



CITY COUNCIL REGULAR MEETING

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

April 06, 2021 - 6:00 PM

AGENDA

Please register for Regular City Council Meeting

<https://attendee.gotowebinar.com/register/6382995264411204366>

After registering, you will receive a confirmation email containing information about joining the webinar.

To watch live meetings: https://c.streamhoster.com/embed/media/W6sdC9/xAllQfSsmm0/vpfQhcsApYv_5?preview=1

CALL TO ORDER

1. Civility Invocation

Pledge of Allegiance

Roll Call

Civility Invocation

CONSENT AGENDA

2. Approve Agenda

3. Approve March 16, 2021 Meeting Minutes

CITIZEN COMMENT—Three (3) Minute Time Limit

MARIJUANA LICENSING AUTHORITY

4. A Hearing to review a location change application from PG Retail I, LLC, dba Nature's Medicine, **PUBLIC HEARING**

UNFINISHED BUSINESS / ACTION ITEMS

5. **Ordinance 2021-03** AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO APPROVING A MAJOR IMPACT REVIEW FOR A 1.72 ACRE PARCEL LOCATED WEST OF HOLMAN AVENUE AND LEGALLY KNOWN AS LOT 2 OF THE AMBROSE SUBDIVISION, CURRENTLY ZONED R-2, TO PLACE A PLANNED DEVELOPMENT OVERLAY ON THE PROPERTY, AND APPROVE THE DEVELOPMENT PLAN AND 7-LOT MAJOR SUBDIVISION FOR HOLMAN COURT, **SECOND READING AND PUBLIC HEARING**

NEW BUSINESS / ACTION ITEMS

6. Community Grants Recommendation – City of Salida Donor Advised Fund – Chaffee County Community Foundation

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.

7. **Resolution 2021-08** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO APPROVING AND ADOPTING THE SALIDA CITY COUNCIL HANDBOOK, AND REPLACING THE SALIDA CITY COUNCIL MEETING RULES OF PROCEDURE
8. **Ordinance 2021-04** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING THE TRANSFER AND CONVEYANCE OF REAL PROPERTY, LOCATED AT THE INTERSECTION OF M STREET AND W. THIRD STREET, FROM THE CITY OF SALIDA TO THE CHAFFEE HOUSING TRUST, AUTHORIZING THE EXECUTION OF CERTAIN AGREEMENTS FOR SAID SALE, AND REPLACING AND SUPERCEDING ORDINANCE 2020-13, **FIRST READING AND SETTING A PUBLIC HEARING**
9. **Ordinance 2021-05** 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 UPCHURCH ANNEXATION, **FIRST READING AND SETTING A PUBLIC HEARING**
10. **Ordinance 2021-06** AN ORDINANCE OF THE CITY OF SALIDA, COLORADO ZONING CERTAIN REAL PROPERTY KNOWN AS THE UPCHURCH ANNEXATION AS MEDIUM-DENSITY RESIDENTIAL (R-2) ZONE DISTRICT, **FIRST READING AND SETTING A PUBLIC HEARING**
11. Declaration of Extension of State of Local Emergency – Covid-19 Action Plan Implementation

COUNCILORS, MAYOR AND CITY TREASURER REPORTS

Council Reports

- Critelli, Kasper, Pappenfort, Pollock, Shore, Templeton

Mayor Report

12. Current Mountain Pact Activities

Treasurer Report

Attorney Report

ADJOURN



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City Clerk | Deputy City Clerk

Mayor P.T. Wood

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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 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

March 16, 2021 - 6:00 PM

MINUTES

CALL TO ORDER

Pledge of Allegiance

Roll Call

PRESENT

Council Member Alisa Pappenfort

Council Member Dan Shore

Council Member Harald Kasper

Council Member Jane Templeton

Council Member Justin Critelli

Council Member Mike Pollock

Mayor PT Wood

ABSENT

Treasurer Merrell Bergin

Civility Invocation

CONSENT AGENDA

Council Member Critelli moved to combine and approve the items on the Consent Agenda, Seconded by Council Member Pappenfort.

Council Member Pappenfort moved to remove the Building Permit/Fire Review Fee Waivers for Affordable Housing Units from the Consent Agenda and address it before Citizen Comment, Seconded by Council Member Shore.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

THE MOTION PASSED.

Returning to the original motion as amended,

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.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

THE MOTION PASSED.

2. Approve Agenda
3. Approve February 16, 2021 Meeting Minutes
4. Approve a Memorandum of Understanding with Peak to Peak Pickleball Club
5. Transfer of Entitlements - Harriet Alexander Field

Approve a Building Permit/Fire Review Fee Waivers for AH Units

Returning to the Building Permit/Fire Review Fee Waivers for Affordable Housing Units. Pollock expressed his desire to remove the one hundred dollar Fire Review fee for Affordable Housing projects. Critelli asked Pollock if he would like any Fire Review Fee waived for Affordable Housing and Pollock confirmed. Shore felt that any fees waived should be across the board and not for a single project or developer. Further, he conveyed that a policy should be put in place in regards to the issue of fairness. Wood asked City Administrator Nelson to bring the discussion back to Council for a consistent policy.

Council Member Critelli moved to waive the one hundred dollar Fire Review Fee for the Chaffee Housing Trust's project, Seconded by Council Member Pappenfort.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

THE MOTION PASSED.

CITIZEN COMMENT—Three (3) Minute Time Limit

Adam Martinez Email was entered into the Public Record.

UNFINISHED BUSINESS / ACTION ITEMS

There was no Unfinished Business.

NEW BUSINESS / ACTION ITEMS

6. **Designation of April as Child Abuse Prevention Month**

Monica Haskell spoke on behalf of the Family and Youth Initiative (FYI) and asked Council to designate April as Child Abuse Prevention Month.

Council Member Shore moved to designate April as Child Abuse Prevention Month and to authorize the installation of a blue ribbon on Tenderfoot Mountain and blue pinwheels at the Touber Building, Seconded by Council Member Templeton.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

THE MOTION PASSED.

7. **Resolution 2021-06 A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO CONTINUING THE TEMPORARY SUSPENSION OF WATER AND WASTEWATER LATE FEES, DELINQUENT CHARGES AND TERMINATION SHUT-OFF FEES AND TERMINATION OF SERVICE DUE TO NON-PAYMENT**

Council Member Shore moved to approve Resolution 2021-06, Seconded by Council Member Pappenfort.

Council Member Pappenfort moved to amend the resolution to apply to shut-offs “by the City for repair”, replacing the language “by the City necessary for repair”, Seconded by Council Member Templeton.

Returning to the original motion as amended.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

THE MOTION PASSED.

8. **Resolution 2021-07 A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO ADOPTING THE US-50 AND CO-291 INTERSECTION CONTROL EVALUATION STUDY PREPARED IN PARTNERSHIP WITH THE COLORADO DEPARTMENT OF TRANSPORTATION AND THE CITY OF SALIDA**

Council Member Critelli moved to approve Resolution 2021-07, Seconded by Council Member Kasper.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

THE MOTION PASSED.

9. **Resolution 2021-08** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING CITIZEN APPOINTMENTS TO THE HARRIET ALEXANDER FIELD – SALIDA AIRPORT ADVISORY BOARD

Council Member Shore moved to appoint David Unruh as a board member with a term expiring January 1, 2023, Rob Dubin with a term expiring January 1, 2024, Jim Dickson to a term expiring January 1, 2024 and Council Member Critelli as a City Council liaison with a term expiring November 3, 2021, Seconded by Council Member Pappenfort.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

THE MOTION PASSED.

10. **Ordinance 2021-03** AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO APPROVING A MAJOR IMPACT REVIEW FOR A 1.72 ACRE PARCEL LOCATED WEST OF HOLMAN AVENUE AND LEGALLY KNOWN AS LOT 2 OF THE AMBROSE SUBDIVISION, CURRENTLY ZONE R-2, TO PLACE A PLANNED DEVELOPMENT OVERLAY ON THE PROPERTY, AND APPROVE THE DEVELOPMENT PLAN AND 7-LOT MAJOR SUBDIVISION FOR HOLMAN COURT **(FIRST READING AND SETTING OF PUBLIC HEARING)**

Council Member Pappenfort moved to approve Ordinance 2021-03 on first reading and to set a Public Hearing for April 6th, 2021, Seconded by Council Member Shore.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

THE MOTION PASSED.

COUNCILORS, MAYOR AND CITY TREASURER REPORTS

Critelli said he had heard concerns from the community regarding the high speeds on F Street where the Monarch Spur Trail intersects with 7th Street. He wanted discuss options for speed mitigation in the future.

Kasper had nothing to report.

Pappenfort had nothing to report.

Shore noted that he had volunteered at the Chaffee County Fairgrounds to assist with vaccine distribution. He relayed that he found it to be a very efficient process, he had received his first does and recommended that the community continue to volunteer.

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Pollock had nothing to report.

Templeton said that she had attended three training sessions with the Chaffee Housing Trust. She thanked Public Works for the new "Walk your Wheels" campaign. Finally, she wanted to highlight the Energy Smart Program that was recently in the paper. She stated that it would help local homeowners get their homes assessed at a reduced cost.

Wood was impressed with the Skate Park progress. He relayed that shortly the state would open vaccines to the 184 group starting that Thursday, and that the County was performing well at distribution. Additionally, he was scheduled to receive the one-dose Johnson & Johnson vaccine that Friday from the Salida Pharmacy. Finally, he encouraged the community to be patient and kind towards tourists not wearing masks.

City Administrator Nelson shared the Treasurer's Report. The City had an 18.3% increase in taxes, roughly \$95,000 from January of 2020, driven by the retail trade. The City's Fund Balance was up \$4,000,000 due to deferred Capital Projects. Finally, the annual audit was ahead of schedule.

ADJOURN

Adjourned at 7:02 p.m.



City Clerk | Deputy City Clerk

Mayor P.T. Wood

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REQUEST FOR CITY COUNCIL ACTION

Meeting Date: April 6, 2021

ORIGINATING DEPARTMENT: City Clerk's Office	PRESENTED BY: Erin Kelley
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ITEM:

Change Of Location for PG Retail I, LLC dba Nature's Medicine, from 230 W 16th Street, Unit C to 7595 W Highway 50 in Salida, Colorado.

BACKGROUND:

A change of location application was filed with the City Clerk on March 3, 2021. The Notice of Public Hearing was published on March 19th in the Mountain Mail and the premises was posted on March 22, 2021.

All proper fees have been remitted to the City and State of Colorado.

FISCAL NOTE: None anticipated

STAFF RECOMMENDATION:

Staff recommends that the Marijuana Licensing Authority approve a location change for PG Retail I, LLC dba Nature's Medicine conditional upon an inspection by both the police and fire departments upon receipt of a Certificate of Occupancy for the new location.

SUGGESTED MOTIONS:

Following a public hearing on the matter, a Licensing Authority member should make a motion to "approve a location change for PG RETAIL I, LLC dba NATURE'S MEDICINE from 230 W 16th Street, Unit C to 7595 W Highway 50, conditional upon an inspection of the premises by Police and Fire personnel upon receipt of a Certificate of Occupancy for the structure", followed by a second and a roll call vote.

March 31, 2021

Salida City Council,

PG Retail I, LLC has applied to move the location of Natures Medicine, a retail marijuana dispensary. Natures Medicine is currently located at 230 W 16th Street and the proposed location is at 7595 Hwy 50. The location satisfies the City of Salida requirements including zoning and distance requirements. The purpose of the move is that we believe the Highway 50 location is a better location for a retail marijuana dispensary due to the location's visibility from the highway, accessibility from the highway and the fact that the proposed location is in an area with multiple other business that are complimentary to a retail marijuana dispensary. Those businesses include a restaurant, a bowling alley and a liquor store. Additionally, the new location has an abundance of parking, does not have a shared entrance with other businesses, and is located further from residences than the current location. We will be happy to answer any specific questions regarding the change of location that the Council may have.



Michael Scott
HR Director & General Counsel
mScott@puregreens.com
(w) 719.362.1026
(c) 303.514.2729

STATE OF COLORADO DEPARTMENT OF REVENUE



Marijuana Enforcement Division



Regulated Marijuana Conditional License

PG RETAIL I, LLC

NATURE'S MEDICINE

230 West 16th Street, Unit C, Salida, CO 81201

Retail Marijuana Store - 402R-00241

License Issue Date: 05/02/2021

License Valid Through: 05/02/2022

This license is conditioned upon Local Authority approval, pursuant to section 44-10-305 C.R.S.

This conditional license is issued subject to the laws of the State of Colorado and especially under the provisions of Title 44, Article 10, as amended. This conditional license is nontransferable and shall be conspicuously posted in the place above described.

This conditional license is only valid through the expiration date shown above. Any questions concerning this conditional license should be addressed to: Colorado Marijuana Enforcement Division, 1707 Cole Blvd., Suite 300, Lakewood, CO 80401. In testimony whereof, I have hereunto set my hand.

James Burack, Division Director

Mark Ferrandino, Executive Director

License Expires March 19, 2022 ; Renew 45 Days Prior to Expiration

LICENSE FEE \$1000.00

LICENSE #402R-00241



STATE OF COLORADO
CITY OF SALIDA
BY AUTHORITY OF THE CITY COUNCIL
RETAIL MARIJUANA LICENSING

FOR A RETAIL MARIJUANA LICENSE TO SELL AT A RETAIL STORE

This is to Certify that PG RETAIL I, LLC dba NATURES MEDICINE of the State of Colorado, having applied for a License to sell RETAIL MARIJUANA at 230 WEST 16TH STREET, UNIT C, in the City of Salida, Colorado for a period beginning on the 19th day of MARCH, 2021, and ending on the 19th day of MARCH, 2022, unless this License is revoked sooner as provided by Law. This License is issued subject to the Laws of the State of Colorado, and especially under the provisions of Article 12-301 of Title 44, Colorado Revised Statutes, as amended and the Ordinances of the City of Salida, insofar as the same may be applicable.

IN TESTIMONY WHEREOF, the City Council has hereunto subscribed its name by its officers duly authorized this 1st day of February, 2021.

THE CITY COUNCIL OF SALIDA, COLORADO

By: *Erin Kelley*
City Clerk

By: *[Signature]*
City Administrator

TO BE POSTED IN A CONSPICUOUS PLACE



Change of Use Notification

Please complete this form if you plan to change the use or establish a new use in a building which you own, rent, or lease. Neither the use of or the uses upon any land nor the use of or the uses within any structure shall be changed until a permit for such change of use has been issued by the Chaffee County Building Department.

Application Materials: Warranty Deed Floor Plans Showing Old and New Uses Site Plan

Which Municipality is the business property located in: Chaffee County Salida
Buena Vista Poncha Springs

Each municipality has different requirements for changes of use and must signoff on this application. Please see reverse side of this application for additional requirements and fees. If you are changing the footprint or doing any construction please fill out a **Building Permit** instead of this application.

1. Applicant Name: PG Retail I, LLC
2. Address of the Property: 7595 West Highway 50, Salida, CO 81201
3. Applicant Mailing Address: 7800 County Road 152, Salida, CO 81201 Phone 719-362-1024
4. Please describe the **existing use**: Space is vacant, has been used as retail space (restuarants, medical supply sto in the past
5. Please describe the **proposed new use** of the building: Retail Cannabis Dispensary

6. Are you planning any new signage? Yes No If Yes, it is the applicant's responsibility to obtain and comply with the municipalities sign requirements before installing a sign.

Applicant Signature: [Signature] Date: 3/3/2021
 Owner's Signature: [Signature] Date: 3/3/2021

To be completed by Staff

Building Department: Change of Use Yes No New Building Classification: _____

Fee: _____ Permit #: _____ Date issued: _____ Computer #: _____

Building Comments: _____

Building Official signoff: _____ Date: _____

Municipality Zone District: _____ Conforming Use: Yes No

Fee: _____ Check #: _____ Permit Number: _____ Receipt #: _____

Comments: _____

Zoning Official Signoff: _____

Fire Department

Fire Inspection Signoff: _____ Date Approved: _____

Fee: _____ Check #: _____

Comments: _____

Municipality Requirements



Please contact any available Plan Review personnel at 719-539-2124. For this exchange of information there will be no fee charged. If it is determined that a change of use will occur further details and planning may be needed to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG), State Statutes and/or local building codes.



Contact Community Development Department at (719)530-2626 or email planning@cityofsalida.com
Change of Use Fee: 20% of the Building Department fee or a \$50 minimum.
Please Make Checks Payable to the City of Salida
All businesses shall apply to the State for their Sales Tax License



Contact: (719)581-1025 or email bvplanning@buenavistaco.gov All businesses must have a Town of Business address to do Business in the Town

Town of Poncha Springs

"The Crossroads of the Rockies"



Contact: Phone (719) 539-6882

Fee: No Fee for Change of Use within Poncha Springs Town limits.
NOTE: Applicants must complete and submit a Change of Use Application and Site Plan to the Town Planner, and request to be scheduled on the Agenda for the Trustees Agenda for application review before engaging in business activities.
All businesses must have a State Sales Tax License



ADMINSTRATIVE REVIEW & ADMINISTRATIVE CONDITIONAL USE APPLICATION FORM

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

A. GENERAL DATA (To be completed by the applicant)

A. Applicant Information

Name of Applicant: PG Retail I, LLC

Mailing Address: 7800 County Road 152, Salida, CO 81201

Telephone Number: 719-362-1024 Email Address: gcraig@puregreens.com

B. Code Information

Code Section Requesting Administrative Approval From: Marijuana Code, Chapter 6 Article 3

C. Site Data

Street Address: 7595 West Highway 50, Salida, CO 81201

Zone District: Commercial C1 Overlay District: Hwy 50 Corridor Overlay

B. DEVELOPMENT PROCESS (City Code Section 16-3-60)

- 1. Pre-Application Conference. Optional.
2. Submit Application.
3. Staff Review.

C. APPLICATION CONTENTS (City Code Section 16-3-70)

- 1. General Development Application
2. Administrative Review Application
3. Development Plan. A conceptual plan of the proposed development which may be a freehand drawing of the proposed development showing existing and proposed features, buildings, roads, alleys, utilities, etc. which are relevant to the review of the application.
4. Proof of Ownership. Proof of ownership of the land proposed for development.
5. Other Information. Staff may request additional information as deemed necessary to evaluate the impacts of the application.
6. Application Fee \$, cash or check made out to City of Salida.

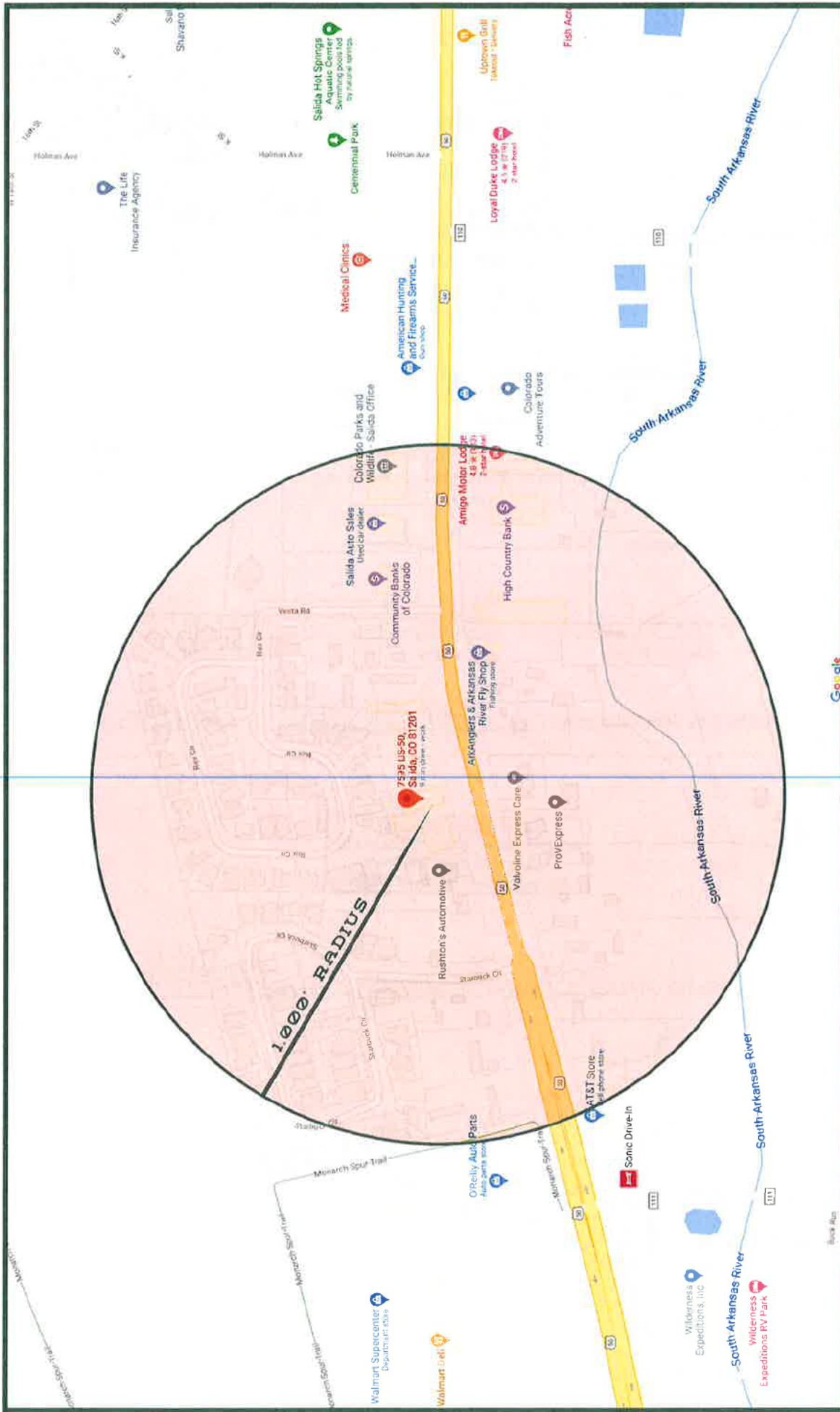
D. DESCRIPTION OF PROPOSAL (If necessary, attach additional sheets)

1. Written statement. Describe how you meet the standards of the code section:

This location meets the zoning requirements for a marijuana dispensary according to Sec. 16-4-190(k):

1. The location is permanent and fixed.
2. The location is not within 1000 feet of any other dispensary
3. The location is not within 1000 feet of a school

Included in this application is a map demonstrating a 1000 foot radius of the location, an ownership affidavit permitting this use and the lease.



Compliance

PG RETAIL I LLC
Distance Compliance Diagram

1,000 Compliance Radius

ADDRESS: 7595 West Highway 50
Salida | CO | 81201

LICENSE #: 402R-00241

There are no schools or other dispensaries within 1,000 feet of proposed location



448 East 1st Street, Suite 112
SALIDA, CO 81201

PHONE 719-539-4555
FAX 719-539-5271

**PUBLIC NOTICE
PURSUANT TO THE MARIJUANA LAWS
OF COLORADO**

Pursuant to the Marijuana Laws of the State of Colorado, PG Retail I, LLC dba Nature’s Medicine, has requested the Local Licensing Authority of the City of Salida, Colorado to grant a change of location from 230 W 16th Street Unit C, to 7595 W Highway 50 Salida, CO 81201.

A hearing on the application received April 6, 2021 will be held before the Local Licensing Authority of the City of Salida, Colorado at the hour of 6:00 p.m., or as soon thereafter as may be heard, on Tuesday, April 6, 2021, remotely through the GoToWebinar application via the following direct link: <https://attendee.gotowebinar.com/register/6382995264411204366>

At said time and place, any interested persons may appear to be heard for or against the granting of said license.

Additionally, depending on which “Tier” of its COVID-19 Action Plan the City of Salida is in on April 6, 2021, based upon Public Health Department guidance, the hearing may also take place in the City Council Chambers, 448 East 1st Street, Salida, Colorado.

LOCAL LICENSING AUTHORITY


Erin Kelley, City Clerk

Premises Posted: March 25, 2021
Publish in Mountain Mail: March 19, 2021

Item 4.

CAL SYSTEMS, \$3,050.00; TOTAL OFFICE SOLUTIONS, \$165.81; TRILLIUM HOLDCO, LLC, \$2,822.04; U.S. BANK, \$53,829.41; UPPER ARK VALLEY FOP #43, \$1,625.00; VENES, REBECCA, \$30.00; VERIZON WIRELESS, \$6,499.35; WALMART COMMUNITY BRC, \$401.34; WASTE MANAGEMENT, \$927.28; WELCH, JENNIFER, \$750.00; WOOD GROUP PLC, \$5,678.50; WORLD FUEL SERVICES INC., \$7,054.33; YOUNG INNOVATIONS, \$1,413.94;

\$1,360,418.18

GREGORY W. FELT, CHAIRMAN

Published in The Mountain Mail March 19, 2021

**PUBLIC NOTICE
PURSUANT TO THE MARIJUANA LAWS
OF COLORADO**

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LOCAL LICENSING AUTHORITY

Erin Kelley, City Clerk

Premises Posted: March 25, 2021

Published in The Mountain Mail March 19,

**PUBLIC NOTICE
Vendor Publication Report
City of Salida, CO
Payment Date Range:
02/01/2021 - 02/28/2021**

Vendor Name, Total Payments

4 Rivers Holdings, LLC, 2204.10; ACA Products, Inc., 1877.03; Accent USA, Inc., 730.00; Agricultural Services, Inc., 494.00; Amazon Capital Services, Inc., 423.45; American Health Holding, Inc., 10.55; American Red Cross, 80.00; Amilia Technologies USA Inc., 537.87; Arkansas Valley Publishing Company, 723.36; Atmos Energy Corporation, 412.41; Auto Chlor System of Colorado, 125.00; Automatic Data Processing, Inc, 3065.56; AutoZone, 781.84; Avalanche Excavating, Inc., 48343.30; Axon Enterprise, Inc, 12342.00; Badger Meter Inc, 13101.74; Ben Hall, 125.00; BoundTree Medical, 586.55; Brandon Waugh, 4286.43; Broadcast Music, Inc, 194.60; Business Solutions Leasing, 1371.00; C.S. Collins Inc., 204.54; Caleb Carr, 53.00; Capital One Public Funding, LLC, 7427.00; Carol Babcock, 175.00; Calico Partnership, 780.56; CenturyLink, 1433.13; Cesare, Inc, 3089.20; Chaffee County Commissioners, 17720.56; Chaffee County Sheriff's Office, 4947.50; Chaffee County Telecom, LLC, 1930.38; Charter Communications Holdings, LLC, 263.22; Chelf Lumber Co, Inc., 33.14; Cheryl Hardy-Moore, 1700.00; Chris Dwyer, 106.00; Cintas Corporation No. 2, 492.33; City of Salida, 2891.47; Clarion Associates LLC, 1700.00; Clear Advantage Glass, LLC, 693.25; Colonial Life, 325.04; Colorado Communities for Climate Action, 5000.00; Colorado Department of Revenue, 50.00; Colorado Department of Transportation, 7224.38; Colorado Division of Fire Prevention and Control, 20.00; Colorado Employer Benefit Trust, 101170.20; Colorado Firefighter Heart and Cancer Benefits Trust, 163.65; Colorado Intergovernmental Risk Sharing Agency, 979.50; Communications and Electronic Solutions Inc, 60.00; Consolidated Communications Network of Colorado, 100.00; Crabtree Group, Inc., 600.00; Crawford Auto Parts Inc., 503.98; Cummins Inc., 1125.00; Dan Ogden

SGS North America Inc, 1873.54; Share Corporation, 316.59; Sibyl Teague, 368.00; Simplifile, LC, 97.00; Slate Communications, 4750.00; Sol Haven Development Partners, LLC, 2502.01; Southeastern Colorado Water Conservancy District, 659.72; Staples Contract & Commercial Inc, 1298.57; Stryker Sales Corporation, 29.44; Sydney Schieren, 4138.75; Tammy Michelle Kavanagh, 104.00; Ted D Miller Associates, Inc, 572.00; The Lincoln National Life Insurance Company, 7491.75; The Sherwin-Williams Co., 313.54; Trillium HoldCo LLC, 4845.13; Two Red Bikes LLC, 580.75; Uline Inc., 27.00; US Postmaster, 1238.32; USA Blue Book, 445.55; Utility Notification Center of Colorado, 92.40; Vermeer Sales & Services of Colo, Inc., 464.55; VISA, 4410.93; Walmart Community Commercial Credit, 948.23; Waste Management of Colorado, Inc., 626.84; Wear Parts & Equip Co., Inc., 286.62; Western Slope Fire & Safety Inc, 320.00; Winsupply of Salida, 22.35; Witmer Public Safety Group, Inc., 486.58; Y & K Excavation, Inc., 14895.00;

\$962,917.66

Payroll Expenditure: February 2021,

\$417,579.92

Total February Expenditures: \$1,380,497.58
Published in The Mountain Mail March 19, 2021

PUBLIC NOTICE

County Court
Chaffee County, Colorado
Court Address: 142 Crestone Ave.,
Salida, CO 81201

**In the Matter of the Petition of:
Zachary Evan Dunlop
Adult**

**For a Change of Name to:
Zachary Evan Dunasta**

Case Number: 21C16
Division Courtroom

**PUBLIC NOTICE OF PETITION FOR
CHANGE OF NAME**

Public Notice is given on March 19, 2021 that a Petition for a Change of Name or an Adult has been filed with the Chaffee County Court. The Petition requests that the name of Zachary Evan Dunlop be changed to Zachary



Item 4.



