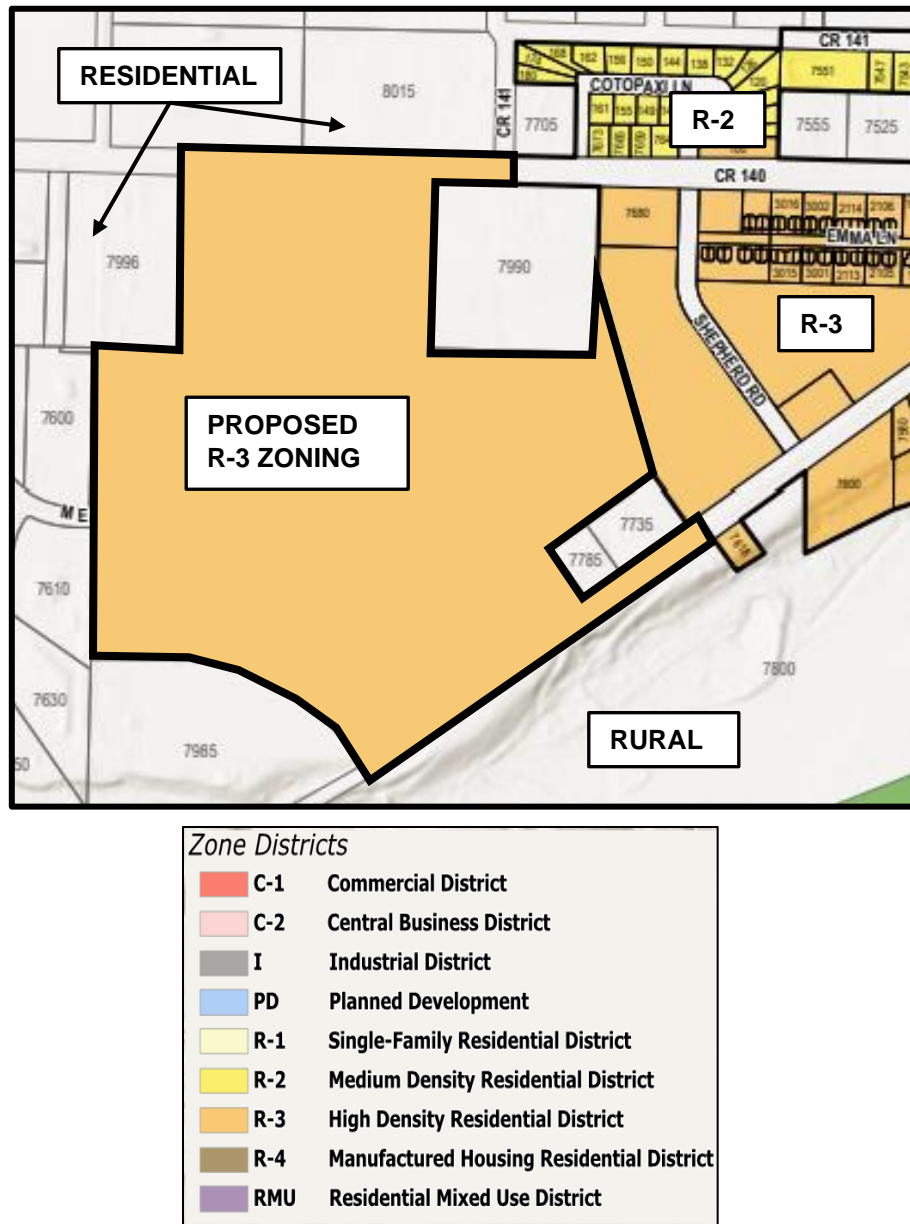
The property is located on Meadowlark Drive, between CR 120 and CR 140, as shown on the vicinity map below. A complete legal description is included as Exhibit A with the annexation application.



Vicinity Map

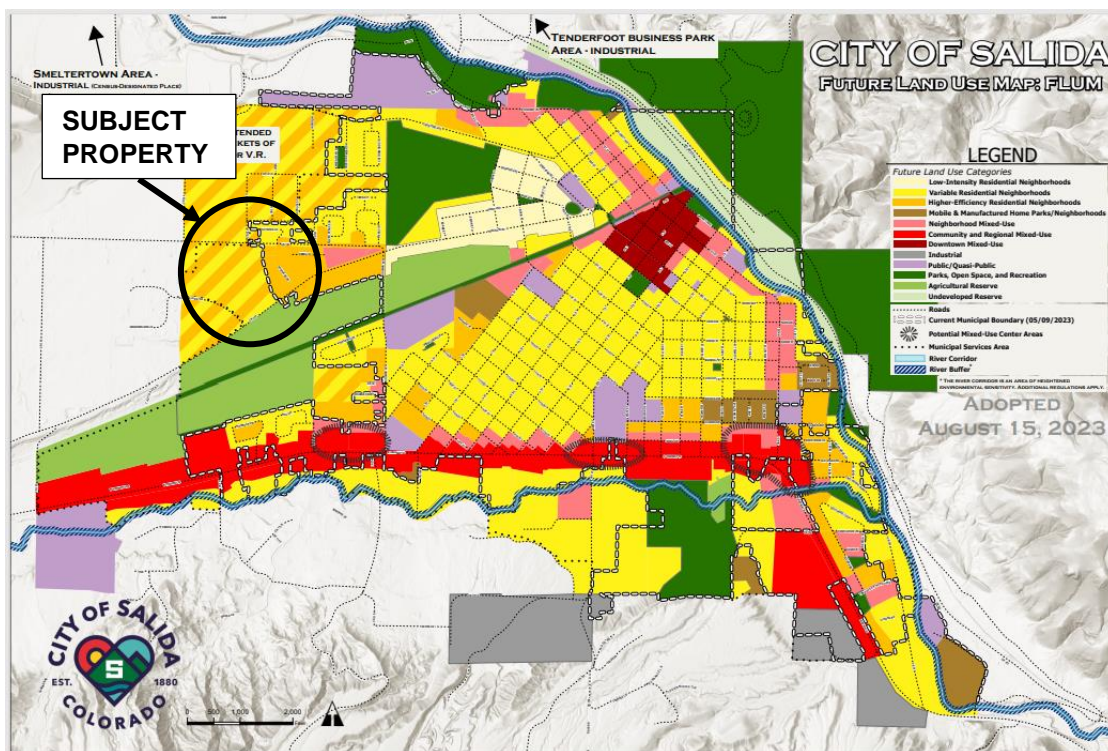


**Surrounding Land Uses and Zoning:** The site is currently zoned RES (Residential Zone District) in Chaffee County. The majority of the properties to the north, south, and west remain in Chaffee County and are zoned RES with the exception of the properties south of County Road 120, which are zoned RUR (Rural). A portion of the properties to the east are within the city limits and are zoned High Density Residential (R-3).





- New development shall be within the Municipal Services Area (MSA) and be developed at maximum densities to make the best use of available infrastructure.
  - The proposed annexation lies within the MSA or MSA expansion area and will accommodate urban densities.
- Proposals should include connections to pedestrian and bicycle corridors, have sufficient water, and promote innovative and energy efficient design.
  - The Conceptual Plans include an 8-foot concrete shared use path network throughout the proposed development. Additional appropriate public right-of-way improvements (including sidewalks) meeting city standards will be required upon development of the property. City water will be provided and updated electrical / energy code requirements will be in effect.
- Zoning should continue existing patterns of development.
  - Zoning of High-Density Residential (R-3) would be consistent with the zoning found in the adjacent properties and would continue the regular pattern of zone district application.
- The proposed zoning conforms with the city's Future Land Use Map, which calls for either Variable Residential Neighborhoods or Higher-Efficiency Residential Neighborhoods, which is consistent with the proposed zone designation.



**FUTURE LAND USE MAP - ADOPTED AUGUST 15, 2023**

- 2. Consistency with Purpose of Zone District.** The proposed amendment shall be consistent with the purpose of the zone district to which the property is to be designated.



- Per the land use code, the purpose of the High-Density Residential (R-3) zone district is to provide for relatively high-density duplex and multi-family residential areas, including primarily triplex, townhouse and apartment uses. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations, day care, or other uses.
  - The proposed zoning has the capability for providing a variety of relatively high-density residential developments. A park dedication and a shared use path network are also indicated on the Concept Plans, which complements the request to zone the subject property High-Density Residential (R-3).

**3. Compatibility with Surrounding Zone Districts and Uses.** The development permitted by the proposed amendment shall be compatible with surrounding zone districts, land uses and neighborhood character.

- The proposed zoning classification of High Density Residential (R-3) is consistent and compatible with the zoning of the adjacent Angelview Subdivision properties as well as anticipated future land use patterns.

**4. Changed Conditions or Errors.** The applicant shall demonstrate that conditions affecting the subject parcel or the surrounding neighborhood have changed, or that due to incorrect assumptions or conclusions about the property, one (1) or more errors in the boundaries shown on the Official Zoning Map have occurred.

- The proposed zoning is occurring because of the requirement to zone the property when annexed into the City in accordance with Section 16-4-50 of the Land Use and Development Code.

## **PLANNING COMMISSION RECOMMENDATION**

A public hearing with the Planning Commission was held July 9, 2024. The Commission unanimously (7-0) recommended Council approve the proposed zoning of the Salida Quality Farms, LLC / Meadowlark Drive Annexation to High Density Residential (R-3) as it meets the applicable review standards.

## **STAFF RECOMMENDATION**

Staff recommends approval of the proposed zoning to High Density Residential (R-3) as it complies with intent of the Comprehensive Plan and Future Land Use Map.

## **FISCAL IMPACT**

No impact.

## **MOTION**

A City Councilmember should state, "I move to \_\_\_\_\_ Ordinance 2024-14 on first reading and set the second reading and public hearing for August 20, 2024," followed by a second and a roll call and vote.

Attachments: Ordinance 2024-14  
Application materials



**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 14  
SERIES OF 2024**

**AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE SALIDA QUALITY FARMS, LLC / MEADOWLARK DRIVE ANNEXATION AS HIGH DENSITY RESIDENTIAL (R-3) ZONE DISTRICT**

**WHEREAS**, on June 5, 2024, representatives of Salida Quality Farms, LLC, filed a General Development Application (the "Petition") to commence proceedings to annex to the City of Salida (the "City") a certain unincorporated tract of land described as Meadowlark Subdivision Exemption Plat Lots 1 and 2, located on Meadowlark Drive along with portions of County Road 120 and County Road 140, comprised of a total of 48.98 acres in the County of Chaffee, State of Colorado (the "Property"), and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

**WHEREAS**, by Ordinance No.13, Series of 2024 the City of Salida annexed the Salida Quality Farms, LLC / Meadowlark Drive Annexation to the City; and;

**WHEREAS**, Petitioner has filed an application to zone the Property within the High Density Residential (R-3) zone district, and on July 9, 2024 the City of Salida Planning Commission considered the zoning application for the Property at a duly noticed public hearing and recommended that the City Council zone it as High Density Residential (R-3); and

**WHEREAS**, as required by the Salida Municipal Code, the public hearing on the zoning application for the Salida Quality Farms, LLC / Meadowlark Drive Annexation will be held on August 20, 2024 at a regularly scheduled meeting of the Salida City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, THAT:**

1. The aforementioned recitals are hereby fully incorporated herein.
2. The Property described on Exhibit A is hereby zoned R-3 High Density Residential.
3. Promptly following adoption of this Ordinance, the City Administrator shall cause the terms of this Ordinance to be incorporated into the Official Zoning Map of the City pursuant to Section 16-4-210 of the Salida Municipal Code. The signed original copy of the Zoning Map shall be filed with the City Clerk. The Clerk shall also record a certified copy of this Ordinance with the Chaffee County Clerk and Recorder. The City staff is further directed to comply with all provisions of the Salida Land Use Regulations, SMC §16-1-10, et seq., to implement the provisions of this Ordinance.