COMMERCIAL LEASE

THIS LEASE, is made and entered into this 25 day of February, 2021 by and between Girasoles Inc., as Landlord, and PG Retail I, LLC, as Tenant;

1. Premises. In consideration of the payment of the rent hereinafter provided for and the keeping and performance of the covenants and agreements of the Tenant hereinafter set forth, the Landlord hereby leases unto the Tenant the South Eastern One Thousand Eight Hundred (1800) sq. ft. of the premises located at 7595 West Highway 50, Salida Colorado 81201, in the City and County of Chaffee, State of Colorado (the "Premises").

2. Term. Tenant may have and hold the Premises with all the appurtenances for a term of five (5) years, commencing at twelve o'clock noon on March 1, 2021, and terminating at twelve o'clock noon on February 28, 2026, unless the term hereby demised shall be sooner terminated as hereinafter provided. Tenant may, at Tenant's sole discretion, renew the Lease term for up to two (2) additional renewal terms of one year each, under the same conditions contained herein, upon written notice to Landlord at least sixty (60) days prior to the expiration of the Term or any renewal Term.

3. Rent. Tenant shall pay to Landlord, as rent for the full term hereunder for the Premises, the sum of [REDACTED] payable in monthly installments on the first day of each month of One [REDACTED] increments each year after that. The term of this lease is sixty (60) months. [See Exhibit A-Rental Installments]. Installments of rent shall be payable in advance and without notice at the office of the Landlord at 7595 W. Highway 50, Salida, CO 81201, or at such other place as Landlord from time to time designates in writing. Notwithstanding the foregoing, the first installment of rent payable hereunder shall be payable by Tenant concurrently with execution of this Lease.

4. Utility Charges. It is agreed that in addition to any other sums to be paid by Tenant, all assessments for water and sewer rents that may be levied against the Premises during the term or continuance of this Lease shall be paid by Tenant and that all charges for electricity, heating, lighting, gas, cleaning, refuse disposal and telephone and internet services to the Premises shall be paid by the Tenant, as the same become due and payable.

5. Injury or Damage. Landlord shall not be responsible to the Tenant for loss of property in or from the Premises, or for any damage done to furniture, fixtures or effects therein, however occurring, nor shall the Landlord be liable for any injury or damage, either proximate or remote, occurring through or caused by any repairs, alterations, or accident occurring in or to the Premises or adjacent premises,

or other parts of the above Premises than herein demised, or by reason of the negligence or default of the owners or occupants thereof, or any other person, nor liable for any injury or damage occasioned by defective electrical wiring or the breakage or stoppage of the plumbing or sewerage upon the Premises or upon adjacent premises, whether such breakage or stoppage results from freezing or otherwise.

6. Inspection. Landlord or its agents shall have the right at any time to enter the Premises to examine the same, or to make such repairs as it may deem necessary or proper for the safety, improvement, or preservation thereof.

7. Alterations. Only upon prior written approval of Landlord, is Tenant authorized to make changes or alterations to the Premises, provided that no change or alteration shall impair the structural soundness or diminish the value of the building on the Premises. All work done in connection with any change or alteration shall be done in a good and workmanlike manner and in material compliance with the building, zoning and other laws, ordinances, rules, orders, regulations and requirements of all federal, state and municipal governments and the appropriate departments, boards and officers thereof.

It is anticipated as part of this Lease that Tenant intends to make the alteration(s) described in Exhibit B attached hereto and made part of this Lease.

8. Fixtures. Any alterations made in the building located on the Premises (the "Building") by the Tenant and any equipment or fixtures built into the Premises by the Tenant shall upon the termination of this Lease be removed from the Premises by Tenant. Any repairs required as a result of such removal shall be paid by Tenant.

9. Use. It is understood and agreed that the primary business to be conducted from the Premises shall be a Retail and/or Medical Marijuana Dispensary and a Hemp and/or CBD retail location. Tenant shall not use the Premises for any other purposes, without the prior written consent of Landlord, which consent may be withheld at the sole discretion of Landlord. Tenant also agrees not to conduct or to permit to be conducted upon the Premises any business or any act which is contrary to or in violation of the laws of the State of Colorado or of any ordinances, regulations, or orders of any municipality or other public authority affecting the Premises.

10. Maintenance and Repair.

- a. Tenant's Obligation to Maintain and Repair. Tenant covenants to maintain, repair, replace and keep all exterior signage, lighting fixtures and HVAC systems, as well as the interior of the Building, and all improvements, fixtures and personal property therein, including, but not limited to, all restrooms, and all plumbing, electrical, HVAC and mechanical systems and fixtures, in good, safe and sanitary condition, order and repair and in accordance with all applicable laws, ordinances, orders, rules and

regulations of governmental authorities having jurisdiction; to pay all costs and expenses in connection therewith, including but not limited to the costs of bringing into and maintaining the Premises in compliance with the Americans with Disabilities Act of 1990, to the extent it applies to Tenants occupying the Premises; and to contract for the same in Tenant's own name. All maintenance and repairs by Tenant shall be done promptly, in a good and workmanlike fashion, and without diminishing the original quality of the Premises.

- b. Landlord's Obligation to Maintain and Repair. So long as Tenant is not in default under the terms of this Lease, Landlord covenants and agrees to maintain and keep the exterior walls and roof of the Building (excluding glass, signage, doors, exterior HVAC systems, and lighting), and the driveways and sidewalks located on the Premises, in good, safe and sanitary condition in accordance with all applicable laws, ordinances, orders, rules and regulations of governmental authorities having jurisdiction.
- c. No Abatement for Repairs. There shall be no allowance to Tenant for a diminution of rental value and no liability on the part of Landlord, by reason or inconvenience, annoyance or injury to, or interruption of business, arising from Landlord, Tenant or others making any repairs, restorations, replacements, alterations, additions or improvements in or to any portion of the Building or the Premises, or in or to fixtures, appurtenances or equipment thereof.

11. Landlord's Services. Landlord has furnished the following utility connections:

- a. Subject to Section 4 above, only electricity, gas, telephone and water connections to the Premises. Tenant is responsible, according to Section 4 above, for payment of all electricity, gas, refuse disposal, telephone and internet charges.

12. Other Covenants of Tenant.

- a. Compliance with Insurance Requirements. Tenant covenants and agrees that nothing shall be done or kept on the Premises which might impair or increase the cost of insurance maintained with respect to the Premises, which might increase the insured risks, or which might result in cancellation of any such insurance.
- b. No Waste or Impairment of Value. Tenant covenants and agrees that nothing shall be done or kept on the Premises which might impair the value of the Premises or which would constitute waste.
- c. Use of Premises. Tenant covenants and agrees to use the Premises for the sale of recreational and medical Marijuana and the sale of Hemp and/or CBD products and

to use the premises in a careful, safe and proper manner and in compliance with the laws of the State of Colorado and the City of Salida.

- d. No Unsightliness. Tenant covenants and agrees that no unsightliness shall be permitted on the Premises, which is visible from any adjacent or nearby property. Without limiting the generality of the foregoing, all unsightly conditions, equipment, objects and conditions shall be kept enclosed within the Premises; no refuse, scrap, debris, garbage, trash, bulk materials, used automobile parts, or waste shall be kept, stored or allowed to accumulate on the Premises except as may be enclosed within the Premises.
- e. Environmental Compliance and Indemnity. Tenant covenants and agrees to conduct its business and operations on and from the Premises in accordance with all federal, state and local environmental laws, regulations, executive orders, ordinances and directives including, but not limited to, the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, Toxic Substances Control Act, and state law counterparts, and any amendments thereto, including, without limitation, the Colorado Hazardous Waste Management Act, C.R.S. § 25-15-101 et seq, and not to cause, suffer or permit any damage or impairment to the health, safety or comfort of any person or to the environment at or on the Premises and surrounding property, including, but not limited to, damage or threatened damage to the soil, surface or ground water resources at the Premises and surrounding property or any condition constituting a nuisance or causing a violation of or resulting in liability under any state, federal or local law, regulation or ordinance. The foregoing obligations of Tenant shall hereinafter collectively be referred to as the "Environmental Obligations." In the event of any violation of, or failure to comply with, any of the Environmental Obligations, Tenant agrees, at its sole cost and expense, promptly to remedy and correct such violation or failure, including all required or appropriate clean up, clean up-related activities and all other appropriate remedial action. Tenant covenants and agrees to protect, indemnify and save Landlord harmless from and against any and all liability, obligations, claims, including administrative claims and claims for injunctive relief, loss, cost, damage, expense or liability, including without limitation, any liability arising under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, plus reasonable attorney fees, incurred by or asserted against Landlord resulting from any failure to comply with the provisions of this Section 12(e). Landlord shall have the right to defend itself in any action, suit or proceeding commenced against Landlord as a result of Tenant's violation of or failure to comply with the provision of this Section 12(e). with attorneys and, as necessary, technical consultants chosen by Landlord, and Tenant agrees to pay to Landlord all reasonable attorney fees, consultant fees, and other costs in connection therewith incurred by Landlord. The provisions of this Section 12(e) shall survive the expiration or termination of this Lease.

- f. Restrictions on Signs. Tenant covenants and agrees that no signs or advertising devices of any nature shall be erected or maintained by or on behalf of Tenant on the Premises unless such shall be (i) in compliance with approved signage requirements of Landlord, (ii) and in compliance with all zoning or other applicable regulations of any governmental body or authority having jurisdiction thereof.
- g. Taxes.
- i. Tenant's Taxes. During the term of this Lease, Tenant shall pay in full, as and when the same become due and payable, all personal and business property taxes levied on or with respect to Tenant's personal property located in or used in connection with the operation of Tenant's business on the Premises.
 - ii. Real Property Taxes. Real property taxes and assessments payable with respect to the Premises for each lease year during the term of this Lease shall be paid by Tenant.
- h. OFAC Compliance. Tenant represents and warrants to Landlord that Tenant is currently in compliance with and shall at all times during the term of this Lease (including any further extensions or renewals) remain in compliance with the regulations of the Office of Foreign Assets Control ("OFAC") of the United States Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List) and any statute, executive order (including the September 24, 2001, Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit or Support Terrorism), or other governmental action relating thereto.

13. Condition of the Premises. The taking of possession of the Premises by the Tenant shall be conclusive evidence as against the Tenant that the Premises were in satisfactory condition when possession of the same was taken. Tenant shall be permitted to make a final walk-through inspection of the Premises prior to it taking possession thereof.

14. Common Areas. Subject to the terms of this Lease, Tenant, and its employees, agents, guests and invitees, shall have a non-exclusive right of ingress and egress to and from the Premises over and across any portion of the Landlord's Adjacent Property.

15. Parking. During the term of this Lease, Landlord shall provide to Tenant that number of parking spaces which are required to be provided with respect to the Premises pursuant to the applicable

zoning regulations of the City of Salida and County of Chaffee, Colorado. Such parking spaces shall be for the non-exclusive use of Tenant and its employees, agents, guests and invitees.

16. Security Deposit. Tenant, at the time of execution of this Lease, shall deposit with Landlord a damage deposit in the [REDACTED] plus the first month's rent of [REDACTED] plus the last month's rent of [REDACTED] [Total Security Deposit is [REDACTED] [REDACTED] as security for the full and faithful performance of every provision of this Lease to be performed by Tenant. If Tenant defaults with respect to any provision of this Lease, including but not limited to the provision related to the payment of rent, Landlord may, if such default is not corrected within five (5) days of written notice to Tenant, use, apply or retain all or any part of this security deposit for the payment of any rent or an any sum in default, or for the payment of any other amount which the Landlord may spend or become obligated to spend by reasons of Tenant's default or to compensate Landlord for any other loss or damage which Landlord may suffer by reason of Tenant's default. If any portion of said deposit is so used or applied, Tenant shall within five (5) days after written demand thereof deposit cash with Landlord in an amount sufficient to restore the security deposit to the original amount and Tenant's failure to do so shall be a material breach of this Lease. Said deposit shall not be considered liquidated damages and if claims of Landlord exceed said deposit, Tenant shall remain liable for the balance of such claims. The Landlord shall not be entitled to interest on such deposit. If Tenant shall fully and faithfully perform every provision of this Lease to be performed by it and if the Premises are clean and in good operating condition, the security deposit or any balance thereof shall be returned to Tenant within sixty (60) days of the expiration of the Lease.

17. Termination. If at any time during the term of this lease, Tenant's license to operate a retail recreational and/or medical Marijuana Dispensary or Hemp and/or CBD retail location, is revoked by any governmental licensing authority, this lease shall immediately terminate and Landlord shall retain the pre-paid security deposit and all other sums paid to Landlord, including all rents paid by Tenant.

18. Condemnation. If the whole or a substantial part of the Premises shall be taken for any public or quasi-public use, under any statute or right of eminent domain or purchase by the governmental authority in lieu of or under threat of any such taking, then when possession shall be taken of the Premises, or any part thereof, the term herein demised and all rights of the Tenant hereunder shall immediately cease and terminate, and the rent shall be adjusted as of the time of such termination.

19. Casualty. If during the continuance of this Lease or the term(s) herein described, the Premises shall be so injured by fire or other casualty not arising from the fault or negligence of the Tenant, or those in its employ, so that the Premises shall thereby be rendered unfit for use or occupation, then and in such case the rent herein reserved or a proportionate part thereof as determined by a written agreement between the parties to this Lease or if no such agreement can be made, then by a Court of Competent Jurisdiction located in Chaffee County, Colorado, according to the nature and extent of the injury which has been sustained, shall be abated until the Premises shall have been duly repaired

and restored, which work or repair and restoration shall be done with all reasonable diligence. In case the Building shall be substantially destroyed so that the Premises cannot be repaired and restored within sixty days, it shall then be optional to either party to cancel this Lease and end the term hereof, and in case of such cancellation the rent shall be paid to the date of such fire or other casualty and all further obligations upon the part of either party hereto shall cease and the estate hereby created shall thereupon terminate.

20. Assignment. The Tenant may not assign this Lease to any purchaser of all or substantially all of Tenant's assets without the prior written approval of Landlord. Upon any assignment approved by Landlord in writing, such assignee shall be bound by all the terms and conditions of this Lease.

21. Insolvency. It is further agreed between the parties hereto that if the Tenant shall be declared insolvent or bankrupt, or if any assignment of the Tenant's property shall be made for the benefit of creditors or otherwise, or if the Tenant's leasehold interest herein shall be levied upon under execution, or seized by virtue of any writ of any court of law, or a Trustee in Bankruptcy or a receiver be appointed for the property of the Tenant, whether under the operation of the state or the federal statutes, then and in any such case, the Landlord may at its option immediately, with or without notice (notice being expressly waived), terminate this Lease and immediately retake possession of the Premises without the same working any forfeiture of the obligations of the Tenant hereunder.

22. Tenant's Default. The Tenant will observe and perform in all things the conditions and agreements herein set forth to be observed and performed by the Tenant, and if default be made by the Tenant in payment of said rent, or in any installment or part thereof, or if default in performance of other conditions and agreements be made by the Tenant, and such non-monetary default shall continue for a period of ten days after written notice of such default be given by the Landlord to the Tenant, then in either case, in addition to any other remedy Landlord may have against Tenant, it shall be lawful for the Landlord to terminate Tenant's right to possession under this Lease, and to re-enter and repossess the Premises, and to remove therefrom any personal property belonging to the Tenant, without prejudice to any claim for rent or for the breach of covenants hereof.

23. Abandonment and/or Default. If the Tenant shall abandon or vacate the Premises before the end of the term of this Lease or shall suffer the rent to be in arrears, or if Tenant is otherwise in default under this Lease, the Landlord may, at its option and without notice, enter the Premises, remove any sign of the Tenant therefrom and re-let the same or any part thereof as it may see fit without retaking, voiding, or terminating this Lease, and for the purpose of such re-letting, the Landlord is authorized to make any repairs, changes, alterations, or additions in or to the Premises as may be necessary or desirable, in the opinion of the Landlord, for the purpose of such re-letting, and, if a sum shall not be realized from such re-letting to equal the monthly rental above stipulated to be paid by the Tenant, the Tenant will pay such deficiency each month upon demand therefor. Landlord shall not be required to relet the subject Premises in order for Tenant to be liable for continuing obligations under the Lease, in the event that the Tenant violates any of the terms and conditions hereof.

24. Lien. The Landlord shall have at all times a valid lien for all rentals due hereunder from the Tenant upon all of the personal property of the Tenant situate in the Premises and said property shall not be removed therefrom without the consent of the Landlord until all arrearages in rent shall have first been paid and discharged.

25. Remedies Cumulative. No reference to nor exercise of any specific right or remedy by Landlord shall prejudice or preclude Landlord from exercising or invoking any other remedy in respect thereof, whether allowed at law or in equity or expressly provided for herein. No such remedy shall be exclusive or dependent upon any other such remedy, but Landlord may from time to time exercise any one or more of such remedies independently or in combination.

26. Condition of Premises at End of Term. The Tenant agrees to deliver up and surrender to the Landlord possession of the Premises at the expiration or termination of this Lease, by lapse of time or otherwise, in as good repair as the Tenant obtained the same at the commencement of said term, excepting only ordinary wear and tear.

27. Holding Over. It is mutually agreed that if, after the expiration of this Lease, the Tenant shall remain in possession of the Premises, without a written agreement as to such holding, then such holding over shall be deemed and taken to be a holding upon a tenancy from month to month at a monthly rental equal to the monthly rental last payable hereunder, payable in advance on the first day of each calendar month. Any month-to-month tenancy or tenancy at sufferance hereunder shall be subject to all other terms and conditions of this Lease and nothing contained in this Section 27 shall be construed to alter or impair any of Landlord's rights of re-entry or eviction or constitute a waiver thereof.

28. No Waiver. No waiver of any breach of any one or more of the conditions or covenants of the Lease by the Landlord shall be deemed to imply or constitute a waiver of any succeeding or other breach hereunder. The failure of the Landlord to insist upon the strict performance of the terms, covenants, agreements, and conditions herein contained, or any of them, shall not constitute or be construed as a waiver or relinquishment of the Landlord's right to thereafter enforce any such term, covenant, agreement, or condition, but the same shall continue in full force and effect. The Tenant acknowledges and agrees that it has not relied upon any statements, representations, agreement, or warranties, except such as are expressed herein.

29. Insurance. During the term of this Lease, Tenant shall:

- a. be responsible for obtaining and keeping current, property, casualty and fire insurance in an amount sufficient to fully cover Tenant's improvements, fixtures and property in the Premises which are not owned by Landlord and Landlord shall have no responsibility to obtain such insurance; and

- b. maintain at its own expense, liability insurance, with Landlord named as an additional insured, against claims for death, personal injury and property damage in or about the Premises, in an amount not less than \$1,000,000.00 for death, illness or injury to one or more persons, and \$1,000,000.00 for property damage, in respect of each occurrence.

Policies for such insurance shall be in a form and with an insurer reasonably acceptable to Landlord, shall require at least fifteen (15) days written notice to Landlord of termination or material alteration during the term of this Lease, and shall waive any right of subrogation against Landlord and all individuals and entities for whom Landlord is responsible in law. Tenant shall deliver to Landlord, on the commencement date of the term of this Lease and on each anniversary thereof, certified copies or other evidence of such policies, or other evidence satisfactory to Landlord that all premiums thereof have been paid and that the policies are in full force and effect.

30. Successors. The covenants and agreements contained in the within Lease shall apply to, inure to the benefit of, and be binding upon the parties hereto and upon their respective heirs, executors, administrators, successors, and assigns, except as expressly otherwise hereinbefore provided.

31. Contingency. This Lease shall be contingent upon Tenant's ability to obtain at its own expense any and all appropriate permits and licenses necessary or required for Tenant to establish and operate a medical and retail marijuana dispensary, including, without limitation, a medical marijuana dispensary license, from the City of Salida and the State of Colorado. Tenant shall provide Landlord within fifteen (15) days of acquiring such permits and licenses, a full and complete copy of the same ("Government Approvals"). If Tenant fails to obtain any and all Government Approvals, then any and all of Landlord's past, existing, and future obligations to Tenant will cease immediately and Landlord may require Tenant to return to Landlord, immediately, possession of the Premises. In the event Tenant is unable to obtain all Governmental Approvals before occupying the Premises, then Landlord shall retain the first and last months' rent but return the security deposit to Tenant. However, if Tenant has begun occupying the Premises or proceeded to begin the anticipated alterations described in Section 7. and Exhibit B, before the Governmental Approvals have been obtained, and Tenant fails to obtain the Governmental Approvals, then Landlord shall retain the security deposit in addition to all other sums paid to Landlord.

32. General Provisions:

- a. Attorney Fees. In the event of a default by either party under the terms of this Lease, then the non-defaulting party shall be entitled to reimbursement of all reasonable costs incurred in efforts to enforce the terms of this Lease and/or collect monies owed under the Lease, including but not limited to the non-defaulting party's reasonable attorney fees.

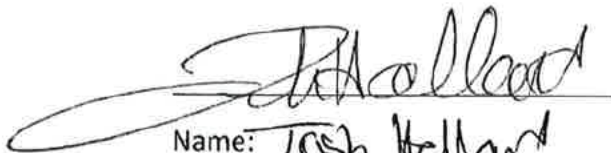
- b. Late Charges. In the event Tenant fails to timely pay any installment of monies as required under this Lease, then and in such event Landlord shall be entitled to collect a late fee [REDACTED] for any installment not paid within five days of the due date until such payment is made.
- c. Memorandum of Lease. Tenant agrees, from time to time, to complete and execute a memorandum of lease for filing with the Department of Revenue, State of Colorado, in compliance with C.R.S. Sections 39-22-604, 39-26-117, and 39-26-205, or similar laws.
- d. Brokerage Fees. Landlord shall have no liability for any brokerage or finder's fees as a result of entering into this Lease.
- e. Time of the Essence. The parties hereto agree that time is of the essence of this Lease.
- f. Landlord's Assignment. Landlord may, without notice, assign this Lease in whole or in part. Any such assignment shall operate to release Landlord from liability from and after the effective date thereof upon all of the covenants, terms and conditions of this lease, express or implied, and Tenant shall thereafter look solely to Landlord's successor in interest in and to this Lease. This Lease shall not be affected by any such assignment, and Tenant shall attorn to Landlord's successor in interest thereunder.
- g. Estoppel. Tenant shall, at any time and from time to time, upon not less than ten (10) days' prior notice from Landlord, execute, acknowledge and deliver a written statement ratifying this Lease and certifying any information concerning Tenant's lease and occupancy of the Premises reasonably required by Landlord.
- h. Payment of Rent: in General. All amounts payable by Tenant to Landlord under this Lease shall be deemed to be rent and shall be payable and recoverable as rent in the manner herein provided, and Landlord shall have all rights against Tenant for default in any such payment as in the case of arrears of rent.

*****Signature Page to Follow*****

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

LANDLORD:

TENANT:



Name: Josh Holland
Los Mirasoles

Name: PG Retail I, LLC
William Scott Boatman
Owner

2/25/2021

2/25/2021

Date:

Date:

EXHIBIT A - RENTAL INSTALLMENTS

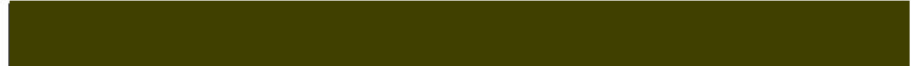
Year 1 - 2021



Year 2 - 2022



Year 3 - 2023



Year 4 - 2024



Year 5 - 2025



TOTAL: 

60 month lease

EXHIBIT B -- ANTICIPATED ALTERATION

Tenants are researching exterior glass enclosure walls and doors on the east and south facing patio areas to gain more square footage for the Premises. A final draft must be approved by the landlord before any changes are made or any construction commenced.

Tenants have agreed to pay for said glass enclosure, and a reduction in rent will be negotiated for the portion of the structure which benefits Landlord's restaurant entrance.



COLORADO
Department of Revenue
Enforcement Division – Marijuana

Marijuana Enforcement Division Report of Changes Application

Marijuana Enforcement Division

Can You Submit One Report of Changes Application for Multiple Business Licenses?

Please note a separate application and fee is required for each application type (MOP, COTN, COL).

In an ongoing effort to streamline business efficiencies for marijuana licensees, the Marijuana Enforcement Division has updated the **Report of Changes Application (Change of Trade Name, Change of Location, Modification of Premises)** to permit a licensee to submit one application for multiple marijuana business licenses (medical or retail) operating under one legal business entity name. **It's important to note that this singular submission option applies to:**

1. Marijuana licenses operating under one legal business entity name;
2. Applications for which all the information provided equally applies to all the marijuana licenses noted in the singular application.

All Report of Changes Applications	
Does your change (of trade name, location, or modification) apply to licenses operating under one legal business entity name?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Change of Trade Name	
Is the proposed trade name the same for all licenses?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Change of Location	
Is the proposed new physical address the same for all licenses?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Modification of Premises	
Are the licenses at the exact same physical address?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are all proposed modifications for the licenses at this address included in the "Description of Changes"?	<input type="checkbox"/> Yes <input type="checkbox"/> No

If you answered YES to all questions that apply to your change, you may be able to submit one Report of Changes application for all licenses affected by the change.

Please note MED staff cannot advise with certainty regarding the number of applications required for a report of changes without first initiating an investigation.

The MED will accept **complete** applications as they are submitted. Note fees for multiple application submissions may not be refundable. Further, if you submit one application that in fact requires separate application submissions, the assigned investigator will contact you and inform of the need to submit additional applications, which may delay any further review and processing of your changes.

Marijuana Enforcement Division Report of Changes

(Keep a copy of this application for your records)

License Number(s) (All Answers Must Be Printed Legibly or Typewritten)			
402R-00241			
1. Legal Business Name			
PG Retail I, LLC			
2. Current Business Address			
230 West 16th Street, Unit C			
City		State	ZIP
Salida		CO	81201
3. Primary Contact Person for Business			Primary Contact Phone Number
Georgeann Craig			719-362-1024
Title			
COO			
4. Mailing Address for Business			
7800 County Road 152			
City		State	ZIP
Salida		CO	81201
Primary Contact Email			
gcraig@puregreens.com			
1. Change Trade Name			
Change of Trade Name / DBA only (Attach the following supporting documents)			
<ol style="list-style-type: none"> 1. Copy of Change of Trade Name or Amendment filed with the Colorado Secretary of State 2. Copy of new Trade Name registration 			
Old Trade Name			
NA			
New Trade Name			
NA			
COTN - Oath of Applicant			
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.			
Printed Last Name of Owner/Principal		First Name	Full Middle Name
Title			Date
Signature of Owner/Principal			
Pursuant to 44-10-305(4) prior to submitting an application for a license, registration or permit, the applicant needs to be aware that having a medical marijuana or retail marijuana license and working in the medical marijuana or retail marijuana industry may have adverse federal immigration consequences.			

Colorado Marijuana Enforcement Division**Report of Changes Application Instructions****APPLICATION CHECKLIST**(Please refer to fee schedule on the website—www.colorado.gov/revenue/med) **1 Types of Changes****(refer to previous page for guidance on multiple licenses on one application)**A separate application packet must be submitted for each license affected by the change. Check the appropriate box below and proceed to the next page. **INCLUDE ALL ATTACHMENTS.**

- 1) **To Change Trade Name (COTN):** Complete the COTN section on page 1.
Submit a copy of the New Trade Name registration (from the Secretary of State's Office).
- 2) **To Change Location (COL):** Complete the COL section on page 2 of the application.
Include any required documentation.
- 3) **To Modify Premises (MOP):** Complete page 3 of the application.
Include any required documentation.

 2 Application Submittal

Bring in or mail in application (check or money order only if mailed) and all attachments and requisite fees to:

Marijuana Enforcement Division
1707 Cole Blvd., Suite 300
Lakewood, CO 80401

NOTE: Incomplete applications will not be processed. Applicants must collect the incomplete application and fees (including those mailed in or delivered via courier), from the Lakewood Office prior to the end of the next business day.

2. Change of Location - Local Licensing conditional approval must be provided prior to M approval. Per Rule 2-255

(Note: Licensees may not move their licensed premises until approved by state and local authorities.)

A. Address of current premises

Address
230 West 16th Street, Unit C

City: Salida County: Chaffee ZIP: 81201

B. Address of proposed new premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)

Address
7595 West Highway 50

City: Salida County: Chaffee ZIP: 81201

C. New Mailing Address if Applicable.

Address
7800 County Road 152

City: Salida County: Chaffee ZIP: 81201

D. Attach detailed diagram of the premises and include a separate security drawing (Diagrams to be single-sided on 8.5x11 inch paper, preferably in color).

E. Is this change of location intended to collapse a retail or medical cultivation with another? If so, please identify the license collapsing into.

No

F. One complete original COL application packet + one complete copy of the same is required.

G. Will the proposed change result in the licensed premises now being located within 1000 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? (If yes, explain in detail, describe any exemptions that apply and provide a copy of the exemption or local ordinance)

Yes No

COL - Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Printed Last Name of Owner/Principal: Boatman First Name: William Full Middle Name: Scott

Title: Owner Date: 3/3/2021

Signature of Owner/Principal: *W. Boatman*

Report and Approval of Local Licensing Authority (City / County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Article 10, C.R.S., as amended. **Therefore, this application is approved. (Provide local stamp/seal on this page for proof of approval with signature).**

Printed Name of Local Licensing Rep

Local Licensing Authority (City or County): City of Salida Date Filed With Local Authority

Title Date

Signature of Local Licensing Representative

3. Modification of Premises - Local Licensing conditional approval must be provided prior to MED approval. Per Rule 2-260

(Note: Licensees may not modify their licensed premises until approved by state and local authorities.)

A. Describe change proposal in detail. NOTE: "Complete remodel" or "See floor plans" will not be accepted.

B. Will the proposed change result in the licensed premises now being located within 1000 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

Yes No

(If yes, explain in detail, describe any exemptions that apply and provide a copy of the exemption or local ordinance)

C. Attach a diagram of the current licensed premises and a **separate diagram of the proposed changes** for the licensed premises including security equipment locations.

D. Attach REVISED lease, only if it was revised due to the modification.

E. Attach proof of Landlord consent for modification (This may be the revised lease).

MOP - Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Printed Last Name of Owner/Principal	First Name	Full Middle Name
Title		Date
Signature of Owner/Principal		

Report and Approval of Local Licensing Authority (City / County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Article 10, C.R.S. , as amended. **Therefore, this application is approved. (Provide local stamp/seal on this page for proof of approval with signature).**

Printed Name of Local Licensing Rep	
Local Licensing Authority (City or County)	Date Filed With Local Authority
Title	Date
Signature of Local Licensing Representative	



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: April 6, 2021

AGENDA ITEM NO.	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Bill Almquist
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ITEM:

Public Hearing and Second Reading for **Ordinance 2021-03**: An Ordinance of the City Council for the City of Salida, Colorado Approving a Major Impact Review for a 1.72 Acre Parcel Located West of Holman Avenue and Legally known as Lot 2 of Ambrose Subdivision, Currently Zoned R-2, to Place a Planned Development Overlay on the Property, and Approve the Development Plan and 7-Lot Major Subdivision for Holman Court.

UPDATE TO PLANNED DEVELOPMENT AND SUBDIVISION PROPOSALS:

Following the stated approval and recommendation of the Planning Commission to create 7 lots and a platted private drive (instead of 8 lots with a private access easement across the front of each), among other conditions, the applicants revised their plans and also pledged to construct two deed-restricted affordable housing units (80% AMI or below) as part of the development—which is greater than the 12.5% of units required by code. The original requested deviations to dimensional standards of the underlying zone all remain relevant and are described in further detail below.

REQUEST / BACKGROUND:

The applicants have requested a major impact review to approve a Planned Development overlay and 7-lot residential subdivision (1 duplex on each lot) on the 1.72 acre parcel located west of Holman Ave and accessed between 1604 Holman Ave and 1646 Holman Ave (see vicinity map below). The applicants intend to go through the duplex conversion process in the future to create individual townhomes. The property, described as “Lot 2 of Ambrose Subdivision” and previously subdivided in 2004, is currently zoned Medium-Density Residential (R-2). The property owners/applicants are Holman Court, LLC represented by David Larochelle and Mark Lee.

A Planned Development is an overlay which allows flexibility in the underlying zoning district standards to “...permit the application of more innovative site planning and design concepts than may be possible under the application of standard zone districts.” The applicants are requesting flexibility in design of the development in the following three ways:

- Lot frontage measured off of a private drive (instead of a public street)
- Increase in the maximum allowable parking/access lot coverage
- Reduction in the minimum landscape area per lot

City Council and Planning Commission held a Conceptual Review meeting for this site on November 30, 2020. Planning Commission held their public hearing and review of the proposals on January



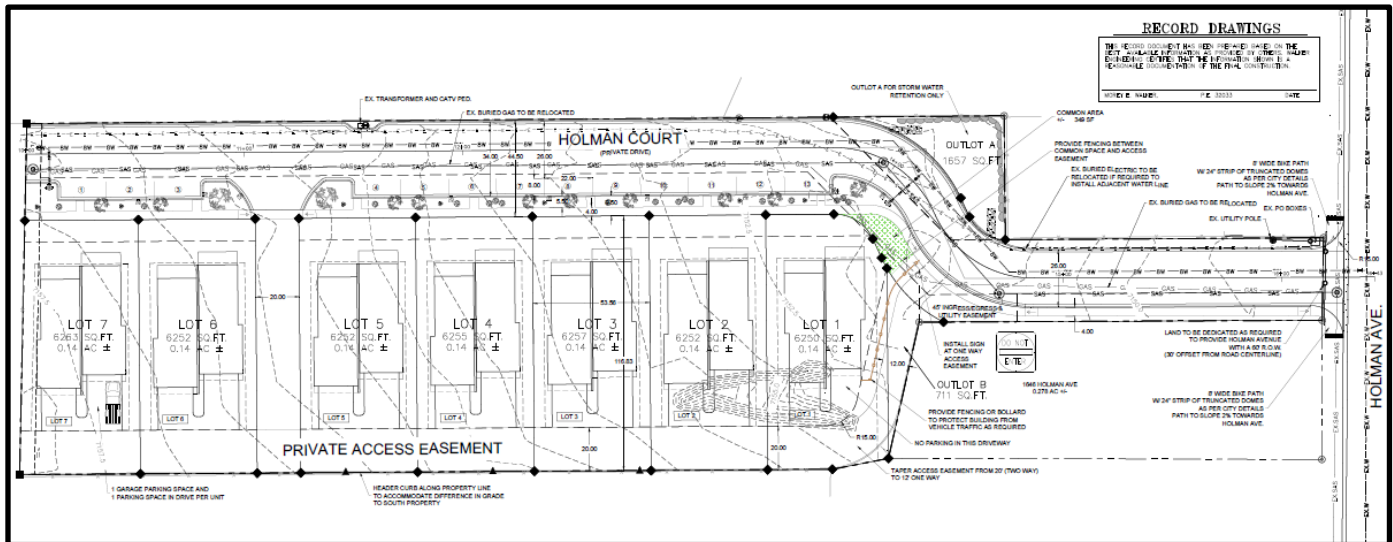
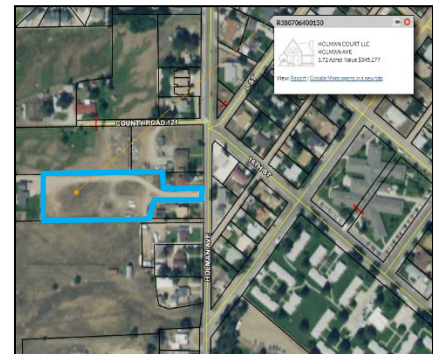
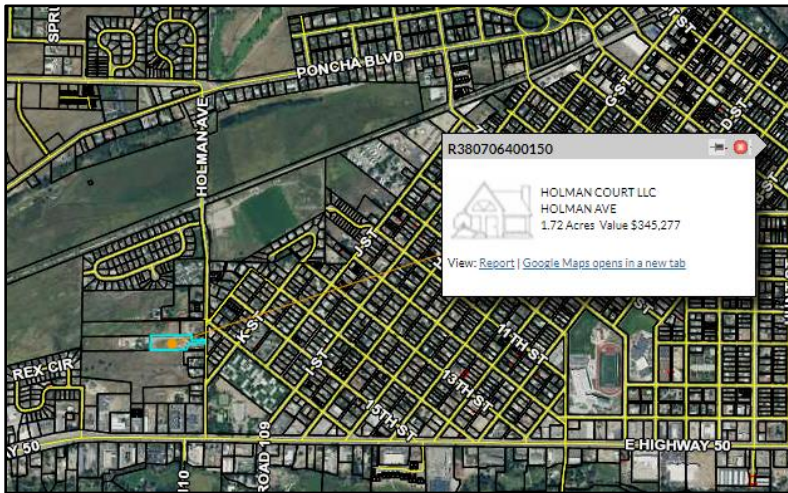
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12, 2021 and approved both requests with conditions. City Council heard the first reading of the ordinance on March 16, 2021 and set the date for the public hearing for today, April 20, 2021.

Vicinity Maps and Development Site Plan



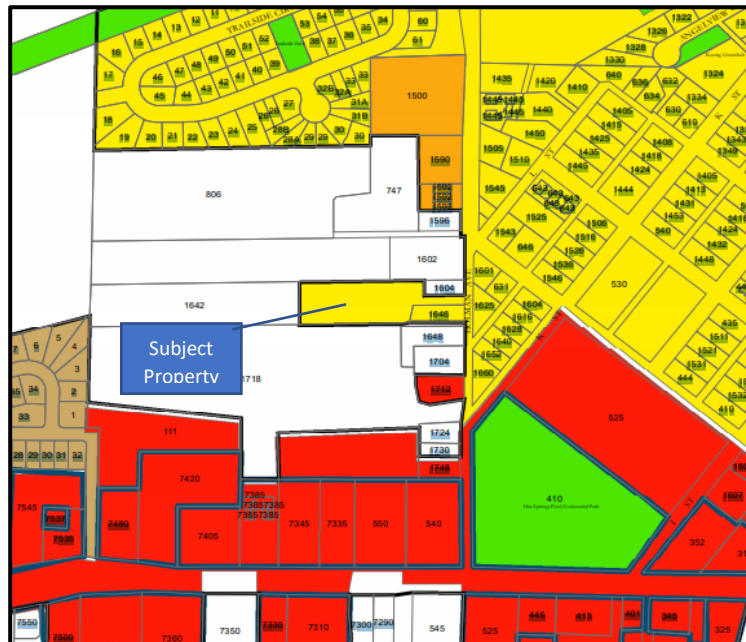


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Surrounding Zoning



As shown from the image above, the property is largely surrounded by unincorporated and mostly vacant properties within the County, with R-2 zoned properties to the east, nearby R-3 and R-2 properties to the north, and C-1 properties and Centennial Park to the south.

A. PLANNED DEVELOPMENT REVIEW:

The applicants are proposing the Planned Development overlay be placed on the site to allow for the creation of a subdivision with 7 duplex buildings, each on their separate lot, fronting on a private drive with a public water and sewer main. The table below identifies the proposed deviations to the underlying R-2 zone district dimensional standards, including: minimum lot frontage, maximum parking/access lot coverage, and minimum landscape area:



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SCHEDULE OF DIMENSIONAL STANDARDS

Dimensional Standard	R-2	PD
Min. lot size (sq. ft.)	5,625	5,625
Density (Min. lot sq. footage per principal dwelling unit)	3,125	3,125
Min lot size (sq. ft.)—attached units	3,125	3,125
Min. lot frontage	37'-6"	Note 3.
Min. lot frontage—attached units	20'	20'
Max. lot coverage: structures (additive coverage total for structures and uncovered parking cannot exceed 90% except in C-2)	40%	40%
Max. lot coverage: uncovered parking/access (additive coverage total for structures and uncovered parking cannot exceed 90% except in C-2) *	15%	40%
Min. landscape area	45%	30%
Min. setback from side lot line for a primary bldg.	5'	5'
Min. setback from side lot line for a detached accessory bldg.	3', 5', or 10' *	3', 5', or 10' *
Min. setback from rear lot line: principal bldg.	20'	20'
Min. setback from rear lot line: accessory bldg.	5'	5'
Min. setback from front lot line *	20'	20'
Max. building height for a primary bldg.	35'	35'
Max. building height for a detached accessory bldg.	25'	25'

3. MINIMUM LOT FRONTAGE IS TO BE MEASURED AT HOLMAN COURT, A PRIVATE DRIVE, VERSUS A PUBLIC STREET AS IS GENERALLY REQUIRED.

DISCUSSION OF REQUESTED DEVIATIONS

Minimum Lot Frontage - The subject property only has 37.5 feet of frontage along the City-owned Holman Avenue. Under code standards, only one residential lot would be allowed on the site due to the limited street frontage and site configuration. The site is currently vacant and includes an access easement that serves the 1642 Holman Ave property immediately to the west (outside of City limits). The applicants are requesting that lot frontage be allowed along the platte private drive and maintain that this will allow for the best and greatest use of the property, and



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provide needed housing for the community including two deed-restricted affordable units. The applicants intend to go through the duplex conversion process after the units are built so that each unit is on its own lot (townhome). The approximately 53-ft wide lots would allow for the 20-ft minimum lot frontage for attached units that is generally required along public streets. Staff notes that there is no desire for a public street in this location, due to the planned future extension of CR 121/W.16th Street just 200 feet to the north.

Maximum Parking/Access Lot Coverage – Primarily due to the proposed “alley” access easement across the back of each lot, total parking/access coverage on each lot is elevated—approximately 30% for Lots 2-7 and 37% for Lot 1, compared to the 15% allowed by code in R-2. The applicants would like for the lots to have vehicular access to a rear garage for each unit, and to provide circulation options for residents, visitors, and emergency services. They are proposing that the access easement would be one-way travel (exiting the development) between Lots 1-5. The applicants are requesting a deviation to allow a maximum of up to 40% parking/access lot coverage for the development.

Minimum Landscape Area - The proposed private access easement also impacts available landscape area for each lot. Lots 2-7 have 36% landscape area and Lot 1 has 32%, whereas code would require a minimum of 45% in R-2. Therefore, the applicants are requesting a deviation to allow a minimum of 30% landscape area for the development.

THE CITY OF SALIDA COMPREHENSIVE PLAN

Generally, Planned Developments should be consistent with the community’s comprehensive plan. The following Policies, Actions and Principles are most applicable to the proposal:

Policy LU&G-I.2: Infill and redevelopment should be encouraged and will advance the objectives of this plan.

The 1.72 ac. site is vacant. There are existing utilities at the entrance to the site, within Holman Avenue.

Action LU&G-I.2a: Encourage projects to use maximum density allowances to make the best use of the available infrastructure.

The proposed project is requesting changes to the underlying dimensional standards in order increase the residential use of the site: 14 duplex units eventually on their own lots (maximum density could technically allow up to 22 units on the site, based on existing lot area).



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Policy H-I.1: Provide a mix of housing types and densities throughout the city to address a variety of incomes and lifestyles.

The majority of housing types in the project area are single-family, along with some multi-family nearby. These duplex units would add to the overall mix of housing types and would likely provide housing for both the “missing middle” and lower-income households (esp. with the two affordable units pledged by the applicants).

Policy H-II.1: Promote new development projects that contain a variety of housing, including affordable units.

See above.

Action H-II.3.d: When affordable housing units are provided, ensure the city has a mechanism or partner organization to keep track of and enforce the deed restrictions or land ownership arrangements to ensure the housing remains attainable in the long-term for low and moderate income residents.

The Chaffee Housing Authority (CHA) was recently formed to work with developers and help pair them with eligible individuals and families and to administer deed-restrictions on units. The CHA is still in the process of creating administrative guidelines and preparing the organization to handle such arrangements. If the affordable units are constructed prior to the CHA being fully-operational, the City (or another organization) will be able to work with the developer on these requirements before such responsibilities are transferred to the CHA.

PLANNED DEVELOPMENT EVALUATION CRITERIA:

Section 16-7-40 (b) of the City of Salida Land Use and Development Code states “the PD Development Plan shall meet the following criteria...unless the applicant can demonstrate that one or more of them is not applicable or that another practical solution has been otherwise achieved.” The applicant’s requests and staff’s comments are listed below.

1. **Minimum dimensional standards:** As discussed above, the applicants are requesting to eliminate the public street frontage requirement, and deviations to the maximum lot coverage for parking/access and minimum landscape area in the R-2 zone.

Given the unique location, shape, and size of the lot, and the ability to provide needed types of housing for the community (inc. deed-restricted affordable units), staff is in support of waiving the public street frontage requirement/allowing such frontage off a private drive within this PD. The applicants have updated their development plan to largely meet the Planning Commission’s recommended condition of approval (#1) to reduce the number of lots from 8 to 7. The platting of the private drive, instead of an access easement across each lot, made it such that t



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dimensional standards for parking/access and landscape area still could not be met automatically. The applicants also slightly increased the width of the individual lots and units and, consequently, the common space was not made any larger. However, staff feels the general intent of the Planning Commission’s recommended condition was met and therefore recommends that Planning Commission’s first condition be deleted.

2. Trails: The only trail currently planned for the neighborhood is a shared-use path along the west side of Holman Avenue. The development plan provides access from the development to the future trail via a sidewalk along the southern edge of the proposed private drive. This pathway will eventually provide residents of the development with ample access to nearby Centennial Park. No other trails/connections are required.

3. Ownership and Maintenance: The development will have a homeowners association to maintain common areas, including Outlots A and B, the private drive, the rear “alley” access, and common open space area. Staff notes that HOA assessments have the potential of putting a disproportionate burden upon owners of deed-restricted affordable units within such HOAs, occasionally leading to their inability to afford mortgage payments. In order to ensure the long-term viability of affordability of future owners of affordable units within the HOA, Planning Commission recommended a condition of approval (#2) regarding such fees. Staff has subsequently been in contact with the Chaffee County Housing Office Director, Becky Gray, regarding HOA fees and therefore recommends the following addition to the condition (in *italics*) based on the likelihood that the Chaffee Housing Authority will eventually have administrative guidelines regarding such fees. Therefore, a condition shall be noted on the development plan:
 - Occupants of any deed-restricted affordable units within the homeowners’ association shall not be responsible for any assessments nor dues beyond those fairly-priced specifically for utilities, trash services, and the like. *Should the HOA desire, they may renegotiate the condition with the Chaffee Housing Authority based upon the Authority’s guidelines for such dues.*

4. Water and Sewer: The applicants have provided improvement plans that include designs for sewer and water mains to serve the interior of the site. The plans have been reviewed by the Public Works Department and their comments are included at the end of this section. Based on the feedback regarding the updated development plan and preliminary subdivision plat from regarding both public and private utilities, staff recommends the following additional conditions of approval:
 - The entirety of the private drive, including the access area between Lots 5 and 6 and western edge of the property, shall be platted as a public utility easement.



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- The front 10 feet of all lots shall also be platted as a public utility easement. In the case of Lot 1, the easement shall extend to the northeast corner of the duplex and meet up with the rear access and utility easement at a location specified by Public Works.
 - Per the request of private utility agencies, the proposed rear private access easement shall be platted as a “Private Access and Utility Easement,” and the applicants shall also include 5-foot private utility easements along the side lot lines of each lot. The main electrical trunk line, along with pedestals, should be moved into the 10 foot easement at the front of the lots.
 - The construction and drainage plans shall be signed and stamped for final review.
 - After approval of a subdivision improvement agreement, developer shall coordinate product submittals and preconstruction meeting with Public Works prior to initiation of work.
5. Residential Density: The allowable density for this lot, given the R-2 zoning and lot size, is 22 units. The updated PD development plan consists of 14 units within 7 duplex buildings. The units are spaced in conformance with standard setback requirements, adequate privacy is provided, and a small common open space is proposed to the east of Lot 1 at the opening of the development. This criterion is satisfied.
6. Relationship to the Subdivision Regulations: The provisions of these regulations concerning a Planned Development will not eliminate or replace the requirements applicable to the subdivision of land or air space, as defined in state statutes and the ordinances and regulations of the City. This criterion is satisfied.
7. Improvement Standards: The only deviation requested specifically from the Design Standards of Article VIII of the Land Use and Development Code regards minimum landscaping, as discussed above. The applicant is asking to provide approximately 30%-35% landscaping for each lot, compared to the minimum 45% required in the R-2 zone. A reduction to a minimum of 30% would accommodate the rear “alley” access easement across each lot. The development plan also shows between 1 and 2 trees per lot, depending upon the location. At 30% landscaping area, 2 trees would generally be required on each lot per Table 16-K, for a total of 14 within the overall development. Because the number of lots has been revised, staff recommends the following revision to Planning Commission’s recommended condition of approval (in **bold**), which shall be a note on the development plan:
- Each lot shall have, at minimum, one tree located between the private drive and the front of the proposed units. In addition, the applicant will provide as many trees within the



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common open spaces as will result in a total of at least **14** across the entire development site.

- 8. Maximum Height: The applicant is not requesting a deviation to maximum height standards. This criterion is not applicable.
- 9. Gross Floor Area: There are no uses proposed other than residential. This criterion is not applicable.
- 10. Permitted Uses: The proposed residential use is a use by right within the existing zone district. The size of the development site is not large enough to justify the requirement of any other uses such as commercial, recreational, or educational amenities.
- 11. Transportation Design: The development provides direct access to Holman Avenue, a collector street, which is designed to support the anticipated additional traffic generated by the proposed number of units. Public Works has no concerns regarding transportation design. Police and Fire Department staff also approved the internal circulation drive aisles for emergency access. The development also provides safe and adequate pedestrian access from the development to nearby amenities. This criterion is satisfied.
- 12. Development Standards: As mentioned above, the applicant is requesting deviation from the requirement to have frontage onto a public street or way and is proposing to have the individual lots front a private drive. The applicant is also requesting deviation from minimum landscaping area (from 45% to 30%) and also for maximum uncovered parking and access coverage on each lot (from 15% to 40%) in order to accommodate the rear “alley” access easement across all lots. Landscaping deviations are addressed in #7 above. It is noted that the majority of parking requirements could be met via the parking spaces provided along the private drive in front of the units; however, a drive aisle at the rear of the units does allow for improved traffic circulation, additional parking spaces, and access similar to what is seen throughout the majority of the residential areas in town.
- 13. Energy Efficient Design: The construction of new buildings will have to meet the energy reducing standards of the building codes. The smaller, compact design of the duplexes should also contribute to energy efficiency.
- 14. Variety in Housing Types: The applicant is providing two deed-restricted affordable housing units as part of the proposed 14-unit development. The smaller, townhome-style for-sale development is a housing type that is not heavily represented throughout the city nor in this particular neighborhood. The applicant is also providing a small common open space area for the residents’ use. Staff notes that affordable housing units are provided at a percentage above the Inclusionary Housing standards of Article 13 of the Land Use Code. However, in order to provide greater



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certainty that the units are built in a timely fashion and made available for occupation, Planning Commission recommended the following conditions of approval, which shall be notes on the development plan:

- Two affordable housing units shall be constructed in the seven lot (14-unit) proposal. Both affordable units shall be built and receive certificate of occupancy (CO) prior to the tenth unit on the site receiving certificate of occupancy.
- For any affordable unit(s) required to be built through the PD, the developer shall pay the applicable Inclusionary Housing fee-in-lieu for each unit built prior to receiving certificate of occupancy for those units. Once the required affordable unit(s) has received certificate of occupancy, those fees-in-lieu shall be returned to the developer.
- As required under Section 16-6-120(11), no residential façade elevation shall be repeated more than once every five (5) lots on the same side of the street.

15. Fiscal Impacts: The private drives, utilities and open space areas are to be maintained by the homeowners association. The City will provide the police and fire protection and serve the project with water and sewer through public mains. Water and sewer tap fees will help offset long term costs of expanding those systems. The Fair Contributions for Public School Sites fees will be required per residential unit to help offset impacts on the school district, and open space fees will be required for each unit.

16. Higher Levels of Amenities: The project does provide at least one small private open space area for residents of the development; however, to ensure the safety, accessibility, and user-friendliness of this common area, Planning Commission recommended the following condition of approval:

- The applicant shall erect a visible barrier/fence [with entry point(s)] around the perimeter of the common open space area and provide reasonable facilities such as picnic table(s), bench(es), children’s playground equipment, etc., to encourage the area’s use.

17. Physical Conditions or Constraints: The shape and size of the lot, existing private drive access, and the standard requirement for frontage on a public street or way are the primary physical conditions or constraints that would warrant a departure from the standard regulation requirements.

18. Effect on Adjacent or Nearby Development: The proposed project locates the buildings to the interior of the site, away from any existing development, with the exception of the building currently serviced by the private drive immediately west of the project. The majority of t



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surrounding properties to the north and south are currently vacant and located within County jurisdiction. There will be some impact on the properties along Holman Ave. immediately to the north and south of the site via traffic in and out of the development; however, it does appear that the private drive is centered between the two properties and provides adequate separation.

ADDITIONAL EVALUATION STANDARDS FOR MINOR PLANNED DEVELOPMENTS

Section 16-7-40(d) states that “In addition to the above evaluation standards in Subsection (a) of this Section that apply to all PD applications, the following standards or requirements shall govern the application of a minor planned development and shall be utilized by the Planning Commission and the City Council in evaluating any minor PD plan”:

(1) Staging of Development: There shall be no staging of development in a minor PD. The applicant does not indicate any phasing of the development of infrastructure for this project.

(2) Types of Uses: A minimum of 25% of the floor area of the project is recommended for non-residential, commercial uses. The applicant is not proposing any non-residential uses, nor are any recommended given the property’s zone district and location.

(3) Public Places. Public gathering places should be provided to reinforce community identity and support civic engagement. There are no *public* gathering places proposed in the development, nor would one be warranted given the proximity to Centennial Park. There is, however, a small common open space proposed for the development, which would promote social interaction for residents of the development.

(4) Economic Opportunity: The PD provides a unique economic opportunity or provides a service, industry, or housing type that will benefit the City and would not be possible under the existing zone districts or dimensional standards of the City.

Townhomes can be challenging to construct within many of Salida’s zone districts because of the standards for minimum lot size, street frontage, and other requirements. This PD will allow the applicant to create numerous residential units on a site that is unlikely to ever have a public street or way along most of its perimeter. This would be done by eliminating the requirement for public street frontage, and allowing access via a private drive built to City standards for both Fire and access, along with limited deviations to parking/access coverage and landscaping. Additionally, the applicants propose to construct two affordable units on the property, exceeding the requirements of the Inclusionary Housing standards.



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(5) Open Space: A Minor PD is not required to provide a dedication of open space on the site; however, it is required that any PD contribute to meeting the goals for open space through a negotiated fee-in-lieu of open space or other contribution.

No open space is dedicated through this development. The applicant acknowledges that required open space fees-in-lieu will be paid prior to CO for each unit. As a condition of approval, the Planning Commission recommended that:

- A plat note shall be added that states that “Fees-in-lieu for Open Space and for Fair Contributions to Schools shall be required prior to certificate of occupancy for all units.”

B. MAJOR SUBDIVISION PLAT REVIEW:

A major subdivision requires a recommendation from the Planning Commission and final approval by the City Council. The applicant is requesting that City Council approve a 7-lot residential subdivision, along with a private drive and two outlots to be commonly-owned by the homeowners association. The residential lots are all approximately 6,250 SF and the applicant intends to construct duplexes that may be separated into townhomes via the duplex conversion process following their construction (and with the allowances afforded by an approved Planned Development). The proposed subdivision must comply with the following standards:

1. Comprehensive Plan.

The proposed subdivision is consistent with the Comprehensive Plan, which promotes diverse residential housing (including affordable housing and access to trails and open space). Staff finds that the development’s use and design is compatible with surrounding land uses and will not create unreasonable adverse effects on neighboring properties.

2. Zone District Standards.

The proposed subdivision and ultimate development of the lots will comply with the underlying R-2 zoning district standards and other applicable standards of the Land Use and Development Code, with the exception of public street frontage, parking/access lot coverage, and minimum landscaping. Deviations to such standards have been requested through the concurrent Planned Development application.

3. Improvements.

Besides the improvements to the private drive, the applicant also proposes to dedicate right-of-way (30 feet offset from road centerline to provide Holman Ave with 60 feet of ROW), and construct the ramp portions of the planned 8-foot shared-use path along the west side of Holman, in front of the subject property. The applicant’s development plan shows a deficiency in the number of trees that



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would be required on each of the 7 lots (2 trees), given lot size. Planning Commission recommended the following condition to address this deficiency to be included as a plat note (amended by staff consistent with the Planned Development condition):

- Each lot shall have, at minimum, one tree located between the private drive and the front of the proposed units. In addition, the applicant will provide as many trees within the open spaces of common open spaces as will result in a total of at least 14 across the entire development site.

Public Works, Xcel Energy, and Atmos Energy staff noted the need for additional utility easements throughout the property in order to ensure that such utilities and related infrastructure can be accommodated throughout the site and allow for potential future connections off-site. Therefore, consistent with the conditions of the Planned Development, staff recommends as conditions of approval:

- The entirety of the private drive, including the access area between Lots 5 and 6 and western edge of the property, shall be platted as a public utility easement.
- The front 10 feet of all lots shall also be platted as a public utility easement. In the case of Lot 1, the easement shall extend to the northeast corner of the duplex and meet up with the rear access and utility easement at a location specified by Public Works.
- Per the request of private utility agencies, the proposed rear private access easement shall be platted as a "Private Access and Utility Easement," and the applicants shall also include 5-foot private utility easements along the side lot lines of each lot. The main electrical trunk line, along with pedestals, should be moved into the 10-foot easement at the front of the lots.
- The construction and drainage plans shall be signed and stamped for final review.
- After approval of a subdivision improvement agreement, developer shall coordinate product submittals and preconstruction meeting with Public Works prior to initiation of work.