**INTRODUCED ON FIRST READING**, on the 6<sup>th</sup> day of August, 2024, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 9<sup>th</sup> day of August, 2024, and set for second reading and public hearing on the 20<sup>th</sup> day of August, 2024.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF SALIDA, COLORADO

\_\_\_\_\_  
Mayor

[SEAL]

ATTEST:

\_\_\_\_\_  
City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and BY TITLE ONLY, after final adoption on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Clerk/Deputy City Clerk



**EXHIBIT A**

**ANNEXATION PARCEL A – 1**

**ANNEXATION PARCEL A - 2**



**LEGAL DESCRIPTION  
OF  
A TRACT OF LAND**

**A - 1**

ALL THAT TRACT OF LAND LOCATED IN THE NORTH HALF (N 1/2) OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE THE REFERENCE MONUMENT TO THE NORTH QUARTER CORNER OF SAID SECTION 6 BEARS NORTH 71°50'25" EAST, A DISTANCE OF 1067.19 FEET, SAID REFERENCE MONUMENT LIES 14.82 FEET DUE NORTH OF THE QUARTER CORNER AND IS MARKED BY A 2 1/2" ALUMINUM CAP WITNESS CORNER STAMPED LS 16117;  
THENCE SOUTH 01°27'06" WEST, A DISTANCE OF 228.98 FEET;  
THENCE NORTH 88°37'33" WEST, A DISTANCE OF 499.49 FEET;  
THENCE SOUTH 09°16'37" EAST, A DISTANCE OF 993.48 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO.120;  
THENCE SOUTH 35°52'34" EAST, A DISTANCE OF 78.90 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO.120;  
THENCE NORTH 54°11'52" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 769.79 FEET;  
THENCE NORTH 35°52'31" WEST, A DISTANCE OF 86.72 FEET TO SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO.120;  
THENCE SOUTH 54°14'56" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 379.80 FEET;  
THENCE NORTH 35°43'57" WEST, A DISTANCE OF 175.58 FEET;  
THENCE NORTH 54°19'23" EAST, A DISTANCE OF 379.80 FEET;  
THENCE NORTH 16°04'31" WEST, A DISTANCE OF 622.98 FEET TO THE POINT OF BEGINNING.  
CONTAINING 10.99 ACRES, MORE OR LESS.

 **LANDMARK**  
SURVEYING & MAPPING  
SYDNEY A. SCHIEREN, PLS 37937  
PO BOX 668  
SALIDA, COLORADO 81201



**LEGAL DESCRIPTION  
OF  
A TRACT OF LAND**

A-2

ALL THAT TRACT OF LAND LOCATED IN THE NORTH HALF (N 1/2) OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT A POINT, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE THE REFERENCE MONUMENT TO THE NORTH QUARTER CORNER OF SAID SECTION 6 BEARS NORTH 71°50'25" EAST, A DISTANCE OF 1,067.19 FEET, SAID REFERENCE MONUMENT LIES 14.82 FEET DUE NORTH OF THE QUARTER CORNER AND IS MARKED BY A 2 1/2" ALUMINUM CAP WITNESS CORNER STAMPED LS 16117;  
THENCE SOUTH 01°27'06" WEST, A DISTANCE OF 228.98 FEET;  
THENCE NORTH 88°37'33" WEST, A DISTANCE OF 499.49 FEET TO A #5 REBAR WITH STEEL TAG STAMPED LS 6753 AND THE TRUE POINT OF BEGINNING;  
THENCE NORTH 01°14'55" EAST, A DISTANCE OF 505.90 FEET TO THE SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140;  
THENCE SOUTH 88°30'09" EAST ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 246.18 FEET;  
THENCE NORTH 01°00'32" EAST, A DISTANCE OF 81.14 FEET TO THE NORTH RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD 140;  
THENCE NORTH 88°30'31" WEST, A DISTANCE OF 60.01 FEET;  
THENCE NORTH 88°36'35" WEST, A DISTANCE OF 948.80 FEET, THIS AND THE PRECEDING COURSE ARE ALONG SAID NORTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140;  
THENCE SOUTH 01°23'25" WEST, A DISTANCE OF 83.07 FEET TO SAID SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140 AND THE NORTHWEST CORNER OF LOT 1, MEADOWLARK SUBDIVISION EXEMPTION;  
THENCE SOUTH 01°28'16" WEST, A DISTANCE OF 529.30 FEET;  
THENCE NORTH 88°38'51" WEST, A DISTANCE OF 238.72 FEET;  
THENCE SOUTH 01°25'56" WEST, A DISTANCE OF 479.52 FEET;  
THENCE SOUTH 01°12'14" WEST, A DISTANCE OF 59.87 FEET;  
THENCE SOUTH 01°24'14" WEST, A DISTANCE OF 399.57 FEET TO THE SOUTHWEST CORNER OF LOT 2, MEADOWLARK SUBDIVISION EXEMPTION;  
THENCE SOUTH 89°41'44" EAST, A DISTANCE OF 250.09 FEET TO A POINT OF CURVATURE;  
THENCE SOUTHEASTERLY A DISTANCE OF 682.76 FEET ALONG A CURVE DEFLECTING TO THE RIGHT AND HAVING A RADIUS OF 679.60 FEET, A DELTA ANGLE OF 57°33'44", A CHORD BEARING OF SOUTH 60°54'52" EAST AND A CHORD LENGTH OF 654.41 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;  
THENCE SOUTH 30°30'00" EAST, A DISTANCE OF 58.27 FEET TO THE SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;  
THENCE NORTH 59°30'00" EAST, A DISTANCE OF 89.65 FEET;  
THENCE NORTH 54°11'52" EAST, A DISTANCE OF 375.89 FEET, THIS AND THE PRECEDING COURSE ARE ALONG SAID SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;  
THENCE NORTH 35°52'34" WEST, A DISTANCE OF 78.90 FEET TO THE NORTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;  
THENCE NORTH 09°16'37" WEST, A DISTANCE OF 993.48 FEET TO THE POINT OF BEGINNING.  
CONTAINING 37.99 ACRES, MORE OR LESS.

PREPARED BY:







## GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112

Salida, CO 81201

Phone: 719-539-4555 Fax: 719-539-5271

Email: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)

Item 14.

### 1. TYPE OF APPLICATION (Check-off as appropriate)

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Annexation               | <input type="checkbox"/> Administrative Review:<br>(Type) _____                  |
| <input type="checkbox"/> Pre-Annexation Agreement            |  |
| <input type="checkbox"/> Appeal Application (Interpretation) |  |
| <input type="checkbox"/> Certificate of Approval             | <input type="checkbox"/> Limited Impact Review:<br>(Type) _____                  |
| <input type="checkbox"/> Creative Sign Permit                |  |
| <input type="checkbox"/> Historic Landmark/District          | <input checked="" type="checkbox"/> Major Impact Review:<br>(Type) <u>Rezone</u> |
| <input type="checkbox"/> License to Encroach                 |  |
| <input type="checkbox"/> Text Amendment to Land Use Code     | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Watershed Protection Permit         |  |
| <input type="checkbox"/> Conditional Use                     |  |

### 2. GENERAL DATA (To be completed by the applicant)

#### A. Applicant Information

Name of Applicant: Salida Quality Farms LLC (owner James L Treat)

Mailing Address: 225 G Street, Salida, CO 81201

Telephone Number: 719-539-4391 FAX: \_\_\_\_\_

Email Address: chaffee@title@gmail.com

Power of Attorney/ Authorized Representative: \_\_\_\_\_  
(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)

#### B. Site Data

Name of Development: Salida Quality Farms LLC

Street Address: Meadowlark Drive

Legal Description: Lot 1 & 2 Block \_\_\_\_\_ Subdivision Meadowlark (attach description)

Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge.

Signature of applicant/agent \_\_\_\_\_ Date \_\_\_\_\_

Signature of property owner: James L Treat Date 5-31-2024





## LIMITED IMPACT & MAJOR IMPACT SUBMITTAL REQUIREMENTS

448 East First Street, Suite 112  
Salida, CO 81201  
Phone: 719-530-2626 Fax: 719-539-5271  
Email: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)

*An application is meant to highlight the requirements and procedures of the Land Use Code. With any development application, it is the responsibility of the applicant to read, understand, and follow all of the provisions of the Land Use Code.*

### 1. PROCEDURE (Section 16-3-80)

**A. Development Process** (City Code Section 16-3-50) Any application for approval of a development permit shall include a written list of information which shall constitute the applicant's development plan, which shall be that information necessary to determine whether the proposed development complies with this Code. The development plan shall include the following, as further specified for each level of review on the pre-application checklist:

1. Pre-Application Conference (Limited Impact and Major Impact Review Applications)
2. Submit Application
3. Staff Review. Staff report or decision forwarded to the applicant (Administrative review)
4. Public Notice
5. Public Hearing with Planning Commission (Limited Impact and Major Impact Review Applications)
6. Public Notice
7. Hearing Conducted by City Council (Major Impact Review)

### ☒ **B. Application Contents** (City Code Section 16-3-50)

#### ☒ 1. A General Development Application

#### ☒ 2. A copy of a current survey or the duly approved and recorded subdivision plat covering the subject lots where the proposal is for development on previously subdivided or platted lots;

#### ☒ 3. A brief written description of the proposed development signed by the applicant;

#### ☒ 4. Special Fee and Cost Reimbursement Agreement completed. *\*major impact only*

#### ☒ 5. Public Notice.

- a) List. A list shall be submitted by the applicant to the city of adjoining property owners' names and addresses. A property owner is considered adjoining if it is within 175 feet of the subject property regardless of public ways. The list shall be created using the current Chaffee County tax records.
- b) Postage Paid Envelopes. Each name on the list shall be written on a postage-paid envelope. Postage is required for up to one ounce. Return Address shall be: City of Salida, 448 E. First Street, Suite 112, Salida, CO 81201.
- c) Applicant is responsible for posting the property and submittal of proof of posting the public notice.



- ☐ 6. Developments involving construction shall provide the following information:
- (i) A development plan map, at a scale of one (1) inch equals fifty (50) feet or larger with title, date, north arrow and scale on a minimum sheet size of eight and one-half (8½) inches by eleven (11) inches, which depicts the area within the boundaries of the subject lot, including:
    - a. The locations of existing and proposed land uses, the number of dwelling units and the square footage of building space devoted to each use;
    - b. The location and dimensions, including building heights, of all existing and proposed Buildings or structures and setbacks from lot lines or building envelopes where exact dimensions are not available;
    - c. Parking spaces;
    - d. Utility distribution systems, utility lines, and utility easements;
    - e. Drainage improvements and drainage easements;
    - f. Roads, alleys, curbs, curb cuts and other access improvements;
    - g. Any other improvements;
    - h. Any proposed reservations or dedications of public right-of-way, easements or other public lands, and
    - i. Existing topography and any proposed changes in topography, using five-foot contour intervals or ten-foot contour intervals in rugged topography.
  - (ii) 24" x 36" paper prints certified by a licensed engineer and drawn to meet City specifications to depict the following:
    - a. Utility plans for water, sanitary sewer, storm sewer, electric, gas and telephone lines;
    - b. Plans and profiles for sanitary and storm sewers; and
    - c. Profiles for municipal water lines; and
    - d. Street plans and profiles.
  - (iii) Developments in the major impact review procedure shall provide a development plan map on paper prints of twenty-four (24) inches by thirty-six (36) inches, with north arrow and scale, and with title and date in lower right corner, at a scale of one (1) inch equals fifty (50) feet or larger which depicts the area within the boundaries of the subject lots and including those items in Section 16-3-40(a)(3).

- ☒ 7. Any request for zoning action, including review criteria for a requested conditional use (Sec. 16-4-190 ) or zoning variance (Sec. 16-4-180);



- ☐ 8. Any subdivision request including a plat meeting the requirements of Section 16-6-110;
- ☐ 9. Any other information which the Administrator determines is necessary to determine whether the proposed development complies with this Code, including but not limited to the following:

(i) A tabular summary of the development proposal, which identifies the total proposed development area in acres, with a breakdown of the percentages and amounts devoted to specific land uses; total number and type of proposed residential units; total number of square feet of proposed nonresidential space; number of proposed lots; and sufficient information to demonstrate that the plat conforms with all applicable dimensional standards and off-street parking requirements.