All other required improvements are proposed for the subdivision, and no phasing is proposed.

4. Natural Features.

The site is relatively flat and void of any trees. Staff is unaware of any extraordinary natural features on the site. The lot layout is designed in a manner to take advantage of mountain views to the north and south.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: April 6, 2021

AGENDA ITEM NO.	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Bill Almquist
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5. Floodplains.

This property does not reside in the floodplain. This standard does not apply.

6. Noise Reduction.

This property is does not border a highway. This standard does not apply.

7. Future Streets.

As discussed in the report for the PD, a future street is planned just a couple hundred feet to the north, as an extension to CR 121/W. 16th Street. There is no need for a public street connection within the confines of this property. The proposed private drive currently provides access to the property immediately to the west (1642 Holman Ave) and will continue to provide such access for that lot. As conditioned above, all other required access and utility easements are provided through this development.

8. Parks, Trails and Open Space.

No public open space dedication is proposed nor desired within this development. Centennial Park is very close to the subject property and public access to any open space would not be reasonable. The applicant (or future homeowners) will be required to pay a fee-in-lieu for open space for each unit constructed on the property. As a condition of approval:

- A plat note shall be added that states that “Fees-in-lieu for Open Space and for Fair Contributions to Schools shall be required prior to certificate of occupancy for all units.”

9. Common Recreation Facilities.

The private open space identified on the site plan will be, with the recommended conditions imposed within the PD, easily and safely accessed by residents of the development. The open space will also not impact any adjoining properties.

10. Lots and Blocks.

The size, shape, and orientation of the lots are appropriate to the design and location of proposed subdivision and type of development contemplated. The inclusion of the access drive/fire turnaround also reduces the overall length of the “block” to a reasonable length. The site design allows for ample turnaround within the lot as suggested by this standard, esp. given the slightly higher volume of Holman Avenue. This standard is met.

11. Architecture.



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The applicant is proposing to vary the facades of the duplex buildings, and the recommended conditions of the PD require conformity with this standard; therefore, as a condition of approval:

- As required under Section 16-6-120(11), no residential façade elevation shall be repeated more than once every five (5) lots on the same side of the street.

12. Codes.

The subdivision will comply with all applicable City building, fire and safety codes for the proposed development.

13. Inclusionary Housing.

The applicant has indicated that they intend to meet the Inclusionary Housing standards by constructing a duplex building (approx. 15% of total proposed units) that will be deed-restricted permanently for 80% AMI or less. To ensure that the affordable units are built in a timely fashion and made available for occupation, Planning Commission recommended the following conditions of approval to be added as plat notes:

- Two affordable housing units shall be constructed in the seven lot (14-unit) proposal. Both affordable units shall be built and receive certificate of occupancy (CO) prior to the tenth unit on the site receiving certificate of occupancy.
- For any affordable unit(s) required to be built within the subdivision, the developer shall pay the applicable Inclusionary Housing fee-in-lieu for each unit built prior to receiving certificate of occupancy for those units. Once the required affordable unit(s) has received certificate of occupancy, those fees-in-lieu shall be returned to the developer.

RESPONSES FROM REFERRAL DEPARTMENTS AND AGENCIES:

Requests to referral agencies and City departments were sent on December 23, 2020 and again on March 1, 2021, following updates to the proposals. Comments received are as follows:

Salida Fire Department: Kathy Rohrich, Fire Plan Review responded “I’ve discussed this one with the developer and he provided everything I asked for. (Hammerhead and hydrant) Looks great!”

Salida Police Department: Russ Johnson, Police Chief responded “I have reviewed the plans that have been submitted and have no concerns at this time.”

Chaffee County Planning Department: No response.



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Salida School District: David Blackburn, Superintendent responded “Fees in lieu of land is acceptable in this project.”

Salida Utilities: Renee Thonoff, Senior Accountant stated “Regarding Holman Court, this property currently has no City Services (i.e. water/sewer). Development would require the purchase of water/sewer taps and meters. The City charges system development fees per unit, how the developer chooses to meter could result in each dwelling unit being metered individually or by building.”

Atmos Energy: Dan Higgins responded: “The location of the gas line referenced in the provided site plan appears to be accurate, but will need to be confirmed. An Atmos Energy engineering review will be undertaken to confirm capacity of the line to serve these proposed lots once formal request is made to do so. Relocation of the existing Atmos Energy gas line will be subject to engineering review and design and a main extension contract agreement in addition to provision of all appropriate easement or right of way provision by the land owner.”

Salida Public Works Department: PW Director, David Lady, submitted the following comments:

“General Items

1. Plat – Extend easement to west property line and to the south at the point of the vehicle turnaround for potential future connection. Easements will need to be widened along the units to ensure that the meter pits and other public infrastructure are within the easements.

Construction Plans

2. The construction plans shall be signed and stamped for final review. Comments are as follows: Put gas/elec other dry utilities on the outside of the wet utilities. Typical section shows them outside of the wet utilities but plan shows them overtop with the call-out ‘may need relocation’.

After approval of a SIA, Owner to coordinate product submittals and preconstruction meeting with Public Works prior to initiation of work.”

Xcel Energy: Sterling Waugh and Tim Butler responded “Xcel would like all access easements to also be utility easements. 10’ front lot easement will work. I was not able to call in locates and verify the existing electric line, it seems like the pathway that is marked does not make sense based on the pole location. It is best whenever possible to just keep the standard set up for utility easements on a residential project. 10’ front and rear easements with 5’ side lot easements excluding properties that are adjacent to a roadway. Commercial is different...”

RECOMMENDED FINDINGS:

1. This application is consistent with the purposes and objectives of planned developments stated in Section 16-7-10 and because it meets the criteria of Section 16-7-40, with the conditions herein.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: April 6, 2021

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------------------------	---	---------------------------------------

2.This application meets the requirements of a Major Impact Review and, with the conditions herein, meets the subdivision review standards of Section 16-6-120.

STAFF RECOMMENDATION:

Based upon the criteria for a Planned Development and Major Subdivision, consistency with the Salida Comprehensive Plan, and the findings outlined below, staff recommends approval of the Planned Development and Major Subdivision requests with the following conditions with number 1 and numbers 5 –12 to be noted on the development plan and subdivision plat:

- 1) Occupants of any deed-restricted affordable units within the homeowners’ association shall not be responsible for any assessments nor dues beyond those fairly-priced specifically for utilities, trash services, and the like. *Should the HOA desire, they may renegotiate the condition with the Chaffee Housing Authority based upon the Authority’s guidelines for such dues.*
- 2) The entirety of the private drive, including the access area between Lots 5 and 6 and western edge of the property, shall be platted as a public utility easement.
- 3) The front 10 feet of all lots shall also be platted as a public utility easement. In the case of Lot 1, the easement shall extend to the northeast corner of the duplex and meet up with the rear access and utility easement at a location specified by Public Works.
- 4) Per the request of private utility agencies, the proposed rear private access easement shall be platted as a “Private Access and Utility Easement,” and the applicants shall also include 5-foot private utility easements along the side lot lines of each lot. The main electrical trunk line, along with pedestals, should be moved into the 10-foot easement at the front of the lots.
- 5) The construction and drainage plans shall be signed and stamped for final review.
- 6) After approval of a subdivision improvement agreement, developer shall coordinate product submittals and preconstruction meeting with Public Works prior to initiation of work.
- 7) Each lot shall have, at minimum, one tree located between the private drive and the front of the proposed units. In addition, the applicant will provide as many trees within the common open spaces as will result in a total of at least 14 across the entire development site.
- 8) Two affordable housing units shall be constructed in the seven lot (14-unit) proposal. Both affordable units shall be built and receive certificate of occupancy (CO) prior to the tenth unit on the site receiving certificate of occupancy.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: April 6, 2021

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- 9) For any affordable unit(s) required to be built through the PD, the developer shall pay the applicable Inclusionary Housing fee-in-lieu for each unit built prior to receiving certificate of occupancy for those units. Once the required affordable unit(s) has received certificate of occupancy, those fees-in-lieu shall be returned to the developer.
- 10) As required under Section 16-6-120(11), no residential façade elevation shall be repeated more than once every five (5) lots on the same side of the street.
- 11) The applicant shall erect a visible barrier/fence [with entry point(s)] around the perimeter of the common open space area and provide reasonable facilities such as picnic table(s), bench(es), children’s playground equipment, etc., to encourage the area’s use.
- 12) A plat note shall be added that states that “Fees-in-lieu for Open Space and for Fair Contributions to Schools shall be required prior to certificate of occupancy for all units.”

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on January 12, 2021. The Commission made the recommendation to approve the planned development and major subdivision applications with a number of conditions included herein. As noted, the applicant has since revised the applications to incorporate certain recommended conditions of approval of the Planning Commission. The remaining relevant conditions of approval, plus additional conditions from reviewing staff regarding utility easements affected by the revisions, are incorporated in the staff recommendation above.

SUGGESTED MOTION:

“I make a motion to recommend the City Council approve Ordinance 2021-03 regarding the Holman Court Planned Development and Major Subdivision on second reading.”

Attachments:

- Ordinance 2021-03
- Proof of Notice
- Holman Court PD Application Materials
- Holman Court Major Subdivision Application Materials
- Duplex Plans and Civil Drawings

ORDINANCE NO. 03
(Series 2021)

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO APPROVING A MAJOR IMPACT REVIEW FOR A 1.72 ACRE PARCEL LOCATED WEST OF HOLMAN AVENUE AND LEGALLY KNOWN AS LOT 2 OF AMBROSE SUBDIVISION, CURRENTLY ZONED R-2, TO PLACE A PLANNED DEVELOPMENT OVERLAY ON THE PROPERTY, AND APPROVE THE DEVELOPMENT PLAN AND 7-LOT MAJOR SUBDIVISION FOR HOLMAN COURT

WHEREAS, the City of Salida Planning Commission conducted a public hearing on the planned development and major subdivision application for the subject property on January 12, 2021 and forwarded to the City Council its recommendation that the subject property be approved, with conditions, as a planned development overlay pursuant to the attached Holman Court development plan included as Exhibit A; and

WHEREAS, the City of Salida Planning Commission reviewed and recommended approval, with conditions, of a seven-lot subdivision (Holman Court) within the planned development overlay, illustrated on Exhibit B; and

WHEREAS, the project is consistent with the purpose, conditions and evaluation standards for planned development districts; and

WHEREAS, the proposals for the subject property are consistent with the policies and goals of the City's land use regulations and Comprehensive Plan, and will advance the public interest and welfare; and

WHEREAS, the City Council held a public hearing on the proposals on April 6th, 2021; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO as follows:

Section One

That the entirety of the property comprising Lot 2 of Ambrose Subdivision to wit, the 1.72 acres, be and is hereby approved as a Planned Development Overlay with the attached development plan and a seven-lot subdivision (Holman Court) with the attached subdivision plat and conditions of approval, which is attached to this ordinance as Exhibit C.

Section Two

Upon approval by the City Council of the Final Development Plan for the Holman Court Planned Development it shall be considered a site specific development plan and granted a vested property right. The City Council is approving the vested property right subject to the terms and conditions contained in the development plan and this ordinance and failure to abide by such terms and conditions may, at the option of the City Council, after a public hearing, result in the forfeiture of vested property rights.

Section Three

Upon approval by the City Council the applicant shall have one hundred eighty (180) days to submit a final Mylar of Exhibits A and B; and incorporating the conditions of approval attached as Exhibit C for the Mayor’s signature and recordation.

Section Four

The City Clerk is hereby directed to undertake the following actions upon the adoption of this Ordinance:

1. Publish this Ordinance in a newspaper of general circulation in the City of Salida.
2. Following recording of the Mylar, the Clerk shall promptly amend the official city zoning district map to incorporate and reflect the planned development overlay of the subject property.

Section Five

This Ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of any ordinance repealed or amended as herein provided, and the same shall be construed and concluded under such prior ordinances.

Section Six

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, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on March 16, 2021 and set for second reading and public hearing on the 6th day of April, 2021.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the 6th day of April, 2021.

CITY OF SALIDA

By: _____
P.T. Wood, Mayor

ATTEST: _____ (SEAL)
City Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the _____, 2021 and **BY TITLE ONLY**, after Final Adoption on the _____, 2021.

By: _____
City Clerk

Exhibit A

HOLMAN COURT

PLANNED DEVELOPMENT (PD)

SALIDA, COLORADO

SHEET LIST TABLE	
NUMBER	SHEET TITLE
D1	COVER
D2	DEVELOPMENT PLAN

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL PERSONS BY THESE PRESENTS THAT HOLMAN COURT, LLC, IS THE FEE OWNER OF THE FOLLOWING DESCRIBED PROPERTY:

LOT 2 AMBROSE SUBDIVISION, PER PLAT RECORDED MAY 10, 2005 AS RECEPTION NO. 350696, CITY OF SALIDA, CHAFFEE COUNTY, COLORADO

HAS LAID-OUT THE SAME INTO THE PLANNED DEVELOPMENT, AS SHOWN ON THIS DEVELOPMENT PLAN UNDER THE NAME AND STYLE OF:

HOLMAN COURT PLANNED DEVELOPMENT
IN THE
CITY OF SALIDA
CHAFFEE COUNTY, COLORADO

IN WITNESS WHEREOF THE UNDERSIGNED HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS ____ DAY OF _____, 2021

BY: _____ (HOLMAN COURT, LLC REPRESENTATIVE)

COUNTY OF CHAFFEE)
) SS.
STATE OF COLORADO)

THE FORGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2021, BY _____ (HOLMAN COURT, LLC REPRESENTATIVE) WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

CERTIFICATION OF TITLE

NOTARY PUBLIC _____, 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 HOLMAN COURT, LLC, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT AS LISTED BELOW:

DATED THIS ____ DAY OF _____, 2021.

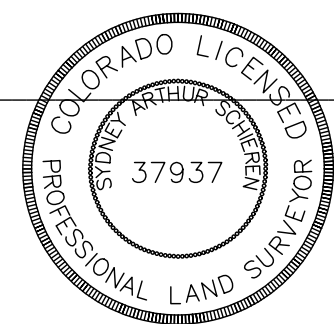
TITLE AGENT

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.

PRELIMINARY DRAFT
INTENDED FOR REVIEW BY CLIENT
AND AGENT ONLY

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



CITY COUNCIL APPROVAL

THIS PLAT IS APPROVED BY THE SALIDA CITY COUNCIL THIS ____ DAY OF _____, 2021.

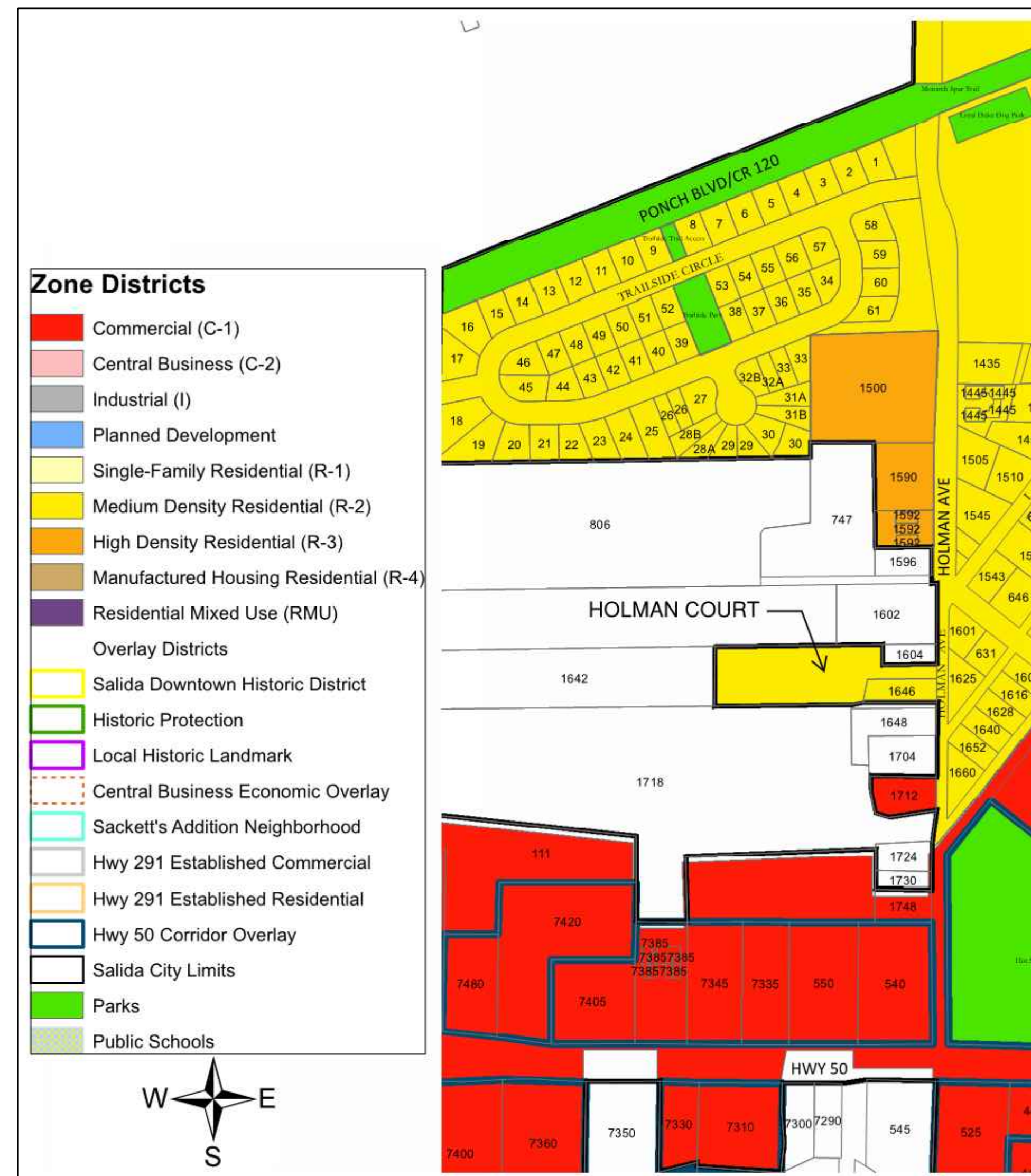
MAYOR, CITY OF SALIDA

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 _____, 2021 UNDER RECEPTION NUMBER _____.

CHAFFEE COUNTY CLERK AND RECORDER

VICINITY AND ZONING MAP



CONDITIONS OF APPROVAL

AMENDED CONDITIONS OF APPROVAL FOR HOLMAN COURT PD:

- OCCUPANTS OF ANY DEED-RESTRICTED AFFORDABLE UNITS WITHIN THE HOMEOWNERS ASSOCIATION SHALL NOT BE RESPONSIBLE FOR ANY ASSESSMENTS NOR DUES BEYOND THOSE FAIRLY-PRICED SPECIFICALLY FOR UTILITIES, TRASH SERVICES, AND THE LIKE.
- EACH LOT SHALL HAVE AT MINIMUM ONE TREE LOCATED BETWEEN THE PRIVATE DRIVE AND THE FRONT OF THE PROPOSED UNITS. IN ADDITION, THE APPLICANT WILL PROVIDE AS MANY TREES WITHIN THE COMMON OPEN SPACES AS WILL RESULT IN A TOTAL OF AT LEAST 16 ACROSS THE ENTIRE DEVELOPMENT SITE.
- TWO AFFORDABLE HOUSING UNITS SHALL BE CONSTRUCTED IN THE SEVEN LOT PROPOSAL. BOTH AFFORDABLE UNITS SHALL BE BUILT AND RECEIVE CERTIFICATE OF OCCUPANCY (CO) PRIOR TO THE TENTH UNIT ON THE SITE RECEIVING CERTIFICATE OF OCCUPANCY.
- FOR ANY AFFORDABLE UNIT(S) REQUIRED TO BE BUILT THROUGH THE PD, THE DEVELOPER SHALL PAY THE APPLICABLE INCLUSIONARY HOUSING FEE-IN-LIEU FOR EACH UNIT BUILT PRIOR TO RECEIVING CERTIFICATE OF OCCUPANCY FOR THOSE UNITS. ONCE THE REQUIRED AFFORDABLE UNIT(S) HAS RECEIVED CERTIFICATE OF OCCUPANCY, THOSE FEES-IN-LIEU SHALL BE RETURNED TO THE DEVELOPER.
- THE APPLICANT SHALL ERECT A VISIBLE BARRIER/FENCE, WITH ENTRY POINT(S), AROUND THE PERIMETER OF THE COMMON OPEN SPACE AREA AND PROVIDE REASONABLE FACILITIES SUCH AS PICNIC TABLES, BENCHES, CHILDREN'S PLAYGROUND EQUIPMENT, ETC., TO ENCOURAGE THE AREA'S USE.
- AS REQUIRED UNDER SECTION 16-6-120(11), NO RESIDENTIAL FAÇADE ELEVATION SHALL BE REPEATED MORE THAN ONCE EVERY FIVE (5) LOTS ON THE SAME SIDE OF THE STREET.

CONSULTANTS

ENGINEER
Walker Engineering
905 Camino Sierra Vista Santa Fe, NM 87505
505-820-7990 morey@walkerengineering.net Fax: 505-820-3539

CONSULTANT
Land Water Concepts
Salida, Colorado
505-690-5873
andy@lwconcepts.com

LAND SURVEYOR
LANDMARK SURVEYING
202 N F Street Salida, CO 81201
719-539-4021 syd@surveycolorado.com

3/8/21

HOLMAN COURT - PLANNED DEVELOPMENT (PD)
SALIDA, CO LORADO

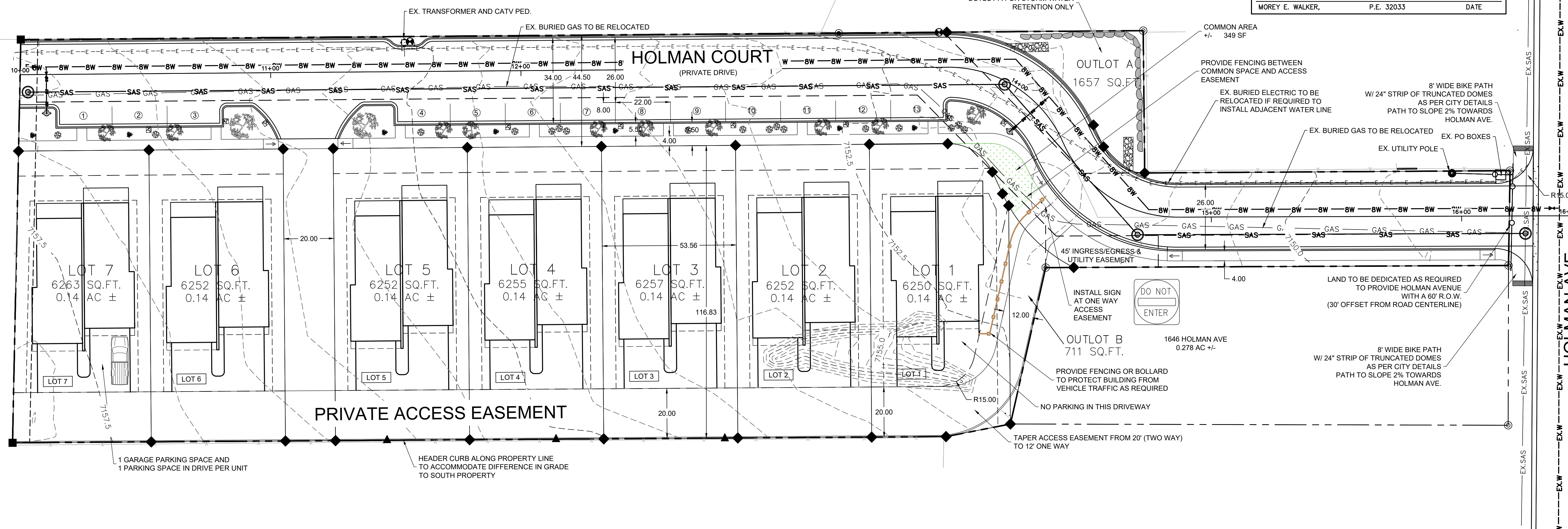
SHEET NO.

D1

RECORD DRAWINGS

THIS RECORD DOCUMENT HAS BEEN PREPARED BASED ON THE BEST AVAILABLE INFORMATION AS PROVIDED BY OTHERS. WALKER ENGINEERING CERTIFIES THAT THE INFORMATION SHOWN IS A REASONABLE DOCUMENTATION OF THE FINAL CONSTRUCTION.

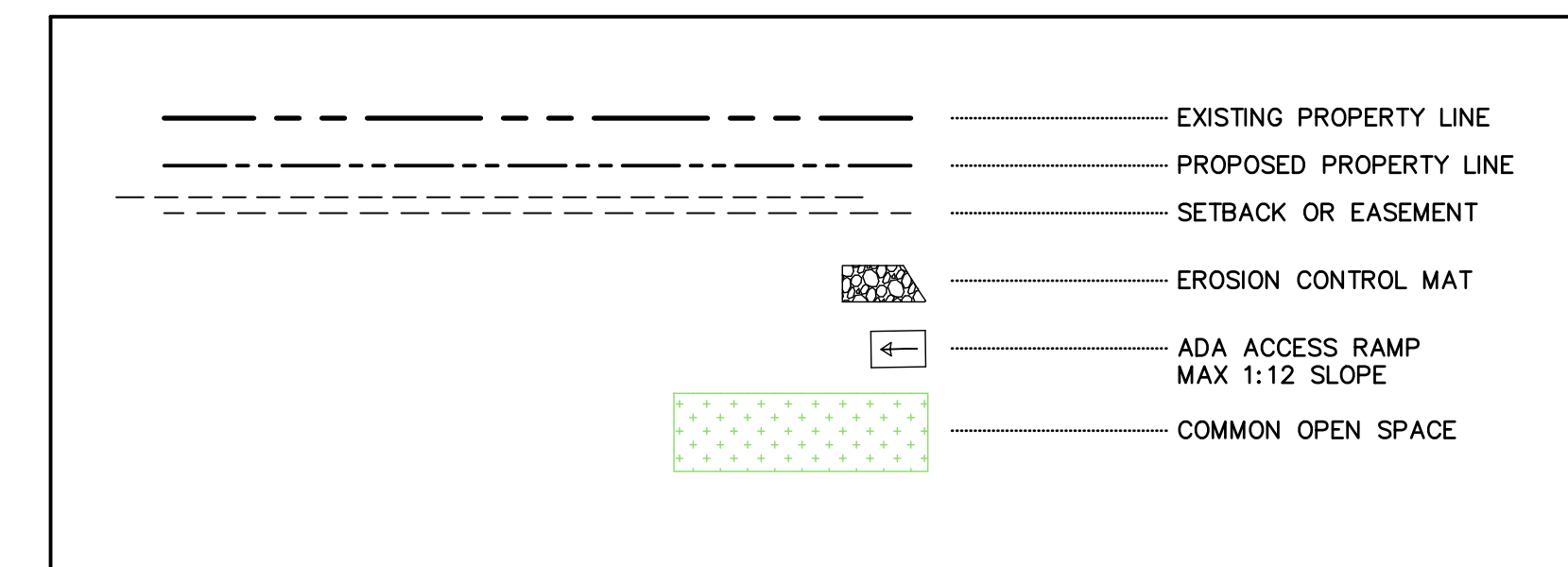
MOREY E. WALKER, P.E. 32033 DATE



W.E. Walker Engineering
 Civil Engineering • Water Resources • Traffic Engineering
 905 Camino Sierra Vista, Santa Fe, NM 87505
 505-820-7990
 FAX 505-820-3839
 E-MAIL: civil@walkerengineering.net

No.	REVISION	BY	APP.	DATE

DESIGNED BY: _____
 DRAWN BY: _____
 CHECKED BY: _____
 DATE: 3/8/21
 SCALE: _____



SCHEDULE OF DIMENSIONAL STANDARDS

Dimensional Standard	R-2	PD
Min. lot size (sq. ft.)	5,625	5,625
Density (Min. lot sq. footage per principal dwelling unit)	3,125	3,125
Min. lot size (sq. ft.)—attached units	3,125	3,125
Min. lot frontage	37'-6"	Note 3.
Min. lot frontage—attached units	20'	20'
Max. lot coverage: structures (additive coverage total for structures and uncovered parking cannot exceed 90% except in C-2)	40%	40%
Max. lot coverage: uncovered parking/access (additive coverage total for structures and uncovered parking cannot exceed 90% except in C-2)	15%	40%
Min. landscape area	45%	30%
Min. setback from side lot line for a primary bldg.	5'	5'
Min. setback from side lot line for a detached accessory bldg.	5', 5', or 10'+	3', 5', or 10'+
Min. setback from rear lot line: principal bldg.	20'	20'
Min. setback from rear lot line: accessory bldg.	5'	5'
Min. setback from front lot line	20'	20'
Max. building height for a primary bldg.	35'	35'
Max. building height for a detached accessory bldg.	25'	25'

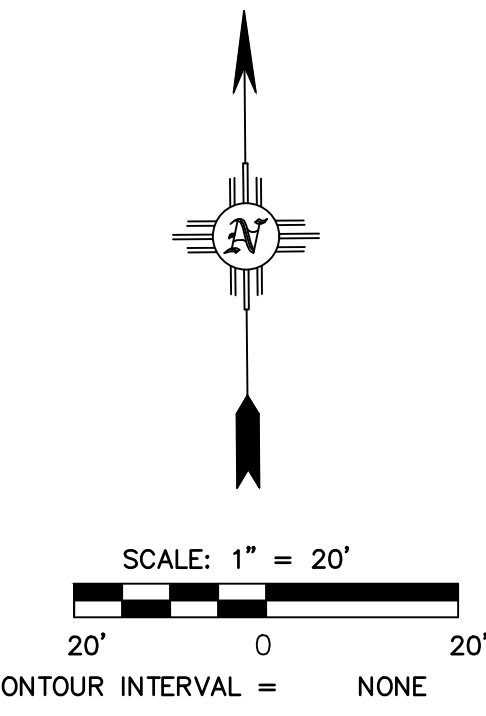
Notes:
 1. ESTIMATED FLOOR AREA IS THE BUILDING FOOTPRINT AND DOES NOT INCLUDE THE SECOND STORY
 2. ESTIMATED DRIVEWAY AREA INCLUDES BOTH THE UNCOVERED PARKING AND THE PORTION OF THE PRIVATE ACCESS EASEMENT ON EACH LOT.
 3. MINIMUM LOT FRONTAGE IS TO BE MEASURED AT HOLMAN COURT, A PRIVATE DRIVE VERSUS A PUBLIC STREET AS IS GENERALLY REQUIRED.

HOLMAN COURT SUBDIVISION - PLANNED DEVELOPMENT SUMMARY

TOTAL LOT AREA: 1.712 ACRES
 TOTAL LOT AREA: 74574.72 SQ. FT.
 ZONING: R2 MEDIUM DENSITY RESIDENTIAL
 NUMBER OF LOTS: 7
 NUMBER OF OFF STREET PARKING SPACES: 13
 NUMBER OF OFF STREET PARKING SPACES INCLUDING GARAGES: 27

LOT SUMMARY	NUMBER UNITS	PROPOSED USE	LOT AREA ACRES	LOT AREA SF	ESTIMATED FLOOR AREA ¹ SF	ESTIMATED FLOOR AREA ¹ %	ESTIMATED DRIVEWAY AREA ² SF	ESTIMATED DRIVEWAY AREA ² %	ESTIMATED LANDSCAPED AREA SF	ESTIMATED LANDSCAPED AREA %	MAX LOT COVERAGE %
LOT 1	2	DUPLEX	0.14	6250	1977	32%	2282	37%	1991	32%	68%
LOT 2	2	DUPLEX	0.14	6252	2158	35%	1836	29%	2258	36%	64%
LOT 3	2	DUPLEX	0.14	6257	2158	34%	1835	29%	2264	36%	64%
LOT 4	2	DUPLEX	0.14	6255	2158	35%	1832	29%	2265	36%	64%
LOT 5	2	DUPLEX	0.14	6252	2158	35%	1829	29%	2265	36%	64%
LOT 6	2	DUPLEX	0.14	6252	2158	35%	1827	29%	2267	36%	64%
LOT 7	2	DUPLEX	0.14	6263	2158	34%	1854	30%	2251	36%	64%

COMMON AREA: 349 SF

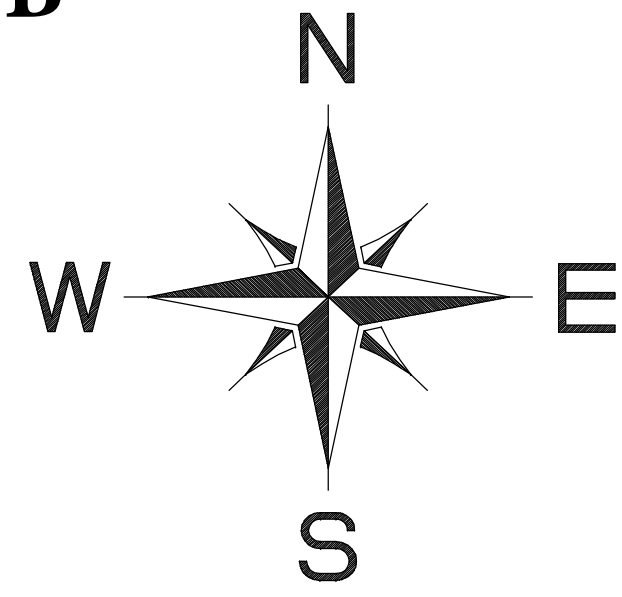


PROJECT: HOLMAN COURT
 SHEET TITLE: DEVELOPMENT PLAN

CITY REVIEW	DATE
WATER	
WASTEWATER	
TRAFFIC	
FW ENGINEERING	
FIRE DEPARTMENT	
SOLID WASTE	
LANDSCAPE	
TRAILS/OPEN SPACE	
SUBDIVISION REVIEW	

SHEET NO. D2

Exhibit B



SCALE
1" = 30'

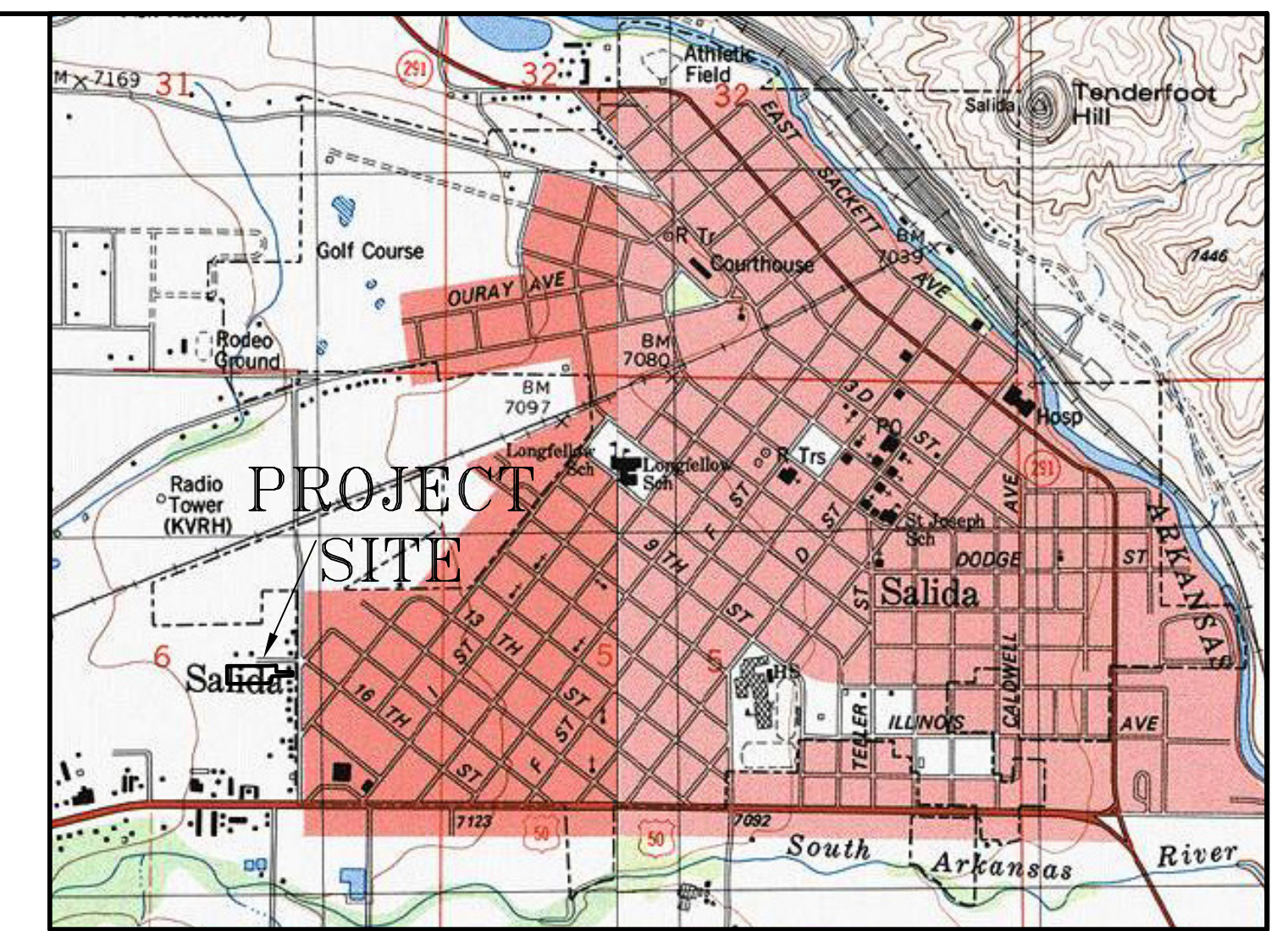


HOLMAN AVENUE SUBDIVISION

A SUBDIVISION OF LOT 2
AMBROSE SUBDIVISION
CITY OF SALIDA
CHAFFEE COUNTY, COLORADO

LEGEND

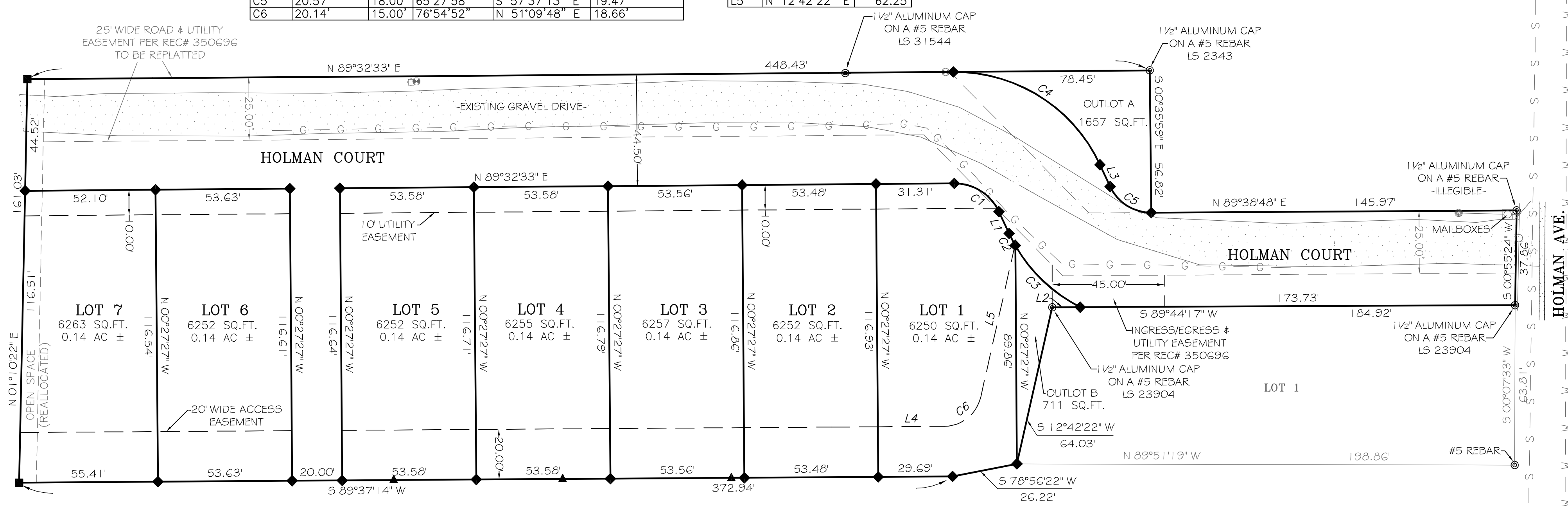
- FOUND MONUMENT AS NOTED
- FOUND 1 1/4" PLASTIC CAP LS 1 G 1 I 7
- ▲ FOUND 1" PLASTIC CAP LS 27931
- WATER VALVE
- ⊕ POWER POLE
- ⊗ SEWER MAN HOLE
- ⊕ TELEPHONE PEDESTAL
- ⊙ WELL
- X — FENCE
- ○ — OVERHEAD UTILITY
- S — UNDERGROUND SEWER
- G — UNDERGROUND GAS LINE
- W — UNDERGROUND WATER LINE
- ▨ CONCRETE



VICINITY MAP
NOT TO SCALE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	22.32'	19.50'	65°34'13"	N 57°40'20" W	21.12'
C2	5.38'	62.50'	4°55'40"	N 27°21'04" W	5.37'
C3	36.33'	62.50'	33°18'14"	S 46°28'01" E	35.82'
C4	73.24'	64.00'	65°34'13"	S 57°40'20" E	69.31'
C5	20.57'	18.00'	65°27'58"	S 57°37'13" E	19.47'
C6	20.14'	15.00'	76°54'52"	N 51°09'48" E	18.66'

LINE	BEARING	DISTANCE
L1	S 24°53'14" E	9.59'
L2	S 89°44'17" W	11.19'
L3	N 24°53'14" W	9.59'
L4	N 89°37'14" E	26.56'
L5	N 12°42'22" E	62.25'



CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL PERSONS BY THESE PRESENTS THAT HOLMAN COURT, LLC, THE FEE OWNER OF THE FOLLOWING DESCRIBED PROPERTY:

LOT 2 AMBROSE SUBDIVISION, PER PLAT RECORDED MAY 10, 2005 AS RECEPTION NO. 350696, CITY OF SALIDA, CHAFFEE COUNTY, COLORADO

HAS LAID-OUT, PLATTED AND SUBDIVIDED THE SAME INTO 7 LOTS, AS SHOWN ON THIS PLAT UNDER THE NAME AND STYLE OF:

HOLMAN AVENUE SUBDIVISION
IN THE
CITY OF SALIDA
CHAFFEE COUNTY, COLORADO

IN WITNESS WHEREOF THE UNDERSIGNED HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS ____ DAY OF ____ 2021

BY: _____ (HOLMAN COURT, LLC REPRESENTATIVE)

COUNTY OF CHAFFEE)
STATE OF COLORADO) SS.

THE FORGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____ 2021, BY _____ (HOLMAN COURT, LLC REPRESENTATIVE) WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

ACKNOWLEDGMENT OF LIEN HOLDER

HIGH COUNTRY BANK, AS LIEN HOLDER, HEREBY ACKNOWLEDGES AND APPROVES THE TERMS, CONDITIONS AND DEDICATION AS DISCLOSED UPON THIS PLAT.

REPRESENTATIVE _____ DATE _____

COUNTY OF _____)
STATE OF _____) SS.

THE FORGOING ACKNOWLEDGMENT OF LIEN HOLDER WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____ 2021, BY _____ WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

CITY COUNCIL APPROVAL

THIS PLAT IS APPROVED FOR FILING AND THE CITY HEREBY ACCEPTS THE DEDICATION OF THE STREETS AND ROADS SHOWN HEREON SUBJECT TO THE "STREET MAINTENANCE" SET FORTH BELOW, AND FURTHER ACCEPTS THE DEDICATION OF EASEMENTS SHOWN HEREON.

SIGNED THIS ____ DAY OF _____, 2021.
CITY OF SALIDA

BY: _____
MAYOR

PLANNING COMMISSION APPROVAL

THIS PLAT IS APPROVED BY THE CITY OF SALIDA PLANNING COMMISSION THIS ____ DAY OF _____, 2021.

CHAIR OF PLANNING COMMISSION, CITY OF SALIDA

CERTIFICATE OF STREET & UTILITY MAINTENANCE

PUBLIC NOTICE IS HEREBY GIVEN THAT NEITHER THE DEDICATED PUBLIC ROADS NOR THE PUBLIC UTILITIES SHOWN ON THIS PLAT WILL BE MAINTAINED BY THE CITY OF SALIDA UNTIL AND UNLESS THE SUBDIVIDER CONSTRUCTS THE STREETS, ROADS AND UTILITIES IN ACCORDANCE WITH THE SUBDIVISION AGREEMENT AS RECORDED AT RECEPTION NO. _____, IF ANY, AND THE SUBDIVISION REGULATIONS IN EFFECT AT THE DATE OF THE RECORDING OF THIS PLAT, AND APPROVAL OF THE CITY HAS BEEN ISSUED TO THAT EFFECT. WHEN THE CITY APPROVES A STREET OR UTILITY FOR MAINTENANCE, THE STREET OR UTILITY SHALL BECOME PUBLIC IN ALL SENSES OF THE WORD AND THE SUBDIVIDER HAS NO FURTHER OBLIGATIONS IN REGARDS TO THAT PARTICULAR STREET OR UTILITY.

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.

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 WESTERN BOUNDARY OF THE SUBJECT PROPERTY BETWEEN TWO 1 1/4" PLASTIC CAPS STAMPED "LS 1 G 1 I 7" HAVING A BEARING OF NORTH 01°10'22" EAST.
- 2) UNDERGROUND UTILITIES SHOWN AS MARKED ON THE SURFACE BY UTILITY NOTIFICATION CENTER OF COLORADO AND OTHERS. LANDMARK SURVEYING AND MAPPING ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF ANY UNDERGROUND UTILITIES DEPICTED HEREON.
- 3) ZONE: R-2 (MEDIUM DENSITY RESIDENTIAL)
- 4) AS REQUIRED UNDER SECTION 1 G. 6. 140 OF THE SALIDA MUNICIPAL CODE, A PAYMENT IN LIEU OF LAND DEDICATION FOR FAIR CONTRIBUTIONS FOR 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
- 5) THIS SURVEY WAS PERFORMED IN CONJUNCTION WITH FIRST AMERICAN TITLE INSURANCE COMPANY (CENTRAL COLORADO TITLE & ESCROW), COMMITMENT NO. 20-12303, DATED AUGUST 10, 2020.

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 _____, 2021 UNDER RECEPTION NUMBER _____.

CHAFFEE COUNTY CLERK AND RECORDER

CERTIFICATION OF TITLE

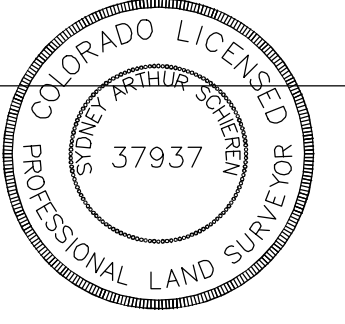
I, _____, A LICENSED TITLE INSURANCE AGENT IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE PROPERTY HEREBY DEDICATED AND AS SHOWN AND DESCRIBED ON THIS PLAT AND FOUND TITLE VESTED IN HOLMAN COURT, LLC, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT AS LISTED BELOW:

DATED THIS ____ DAY OF _____, 2021.

TITLE AGENT

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.



REVISED:	HOLMAN AVENUE SUBDIVISION A SUBDIVISION OF LOT 2 AMBROSE SUBDIVISION CITY OF SALIDA CHAFFEE COUNTY, COLORADO
JOB # 2018G	
DATE: FEBRUARY 3, 2021	
SHEET 1 OF 1	
LANDMARK SURVEYING & MAPPING P.O. BOX 668 SALIDA, CO 81201 PH 719.539.4021 FAX 719.539.4031	

Exhibit C: Conditions of Approval for Holman Court Planned Development and Major Subdivision

- 1) Occupants of any deed-restricted affordable units within the homeowners' association shall not be responsible for any assessments nor dues beyond those fairly-priced specifically for utilities, trash services, and the like. *Should the HOA desire, they may renegotiate the condition with the Chaffee Housing Authority based upon the Authority's guidelines for such dues.*
- 2) The entirety of the private drive, including the access area between Lots 5 and 6 and western edge of the property, shall be platted as a public utility easement.
- 3) The front 10 feet of all lots shall also be platted as a public utility easement. In the case of Lot 1, the easement shall extend to the northeast corner of the duplex and meet up with the rear access and utility easement at a location specified by Public Works.
- 4) Per the request of private utility agencies, the proposed rear private access easement shall be platted as a "Private Access and Utility Easement".
- 5) The construction and drainage plans shall be signed and stamped for final review.
- 6) After approval of a subdivision improvement agreement, developer shall coordinate product submittals and preconstruction meeting with Public Works prior to initiation of work.
- 7) Each lot shall have, at minimum, one tree located between the private drive and the front of the proposed units. In addition, the applicant will provide as many trees within the common open spaces as will result in a total of at least 14 across the entire development site.
- 8) Two affordable housing units shall be constructed in the seven lot (14-unit) proposal. Both affordable units shall be built and receive certificate of occupancy (CO) prior to the tenth unit on the site receiving certificate of occupancy.
- 9) For any affordable unit(s) required to be built through the PD, the developer shall pay the applicable Inclusionary Housing fee-in-lieu for each unit built prior to receiving certificate of occupancy for those units. Once the required affordable unit(s) has received certificate of occupancy, those fees-in-lieu shall be returned to the developer.
- 10) As required under Section 16-6-120(11), no residential façade elevation shall be repeated more than once every five (5) lots on the same side of the street.
- 11) The applicant shall erect a visible barrier/fence [with entry point(s)] around the perimeter of the common open space area and provide reasonable facilities such as picnic table(s), bench(es), children's playground equipment, etc., to encourage the area's use.
- 12) A plat note shall be added that states that "Fees-in-lieu for Open Space and for Fair Contributions to Schools shall be required prior to certificate of occupancy for all units."

take place in the City Council Chambers, 448 East 1st Street, Salida, Colorado. The hearing concerns Major Impact Review applications for the property described as "Lot 2 of Ambrose Subdivision" (located west of 1604 and 1646 Holman Ave.). The applications have been submitted by Holman Court, LLC represented by David Laroche and Mark Lee.

The applicants are requesting:

A. Approval of a Planned Development overlay zoning for 1.72 acres currently zoned R-2 (Medium-Density Residential) for the purpose of creating a subdivision with lots fronting off of a private drive that will extend west of Holman Ave. The applicant is also requesting some relief from landscaping and parking/access lot coverage. All other dimensional standards are anticipated to be met.

B. Approval of a Major Subdivision to split the above described 1.72 acre property into 7 residential lots, two associated common tracts, and a private drive that will be managed by an HOA.

Interested persons are encouraged to attend the public hearing. Further information on the application may be obtained from the Community Development Department, (719) 330-2634.

Published in The Mountain Mail March 19, 2021

PUBLIC NOTICE

Notice is hereby given that the City Council for the City of Salida, Colorado will hold a Public Hearing for Ordinance 2021-03. It will be held at the hour of 6:00 p.m., or as soon thereafter as may be heard, on Tuesday, April 6, 2021, remotely through GoToWebinar application via the following direct link: <https://attendee.gotowebinar.com/register/2923586433681497360>. At said time and place, any interested persons may appear to be heard for or against said ordinance. Additionally, depending on which "Tier" of its COVID-19 Action Plan the City of Salida is in on March 2, 2021, based upon Public Health Department guidance, the hearing may also take place in the City Council Chambers, 448 East 1st Street, Salida, Colorado. Visit <https://cityofsalida.com/administration/page/covid-19-information> to view the County Dashboard and Emergency Declaration and City of Salida COVID-19 Action Plan. Published in The Mountain Mail March 19, 2021

**PUBLIC NOTICE
ORDINANCE NO. 03
(Series 2021)**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO APPROVING A MAJOR IMPACT REVIEW FOR A 1.72 ACRE PARCEL LOCATED WEST OF HOLMAN AVENUE AND LEGALLY KNOWN AS LOT 2 OF AMBROSE SUBDIVISION, CURRENTLY ZONED R-2, TO PLACE A PLANNED DEVELOPMENT OVERLAY ON THE PROPERTY, AND APPROVE THE DEVELOPMENT PLAN AND 7-LOT MAJOR SUBDIVISION FOR HOLMAN COURT

WHEREAS, the City of Salida Planning Commission conducted a public hearing on the planned development and major subdivision application for the subject property on January 12, 2021 and forwarded to the City Council its recommendation that the subject property be approved, with conditions, as a planned development overlay pursuant to the attached Holman Court development plan included as Exhibit A; and

WHEREAS, the City of Salida Planning Commission reviewed and recommended approval, with conditions, of a seven-lot subdivision (Holman Court) within the planned development overlay, illustrated on Exhibit B; and

WHEREAS, the project is consistent with the purpose, conditions and evaluation standards for planned development districts; and

WHEREAS, the proposals for the subject property are consistent with the policies and goals of the City's land use regulations and Comprehensive Plan, and will advance the public interest and welfare; and

WHEREAS, the City Council held a public hearing on the proposals on April 6th, 2021; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO as follows:

Section One

That the entirety of the property comprising Lot 2 of Ambrose Subdivision to wit, the 1.72 acres, be and is hereby approved as a Planned Development Overlay with the attached development plan and a seven-lot subdivision (Holman Court) with the attached subdivision plat and conditions of approval, which is attached to this ordinance as Exhibit C.

Section Two

Upon approval by the City Council of the Final Development Plan for the Holman Court Planned Development it shall be considered a site specific development plan and granted a vested property right. The City Council is approving the vested property right subject to the terms and conditions contained in the development plan and this ordinance and failure to abide by such terms and conditions may, at the option of the City Council, after a public hearing, result in the forfeiture of vested property rights.

Section Three

Upon approval by the City Council the applicant shall have one hundred eighty (180) days to submit a final Mylar of Exhibits A and B; and incorporating the conditions of approval attached as Exhibit C for the Mayor's signature and recordation.

Section Four

The City Clerk is hereby directed to undertake the following actions upon the adoption of this Ordinance:

1. Publish this Ordinance in a newspaper of general circulation in the City of Salida.

2. Following recording of the Mylar, the Clerk shall promptly amend the official city zoning district map to incorporate and reflect the planned development overlay of the subject property.

Section Five

This Ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of any ordinance repealed or amended as herein provided, and the same shall be construed and concluded under such prior ordinances.

Section Six

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, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on March 16, 2021 and set for second reading and public hearing on the 6th day of April, 2021.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the ___ day of ___, 2021.

CITY OF SALIDA

By: P.T. Wood, Mayor

ATTEST:

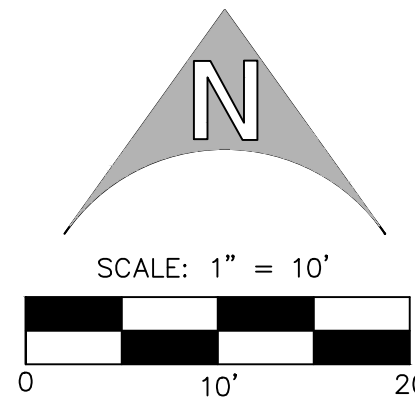
City Clerk
(SEAL)

Published in The Mountain Mail March 19, 2021

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING BEFORE
THE CITY COUNCIL FOR THE CITY OF
SALIDA CONCERNING MAJOR IMPACT
REVIEW APPLICATIONS**

TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE that a public hearing will be conducted by the City of Salida City Council, on April 6, 2021 at or about the hour of 6:00 p.m, remotely through the GoToWebinar application via the following direct link: <https://attendee.gotowebinar.com/register/6382995264411204366>. Additionally, depending on which "Tier" of its COVID-19 Action Plan the City of Salida is in on April 6, 2021, based upon Public Health Department guidance, the hearing may also

CPAXLP



1" = 10'-0"
FEB 17, 2021
S-1
Title: SITE PLAN

HOLMAN COURT
DUPLEXES
SALIDA, COLORADO

NOTE: LAND AND WATER CONCEPTS, LLC ASSUMES NO RESPONSIBILITY FOR ANY DAMAGES, INCLUDING STRUCTURAL DAMAGES, ARISING FROM ANY OMISSIONS OR ERRORS BY OTHERS. IN ANY INSTANCE THE MAXIMUM LIABILITY OF LAND AND WATER CONCEPTS, LLC SHALL BE A REFUND OF THE PRICE OF THE SERVICES PERFORMED. IT IS RECOMMENDED THAT THE CLIENT CONSULT WITH AN ATTORNEY PRIOR TO THE START OF ACTUAL CONSTRUCTION.