(ii) A description of those soil characteristics of the site which would have a significant influence on the proposed use of the land, with supporting soil maps, soil logs and classifications sufficient to enable evaluation of soil suitability for development purposes. Data furnished by the USDA Natural Resource Conservation Service or a licensed engineer shall be used. The data shall include the shrink/swell potential of the soils, the groundwater levels and the resulting foundation requirements. Additional data may be required by the City if deemed to be warranted due to unusual site conditions.

(iii) A report on the geologic characteristics of the area, including any potential natural or man-made hazards which would have a significant influence on the proposed use of the land, including but not limited to hazards from steep or unstable slopes, rockfall, faults, ground subsidence or radiation, a determination of what effect such factors would have, and proposed corrective or protective measures.

(iv) Engineering specifications for any improvements.

(v) A plan for erosion and sediment control, stabilization and revegetation.

(vi) A traffic analysis prepared by a qualified expert, including projections of traffic volumes to be generated by the development and traffic flow patterns, to determine the impacts of a proposed development on surrounding City streets and to evaluate the need for road improvements to be made.

(vii) A storm drainage analysis consisting of the following:

(a) A layout map (which may be combined with the topographic map) showing the method of moving storm sewer water through the subdivision shall be provided. The map shall also show runoff concentrations in acres of drainage area on each street entering each intersection. Flow arrows shall clearly show the complete runoff flow pattern at each intersection. The location, size and grades of culverts, drain inlets and storm drainage sewers shall be shown, as applicable.

(b) The applicant shall demonstrate the adequacy of drainage outlets by plan, cross-section and/or notes and explain how diverted stormwater will be handled after it leaves the subdivision. Details for ditches and culverts shall be submitted, as applicable.

(c) The projected quantity of stormwater entering the subdivision naturally from areas outside of subdivision and the quantities of flow at each pickup point shall be calculated.

(viii) Evidence of adequate water supply and sanitary sewer service - Data addressing the population planned to occupy the proposed subdivision and future development phases and other developments that may need to be served by extensions of the proposed water supply and sewage disposal systems. The resulting domestic, irrigation and fire flow demands shall be expressed in terms of gallons of



water needed on an average day and at peak time, and the resulting amounts of sewage to be treated shall be expressed in gallons per day.

(ix) An analysis shall be submitted addressing how water for domestic use and for fire flows is to be provided, along with the collection and treatment of sewage generated by the property to be subdivided.

(x) A statement shall be submitted addressing the quantity, quality and availability of any water that is attached to the land.

(xi) A preliminary estimate of the cost of all required public improvements, tentative development schedule (with development phases identified), proposed or existing covenants and proposed maintenance and performance guarantees. The applicant shall submit, at least in summary or outline form, any agreements as may be required by Section 16-2-70, relating to improvements and dedications.

(xii) If intending to use solar design in the development, include a description of the steps that have been taken to protect and enhance the use of solar energy in the proposed subdivision. This shall include how the streets and lots have been laid out and how the buildings will be sited to enhance solar energy usage.

(xiii) If applicable, a report shall be submitted identifying the location of the one-hundred-year floodplain and the drainageways near or affecting the property being subdivided. If any portion of a one-hundred-year floodplain is located on the property, the applicant shall also identify the floodway and floodway fringe area. The applicant shall also describe the steps that will be taken to ensure that development locating in the floodway fringe area is accomplished in a manner which meets Federal Insurance Administration standards.

(xiv) If applicable, a report shall be submitted on the location of wetlands, as defined by the U.S. Army Corp of Engineers, on or affecting the property being subdivided. The report shall outline the development techniques planned to ensure compliance with federal, state and local regulations.

(xv) A landscape plan, meeting the specifications of Section 16-8-90.

(xvi) If applicable, a description of how the proposal will comply with the standards of any of the overlays.

(xvii) A site plan for parks, trails and/or open space meeting the requirements of Section 16-6-110 below. If an alternate site dedication or fee in lieu of dedication is proposed, detailed information about the proposal shall be submitted.

(xviii) All development and subdivision naming shall be subject to approval by the City. No development or subdivision name shall be used which will duplicate or be confused with the name of any existing street or development in the City or the County;

☐ 10. An access permit from the Colorado Department of Transportation; and

☐ 11. A plan for locations and specifications of street lights, signs and traffic control devices.



## 2. REVIEW STANDARDS (If necessary, attach additional sheets)

The application for Limited or Major Impact Review shall comply with the following standards.

1. **Consistency with Comprehensive Plan.** The use shall be consistent with the City's Comprehensive Plan.

The new development will be compatible with the traditional built neighborhood character as referred to in the City's Comprehensive Plan

2. **Conformance to Code.** The use shall conform to all other applicable provisions of this Land Use Code, including, but not limited to:

- a. **Zoning District Standards.** The purpose of the zone district in which it is located, the dimensional standards of that zone district, and any standards applicable to the particular use, all as specified in Article 5, Use and Dimensional Standards.

Development will conform to zoning for R-3 City of Salida.

- b. **Site Development Standards.** The parking, landscaping, sign and improvements standards.

Development will incorporate site development standards for parking, landscaping, sign and improvement standards.

3. **Use Appropriate and Compatible.** The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

Development will be compatible with the character of the neighboring uses and with parks, pathways and trails to enhance the residential mixed use pedestrian friendly character.



- 4. Nuisance.** The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and similar conditions.

Development will be respectful of the surrounding properties and not create a nuisance or undue impacts on the neighborhood.

- 5. Facilities.** There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

Where public facilities are developed they will be in compliance with code. The designated park area will be designed, built and maintained by the City of Salida Parks & Recreation department in compliance with the Recreation Master plan which recognizes the large population of older adults in the western part of town and the importance of multi use parks appropriate to this population s health and welfare.

- 6. Environment.** The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

Development will mitigate adverse impacts on the environment and strive to align facilities to maximize the scenic characteristics of the area.



**CITY OF SALIDA**  
**SPECIAL FEE AND COST REIMBURSEMENT AGREEMENT**

This Special Fee and Cost Reimbursement Agreement is entered into by and between the City of Salida, whose address is 448 East First Street, Suite 112, Salida, Colorado 81201 (hereinafter the "City") and Salida Quality Farms, LLC whose address is 225 G Street, Salida, CO 81201, (hereinafter "Petitioner");

W I T N E S S E T H:

WHEREAS, Petitioner is the owner of that certain real property described in Exhibit A, attached hereto and incorporated herein by this reference, and desires to undertake the projects or activities described in Paragraph 1; and

WHEREAS, the above activity or project will require the City to provide the special services and incur the costs set forth in Paragraph 2; and

WHEREAS, Section 16-2-10 of the Salida Municipal Code provides that the City may assess land use and development applicants minimum fees for review of applications submitted to the City as well as actual review costs and fees for outside professional services; and

WHEREAS, the special fees and costs paid and collected by virtue of this Agreement shall be used solely to pay for the City's minimum application fees as well as actual fees and costs for review by outside professional services, including, but not limited to, engineering and legal review, incurred by the City in relation to the anticipated project; and

WHEREAS, the City and Petitioner desire to set forth their agreements and understandings concerning this matter.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties, and for other good and valuable consideration, the adequacy and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Petitioner desires to undertake the following projects or activities involving the City or its utility services:

_X_	Annexation
_____	Limited Impact Review
_X_	Major Impact Review
_____	Conditional Use
_____	Variance
_____	Review of Title 32 Special District
_____	Can and Will Serve Letter for Utility Service
_____	Other (describe) _____



2. The activity or project being undertaken by Petitioner will require the City to provide the following special services or incur the following costs:

<u>      </u>	Engineering review and advice
<u>  X  </u>	Legal review and advice
<u>  X  </u>	Preparation of plats or plans
<u>      </u>	Inspections
<u>  X  </u>	Recording fees
<u>  X  </u>	Filing fees
<u>  X  </u>	Publication Costs
<u>      </u>	Other (describe) _____

3. Petitioner agrees to pay the City in full for all special services provided or actual costs incurred by the City in relation to the project or activity described above on receipt of an itemized billing for those services from the City. All such amounts are due within thirty (30) days of the date of the bill, with interest on any overdue amounts to be assessed at one and one-half percent (1.5%) per month. In the event that such amounts remain unpaid thirty (30) days after the date they are billed, the City reserves the right to cease review and processing of the Petitioner's land use and development applications. In the event the City is forced to pursue collection of any amounts due and unpaid under this provision, it shall be entitled to collect attorney's fees, filing, and recording fees incurred in such collection efforts in addition to the unpaid amounts due, plus interest.

4. Petitioner agrees to provide a deposit to the City in the amount of \$5000 at the time of making the initial application for the Annexation and Zoning. The City shall not commence to provide any of the services desired by the applicant, or advance any costs, until this deposit is received by the City. Any amount by which the applicant's deposit exceeds the cost assessed under this Paragraph shall be refunded to the applicant within a reasonable time after final action has been taken on the project. Any amount by which the deposit is less than the total costs due to the City under this Agreement shall be due and payable subject to the provisions of Paragraph 2, above.

5. The City specifically does not agree to act favorably on the application made by Petitioner in exchange for payment of the special fees set forth above.

6. This Agreement constitutes the entire and complete agreement of the parties on the subject matter herein. No promise or undertaking has been made by any party, and no understanding exists with respect to the transaction contemplated, except as expressly set forth herein. All prior and contemporaneous negotiations and understandings between the parties are embodied and merged into this Agreement.

7. This Agreement may be amended from time to time by amendments made by the parties in written form and executed in the same manner as this Agreement.

8. This Agreement shall be binding upon and inure to the benefit of the parties and their assigns and successors in interest.



9. If any covenant, term, condition, or provision under this Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision shall not affect any other provision contained herein.

10. The parties agree and intend that this Agreement shall run with the land described in Exhibit A, attached hereto, and be a burden upon that property until final payment has been made to the City of all fees due and payable under this Agreement, or until the earlier termination of this Agreement.

IN WITNESS WHEREOF, the parties have executed this SPECIAL FEE AGREEMENT on the day and year adjacent to their respective signatures.

CITY OF SALIDA, COLORADO

Date: \_\_\_\_\_

By \_\_\_\_\_

City Administrator

ATTEST

\_\_\_\_\_  
City Clerk/Deputy City Clerk

STATE OF COLORADO     )  
  ss.  
COUNTY OF CHAFFEE     )

Acknowledged, subscribed, and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by \_\_\_\_\_, as City Administrator, and by  
\_\_\_\_\_, as City Clerk, on behalf of the City of Salida.

WITNESS my hand and official seal.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public









## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Community Development	Carolyn Poissant - Senior Planner	August 6, 2024

### AGENDA ITEM

Ordinance 2024-15: First Reading on the proposed Suesse Annexation for a 5.71-acre property plus a portion of Confluence Road right-of-way (approximately 5.86 acres total).

### BACKGROUND

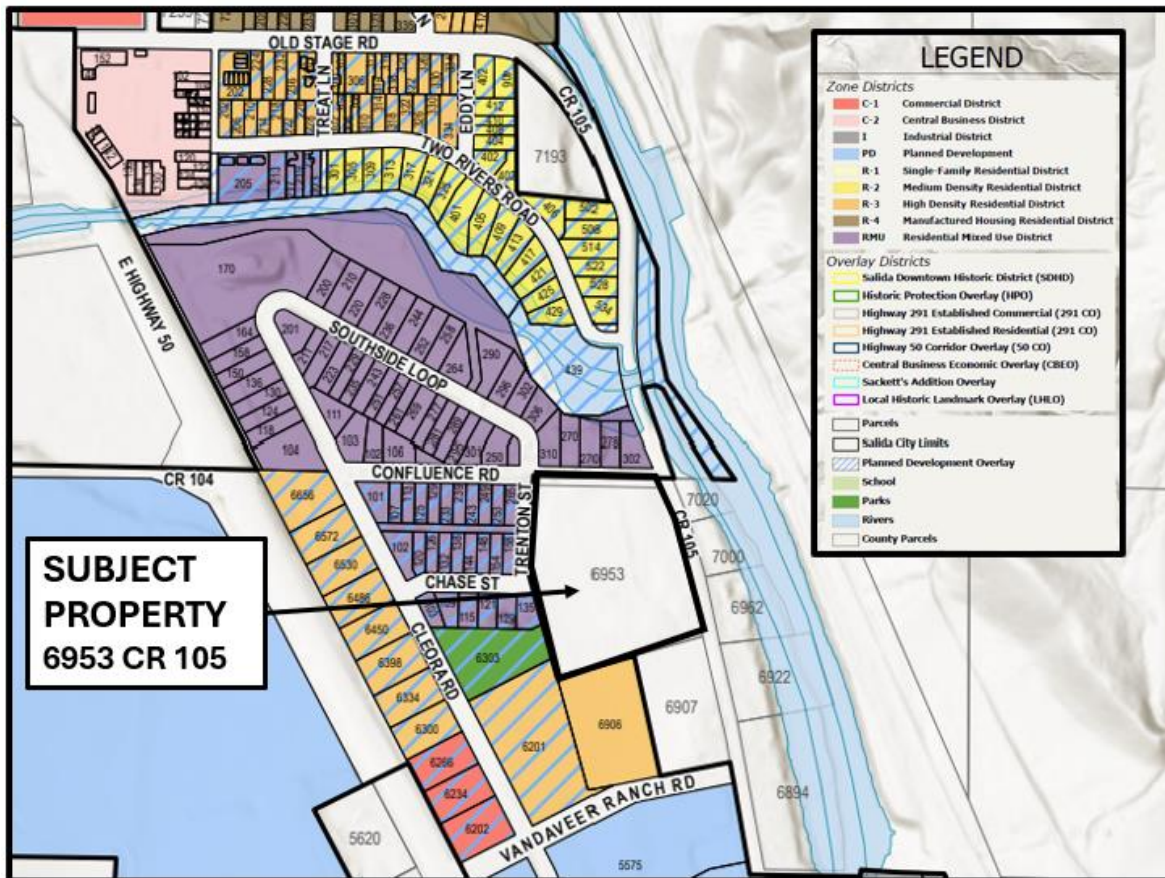
On May 22, 2024, Ned Suesse submitted a complete application to annex the 5.71-acre property located at 6953 County Road 105 plus a 0.27-acre a portion of Confluence Road right-of-way. A Pre-Annexation Agreement regarding the property called for the annexation to occur once contiguity had been achieved along with right-of-way and open space dedications. The petitioner has included a portion of the Confluence Road right-of-way in this application but does not wish to provide any other dedications at this time. Additional conditions were included in the petitioner's Letter of Intent with the Annexation Petition.



Vicinity Map



**Surrounding Land Use and Zoning:** The site is currently zoned RES (Residential Zone District), Chaffee County. Properties to the east remain in Chaffee County and are zoned RES. Properties to the north and west are within city limits and include the Confluent Subdivision Planned Development Overlay, comprised of a residential mixed-use development (RMU); a 1.24-acre park dedication (P); and Salida Ridge (Low Income Housing Tax Credit) Apartments (R-3). The approved Biker Baker (Flour Mill) annexation and Magpie Apartments zoned R-3 High Density Residential are on the southern boundary.



## **PROCESS:**

An application for annexation is a multi-step process. When annexing a property, the city must follow state statutes for contiguity and procedural requirements. The steps and standards include:

- A minimum of 1/6<sup>th</sup> (16.67%) of the perimeter of the proposed annexation must be contiguous with the City of Salida city limits.
- Staff reviews the petition for compliance with city and state statutes.
- City Council adopts a resolution stating the petition is valid and sets a public hearing date that is no less than 30 days and no greater than 60 days from the resolution date.
  - On July 2, 2024 City Council adopted Resolution 2024-40 finding the Annexation petition in compliance with city and state statutes and set the public hearing date for August 20, 2024.

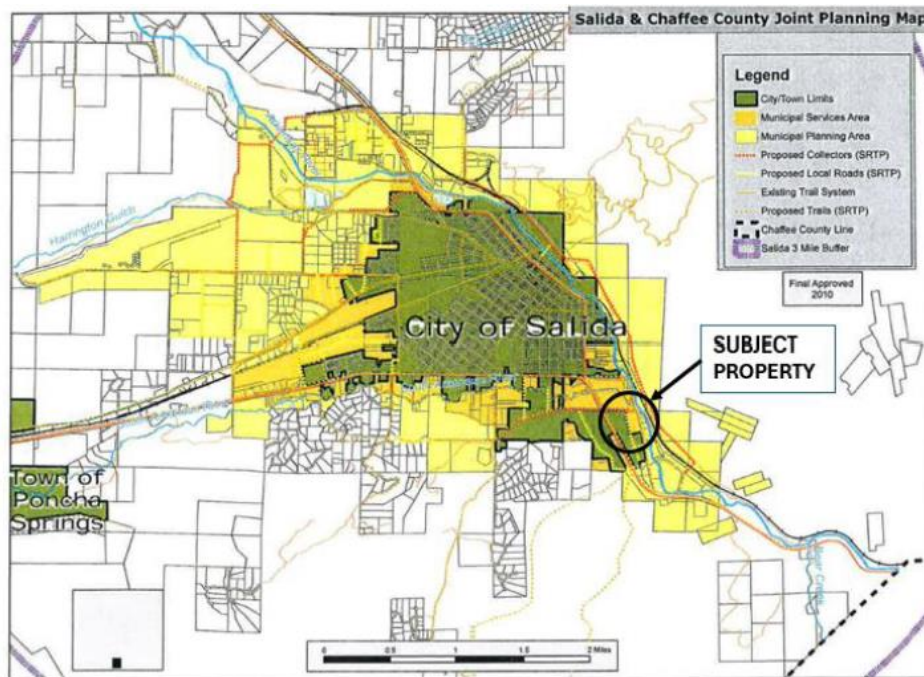


- The City Council public hearing is advertised in the newspaper for four consecutive weeks.
- Planning Commission holds a public hearing to review the annexation and recommend the zoning designation of the property.
- City Council holds a public hearing on the annexation petition.
- City Council reviews and acts on an annexation agreement.
- City Council holds a public hearing to review and act on the proposed zoning.

### **FINDINGS OF FACT:**

As explained above, the annexation shall be considered by the Commission as a required step prior to the zoning of the property. The following findings of facts are required for annexation:

1. The proposed annexation meets the required 1/6<sup>th</sup> contiguity with the municipal boundary of the City of Salida as shown on the annexation plat.
2. All applicable owners of the property are party to the annexation.
3. The property to be annexed is within the Municipal Services Area (MSA) of the City of Salida, as defined in the City's Comprehensive Plan and its intergovernmental agreement (IGA) with Chaffee County approved in 2010. According to the IGA, the MSA "encompasses properties which are eligible for annexation and extension of municipal utilities and infrastructure, within the parameters set forth in the Salida Municipal Code and Salida Comprehensive Plan, which may be amended from time to time."



4. The annexation of the property is consistent with the vision and goals set forth in the Comprehensive Land Use Plan, specifically, to promote new development projects that contain a variety of housing, including affordable units. In addition, the proposal will provide for a logical extension of the City boundary to support the demand for residentially zoned land, which will provide for a variety of housing opportunities.



5. The property may be efficiently served by City fire and police departments.
6. The property is a natural extension of the City's municipal boundary and meets the legal requirements for annexation.

The timeline for the requests related to the annexation is as follows:

Proposed Action	Planning Commission Recommendation	City Council First Reading	City Council Final Action
Findings of Fact Resolution 2024-			8/20/2024
Annexation Ordinance 2024-15	7/9/2024	8/6/2024	8/20/2024
Annexation Agreement Resolution 2024-			8/20/2024
Zoning Ordinance 2024-16	7/9/2024	8/6/2024	8/20/2024

**Annexation Agreement:** On August 20, 2024, staff will propose an annexation agreement that will incorporate the inclusionary housing, park and open space dedication / fees In-lieu, fair contributions to public school site requirements, and items related to public improvements.

#### **RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:**

- Salida Fire Department: No concerns.
- Salida Police Department: No issues
- Salida Parks and Recreation Department: Future discussions regarding an open space dedication will be needed to determine how best to compliment park resources in the area.
- Public Works Department and City Engineering Consultants: No comment.
- Salida Finance Department: The property at 6953 County Road 105 is a sewer only account. By annexing into the city, should the existing well fail, connection to city water and payment of fees in effect at that time would be required.
- Salida School District: We have no issue with this annexation. When development fees are applicable, we will take fees in lieu of land.
- Xcel Energy: No major concerns. Response letter attached.
- ATMOS Energy: No comment.
- Visionary Broadband: No response.
- Chaffee County Planning Department: The appropriate road annexations should be completed.
- Chaffee County Building Department: No concerns at this time.



## **PLANNING COMMISSION RECOMMENDATION**

A public hearing with the Planning Commission was held July 9, 2024. The Commission unanimously (7-0) recommended Council approve the proposed Suesse Annexation with conditions recommended by staff.

## **STAFF RECOMMENDATION**

Staff recommends approval of the proposed annexation, subject to Council approval of an annexation agreement with the following conditions:

1. All proposed development shall meet the requirements of the Municipal Code.
2. The Annexation Agreement shall acknowledge and document the following items:
  - a. the city's intent to serve the property with appropriate public utilities;
  - b. all applicable cost recovery agreements and payment terms and conditions;
  - c. the city acknowledges and allows use of the existing well until failure, after which time the owner shall connect to city water;
  - d. the city acknowledges that existing agricultural uses are allowed to continue and existing associated structures may remain on the property; (Note: this will apply until an agricultural use zone is established in the Municipal code, at which time the appropriate area may be required to be rezoned);
  - e. the city acknowledges that a 0.27 acre Confluence Road dedication was made by the owner free from any compensation;
  - f. the applicant will be only proportionally responsible for future intersections and / or common road improvements (in accordance with specific language recommended by the city's legal counsel); and
  - g. there will be no minimum density applied to this parcel in the area occupied by the existing historic structures.

## **FISCAL IMPACT**

There is no fiscal impact currently but there will be increased demand on city services with development.

## **MOTION**

A City Councilmember should state, "I move to \_\_\_\_\_ Ordinance 2024-15 on first reading and set the second reading and public hearing for August 20, 2024," followed by a second and a roll call and vote.

Attachments: Ordinance 2024-15  
 Suesse Annexation petition and Annexation plats  
 Minutes of July 9, 2024 Planning Commission meeting



**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 15  
SERIES OF 2024**

**AN ORDINANCE OF THE CITY OF SALIDA, COLORADO ANNEXING TO THE CITY OF SALIDA A CERTAIN TRACT OF LAND IN UNINCORPORATED CHAFFEE COUNTY KNOWN AS THE SUESSE ANNEXATION**

**WHEREAS**, on May 22, 2024, Ned Suesse filed a General Development Application (the "Petition") to commence proceedings to annex to the City of Salida (the "City") a certain unincorporated tract of land comprised of a 5.71-acre parcel located at 6953 County Road 105 and a 0.27-acre portion of Confluence Road right-of-way in the County of Chaffee, State of Colorado (the "Property"), and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

**WHEREAS**, pursuant to C.R.S. §31-12-108, the City Council by Resolution No. 40, Series of 2024 specified that the City Council would hold a hearing on the proposed annexation at its regular meeting on August 20, 2024 commencing at the hour of 6 p.m. in the City Council Chambers, 448 East First Street, Salida, Colorado; and

**WHEREAS**, pursuant to C.R.S. §31-12-108 to -110, the City Council on August 20, 2024 held a duly-noticed public hearing to consider the proposed annexation; and

**WHEREAS**, notice of such hearing was published on July 12, 2024, July 19, 2024, July 26, 2024, and August 2, 2024 in *The Mountain Mail* newspaper; and

**WHEREAS**, C.R.S. §31-12-105(1)(e) provides that prior to the completion of any annexation within a three-mile area, the municipality shall have in place a plan for that area, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power to be provided by the municipality and the proposed land uses for the area; and

**WHEREAS**, the City hereby sets forth its Findings of Fact, Determinations, and Conclusions with regard to annexation to the City of the Suesse Annexation; and

**WHEREAS**, the City currently has in place a Comprehensive Plan and other long-range planning documents which constitute the City's annexation plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, THAT:**

1. The City incorporates the foregoing recitals as findings and determinations by the City Council.



2. The City hereby approves the annexation of the Property described on Exhibit A, attached hereto with the following conditions of approval, and such real Property is hereby annexed to and made a part of the City of Salida.