LAND & WATER
CONCEPTS
Home Design • Civil Engineering • Project Management

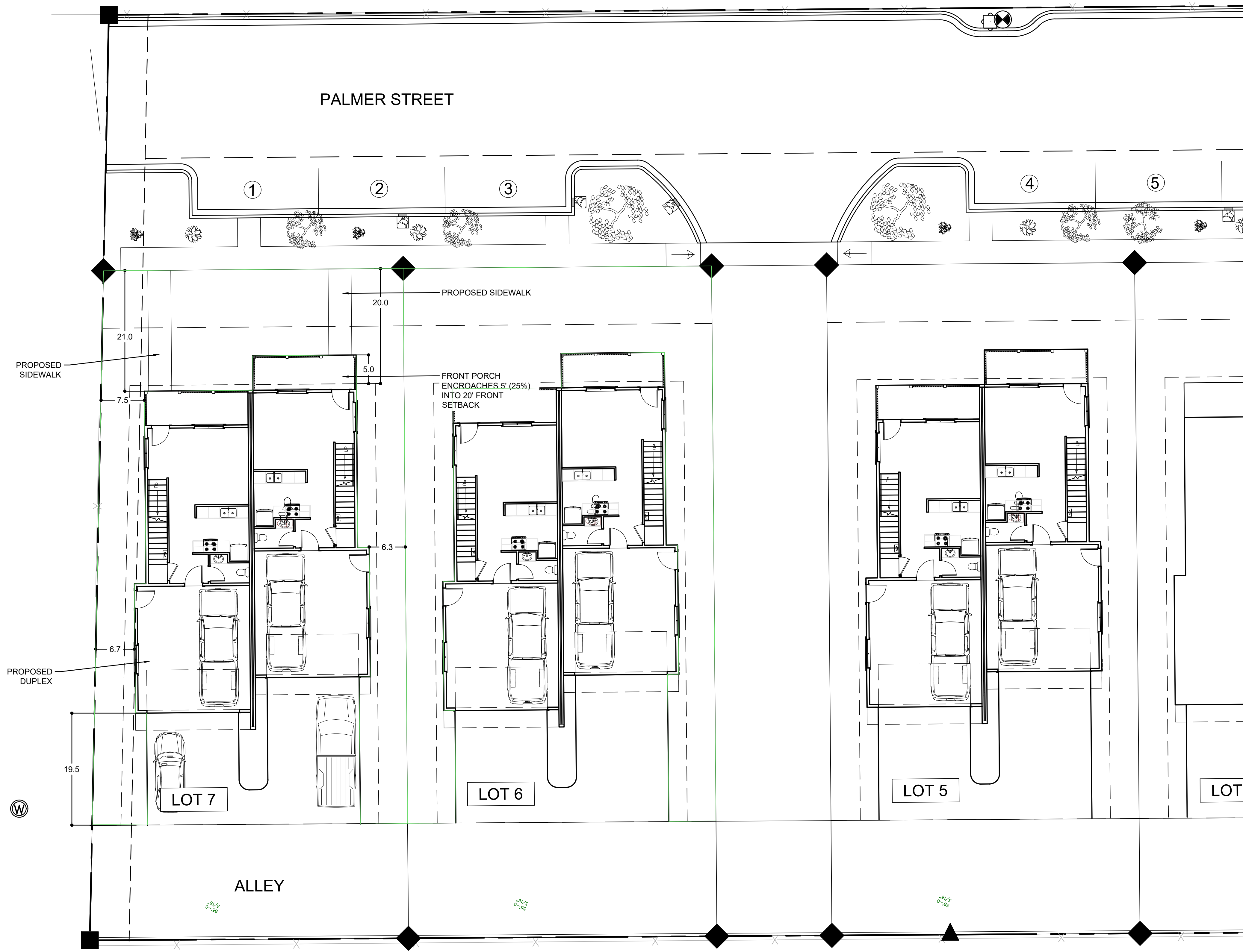


LOTS 5,6 AND 7 HOLMAN COURT SUBDIVISION
MIN. LOT AREA = 6252 SF
ZONING = R2

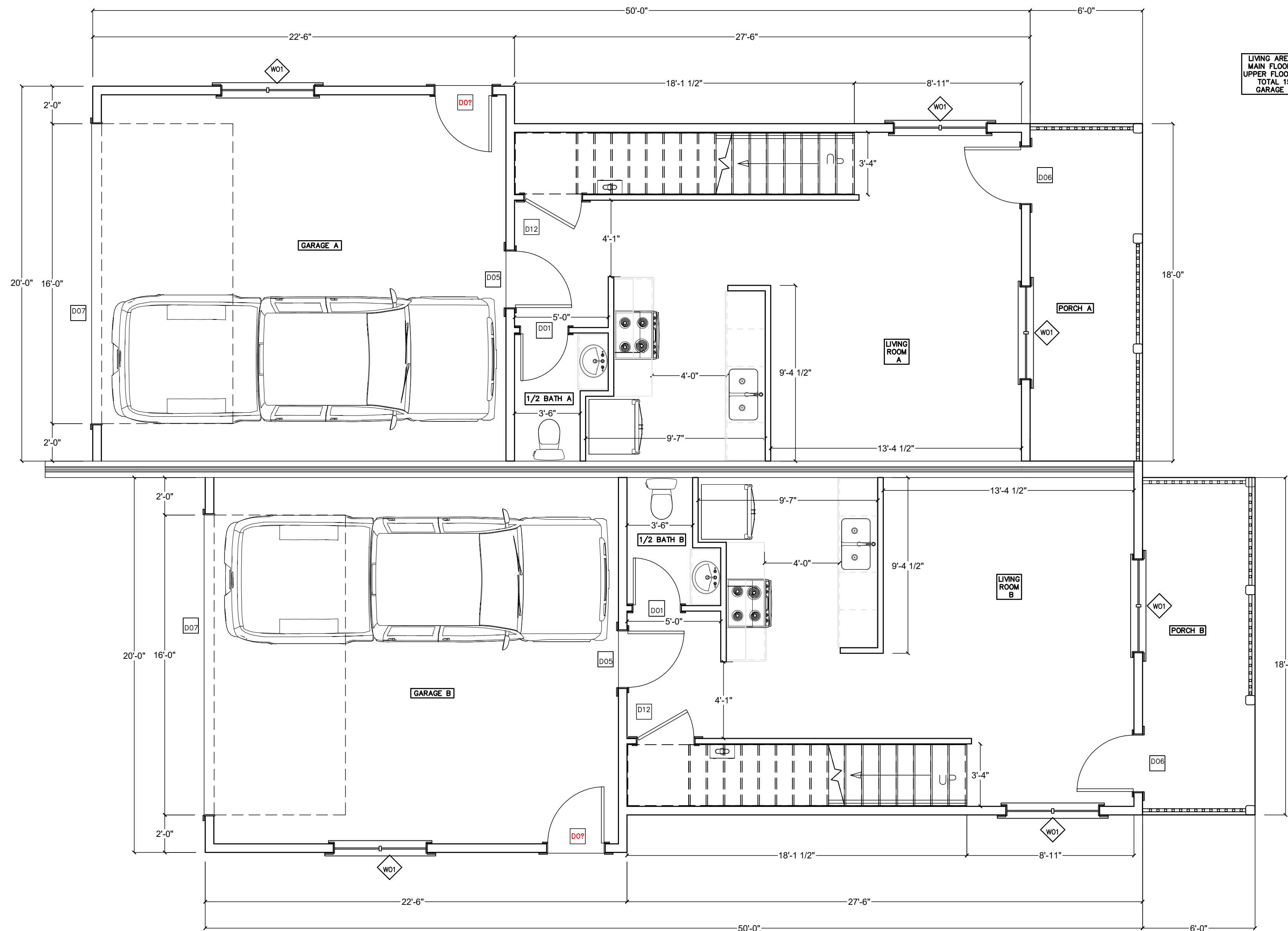
STRUCTURE FOOTPRINT = 2278 SF
TOTAL LOT COVERAGE STRUCTURES = 36%
TOTAL LOT COVERAGE STRUCTURES = MAX 40%

PARKING AND ACCESS = 827 SF
*NOT INCLUDING ACCESS EASEMENT
PROVIDED LOT COVERAGE PARKING/ACCESS = 13%
ALLOWED LOT COVERAGE PARKING/ACCESS = MAX 15%

LANDSCAPED AREA = 2174 SF
*VARIES SLIGHTLY PER LOT
LANDSCAPED AREA PROVIDED = 35%
REQUIRED LOT LANDSCAPED AREA = MIN 45%



DESIGN DEVELOPMENT



1/4" = 1'-0"
FEB 17, 2021
A-1
Title: MAIN FLOOR PLAN

**HOLMAN COURT
DUPLEXES**
SALIDA, COLORADO

NOTE: LAND AND WATER CONCEPTS, LLC ASSUMES NO RESPONSIBILITY FOR ANY DAMAGES, INCLUDING STRUCTURAL DAMAGES, ARISING FROM THE USE OF THIS PLAN OR ANY OMISSIONS OR ERRORS BY OTHERS. IN ANY INSTANCE THE MAXIMUM LIABILITY OF LAND AND WATER CONCEPTS, LLC SHALL BE A REFUND OF THE PRICE OF THE SERVICES PERFORMED. IT IS RECOMMENDED THAT CLIENTS OBTAIN PROFESSIONAL REVIEW BY THE OFFICE OF THE ENGINEER PRIOR TO THE START OF ACTUAL CONSTRUCTION.

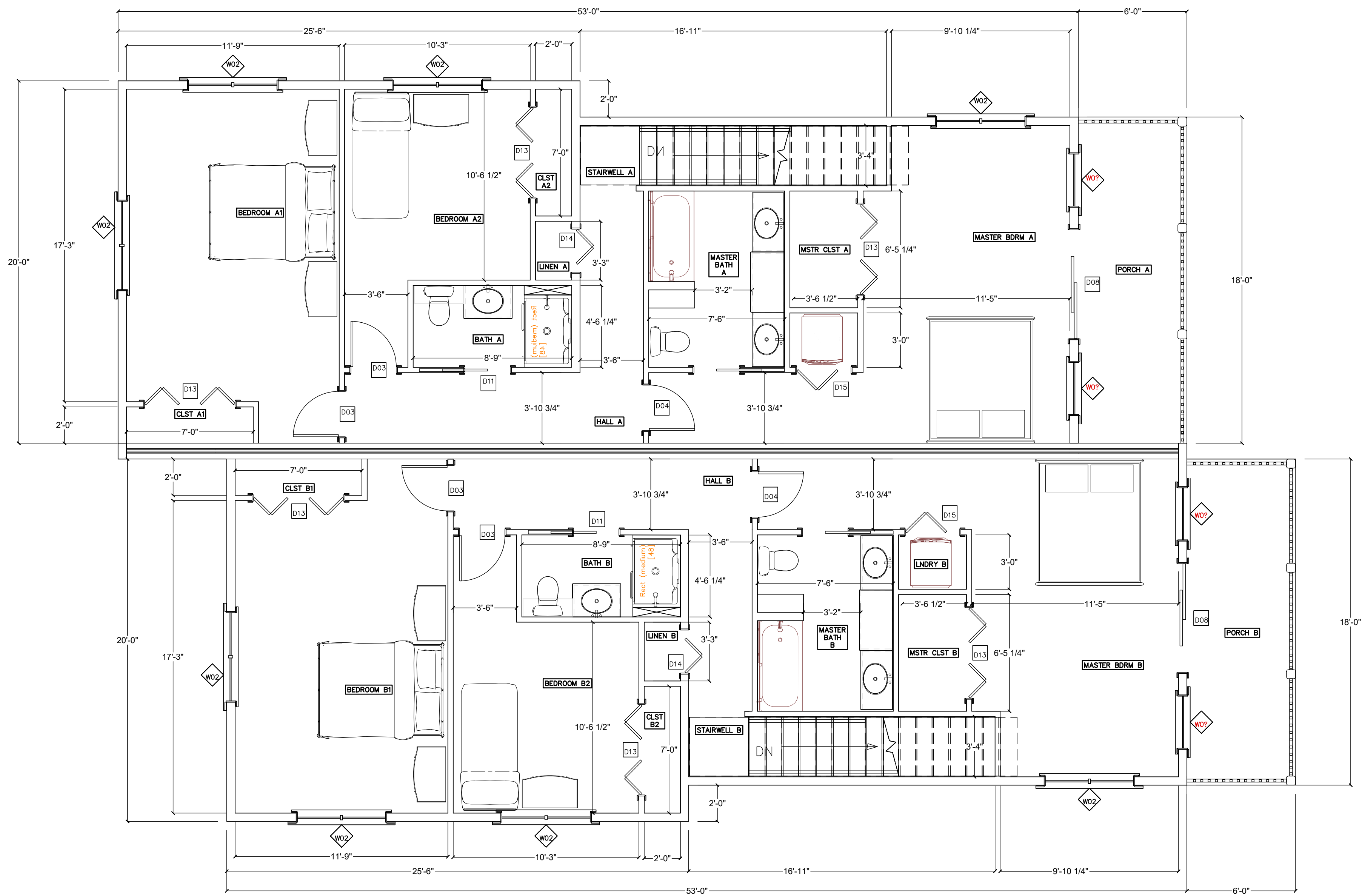
**LAND & WATER
CONCEPTS**
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DESIGN DEVELOPMENT

1/4" = 1'-0"
FEB 17, 2021
A-2
Title:
UPPER FLOOR PLAN

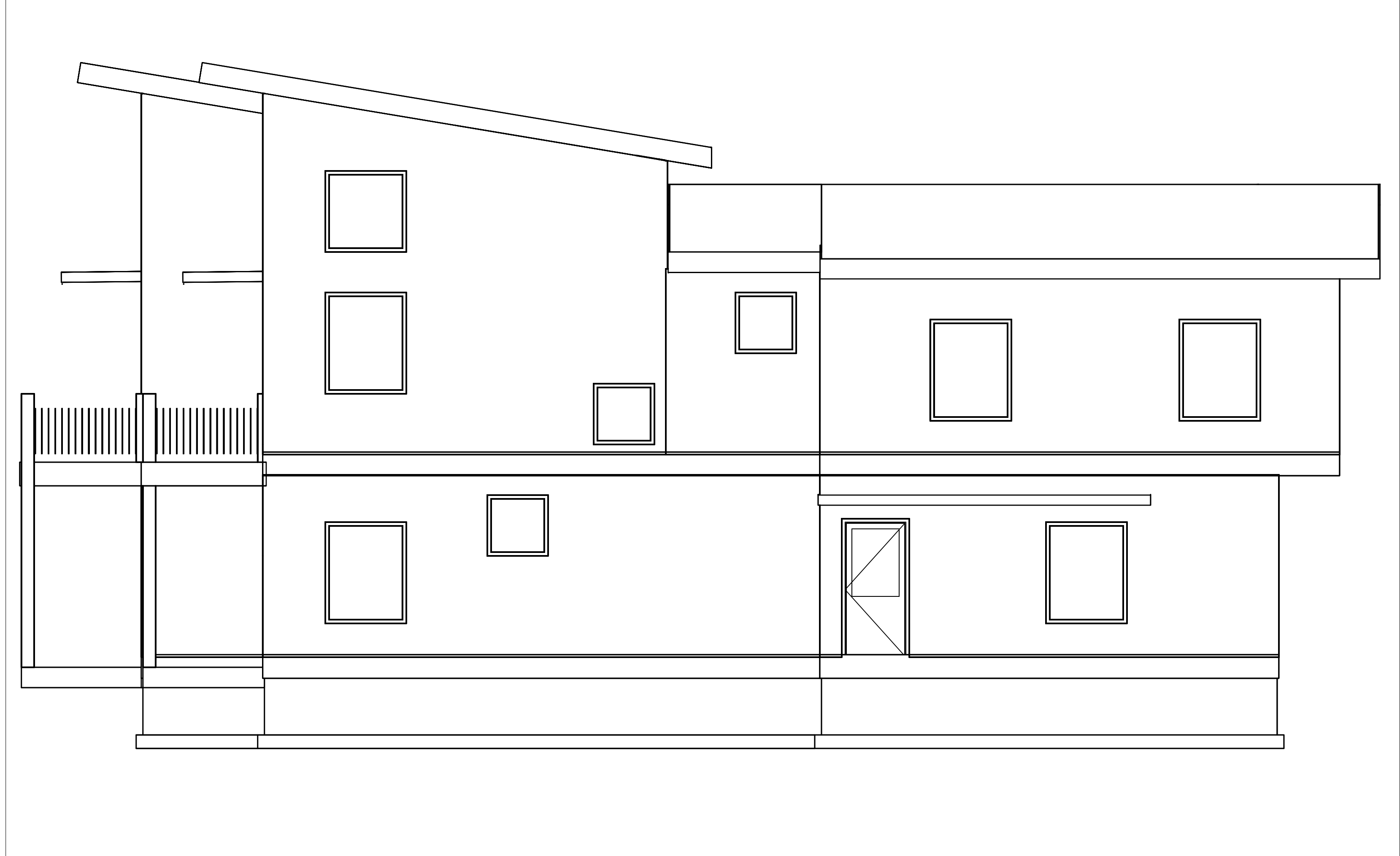
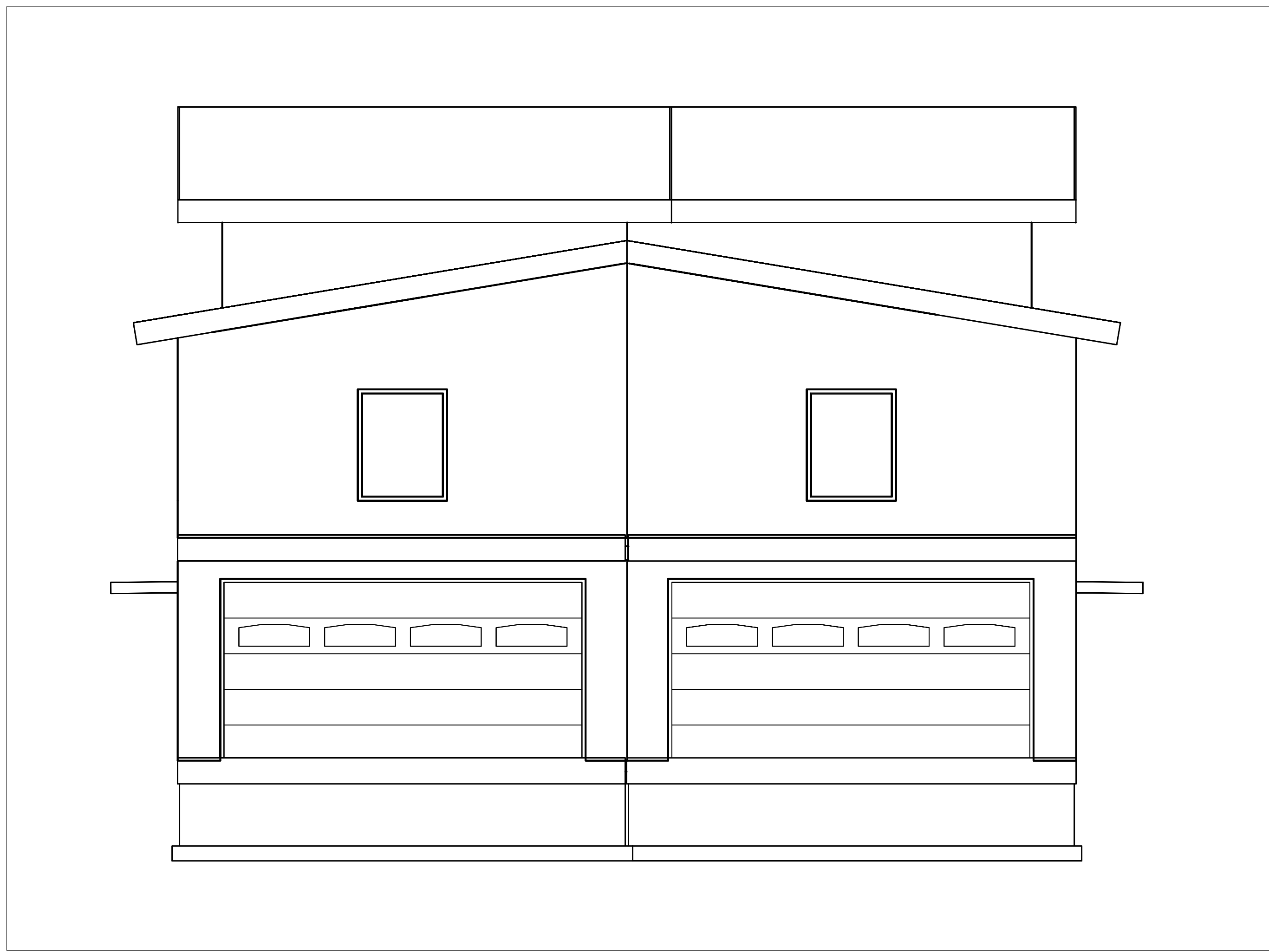
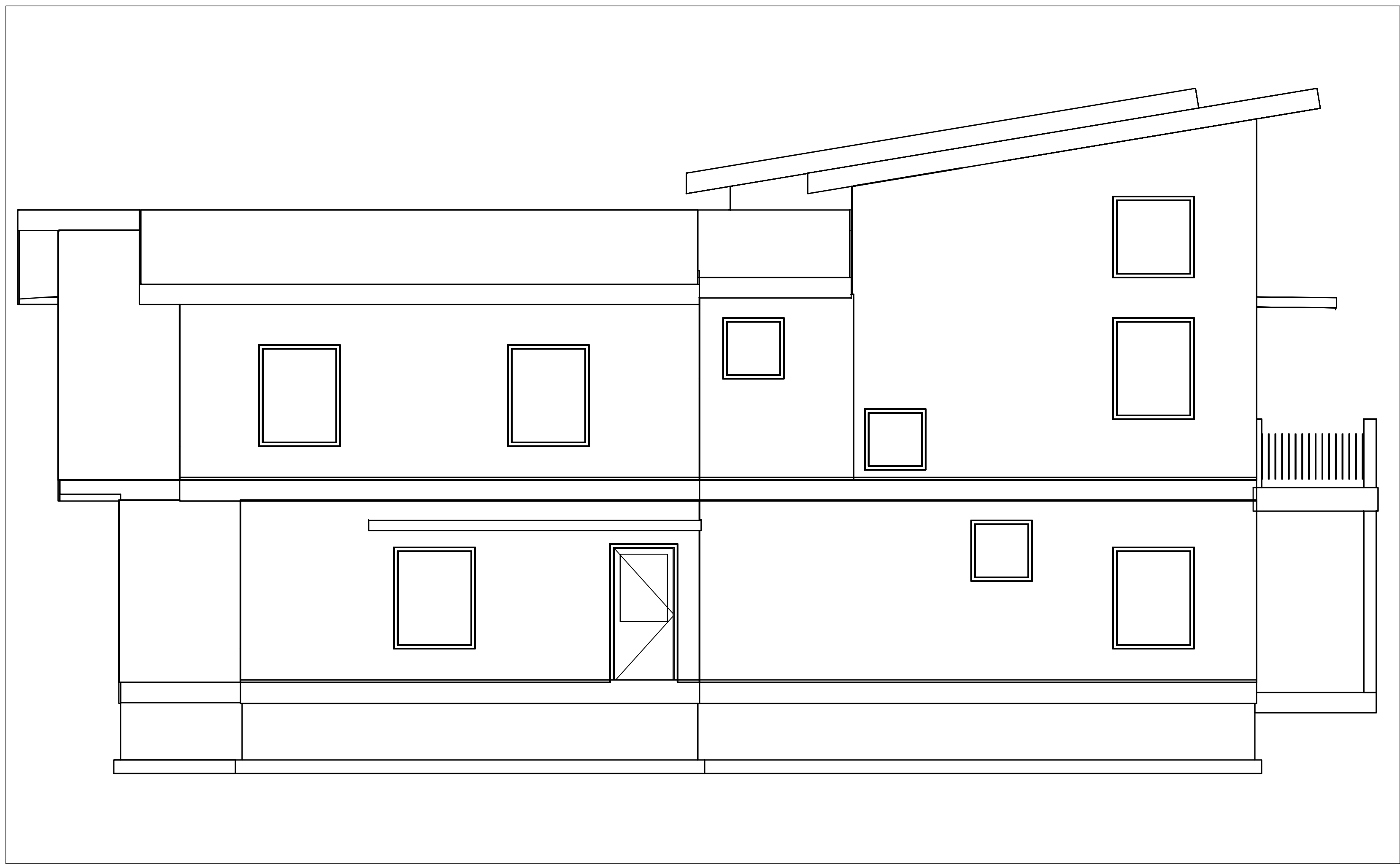
**HOLMAN COURT
DUPLICES**
SALIDA, COLORADO

NOTE: LAND AND WATER CONCEPTS, LLC ASSUMES NO RESPONSIBILITY FOR ANY DAMAGES, INCLUDING STRUCTURAL DAMAGES, TO BE INCURRED BY ANY PERSONS OR OTHERS, IN ANY INSTANCE THE MAXIMUM LIABILITY OF LAND AND WATER CONCEPTS, LLC SHALL BE A REFUND OF THE PRICE OF THE SERVICES PERFORMED. IT IS RECOMMENDED THAT THE CLIENT CONSULT WITH THEIR ATTORNEY PRIOR TO THE START OF ACTUAL CONSTRUCTION.



DESIGN DEVELOPMENT

LAND & WATER
CONCEPTS
Home Design • Civil Engineering • Project Management



1/8" = 1'-0"
 FEB 17, 2021
A-3
 Title:
 ELEVATIONS

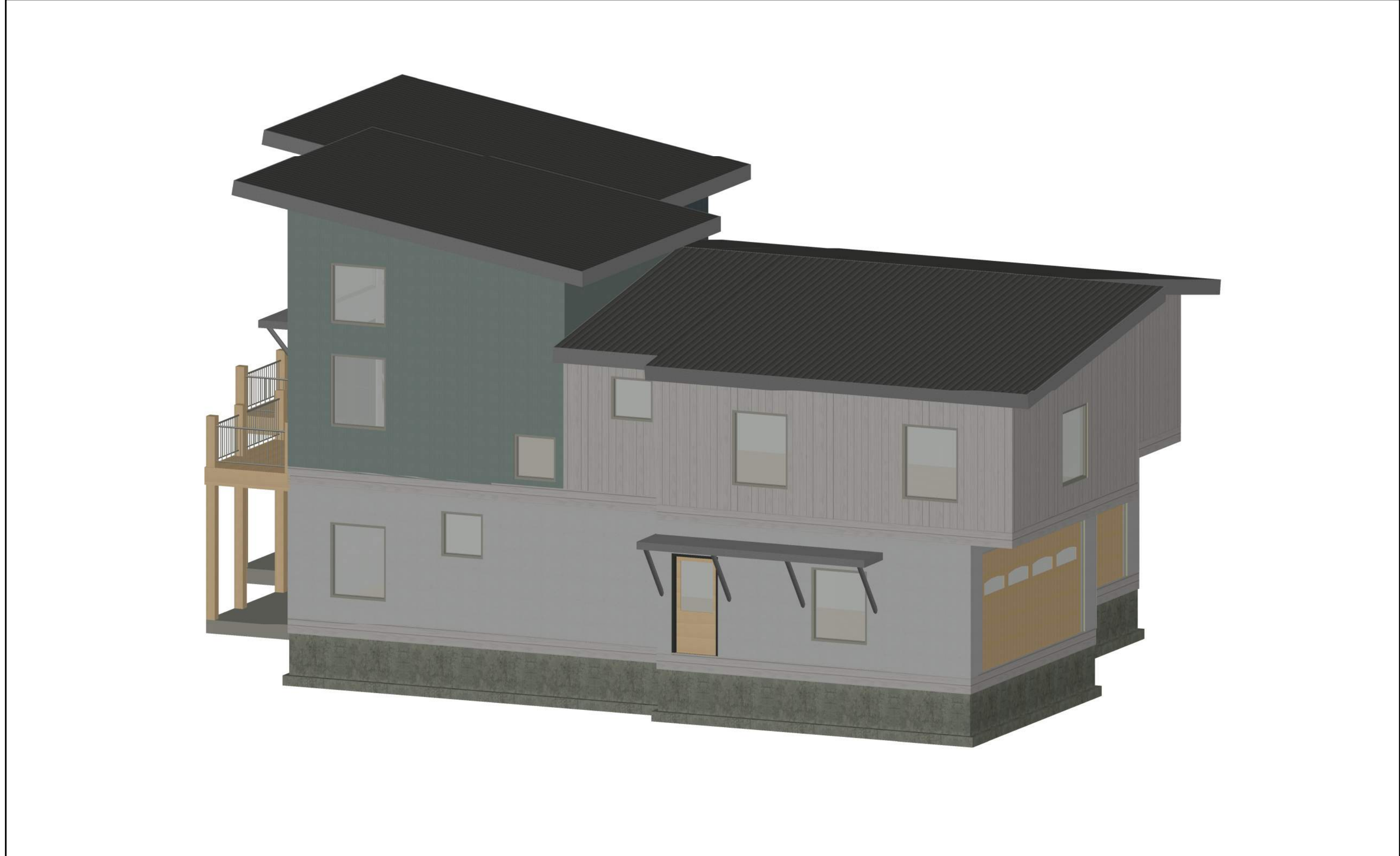
**HOLMAN COURT
 DUPLEXES**
 SALIDA, COLORADO



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 Home Design • Civil Engineering • Project Management