1. All proposed development shall meet the requirements of the Municipal Code.

2. The Annexation Agreement shall acknowledge and document the following items:

- a. the City's intent to serve the property with appropriate public utilities;
- b. all applicable cost recovery agreements and payment terms and conditions;
- c. the city acknowledges and allows use of the existing well until failure, after which time the owner shall connect to city water;
- d. the city acknowledges that existing agricultural uses are allowed to continue and existing associated structures may remain on the property until an agricultural zone district is established, at which time the appropriate portion of the property may be required to be re-zoned; and
- e. the city acknowledges that a 0.27 acre Confluence Road dedication was made by the owner free from any compensation.
- f. the applicant will be only proportionally responsible for future intersections and / or common road improvements; and
- g. there will be no minimum density applied to this parcel in the area occupied by the existing historic structures.

3. Within ten (10) days after final publication of this Ordinance, the City Clerk of the City of Salida, Colorado, on behalf of the City shall:

- A. File one (1) copy of the Annexation Plat and the original of this Annexation Ordinance in the office of the City Clerk of the City of Salida, Colorado;
- B. File for recording three (3) certified copies of this Annexation Ordinance and three (3) copies of the Annexation Plat, containing a legal description of the annexation parcel, with the County Clerk and Recorder of Chaffee County, Colorado, with directions to the Chaffee County Clerk and Recorder to file one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs of the State of Colorado and one certified copy of this Annexation Ordinance and one copy of the



Annexation Map with the Colorado Department of Revenue; and

- C. File one certified copy of this Annexation Ordinance and one copy of the Annexation Map in the office of the County Assessor of Chaffee County, Colorado.

**INTRODUCED ON FIRST READING**, on the 6<sup>th</sup> day of August, 2024, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 9<sup>th</sup> day of August, 2024, and set for second reading and public hearing on the 20<sup>th</sup> day of August, 2024.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF SALIDA, COLORADO

\_\_\_\_\_  
Mayor

[SEAL]

ATTEST:

\_\_\_\_\_  
City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and BY TITLE ONLY, after final adoption on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

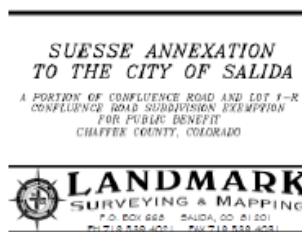
\_\_\_\_\_  
City Clerk/Deputy City Clerk



## EXHIBIT A

ALL THAT TRACT OF LAND LOCATED WITHIN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, ALSO BEING LOT 1-R, "CONFLUENCE ROAD SUBDIVISION EXEMPTION FOR PUBLIC BENEFIT", CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WITNESS CORNER TO THE NORTH QUARTER CORNER OF SAID SECTION 9, BEING MARKED BY A 3 1/4" B.L.M. BRASS CAP, FROM WHENCE THE TRUE NORTH QUARTER CORNER OF SAID SECTION 9 BEARS SOUTH 88°48'25" EAST, A DISTANCE OF 74.51 FEET;  
 THENCE SOUTH 88°48'25" EAST ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 380.68 FEET TO THE WEST RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 105;  
 THENCE SOUTH 25°25'46" EAST, A DISTANCE OF 16.62 FEET TO A POINT OF CURVATURE;  
 THENCE SOUTHERLY A DISTANCE OF 16.89 FEET ALONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 820.00 FEET, A DELTA ANGLE OF 1°10'48", A CHORD LENGTH OF 16.89 FEET AND A CHORD BEARING OF SOUTH 25°05'57" EAST;  
 THENCE CONTINUING SOUTHERLY ALONG SAID ARC A DISTANCE OF 152.25 FEET DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 820.00 FEET, A DELTA ANGLE OF 10°35'15", A CHORD LENGTH OF 152.03 FEET AND A CHORD BEARING OF SOUTH 19°11'24" EAST TO A POINT OF TANGENCY;  
 THENCE SOUTH 13°53'16" EAST, A DISTANCE OF 268.86 FEET;  
 THENCE SOUTH 12°48'58" EAST A DISTANCE OF 60.18 FEET, THIS AND THE PRECEDING 4 COURSES ARE ALONG SAID WEST RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 105;  
 THENCE SOUTH 73°55'54" WEST A DISTANCE OF 466.73 FEET;  
 THENCE NORTH 15°21'10" WEST A DISTANCE OF 343.21 FEET;  
 THENCE NORTH 03°10'18" EAST A DISTANCE OF 300.18 FEET TO THE POINT OF BEGINNING.  
 CONTAINING 5.98 ACRES, MORE OR LESS.





To: Salida City Council  
 RE: Letter of Intent – Annexation of 6953 CR 105

Salida City Council:

My name is Ned Suesse and I own the property located at 6953 CR 105, Salida CO 81201. Attached, you will find an annexation application for my property. The City is requiring this annexation due to a pre-annexation agreement that was executed prior to my purchase of the property. I have no development plans for the property once annexed.

Following are a list of conditions for my annexation that will need to be incorporated into an Annexation Agreement that is approved concurrently with the approval of the annexation.

1. R3 Zoning for the property;
2. No requirement to cost share for any non-contiguous road or bridge improvements;
3. Acknowledgment and documentation of the City's intent to serve my property with utilities;
4. Acknowledgment and documentation of all existing cost recovery agreements and agreement that no cost recovery will be required of improvements made by other parties beyond those specifically referenced in an Annexation Agreement;
5. Expressly allow use of the existing well until failure, after which time the owner shall connect to city water;
6. Existing agricultural uses are allowed to continue and associated structures may remain on the property;
7. Existing structures and a surrounding envelope of 200' or the property boundary, whichever is greater, as pre-existing, non-conforming structures, are exempt from future minimum density calculations; and
8. Acknowledgment that .27 acre Confluence Road dedication was made by the owner free from any compensation.
9. Short term rental permit made available at the time of annexation for the primary residence;

Because I have no current plans for development, the following issues will be tabled until such time that a future owner or myself move forward with a development plan since these items will be based on the requested units and density and subject to the city code requirements at time of development:

1. Dedication of rights-of-way;
2. Dedication of parks and open space;
3. Affordable and inclusionary housing requirements; and
4. Building envelopes and plans.

These items have been discussed with City staff over the course of several years. You will find an application fee included with this application as well as the most recent plat of the property. Feel free to reach out to me with any questions.

Sincerely,

Ned Suesse




**TO THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, GREETINGS:**

The undersigned hereby petition(s) the City of Salida to annex to the City of Salida the territory shown on the map(s) attached hereto and described on the attachment hereto:

This Petition is signed by the landowners qualified to sign. It is intended that this Petition be a one hundred percent (100%) petition for annexation as described in C. R. S. 1973, Section 31-12-107(l)(g), (as amended).

In support of this petition, the undersigned state(s) and allege(s) as follows, to wit:

1. That it is desirable and necessary that the above-described territory be annexed to the City of Salida.
2. That petitioners are landowners of one hundred percent (100%) of the territory, excluding streets and alleys, herein proposed for annexation to the City of Salida.
3. That no less than one-sixth of the aggregate external boundaries of the above-described territory hereby petitioned to the City of Salida is contiguous to the City limits of the City of Salida.
4. Accompanying this petition are two mylars and twenty copies of the annexation map.
5. That a community of interest exists between the above-described territory and the City of Salida, and that the same is urban, or will be urbanized in the near future, and further that the said territory is integrated or is capable of being integrated in the City of Salida.
6. That the above-described territory does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Salida, was held within the twelve months preceding the filing of this petition.
7. That the above-described territory does not include any area included in another annexation proceeding involving city other than the City of Salida.
8. That the above-described territory is not presently a part of any incorporated city, city and county, or town.
9. That the above area described will (not) result in the detachment of the area from any school district and the attachment of the same to another school district.

  
Signature  
Date









# PLANNING COMMISSION REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201

July 09, 2024 - 6:00 PM

## MINUTES

Email public comments to: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)

Please register for the Planning Commission meeting:  
<https://attendee.gotowebinar.com/rt/1909092342220683277>

### CALL TO ORDER BY CHAIRMAN – 6:00 PM

### ROLL CALL – 6:07 PM

### APPROVAL OF THE MINUTES – 6:08 PM

#### 1. APPROVAL OF MINUTES OF JUNE 24, 2024

Motion: Bomer Second: Dockery

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Alternate Commissioner Layton, Alternate Commissioner Bush

### UNSCHEDULED CITIZENS - None

### AMENDMENT(S) TO AGENDA - None

### PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- |   |                          |
|---|--------------------------|
| A. Open Public Hearing                      | E. Public Input          |
| B. Proof of Publication                     | F. Close Public Hearing  |
| C. Staff Review of Application/Proposal     | G. Commission Discussion |
| D. Applicant's Presentation (if applicable) | H. Commission Decision   |

#### 2. Recommendation on Proposed Salida Quality Farms, LLC / Meadowlark Drive Annexation

The applicant, Salida Quality Farms, LLC, represented by James L. Treat has submitted a complete application to annex the property located off Meadowlark Drive between CR 120 and CR 140 adjacent to the western edge of the Angelview subdivision (Parcel Number 380706200024) along with portions of County Road 120 and County Road 140, totaling 48.98 acres. This is a series annexation, with annexation plat A-1 preceding annexation plat A-2. As such, contiguity requirements are satisfied for both properties (C.R.S. 31-12-104).

A. Open Public Hearing - 6:08 PM

B. Proof of Publication

C. Staff Review of Application/Proposal - Carolyn Poissant presenting – 6:09 PM

D. Applicant's Presentation (if applicable) - Dee Dubin, Andi Bruno, and Bill Hussey – 6:14 PM

E. Public Input - 6:33 PM

F. Close Public Hearing - 6:44 PM

G. Commission Discussion - 6:44 PM

H. Commission Decision or Recommendation - below

*Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2630 at least 48 hours in advance.*



**Motion:**

"I hereby make a motion to recommend City Council approve the proposed Salida Quality Farms, LLC Annexation as it meets the findings of fact for annexation, subject to the following conditions to be included in the Annexation Agreement:

1. All proposed development shall comply with the provisions of the Municipal Code.
2. A minimum of 4 acres of park and open space, generally consistent with the location and configuration adjacent to Angelview Subdivision as shown on the Concept Plan submitted with the annexation application, shall be dedicated prior to development of the parcel. Such dedication shall not preclude any requirements for additional park and open space dedication or fees-in-lieu associated with future development of the property.

Motion made by Vice-Chair Bomer, Seconded by Commissioner Kriebel. – **6:44 PM**

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Alternate Commissioner Layton, Alternate Commissioner Bush

**MOTION APPROVED 7-0****3. Recommendation on Proposed R-3 Zoning - Salida Quality Farms, LLC / Meadowlark Drive**

Following approval of the Salida Quality Farms, LLC / Meadowlark Drive Annexation of a 43.02-acre property plus portions of the CR 120 and CR 140 rights-of-way (48.98 acres total) into the City of Salida, the applicant James L. Treat, representing Salida Quality Farms, LLC has requested a designation of the R-3 High Density Residential zone district. The area annexed must be brought under the municipality's zoning ordinance within 90 days from the effective date of the annexation ordinance.