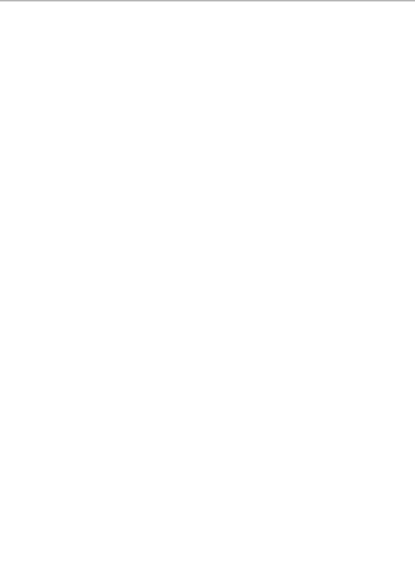


DESIGN DEVELOPMENT



1/8" = 1'-0"
 FEB 17, 2021
A-4
 Title:
 PERSPECTIVES

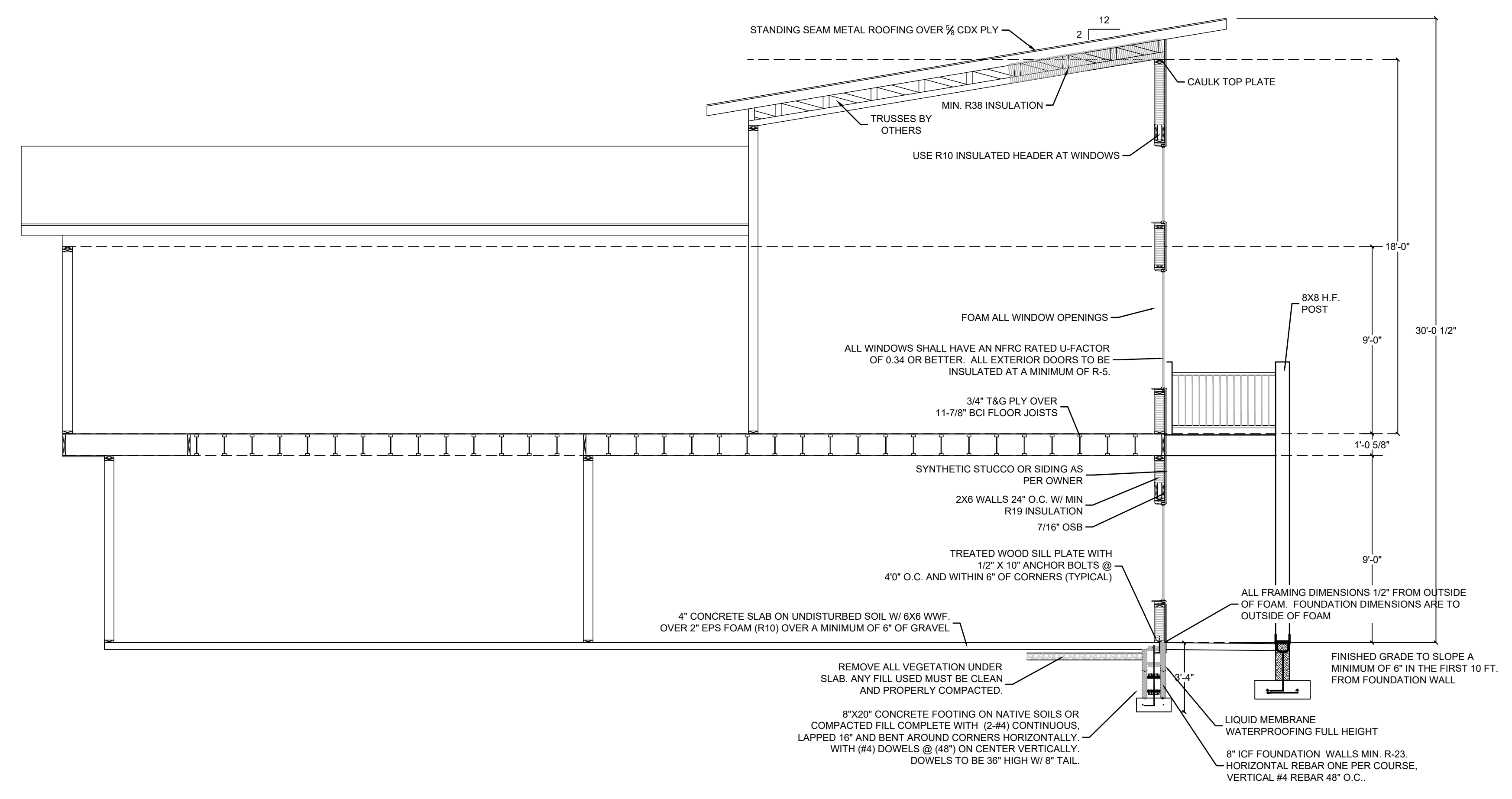
**HOLMAN COURT
 DUPLEXES**
 SALIDA, COLORADO



**LAND & WATER
 CONCEPTS**
 Home Design • Civil Engineering • Project Management



DESIGN DEVELOPMENT



1/4" = 1'-0"
 FEB 17, 2021
A-5
 Title:
 SECTION

**HOLMAN COURT
 DUPLEXES**
 SALIDA, COLORADO

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**LAND & WATER
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DESIGN DEVELOPMENT



GENERAL NOTES

- ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE CODES, ORDINANCES AND ACCEPTED INDUSTRY STANDARDS.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS AND ESTABLISHING THE COMPATIBILITY OF ALL NEW WORK AND DIMENSIONS PRIOR TO THE COMMENCEMENT OF ANY WORK. VERIFY, COORDINATE AND COMPLY WITH ALL CURRENT APPLICABLE BUILDING CODES AND BUILDING CONSTRUCTION STANDARDS.
- CONTRACTORS SHALL COORDINATE LOCATION OF ALL UTILITIES WITH EQUIPMENT TO BE INSTALLED BY OTHERS WITH EXISTING CONDITIONS AND THE DESIGNER/ENGINEERS' DRAWINGS.
- THE DESIGNER SHALL NOT BE RESPONSIBLE WHERE CONSTRUCTION DEVIATES FROM THESE DRAWINGS OR FROM WRITTEN RECOMMENDATIONS. CHANGES TO THE PLAN BY THE OWNER AND/ OR CONTRACTOR SHALL BE THE RESPONSIBILITY OF THE PERSONS MAKING SUCH CHANGES. THE OWNER AND/ OR CONTRACTOR SHALL HOLD THE DESIGNER HARMLESS FROM & AGAINST ALL CLAIMS, DAMAGES, LOSSES & EXPENSES INCLUDING BUT NOT LIMITED TO, ATTORNEY'S FEES ARISING OUT OF OR RESULTING FROM THE PERFORMANCE OF THE WORK BY THE CONTRACTOR. THE DESIGNER SHALL NOT HAVE CONTROL OR CHARGE OF & SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, OR PROCEDURES, FOR SAFETY PRECAUTIONS & PROGRAMS IN CONNECTION WITH THE WORK, FOR THE ACTS OR OMISSIONS OF THE CONTRACTOR, SUBCONTRACTOR, FOR ANY OTHER PERSONS PERFORMING ANY OF THE WORK, OR FOR THE FAILURE OF ANY OF THEM TO CARRY OUT ANY WORK.
- THE CONTRACTOR OR OWNER SHALL BE RESPONSIBLE FOR OBTAINING & PAYING FOR ALL THE REQUIRED PERMITS, LICENSES, INSPECTIONS, REVIEWS ETC REQUIRED BY THE REGULATING AUTHORITIES HAVING JURISDICTION.
- UPON COMPLETION OF THE PROJECT, THE CONTRACTOR MUST SUBMIT A CERTIFICATE OF OCCUPANCY APPROVED BY THE BUILDING DEPARTMENT TO THE OWNER. ALL WORK, MATERIALS AND EQUIPMENT SHALL MEET THE LATEST

- REQUIREMENTS OF ALL APPLICABLE STATE & LOCAL BUILDING CODES, REGULATIONS AND THE REQUIREMENTS OF THE AUTHORITIES HAVING JURISDICTION.
- THE FOLLOWING, UNLESS PROVIDED FOR IN THESE DRAWINGS, SHALL BE FURNISHED & COORDINATED BY THE CONTRACTOR OR OWNER & SHALL NOT BE PART OF THE SCOPE OF WORK OF THESE CONSTRUCTION DOCUMENTS:
 - DEMOLITION OF ANY OR ALL EXISTING STRUCTURES, PAVEMENT OR TREES
 - SITE ENGINEERING INCLUDING BUT NOT LIMITED TO: SITE GRADING, SOIL INVESTIGATIONS, ENVIROMENTAL INVESTIGATIONS, SITE DRAINAGE, LANDSCAPING, DRIVEWAYS, SITE RETAINING WALLS, UTILITIES, SEPTIC, WELLS, AND OTHER.
 - THE CONTRACTOR SHALL CHECK ALL DIMENSIONS & CONDITIONS TO INSURE A PROPER FIT UNDER FIELD CONDITIONS & SHALL MAKE ADJUSTMENTS AS REQUIRED TO MAKE PARTS ALIGN. THE CONTRACTOR SHALL PROVIDE 24-HOUR NOTIFICATION OF ANY DISCONTINUITY OF UTILITY SERVICES WITH OWNER.
 - CONTRACTOR SHALL BE RESPONSIBLE TO REMOVE AND LEGALLY DISPOSE OF ALL REFUSE, WASTE, UNUSED MATERIALS AND RECYCLING FROM THE JOB SITE.
 - ALL CONTRACTORS & ALL SUB-CONTRACTORS SHALL TAKE OUT & MAINTAIN WORKMAN'S COMPENSATION INSURANCE, AND PUBLIC LIABILITY & PROPERTY DAMAGE INSURANCE ACCEPTABLE TO THE OWNER & THE AUTHORITIES HAVING JURISDICTION.
 - CONTRACTOR SHALL PROCURE FINAL CERTIFICATE OF OCCUPANCY UPON COMPLETION OF THE PROJECT AND FORWARD SAME TO THE OWNER. CONTRACTOR SHALL CLEAN THE PREMISES, TEST APPLICABLE SYSTEMS, AND LEAVE READY FOR OCCUPANCY.
 - UNLESS OTHERWISE AGREED UPON WITH THE OWNER, CONTRACTOR IS TO PROVIDE WRITTEN WARRANTY FOR A PERIOD OF ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION. THE WARRANTY SHALL STATE ALL WORK HAS BEEN COMPLETED IN CONFORMANCE WITH THE CONTRACT DOCUMENTS, APPLICABLE CODES, AND ENFORCING AUTHORITIES AND THAT ALL WORK IS FREE FROM DEFECTS OF MATERIAL AND WORKMANSHIP. THIS IS IN ADDITION

- TO AND NOT A LIMITATION TO ANY PRODUCT MANUFACTURER'S PRODUCT WARRANTIES. IN ADDITION, ROOFING IS TO BE WARRANTIED FOR 2 YEARS BY THE INSTALLER AND ROOFING MATERIALS SHALL BE WARRANTIED FOR 25 YEARS BY THE MANUFACTURER.
- ALL ELECTRICAL WORK SHALL BE CARRIED OUT BY A LICENSED ELECTRICIAN ONLY. ALLWORK SHALL CONFORM TO THE PROVISIONS OF THE NATIONAL ELECTRIC CODE OF NFPA, LATEST EDITION.
 - ALL PLUMBING WORK SHALL BE CARRIED OUT BY A LICENSED PLUMBER. ALL EQUIPMENT & FIXTURES TO CONFORM TO THE NATIONAL STANDARD PLUMBING CODE, LATEST EDITION
 - WHERE WORK SHALL BE DONE IN OCCUPIED SPACE, CONTRACTORS SHALL TAKE EVERY PRECAUTION TO MINIMIZE THE TRAVEL OF DUST AND DIRT FROM THE CONSTRUCTION AREA TO ADJACENT SPACES AND SHALL TAKE EVERY PRECAUTION TO MINIMIZE DISRUPTION.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND CONTINUOUS MAINTENANCE OF ALL COMPLETED WORK FROM DAMAGE AND SHALL PROTECT THE OWNER'S PROPERTY FROM DAMAGE OR LOSS BY DUST, DIRT, WATER THEFT, FIRE OR ANY OTHER PHYSICAL DAMAGE IN CONNECTION WITH THE CONTRACT.
 - ALL PENETRATIONS FOR POWER, DATA / PHONE, PLUMBING, ETC. SHALL BE VERIFIED AND COORDINATED. WHEREVER POSSIBLE DRILLING/CUTTING THROUGH EXISTING STRUCTURAL MEMBERS, SPECIFICALLY BEAMS AND JOISTS SHALL BE AVOIDED. WHERE IT IS NECESSARY TO CUT OR DRILL THROUGH STRUCTURAL MEMBERS, ALL PENETRATIONS TO BE PER APPLICABLE CODE, MANUFACTURER'S AND THE STRUCTURAL ENGINEER'S RECOMMENDATIONS AS APPLICABLE. ALL PENETRATIONS IN RATED ASSEMBLIES, WHETHER NEW OR EXISTING, SHALL BE SEALED WITH UL/FM APPROVED MATERIALS AND PROCEDURES.
 - DOOR AND WINDOW OPENING DIMENSIONS IN PLAN ARE ROUGH/MASONRY OPENINGS.

APPLICABLE BUILDING CODE NOTES:

- INSTALL ADHERING BITUMEN WATERPROOF MEMBRANE ON ALL ROOF SLOPES 3:12 OR FLATTER
- PROVIDE 1 HOUR FIRE RATING FOR ROOF OVERHANGS IF ENCROACHING INTO SETBACK
- ALL DESIGN AND CONSTRUCTION SHALL CONFORM TO THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE FOR THE EFFECTIVE USE OF ENERGY.
- CONFIRM REQUIREMENTS FOR SAFETY GLAZING (TEMPERED GLASS) AT ALL WINDOW LOCATIONS CONSIDERED HAZARDOUS PER IRC SECTION 308.
- EMERGENCY ESCAPE AND RESCUE OPENINGS (EGRESS WINDOWS) CONFORMING TO IRC SECTION 310.1 SHALL BE PROVIDED FOR BASEMENTS AND EVERY SLEEPING ROOM. THESE OPENINGS SHALL HAVE A SILL HEIGHT NOT MORE THAN 44" ABOVE THE FLOOR AND SHALL HAVE A MINIMUM NET CLEAR OPENING OF 5.7 SQ. FT..
- STAIRWAYS SHALL NOT BE LESS THAN 36 INCHES IN CLEAR WIDTH AT ALL POINTS ABOVE THE PERMITTED HANDRAIL HEIGHT AND BELOW THE REQUIRED HEADROOM HEIGHT.
- THE MINIMUM HEADROOM IN ALL PARTS OF THE STAIRWAY SHALL NOT BE LESS THAN 6 FEET 8 INCHES MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING OR FROM THE FLOOR SURFACE OF THE LANDING OR PLATFORM.
- THE MAXIMUM RISER HEIGHT SHALL BE 7-3/4 INCHES. THE RISER SHALL BE MEASURED VERTICALLY BETWEEN LEADING EDGES OF THE ADJACENT TREADS. THE GREATEST RISER HEIGHT WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH.
- THE MINIMUM TREAD DEPTH SHALL BE 10 INCHES. THE TREAD DEPTH SHALL BE MEASURED HORIZONTALLY BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AND AT A RIGHT ANGLE TO THE TREAD'S LEADING EDGE. THE GREATEST TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH.
- THERE SHALL BE A FLOOR OR LANDING AT THE TOP AND BOTTOM OF EACH STAIRWAY. THE WIDTH OF EACH LANDING SHALL NOT BE LESS THAN THE WIDTH OF THE STAIRWAY SERVED. EVERY LANDING SHALL HAVE A MINIMUM DIMENSION OF 36 INCHES MEASURED IN THE DIRECTION OF TRAVEL.
- PORCHES, BALCONIES, RAMPS OR RAISED FLOOR SURFACES LOCATED MORE THAN 30 INCHES ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS NOT LESS THAN 36 INCHES IN HEIGHT.

- REQUIRED GUARDS ON OPEN SIDES OF STAIRWAYS, RAISED FLOOR AREAS, BALCONIES AND PORCHES SHALL HAVE INTERMEDIATE RAILS OR ORNAMENTAL CLOSURES WHICH DO NOT ALLOW PASSAGE OF A SPHERE 4 INCHES OR MORE IN DIAMETER.
- THE MINIMUM HORIZONTAL AREA OF THE WINDOW WELL SHALL BE 9 SQUARE FEET, WITH A MINIMUM HORIZONTAL PROJECTION AND WIDTH OF 36 INCHES. THE AREA OF THE WINDOW WELL SHALL ALLOW THE EMERGENCY ESCAPE AND RESCUE OPENING TO BE FULLY OPENED.
- EXCEPTION: THE LADDER OR STEPS SHALL BE PERMITTED TO ENCROACH A MAXIMUM OF 6 INCHES INTO THE REQUIRED DIMENSIONS OF THE WINDOW WELL.
- WINDOW WELLS WITH A VERTICAL DEPTH GREATER THAN 44 INCHES SHALL BE EQUIPPED WITH A PERMANENTLY AFFIXED LADDER OR STEPS USABLE WITH THE WINDOW IN THE FULLY OPEN POSITION.
- LADDERS OR RUNGS SHALL HAVE AN INSIDE WIDTH OF AT LEAST 12 INCHES, SHALL PROJECT AT LEAST 3 INCHES FROM THE WALL AND SHALL BE SPACED NOT MORE THAN 18 INCHES ON CENTER VERTICALLY FOR THE FULL HEIGHT OF THE WINDOW WELL.
- FACTORY-BUILT FIREPLACES SHALL BE LISTED AND LABELED AND SHALL BE INSTALLED IN ACCORDANCE WITH THE CONDITIONS OF THE LISTING. FACTORY-BUILT FIREPLACES SHALL BE TESTED IN ACCORDANCE WITH UL 127.
- FACTORY-BUILT CHIMNEYS SHALL BE LISTED AND LABELED AND SHALL BE INSTALLED AND TERMINATED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

APPLICABLE CODES ADOPTED BY CHAFFEE COUNTY

- 2015 International Residential Code
- 2015 International Building Code
- 2015 International Fire Code
- 2015 International Plumbing Code
- 2015 International Mechanical Code
- 2015 International Fuel Gas Code
- 2006 International Energy Conservation Code
- 2015 International Existing Building Code
- 2017 National Electric Code
- 2017 OWTS Regulations
- OWTS Regulations Amendments adopted by Chaffee County BOH Resolution 2018-02
- OWTS Regulations Amendments adopted by Chaffee County BOH Resolution 2019-01 (Design Flows)
- 2015 International Building Codes (Ordinance 2018-02)

STRUCTURAL NOTES

- VERIFY ALL DIMENSIONS AND SOIL CONDITIONS BEFORE BEGINNING CONSTRUCTION.
- FOOTINGS SHALL REST ON UNDISTURBED SOIL ONLY.
- DESIGN STRESSES:
 - SOIL BALANCE PRESSURE SERVICE:
 - 1750 PSF (ASSUMED)
 - REINFORCING STEEL FY = 60,000 PSI TIES FY = 40,000 PSI
 - CONCRETE
 - WALLS: TYPE IIA, 3/4" AGGREGATE, 4 1/2% AIR ENTRAPMENT, 4" SLUMP, MECHANICALLY VIBRATED
F'C = 3500 PSI
 - SLABS ON GRADE: TYPE IIA, 3/4" AGGREGATE, 4 1/2% AIR ENTRAPMENT, 6X6-10/10 WELDED WIRE FABRIC OR FIBERGLASS REINFORCED, 3" SLUMP,
F'C = 3500 PSI
 - STEEL:
 - TUBE COLUMNS FY = 46,000 PSI
 - STRUCTURAL STEEL & PLATES
FY = 36,000 PSI
 - BOLTS A325
 - WOOD:
 - BEAMS AND JOISTS AS PER BOISE CASCADE OR EQUAL
 - NOMINAL LUMBER NO.2 OR BETTER
FB = 1200 PSI
 - HEAVY TIMBER/LOG NO. 2 ENGLEMAN SPRUCE OR BETTER, UNLESS OTHERWISE SPECIFIED.
- PROVIDE #4 X 5'0" REBAR, TOP AND BOTTOM, AT ALL FOOTING CORNERS, WALL CORNERS AND INTERSECTIONS, FOR CONTINUOUS REINFORCEMENT. FORMS SHALL BE NEAT, WELL TIED AND BRACED TO KEEP LINES AND PLANES INTENDED.BACKFILL FOUNDATION WALLS CAREFULLY TO PREVENT OVERTURNING. DO NOT

- FLOOD BACKFILL.
- MINIMUM LAP FOR #4 BARS IS 1'-4" MINIMUM LAP FOR #5 BARS IS 1'-8". ALL SPIICES TO BE CONTINUOUS AROUND CORNERS AND STEP DOWNS.
 - SLOPE GRADE AWAY FROM FOUNDATION AT LEAST 6 INCHES IN THE FIRST 10 FEET TO PREVENT WATER NEAR THE FOUNDATION.
 - FOUNDATION DRAINS, GRAVEL AND FILTER FABRIC OR OTHER POSITIVE DRAINAGE MEANS MAY BE INSTALLED AROUND THE PERIMETER OF THE BUILDING AND DAY-LIGHTED FOR PROPER DRAINAGE
 - PROVIDE #4 X 2'-0" DOWELS @ 16" O.C. AT EXTERIOR SLABS AND STEPS.
 - SLABS ON GRADE SHALL REST ON 6" SELECT AND COMPACTED GRANULAR FILL. IF MORE FILL IS REQUIRED, COMPACTION SHALL BE DONE IN LIFTS NOT GREATER THAN 6"
 - PROVIDE ISOLATION JOINTS, CONSTRUCTION JOINTS AND CONTROL JOINTS IN ALL SLABS AT 12' O.C. EACH WAY.
 - ALL FOOTINGS, PADS AND PIERS ARE TO BEAR ON UNDISTURBED NATURAL SOIL. FINISHED GRADE TO BE A MINIMUM OF 24" ABOVE FOOTINGS.
 - VENT ATTIC/ROOF AND CRAWL SPACES AS REQUIRED.

GENERAL NOTES:

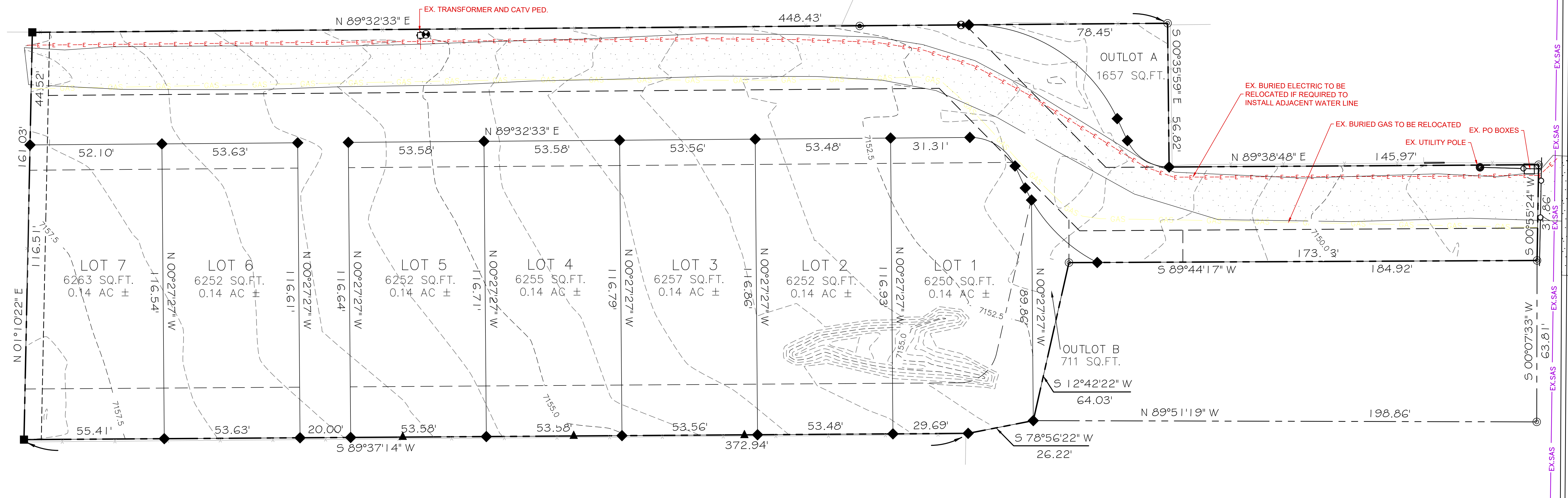
- ALL WORK TO MEET APPLICABLE CODES WHETHER OR NOT SHOWN ON THE DRAWINGS.
- TYPE OF CONSTRUCTION: V-B
- ELEVATION = XXXX FEET
- SNOW LOAD = 40 PSF
- DEAD LOAD = 10 PSF
- Wind Load - Vult = 120 mph
- SEISMIC DESIGN CATEGORY - C
- WINTER DESIGN TEMP -16° F

NTS
FEB 17, 2021
A-6
Title:
PROJECT NOTES

HOLMAN COURT
DUPLIXES
SALIDA, COLORADO

NOTE: LAND AND WATER CONCEPTS, LLC ASSUMES NO RESPONSIBILITY FOR ANY DAMAGES, INCLUDING STRUCTURAL DAMAGES, ARISING FROM OMISSIONS OR ERRORS BY OTHERS. IN ANY INSTANCE THE MAXIMUM LIABILITY OF LAND AND WATER CONCEPTS, LLC SHALL BE A REFUND OF THE PRICE OF THE SERVICES PERFORMED. IT IS RECOMMENDED THAT ALL CLIENTS OBTAIN AN INDEPENDENT OFFICIAL ENGINEER PRIOR TO THE START OF ACTUAL CONSTRUCTION.

LAND & WATER
CONCEPTS
Home Design • Civil Engineering • Project Management



W·E Walker Engineering
 Civil Engineering • Water Resources • Traffic Engineering
 905 Camino Sierra Vista, • Santa Fe, NM 87505
 505-820-7990
 FAX 505-820-3839
 E-MAIL: civil@walkerengineering.net

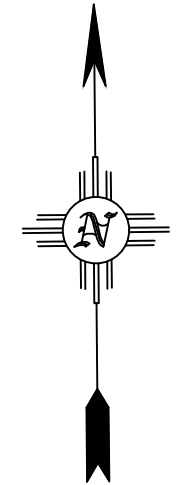
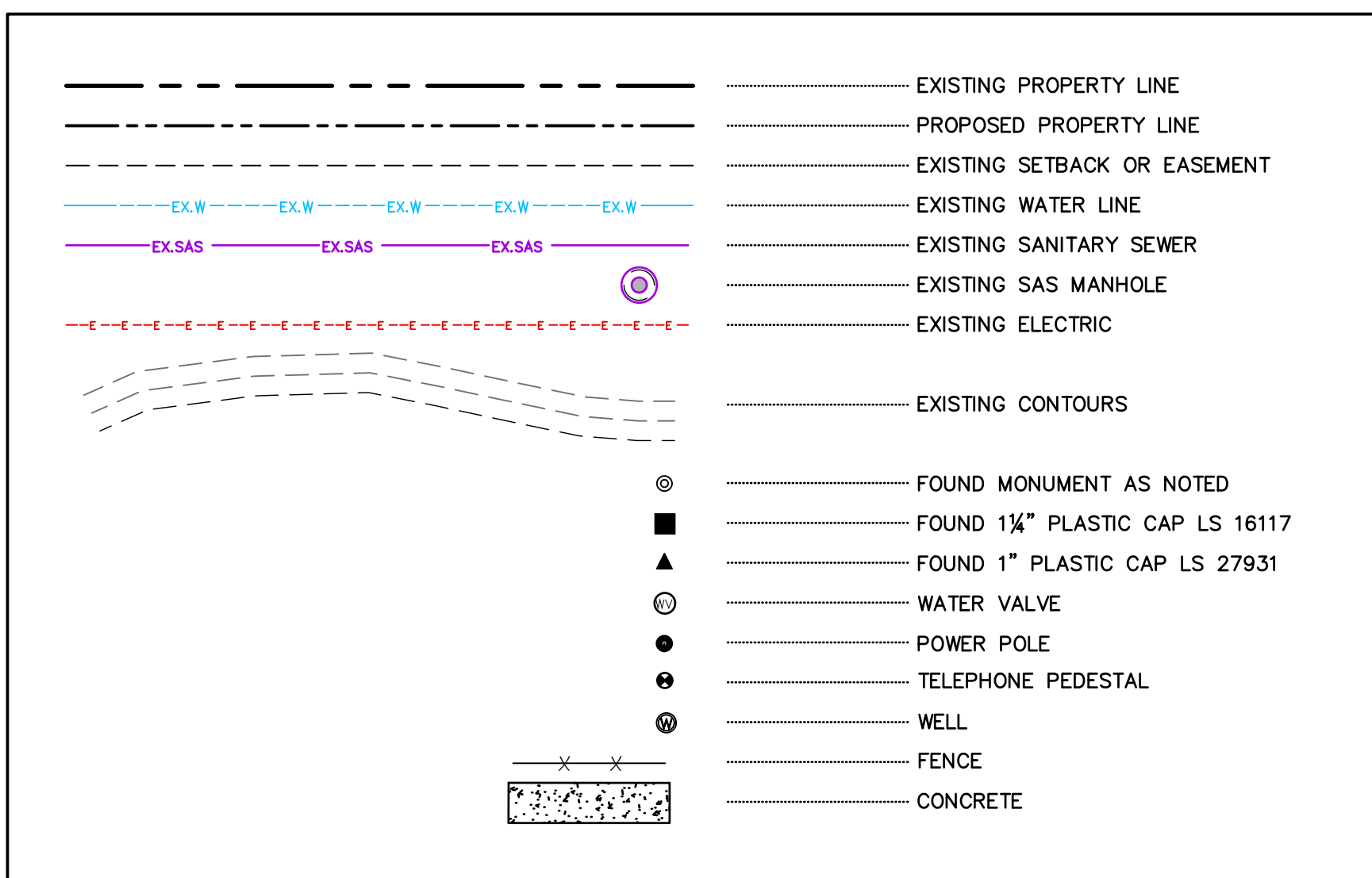
No.	REVISION	BY	APP.	DATE

PROJECT: _____
 DESIGNED BY: _____
 DRAWN BY: _____
 DATE: 2/9/21
 CHECKED BY: _____
 SCALE: _____

GENERAL NOTES

- 1) CONTOUR INTERVAL = 0.5'
- 2) SITE BENCHMARK IS A 1 1/2" ALUMINUM CAP STAMPED "LS 31544" ON THE NORTH BOUNDARY LINE OF THE SUBJECT PROPERTY HAVING AN ELEVATION OF 7152.58'
- 3) FIELDWORK PERFORMED ON 11/23/20 BY LANDMARK SURVEYING, LOT 2 AMBROSE SUBDIVISION.
- 4) UNDERGROUND UTILITY LOCATIONS ARE BASED ON THE BEST INFORMATION AVAILABLE. HOWEVER OTHER UNDERGROUND UTILITIES MAY BE PRESENT OR THE LOCATIONS OF THOSE SHOWN MAY NOT BE COMPLETELY ACCURATE. ALL UTILITY LOCATIONS AND INVERTS TO BE VERIFIED PRIOR TO BEGINNING CONSTRUCTION.
- 5) THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL EXISTING UTILITIES AND SHOULD NOT RELY SOLELY ON THESE CONSTRUCTION PLANS FOR UTILITY LOCATIONS. CONTRACTOR MUST COMPLETE ALL UTILITY LOCATES PRIOR TO CONSTRUCTION. LOCATES CAN BE COORDINATED WITH THE COLORADO ONE CALL 1-800-922-1987. DAMAGE TO ANY EXISTING UTILITIES IS THE RESPONSIBILITY OF THE CONTRACTOR.