A. Open Public Hearing - 6:08 PM

B. Proof of Publication

C. Staff Review of Application/Proposal - Carolyn Poissant presenting – 6:45 PM

D. Applicant's Presentation (if applicable) - Bill Hussey presenting – 6:49 PM

E. Public Input - 7: 04 PM

F. Close Public Hearing - 7: 13 PM

G. Commission Discussion - 7:13 PM

H. Commission Decision or Recommendation - below

**Motion:**

"To approve the proposed zoning of the Salida Quality Farms, LLC / Meadowlark Drive property as proposed to be annexed, to R-3 High-Density Residential Zone District, as it meets the applicable review standards."

Motion made by Vice-Chair Bomer, Seconded by Commissioner Dockery. – **7:13 PM**

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Alternate Commissioner Layton, Alternate Commissioner Bush

**MOTION APPROVED 7-0****4. Recommendation on Proposed Suesse Annexation**

The applicant, Ned Suesse, has submitted a complete application to annex the 5.71-acre property located at 6953 County Road 105, plus a 0.27-acre portion of Confluence Road right-of-way. The request to zone the property will be considered during a separate Planning Commission public hearing.



- A. Open Public Hearing - 6:08 PM
- B. Proof of Publication
- C. Staff Review of Application/Proposal - Carolyn Poissant presenting – 7:30 PM
- D. Applicant's Presentation - Ned Suesse presenting – 7:36 PM
- E. Public Input - 7:58 PM
- F. Close Public Hearing - 7:58 PM
- G. Commission Discussion - 7:59 PM
- H. Commission Decision or Recommendation - below

**Motion:**

I hereby make a motion to recommend City Council approve the proposed Suesse Annexation as it meets the findings of fact for annexation, subject to specific conditions as outlined below:

1. All proposed development shall meet the requirements of the Municipal Code.
2. The Annexation Agreement shall acknowledge and document the following items:
  - a. the city's intent to serve the property with appropriate public utilities;
  - b. all applicable cost recovery agreements and payment terms and conditions;
  - c. the city acknowledges and allows use of the existing well until failure, after which time the owner shall connect to city water;
  - d. the city acknowledges that existing agricultural uses are allowed to continue and existing associated structures may remain on the property;
  - e. the city acknowledges that a 0.27-acre Confluence Road dedication was made by the owner free from any compensation.

**Recommendations added to (2.) "annexation agreement motion":**

- f. the applicant will be only proportionately responsible for future intersections and / or common road improvements;
- g. there will be no minimum density applied to parcel(s) containing existing historic structures.

Motion made by Vice-Chair Bomer, Seconded by Chairman Follet. – **8:11 PM**

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Alternate Commissioner Layton, Alternate Commissioner Bush

**MOTION APPROVED 7-0**

**5. Recommendation on Proposed R-3 Zoning - 6953 County Road 105 (Suesse Annexation)**

Following approval of the Suesse Annexation of a 5.71-acre property plus a 0.27-acre portion of Confluence Drive right-of-way into the City of Salida, the applicant, Ned Suesse, has requested a designation of the High Density Residential (R-3) zone district. The area annexed must be brought under the municipality's zoning ordinance within 90 days from the effective date of the annexation ordinance.

- A. Open Public Hearing - 6:08 PM
- B. Proof of Publication



C. Staff Review of Application/Proposal - Carolyn Poissant presenting – 8:15 PM

D. Applicant's Presentation (if applicable) - Ned Suesse presenting – 8:18 PM

E. Public Input - 8:19 PM

F. Close Public Hearing - 8:19 PM

G. Commission Discussion - 8:19 PM

H. Commission Decision or Recommendation - below

**Motion:**

“To approve the proposed zoning of Suesse property as proposed to be annexed to R-3 High-Density Residential Zone District, as it meets the applicable review standards.”

Motion made by Vice-Chair Bomer, Seconded by Commissioner Colby. – **8:19 PM**

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Alternate Commissioner Layton, Alternate Commissioner Bush

**MOTION APPROVED 7-0**

**6. Shaken Roost Major Subdivision – Major Impact Review**

The hearing is regarding a major impact review application submitted by Joni Baker of Shaken Roost LLC, for a major subdivision of a .95 acre parcel located on the south side of Illinois Avenue, between Milford and Teller Streets. The proposed subdivision will consist of 14 duplex lots for the construction of 14 residential units configured as seven (7) duplex residential structures. The site is zoned Commercial District (C-1).

A. Open Public Hearing - 6:08 PM

B. Proof of Publication

C. Staff Review of Application/Proposal - Glen Van Nimwegen Presenting – 8:21 PM

D. Applicant's Presentation (if applicable) - Jamie Baker Presenting - 8:33 PM

E. Public Input - 8:38 PM – Ellen Miller spoke

F. Close Public Hearing - 8:42 PM

G. Commission Discussion - 8:42 PM

H. Commission Decision or Recommendation - below

**Motion:**

“I make a motion to recommend the City Council approve the Shaken Roost Major Subdivision as it meets the review standards for a subdivision, subject to the following conditions:

1. Prior to Council review of the major subdivision, the applicant will work with Xcel Energy to determine if additional public utility easements are required to serve the subdivision. If so, the plat shall be amended to show the new easements.

2. Prior to recordation of the final plat, Council shall approve a subdivision improvement / inclusionary housing agreement for the project to generally address the amount, timing and guarantee of the construction of public improvements that are necessary for the project; require the provision of any fees-in-lieu (schools and open space) and affordable housing consistent with Article XIII of Chapter 16 of the Salida Municipal Code.

*Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1<sup>st</sup> Street, Ste. 112, Salida, CO 81201, Ph.719-530-2630 at least 48 hours in advance.*



- a. Two (2) built inclusionary housing units shall be provided per the requirements of Sec. 16-13-60 of the Salida Municipal Code. Additionally, fees-in-lieu for the remaining two (2) proposed units (2/6) shall be paid per the fee schedule in place at time of building permit.
3. The final plat shall have the following notes and additions:
  - a. Pursuant to Section 16-6-140 of the Salida Municipal Code (SMC), Fair Contributions to School Sites as may be amended, at the time that residential dwelling units are constructed on any of the lots herein, a payment in lieu of land dedication for Fair Contributions to Public School Sites shall be paid by the owner of each lot within this subdivision prior to issuance of a building permit for any new residence on such lot.
  - b. Pursuant to Section 16-6-120(8) of the SMC, Parks, Trails and Open Space fees-in-lieu shall be provided at the time of development (issuance of a building permit) per the fee schedule in place at time of building permit.
  - c. Provide a Typical Building Setback exhibit like as shown under Observations #4 above.
  - d. Provide a note stating the Access Easements and Outlot for Retention Pond will not be maintained by the City of Salida; or will be maintained by the homeowner's association per the C.C.& R.s recorded at Reception No.\_\_\_\_\_.
  - e. The Shaken Roost Major Subdivision meets the standards of Chapter 16 of the SMC and is subject to the terms of the executed Subdivision Improvement and Inclusionary Housing Agreement as recorded at Reception No.\_\_\_\_\_.
  - f. Pursuant to Section 16-6-120(11) of the SMC, no residential façade elevation may be repeated more than once per five (5) lots on the same side of the street.
4. Water and sewer system development fees are due at the time of issuance of a building permit per the fee schedule in place at time of building permit.
5. The applicant will continue to work with Xcel Energy to receive approval of utility access and maintenance as outlined in Attachment 6.”

**Changes to motion:**

1. Stike prior to council review and continue with “applicant will work with Xcel.”
2. a. First Inclusionary Housing unit must receive certificate of occupancy (CO) no later than the sixth market rate unit.

Motion made by Vice-Chair Bomer, Seconded by Commissioner Kriebel. – **8:43 PM**

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Alternate Commissioner Layton, Alternate Commissioner Bush

**MOTION APPROVED 7-0**

**UPDATES – 8:45 PM**

**COMMISSIONERS' COMMENTS – 8:45 PM**

**ADJOURN – 8:48 PM**

Motion made by Commissioner Kriebel, Seconded by Vice-Chair Bomer

**APPROVED BY VOICE VOTE**

**\*\*An alternate can only vote on or make a motion on an agenda item if they are designated as a voting member at the beginning of an agenda item. If there is a vacant seat or a conflict of interest, the Chairman shall designate the alternate that will vote on the matter. If a Voting member shows up late to a meeting, they cannot vote on the agenda item if the alternate has been designated.**





## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Community Development	Carolyn Poissant - Senior Planner	August 6, 2024

### AGENDA ITEM

Ordinance 2024-16: First reading and setting a public hearing on the proposed zoning of High Density Residential (R-3) for the Suesse Annexation.

### BACKGROUND

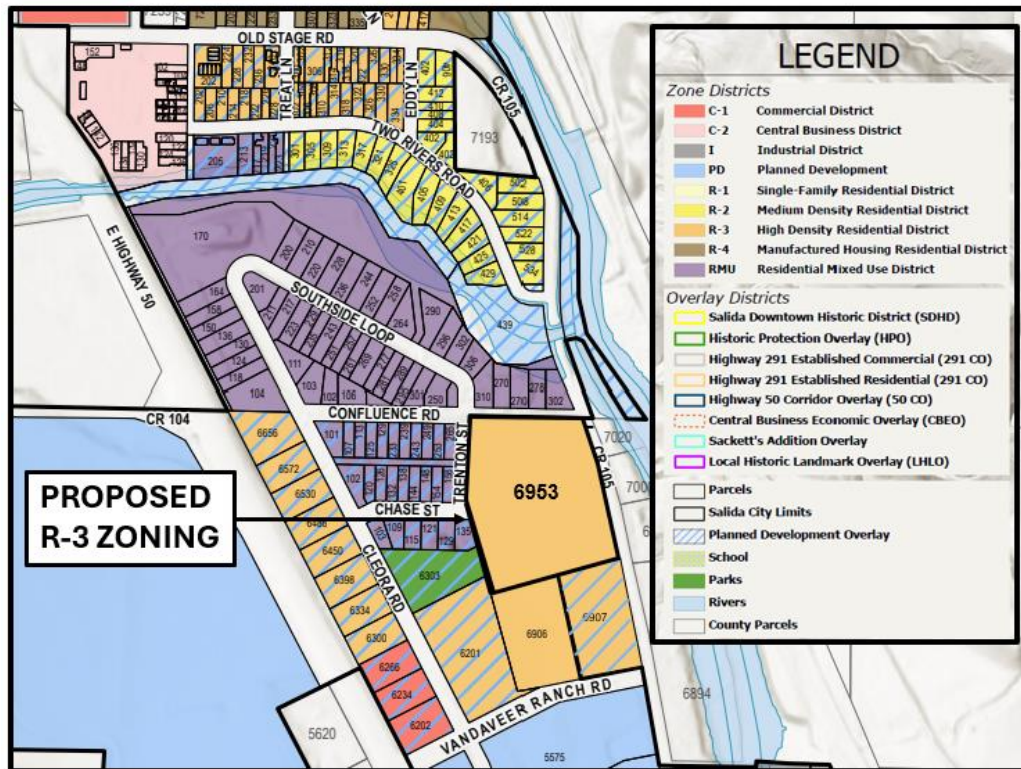
On May 22, 2024, Ned Suesse submitted a complete application to annex the 5.71-acre property located at 6953 County Road 105 plus a 0.27-acre a portion of Confluence Road right-of-way.



**Vicinity Map**

**Surrounding Land Uses and Zoning:** The site is currently zoned RES (Residential Zone District) in Chaffee County. Properties to the east remain in Chaffee County and are zoned RES. Properties to the north and west are within city limits and include the Confluent Subdivision Planned Development Overlay, comprised of a residential mixed-use development (RMU); a 1.24-acre park dedication (P); and Salida Ridge (Low Income Housing Tax Credit) Apartments (R-3). The approved Bike Baker (Flour Mill) annexation and Magpie Apartments zoned R-3 High Density Residential are on the southern boundary.



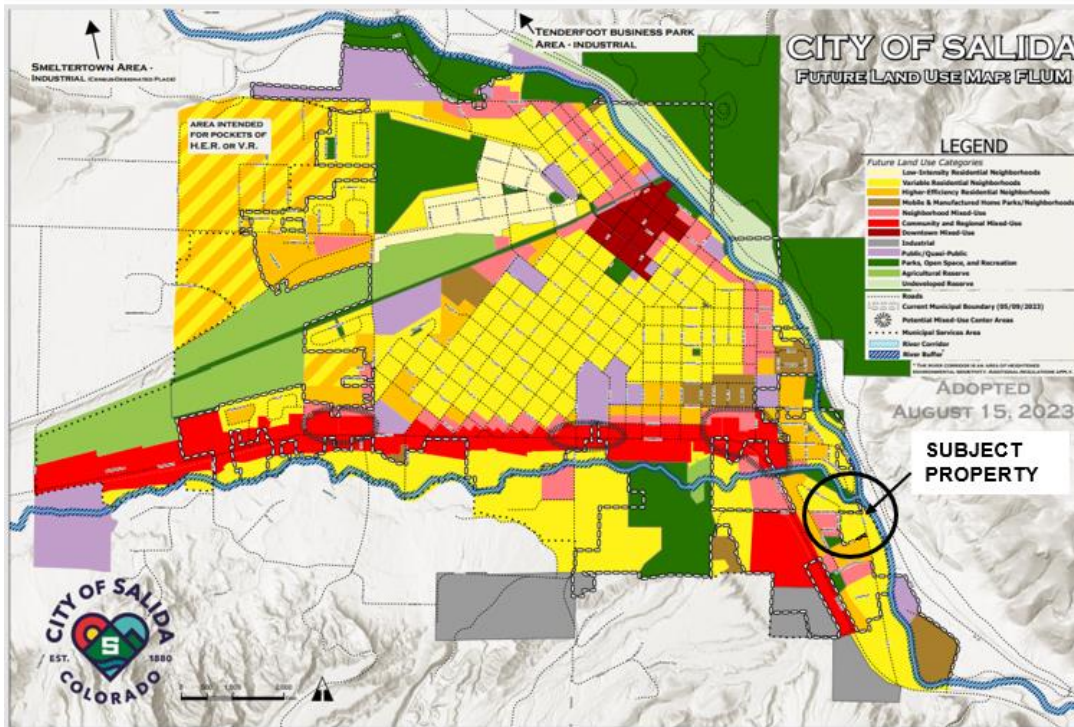


## **REVIEW STANDARDS FOR ZONING MAP AMENDMENTS (Section 16-4-210):**

1. **Consistency with the Comprehensive Plan.** The proposed amendment shall be consistent with the Comprehensive Plan.
  - The Comprehensive Plan indicates:
    - New development shall be within the Municipal Services Area (MSA) and be developed at maximum densities to make the best use of available infrastructure.
      - The proposed annexation lies within the MSA and will accommodate urban densities.
    - Proposals should include connections to pedestrian and bicycle corridors, have sufficient water, and promote innovative and energy efficient design.
      - A proposed 8-foot wide shared-use path is planned to be extended along County Road 105. The exact location and costs have yet to be determined. Additional appropriate public right-of-way improvements (including sidewalks) meeting city standards will be required upon development of the property. City water will be provided when needed and updated electrical / energy code requirements will be in effect.
    - Zoning should continue existing patterns of development.



- Split zoning is not allowed, however, zoning R-3 High-Density Residential would allow for greater density to be applied to a specific the portion of the property, helping to preserve the site's existing historic resources.
- While the Future Land Use Map calls for Variable Residential Neighborhoods, the proposed R-3 designation is generally consistent with the zoning found in the adjacent properties and would continue the surrounding patterns of development.



**FUTURE LAND USE MAP - ADOPTED AUGUST 15, 2023**

- Consistency with Purpose of Zone District.** The proposed amendment shall be consistent with the purpose of the zone district to which the property is to be designated.
  - Per the land use code, the purpose of the R-3 High-Density Residential zone district is to provide for relatively high-density duplex and multi-family residential areas, including primarily triplex, townhouse and apartment uses. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, among other uses.
    - The proposed zoning has the capability for providing relatively high-density residential developments, which are needed to address housing demand and affordability.
- Compatibility with Surrounding Zone Districts and Uses.** The development permitted by the proposed amendment shall be compatible with surrounding zone districts, land uses and neighborhood character.
  - While the underlying zoning of some adjacent properties is R-2, the pattern of townhome-style developments is compatible with the proposed R-3 zoning.



- Existing historic structures on the property are of regional and national significance, including an outbuilding that may be one of the oldest known structures in Chaffee County. The applicant wishes to preserve these historic resources on the property. The R-3 zoning could accommodate a concentration of residential units outside of the southern portion of the property, thus preserving its historic integrity.
- If a future subdivision of the property should occur after an agricultural zone district is established in the Municipal Code, the portion of the property containing agricultural uses may be required to be rezoned.

**4. Changed Conditions or Errors.** The applicant shall demonstrate that conditions affecting the subject parcel or the surrounding neighborhood have changed, or that due to incorrect assumptions or conclusions about the property, one (1) or more errors in the boundaries shown on the Official Zoning Map have occurred.

- The proposed zoning is occurring because of the requirement to zone the property when annexed into the City in accordance with Section 16-4-50 of the Land Use and Development Code.

### **PLANNING COMMISSION RECOMMENDATION:**

A public hearing with the Planning Commission was held on July 9, 2024 and the Commission unanimously (7-0) recommended City Council approve the proposed zoning of the Suesse Annexation property as High Density Residential (R-3) as it meets applicable review standards.

### **FISCAL IMPACT**

No fiscal impact.

### **MOTION**

A City Councilmember should state, "I move to \_\_\_\_\_ Ordinance 2024-16 on first reading and set the second reading and public hearing for August 20, 2024," followed by a second and a roll call and vote.

Attachments: Ordinance 2024-16  
Application materials



**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 16  
SERIES OF 2024**

**AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE SUESSE ANNEXATION AS HIGH DENSITY RESIDENTIAL (R-3) ZONE DISTRICT**

**WHEREAS**, on May 22, 2024, Ned Suesse filed a General Development Application (the "Petition") to commence proceedings to annex to the City of Salida (the "City") a certain unincorporated tract of land comprised of a 5.71-acre parcel located at 6953 County Road 105 and a 0.27-acre portion of Confluence Road right-of-way in the County of Chaffee, State of Colorado (the "Property"), and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

**WHEREAS**, by Ordinance No. 15, Series of 2024 the City of Salida annexed the Suesse Annexation to the City; and;

**WHEREAS**, Petitioner has filed an application to zone the Property within the High Density Residential (R-3) zone district, and on July 9, 2024 the City of Salida Planning Commission considered the zoning application for the Property at a duly noticed public hearing and recommended that the City Council zone it as High Density Residential (R-3); and

**WHEREAS**, as required by the Salida Municipal Code, the public hearing on the zoning application for the Suesse Annexation will be held on August 20, 2024 at a regularly scheduled meeting of the Salida City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, THAT:**

1. The aforementioned recitals are hereby fully incorporated herein.
2. The Property described on Exhibit A is hereby zoned R-3 High Density Residential.
3. Promptly following adoption of this Ordinance, the City Administrator shall cause the terms of this Ordinance to be incorporated into the Official Zoning Map of the City pursuant to Section 16-4-210 of the Salida Municipal Code. The signed original copy of the Zoning Map shall be filed with the City Clerk. The Clerk shall also record a certified copy of this Ordinance with the Chaffee County Clerk and Recorder. The City staff is further directed to comply with all provisions of the Salida Land Use Regulations, SMC §16-1-10, et seq., to implement the provisions of this Ordinance.



**INTRODUCED ON FIRST READING**, on the 6<sup>th</sup> day of August, 2024, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 9<sup>th</sup> day of August, 2024, and set for second reading and public hearing on the 20<sup>th</sup> day of August, 2024.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF SALIDA, COLORADO

\_\_\_\_\_  
Mayor

[SEAL]

ATTEST:

\_\_\_\_\_  
City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and BY TITLE ONLY, after final adoption on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

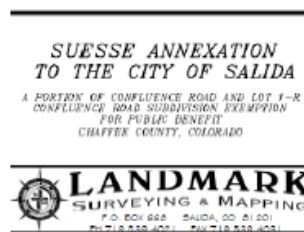
\_\_\_\_\_  
City Clerk/Deputy City Clerk



## EXHIBIT A

ALL THAT TRACT OF LAND LOCATED WITHIN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, ALSO BEING LOT 1-R, "CONFLUENCE ROAD SUBDIVISION EXEMPTION FOR PUBLIC BENEFIT", CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WITNESS CORNER TO THE NORTH QUARTER CORNER OF SAID SECTION 9, BEING MARKED BY A 3 1/4" B.L.M. BRASS CAP, FROM WHENCE THE TRUE NORTH QUARTER CORNER OF SAID SECTION 9 BEARS SOUTH 88°48'25" EAST, A DISTANCE OF 74.51 FEET;  
 THENCE SOUTH 88°48'25" EAST ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 380.68 FEET TO THE WEST RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 105;  
 THENCE SOUTH 25°25'46" EAST, A DISTANCE OF 16.62 FEET TO A POINT OF CURVATURE;  
 THENCE SOUTHERLY A DISTANCE OF 16.89 FEET ALONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 820.00 FEET, A DELTA ANGLE OF 1°10'48", A CHORD LENGTH OF 16.89 FEET AND A CHORD BEARING OF SOUTH 25°05'57" EAST;  
 THENCE CONTINUING SOUTHERLY ALONG SAID ARC A DISTANCE OF 152.25 FEET DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 820.00 FEET, A DELTA ANGLE OF 10°35'15", A CHORD LENGTH OF 152.03 FEET AND A CHORD BEARING OF SOUTH 19°11'24" EAST TO A POINT OF TANGENCY;  
 THENCE SOUTH 13°53'16" EAST, A DISTANCE OF 268.86 FEET;  
 THENCE SOUTH 12°48'58" EAST A DISTANCE OF 60.18 FEET, THIS AND THE PRECEDING 4 COURSES ARE ALONG SAID WEST RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 105;  
 THENCE SOUTH 73°55'54" WEST A DISTANCE OF 466.73 FEET;  
 THENCE NORTH 15°21'10" WEST A DISTANCE OF 343.21 FEET;  
 THENCE NORTH 03°10'18" EAST A DISTANCE OF 300.18 FEET TO THE POINT OF BEGINNING.  
 CONTAINING 5.98 ACRES, MORE OR LESS.





To: Salida City Council  
 RE: Letter of Intent – Annexation of 6953 CR 105

Salida City Council:

My name is Ned Suesse and I own the property located at 6953 CR 105, Salida CO 81201. Attached, you will find an annexation application for my property. The City is requiring this annexation due to a pre-annexation agreement that was executed prior to my purchase of the property. I have no development plans for the property once annexed.

Following are a list of conditions for my annexation that will need to be incorporated into an Annexation Agreement that is approved concurrently with the approval of the annexation.

1. R3 Zoning for the property;
2. No requirement to cost share for any non-contiguous road or bridge improvements;
3. Acknowledgment and documentation of the City's intent to serve my property with utilities;
4. Acknowledgment and documentation of all existing cost recovery agreements and agreement that no cost recovery will be required of improvements made by other parties beyond those specifically referenced in an Annexation Agreement;
5. Expressly allow use of the existing well until failure, after which time the owner shall connect to city water;
6. Existing agricultural uses are allowed to continue and associated structures may remain on the property;
7. Existing structures and a surrounding envelope of 200' or the property boundary, whichever is greater, as pre-existing, non-conforming structures, are exempt from future minimum density calculations; and
8. Acknowledgment that .27 acre Confluence Road dedication was made by the owner free from any compensation.
9. Short term rental permit made available at the time of annexation for the primary residence;

Because I have no current plans for development, the following issues will be tabled until such time that a future owner or myself move forward with a development plan since these items will be based on the requested units and density and subject to the city code requirements at time of development:

1. Dedication of rights-of-way;
2. Dedication of parks and open space;
3. Affordable and inclusionary housing requirements; and
4. Building envelopes and plans.

These items have been discussed with City staff over the course of several years. You will find an application fee included with this application as well as the most recent plat of the property. Feel free to reach out to me with any questions.

Sincerely,



Ned Suesse



"INSERT A"

(Description of territory proposed for annexation)

Lot No. 1

TRIPLE T RANCH MINOR SUBDIVISION

per Plat filed November 30, 2015 at Reception No. 423912

Chaffee County, Colorado

also know by street and number as: 6953 County Road 105, Salida CO 81201



**GENERAL DEVELOPMENT APPLICATION**

448 East First Street, Suite 112

Salida, CO 81201

Phone: 719-539-4555 Fax: 719-539-5271

Email: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)**1. TYPE OF APPLICATION** (Check-off as appropriate)

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Annexation               | <input type="checkbox"/> Administrative Review:<br>(Type) _____                    |
| <input type="checkbox"/> Pre-Annexation Agreement            |  |
| <input type="checkbox"/> Appeal Application (Interpretation) | <input type="checkbox"/> Limited Impact Review:<br>(Type) _____                    |
| <input type="checkbox"/> Certificate of Approval             |  |
| <input type="checkbox"/> Creative Sign Permit                | <input checked="" type="checkbox"/> Major Impact Review:<br>(Type) <u>Rezoning</u> |
| <input type="checkbox"/> Historic Landmark/District          |  |
| <input type="checkbox"/> License to Encroach                 | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Text Amendment to Land Use Code     |  |
| <input type="checkbox"/> Watershed Protection Permit         |  |
| <input type="checkbox"/> Conditional Use                     |  |

**2. GENERAL DATA** (To be completed by the applicant)**A. Applicant Information**

Name of Applicant: NED SUESSE

Mailing Address: 6953 CR 105, SALIDA, CO 81201

Telephone Number: 719-338-4077 FAX: \_\_\_\_\_

Email Address: NED @ NED SUESSE, COM

Power of Attorney/ Authorized Representative: \_\_\_\_\_  
(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)

**B. Site Data**

Name of Development: SUESSE ANNEXATION

Street Address: 6953 CR 105

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_ (attach description)

Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge

Signature of applicant/agent [Signature] Date 5/22/24

Signature of property owner \_\_\_\_\_ Date \_\_\_\_\_





## LIMITED IMPACT & MAJOR IMPACT SUBMITTAL REQUIREMENTS

448 East First Street, Suite 112  
Salida, CO 81201  
Phone: 719-530-2626 Fax: 719-539-5271  
Email: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)

*An application is meant to highlight the requirements and procedures of the Land Use Code. With any development application, it is the responsibility of the applicant to read, understand, and follow all of the provisions of the Land Use Code.*

### 1. PROCEDURE (Section 16-3-80)

**A. Development Process (City Code Section 16-3-50)** Any application for approval of a development permit shall include a written list of information which shall constitute the applicant's development plan, which shall be that information necessary to determine whether the proposed development complies with this Code. The development plan shall include the following, as further specified for each level of review on the pre-application checklist:

1. Pre-Application Conference (Limited Impact and Major Impact Review Applications)
2. Submit Application
3. Staff Review. Staff report or decision forwarded to the applicant (Administrative review)
4. Public Notice
5. Public Hearing with Planning Commission (Limited Impact and Major Impact Review Applications)
6. Public Notice
7. Hearing Conducted by City Council (Major Impact Review)

### ☒ **B. Application Contents (City Code Section 16-3-50)**

- ☒ 1. A General Development Application
- ☒ 2. A copy of a current survey or the duly approved and recorded subdivision plat covering the subject lots where the proposal is for development on previously subdivided or platted lots;
- ☒ 3. A brief written description of the proposed development signed by the applicant;
- ☐ 4. Special Fee and Cost Reimbursement Agreement completed. *\*major impact only*
- ☒ 5. Public Notice.
  - a) List. A list shall be submitted by the applicant to the city of adjoining property owners' names and addresses. A property owner is considered adjoining if it is within 175 feet of the subject property regardless of public ways. The list shall be created using the current Chaffee County tax records.
  - b) Postage Paid Envelopes. Each name on the list shall be written on a postage-paid envelope. Postage is required for up to one ounce. Return Address shall be: City of Salida, 448 E. First Street, Suite 112, Salida, CO 81201.
  - c) Applicant is responsible for posting the property and submittal of proof of posting the public notice.



☐ 6. Developments involving construction shall provide the following information:

(i) A development plan map, at a scale of one (1) inch equals fifty (50) feet or larger with title, date, north arrow and scale on a minimum sheet size of eight and one-half (8½) inches by eleven (11) inches, which depicts the area within the boundaries of the subject lot, including:

- a. The locations of existing and proposed land uses, the number of dwelling units and the square footage of building space devoted to each use;
- b. The location and dimensions, including building heights, of all existing and proposed Buildings or structures and setbacks from lot lines or building envelopes where exact dimensions are not available;
- c. Parking spaces;
- d. Utility distribution systems, utility lines, and utility easements;
- e. Drainage improvements and drainage easements;
- f. Roads, alleys, curbs, curb cuts and other access improvements;
- g. Any other improvements;
- h. Any proposed reservations or dedications of public right-of-way, easements or other public lands, and
- i. Existing topography and any proposed changes in topography, using five-foot contour intervals or ten-foot contour intervals in rugged topography.

(ii) 24" x 36" paper prints certified by a licensed engineer and drawn to meet City specifications to depict the following:

- a. Utility plans for water, sanitary sewer, storm sewer, electric, gas and telephone lines;
- b. Plans and profiles for sanitary and storm sewers; and
- c. Profiles for municipal water lines; and
- d. Street plans and profiles.

(iii) Developments in the major impact review procedure shall provide a development plan map on paper prints of twenty-four (24) inches by thirty-six (36) inches, with north arrow and scale, and with title and date in lower right corner, at a scale of one (1) inch equals fifty (50) feet or larger which depicts the area within the boundaries of the subject lots and including those items in Section 16-3-40(a)(3).

☒ 7. Any request for zoning action, including review criteria for a requested conditional use (Sec. 16-4-190) or zoning variance (Sec. 16-4-180);



- ☐ 8. Any subdivision request including a plat meeting the requirements of Section 16-6-110;
- ☐ 9. Any other information which the Administrator determines is necessary to determine whether the proposed development complies with this Code, including but not limited to the following:

(i) A tabular summary of the development proposal, which identifies the total proposed development area in acres, with a breakdown of the percentages and amounts devoted to specific land uses; total number and type of proposed residential units; total number of square feet of proposed nonresidential space; number of proposed lots; and sufficient information to demonstrate that the plat conforms with all applicable dimensional standards and off-street parking requirements.

(ii) A description of those soil characteristics of the site which would have a significant influence on the proposed use of the land, with supporting soil maps, soil logs and classifications sufficient to enable evaluation of soil suitability for development purposes. Data furnished by the USDA Natural Resource Conservation Service or a licensed engineer shall be used. The data shall include the shrink/swell potential of the soils, the groundwater levels and the resulting foundation requirements. Additional data may be required by the City if deemed to be warranted due to unusual site conditions.

(iii) A report on the geologic characteristics of the area, including any potential natural or man-made hazards which would have a significant influence on the proposed use of the land, including but not limited to hazards from steep or unstable slopes, rockfall, faults, ground subsidence or radiation, a determination of what effect such factors would have, and proposed corrective or protective measures.

(iv) Engineering specifications for any improvements.

(v) A plan for erosion and sediment control, stabilization and revegetation.

(vi) A traffic analysis prepared by a qualified expert, including projections of traffic volumes to be generated by the development and traffic flow patterns, to determine the impacts of a proposed development on surrounding City streets and to evaluate the need for road improvements to be made.

(vii) A storm drainage analysis consisting of the following:

(a) A layout map (which may be combined with the topographic map) showing the method of moving storm sewer water through the subdivision shall be provided. The map shall also show runoff concentrations in acres of drainage area on each street entering each intersection. Flow arrows shall clearly show the complete runoff flow pattern at each intersection. The location, size and grades of culverts, drain inlets and storm drainage sewers shall be shown, as applicable.

(b) The applicant shall demonstrate the adequacy of drainage outlets by plan, cross-section and/or notes and explain how diverted stormwater will be handled after it leaves the subdivision. Details for ditches and culverts shall be submitted, as applicable.

(c) The projected quantity of stormwater entering the subdivision naturally from areas outside of subdivision and the quantities of flow at each pickup point shall be calculated.

(viii) Evidence of adequate water supply and sanitary sewer service - Data addressing the population planned to occupy the proposed subdivision and future development phases and other developments that may need to be served by extensions of the proposed water supply and sewage disposal systems. The resulting domestic, irrigation and fire flow demands shall be expressed in terms of gallons of



water needed on an average day and at peak time, and the resulting amounts of sewage to be treated shall be expressed in gallons per day.

(ix) An analysis shall be submitted addressing how water for domestic use and for fire flows is to be provided, along with the collection and treatment of sewage generated by the property to be subdivided.

(x) A statement shall be submitted addressing the quantity, quality and availability of any water that is attached to the land.

(xi) A preliminary estimate of the cost of all required public improvements, tentative development schedule (with development phases identified), proposed or existing covenants and proposed maintenance and performance guarantees. The applicant shall submit, at least in summary or outline form, any agreements as may be required by Section 16-2-70, relating to improvements and dedications.

(xii) If intending to use solar design in the development, include a description of the steps that have been taken to protect and enhance the use of solar energy in the proposed subdivision. This shall include how the streets and lots have been laid out and how the buildings will be sited to enhance solar energy usage.

(xiii) If applicable, a report shall be submitted identifying the location of the one-hundred-year floodplain and the drainageways near or affecting the property being subdivided. If any portion of a one-hundred-year floodplain is located on the property, the applicant shall also identify the floodway and floodway fringe area. The applicant shall also describe the steps that will be taken to ensure that development locating in the floodway fringe area is accomplished in a manner which meets Federal Insurance Administration standards.

(xiv) If applicable, a report shall be submitted on the location of wetlands, as defined by the U.S. Army Corp of Engineers, on or affecting the property being subdivided. The report shall outline the development techniques planned to ensure compliance with federal, state and local regulations.

(xv) A landscape plan, meeting the specifications of Section 16-8-90.

(xvi) If applicable, a description of how the proposal will comply with the standards of any of the overlays.

(xvii) A site plan for parks, trails and/or open space meeting the requirements of Section 16-6-110 below. If an alternate site dedication or fee in lieu of dedication is proposed, detailed information about the proposal shall be submitted.

(xviii) All development and subdivision naming shall be subject to approval by the City. No development or subdivision name shall be used which will duplicate or be confused with the name of any existing street or development in the City or the County;

☐ 10. An access permit from the Colorado Department of Transportation; and

☐ 11. A plan for locations and specifications of street lights, signs and traffic control devices.



## 2. REVIEW STANDARDS (If necessary, attach additional sheets)

The application for Limited or Major Impact Review shall comply with the following standards.

1. **Consistency with Comprehensive Plan.** The use shall be consistent with the City's Comprehensive Plan.

THE ZONING IS IN RESPONSE TO CITY REQUEST, SO  
I ASSUME IT IS CONSISTENT

2. **Conformance to Code.** The use shall conform to all other applicable provisions of this Land Use Code, including, but not limited to:

- a. **Zoning District Standards.** The purpose of the zone district in which it is located, the dimensional standards of that zone district, and any standards applicable to the particular use, all as specified in Article 5, Use and Dimensional Standards.

PER CITY REQUEST

- b. **Site Development Standards.** The parking, landscaping, sign and improvements standards.

NO DEVELOPMENT OR CHANGE

3. **Use Appropriate and Compatible.** The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses, or enhance the mixture of complementary uses and activities in the immediate vicinity.

NO CHANGE OR DEVELOPMENT



4. **Nuisance.** The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and similar conditions.

NO DEVELOPMENT OR CHANGE

5. **Facilities.** There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

NO DEVELOPMENT OR CHANGE

6. **Environment.** The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

NO DEVELOPMENT OR CHANGE