LEGEND



SCALE: 1" = 20'

RECORD DRAWINGS

THIS RECORD DOCUMENT HAS BEEN PREPARED BASED ON THE BEST AVAILABLE INFORMATION AS PROVIDED BY OTHERS. WALKER ENGINEERING CERTIFIES THAT THE INFORMATION SHOWN IS A REASONABLE DOCUMENTATION OF THE FINAL CONSTRUCTION.

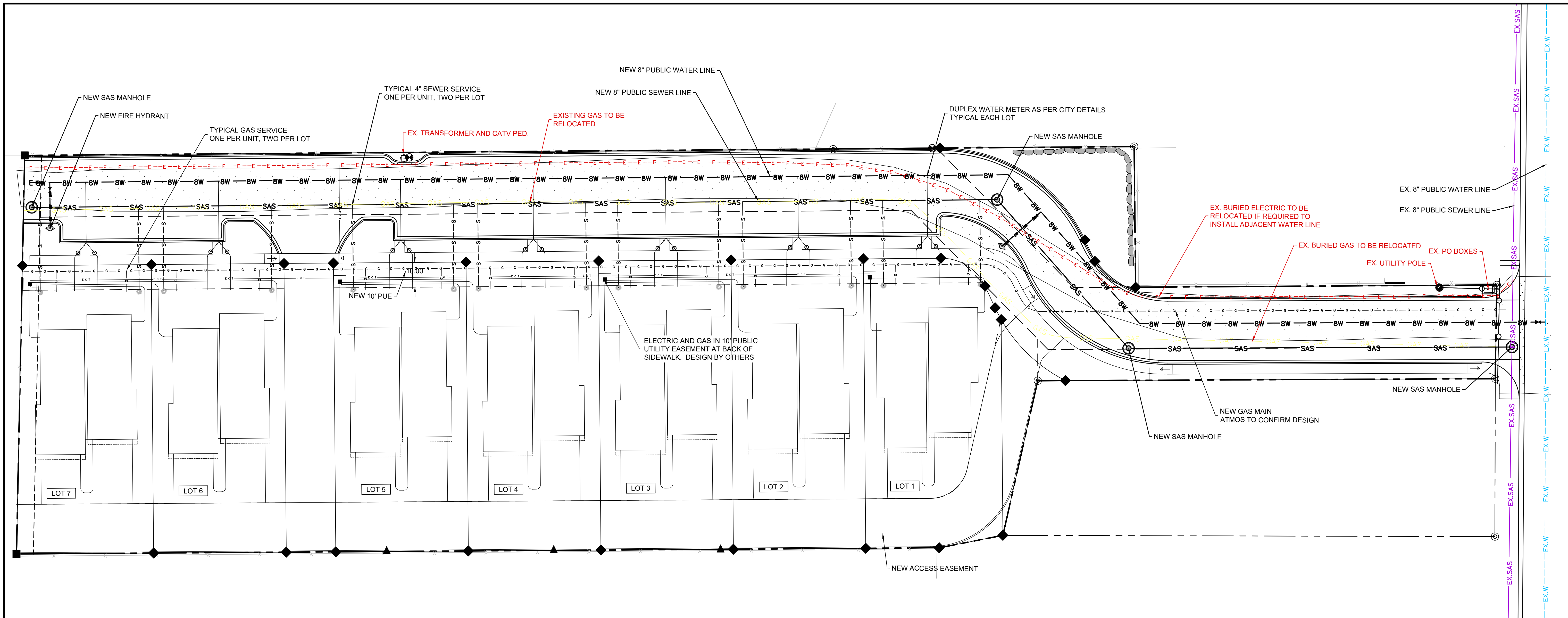
MOREY E. WALKER, P.E. 32033 DATE _____

PROJECT: **HOLMAN COURT SUBDIVISION**
 SHEET TITLE: **EXISTING CONDITIONS**

DEPARTMENT	DATE	SIGN-OFF
WATER		
WASTEWATER		
TRAFFIC		
FW ENGINEERING		
FIRE DEPARTMENT		
SOLID WASTE		
LANDSCAPE		
TRAILS/OPEN SPACE		
SUBDIVISION REVIEW		

SHEET NO.

C1



Item 5.

Civil Engineering • Water Resources • Traffic Engineering

W·E Walker Engineering

905 Camino Sierra Vista, Santa Fe, NM 87505

505-820-7990
 FAX 505-820-3539
 E-MAIL: civil@walkerengineering.net

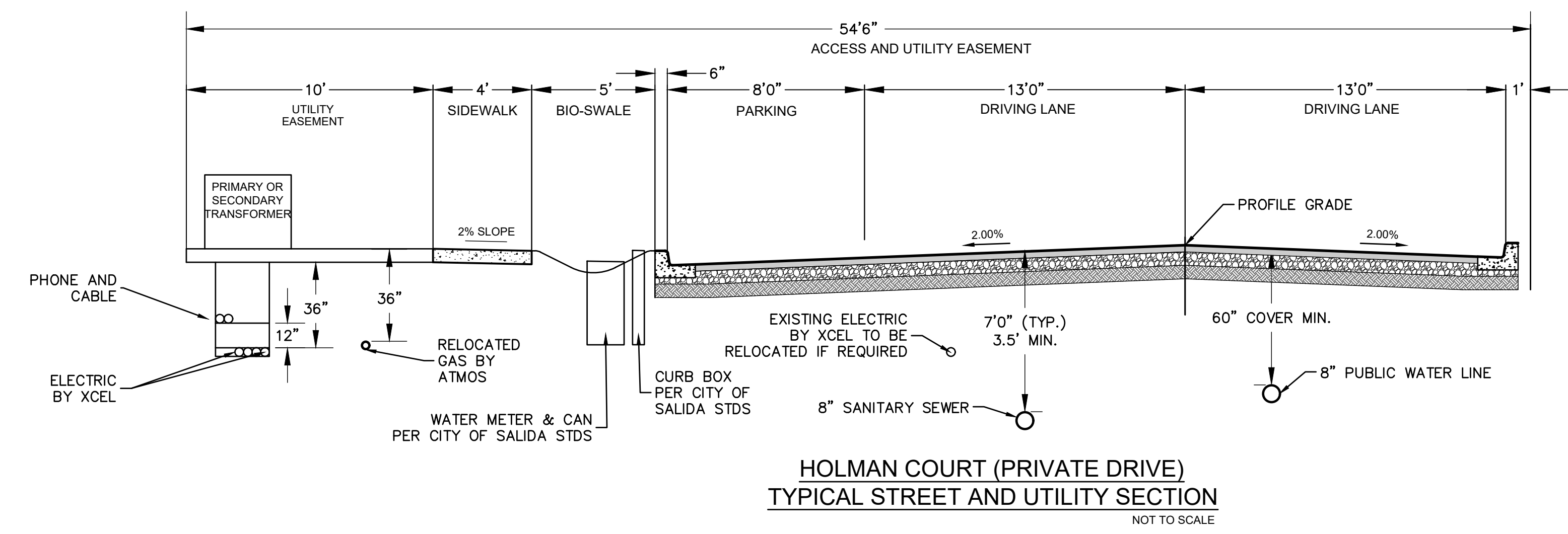
No.	REVISION	BY	APP.	DATE

PROJECT: _____
 FILE: _____
 DATE: 2/9/21
 SCALE: _____

DESIGNED BY: _____
 DRAWN BY: _____
 CHECKED BY: _____

GENERAL NOTES

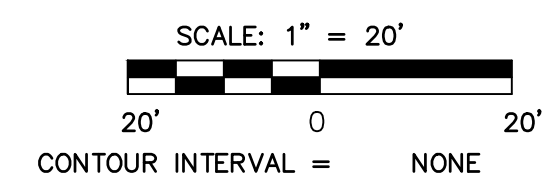
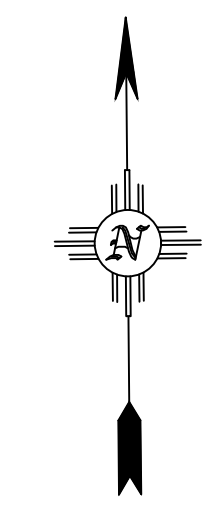
1. ALL METES AND BOUNDS ARE BASED ON THE MEASURED VALUES FROM THE AMBROSE PLAT, RECEPTION NUMBER 350696



**HOLMAN COURT (PRIVATE DRIVE)
 TYPICAL STREET AND UTILITY SECTION**
 NOT TO SCALE

LEGEND

---	EXISTING PROPERTY LINE
---	PROPOSED PROPERTY LINE
---	SETBACK OR EASEMENT
---	ADA ACCESS RAMP MAX 1:12 SLOPE
8W	PROPOSED WATER LINE
EX.8W	EXISTING WATER LINE
W	PROPOSED WATER VALVE & BOX
W	PROPOSED DUPLEX WATER METER
SAS	PROPOSED SANITARY SEWER
EX.SAS	EXISTING SANITARY SEWER
⊙	PROPOSED SAS MANHOLE
---	4" SEWER LATERAL
SAS	PROPOSED GAS LINE TO BE DESIGNED BY ATMOS
EX.SAS	PROPOSED ELECTRIC TO BE DESIGNED BY XCEL



RECORD DRAWINGS

THIS RECORD DOCUMENT HAS BEEN PREPARED BASED ON THE BEST AVAILABLE INFORMATION AS PROVIDED BY OTHERS. WALKER ENGINEERING CERTIFIES THAT THE INFORMATION SHOWN IS A REASONABLE DOCUMENTATION OF THE FINAL CONSTRUCTION.

MOREY E. WALKER, P.E. 32033 DATE _____

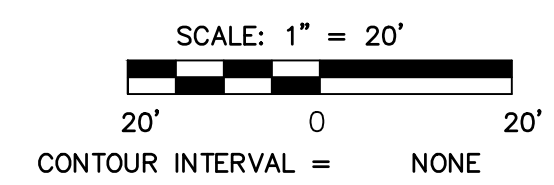
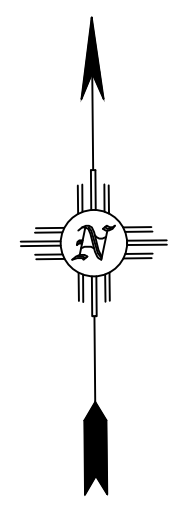
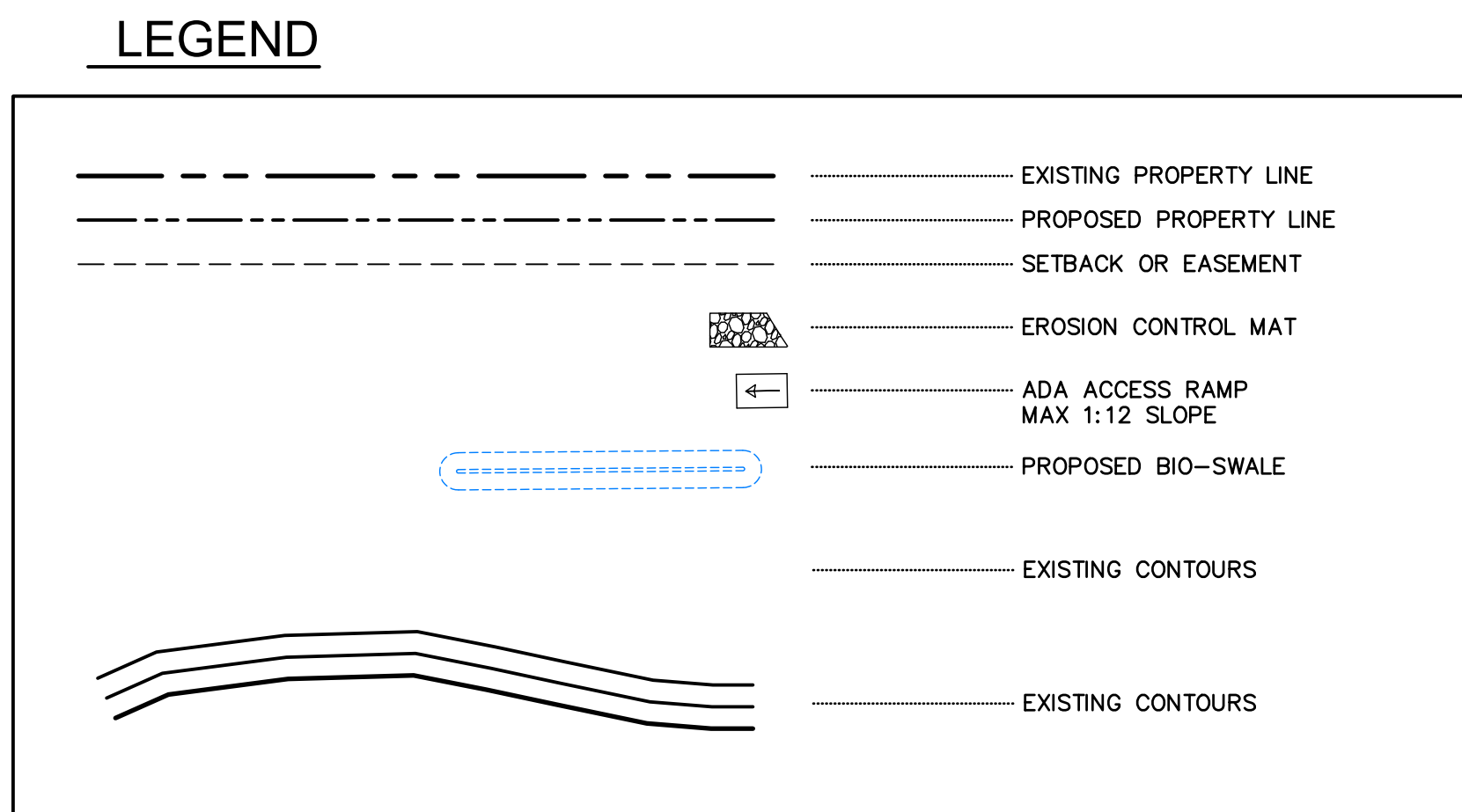
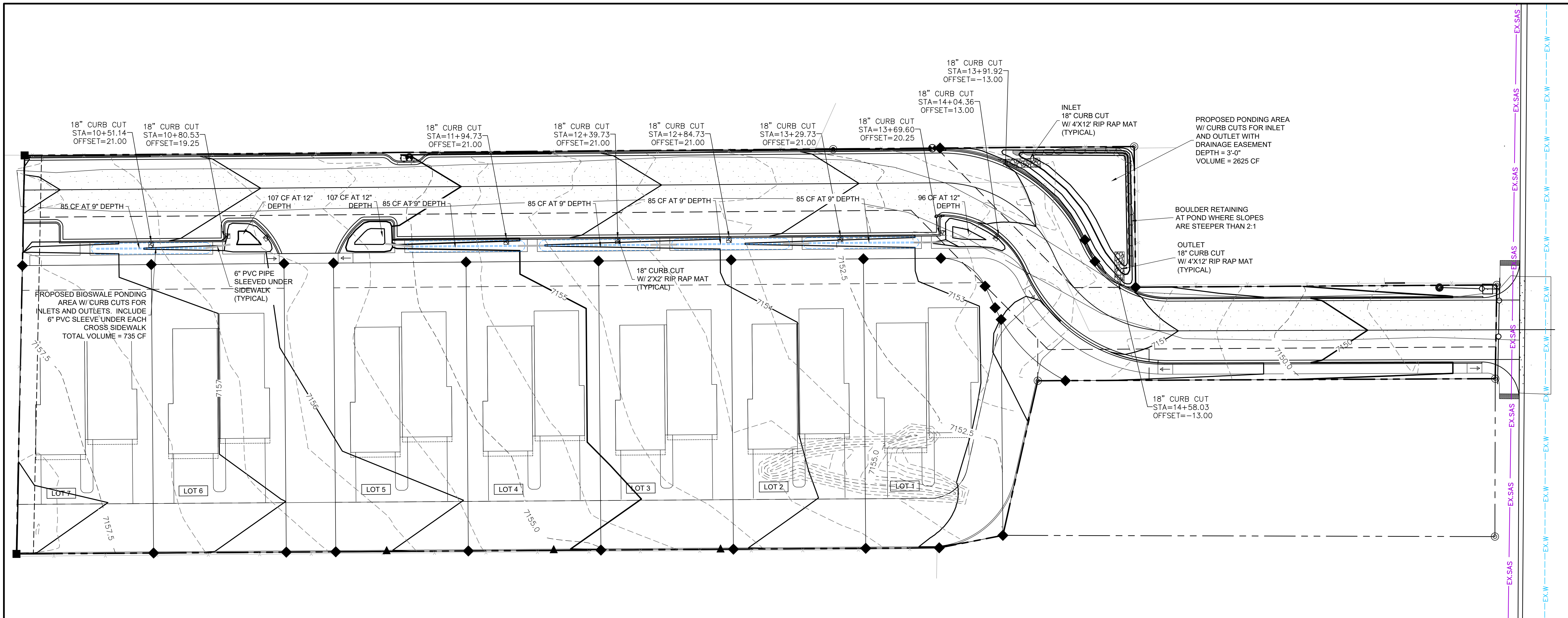
PROJECT: **HOLMAN COURT SUBDIVISION**

SHEET TITLE: **OVERALL UTILITY**

CITY REVIEW	DATE
WATER	
WASTEWATER	
TRAFFIC	
FIRE DEPARTMENT	
SOLID WASTE	
LANDSCAPE	
TRAILS/OPEN SPACE	
SUBDIVISION REVIEW	

SHEET NO.

C3

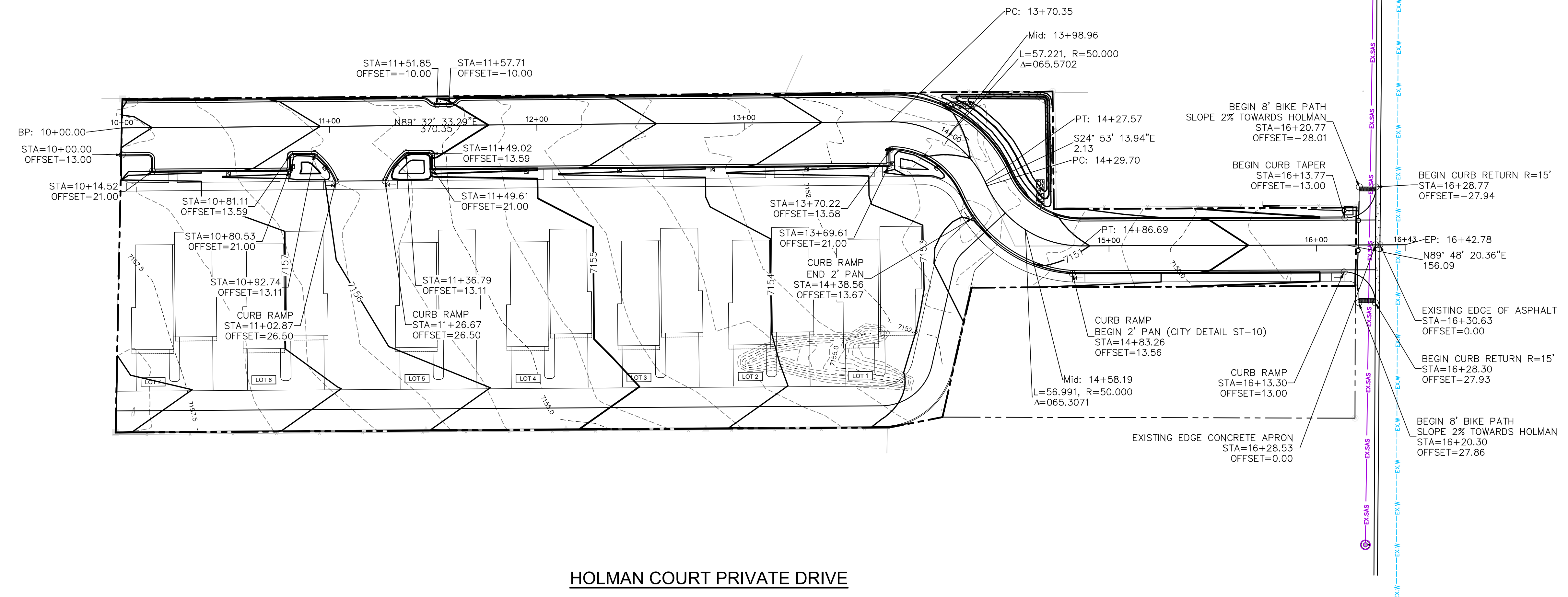


RECORD DRAWINGS

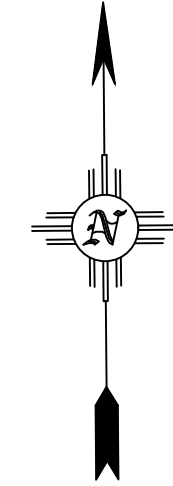
THIS RECORD DOCUMENT HAS BEEN PREPARED BASED ON THE BEST AVAILABLE INFORMATION AS PROVIDED BY OTHERS. WALKER ENGINEERING CERTIFIES THAT THE INFORMATION SHOWN IS A REASONABLE DOCUMENTATION OF THE FINAL CONSTRUCTION.

MOREY E. WALKER, P.E. 32033 DATE

<p>Civil Engineering • Water Resources • Traffic Engineering</p> <p>W•E Walker Engineering</p> <p>905 Camino Sierra Vista, • Santa Fe, NM 87505</p> <p>505-820-7990 FAX 505-820-3639 E-MAIL: civil@walkerengineering.net</p>	
<p>No. _____</p> <p>REVISION _____</p>	<p>BY _____</p> <p>APP. _____</p> <p>DATE _____</p>
<p>PROJECT: _____</p> <p>FILE: _____</p> <p>DATE: 2/9/21</p> <p>SCALE: _____</p>	<p>DESIGNED BY: _____</p> <p>DRAWN BY: _____</p> <p>CHECKED BY: _____</p>
<p>PROJECT: HOLMAN COURT SUBDIVISION</p> <p>SHEET TITLE: GRADING</p>	
<p>DEPARTMENT: WATER</p> <p>WATER ENGINEERING</p> <p>TRAFFIC ENGINEERING</p> <p>FIRE DEPARTMENT</p> <p>SOLID WASTE</p> <p>LANDSCAPE</p> <p>TRAILS/OPEN SPACE</p> <p>SUBDIVISION REVIEW</p>	<p>CITY REVIEW</p> <p>SIGN-OFF _____</p> <p>DATE _____</p>
<p>SHEET NO. C4</p>	



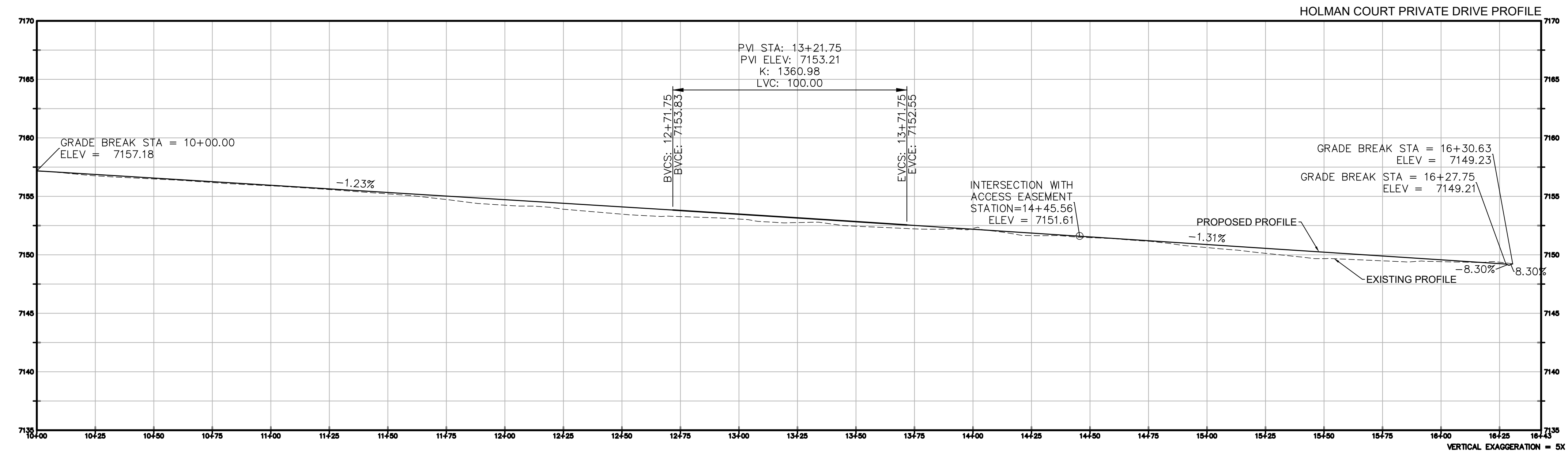
HOLMAN COURT PRIVATE DRIVE



SCALE: 1" = 30'

30' 0 30'

CONTOUR INTERVAL = 1'-0"



No.	REVISION	BY	APP.	DATE

DESIGNED BY: _____
 DRAWN BY: _____
 CHECKED BY: _____

PROJECT: _____
 FILE: _____
 DATE: 2/9/21
 SCALE: _____

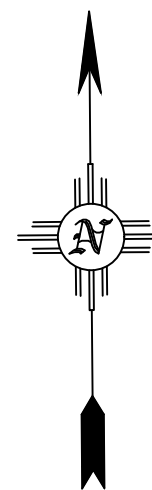
PROJECT: **HOLMAN COURT SUBDIVISION**

SHEET TITLE: **HOLMAN COURT PRIVATE DRIVE**

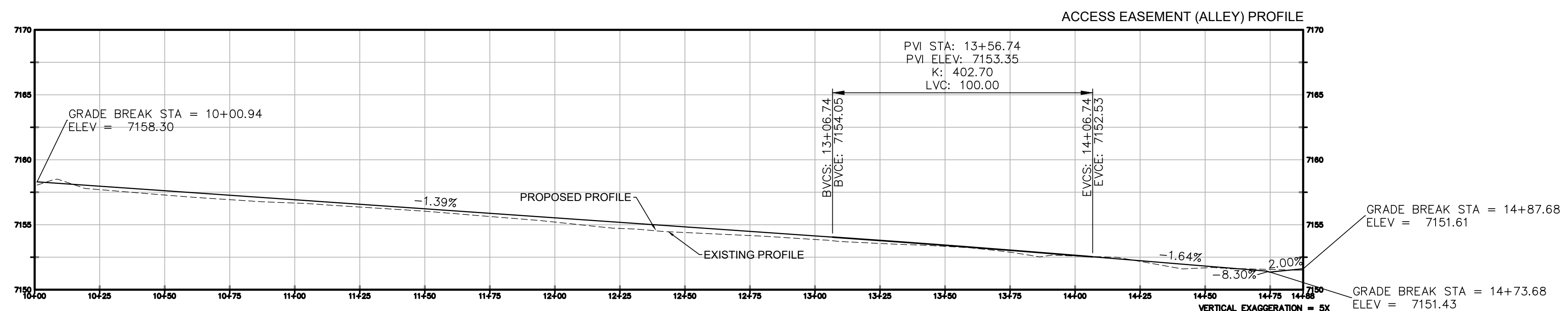
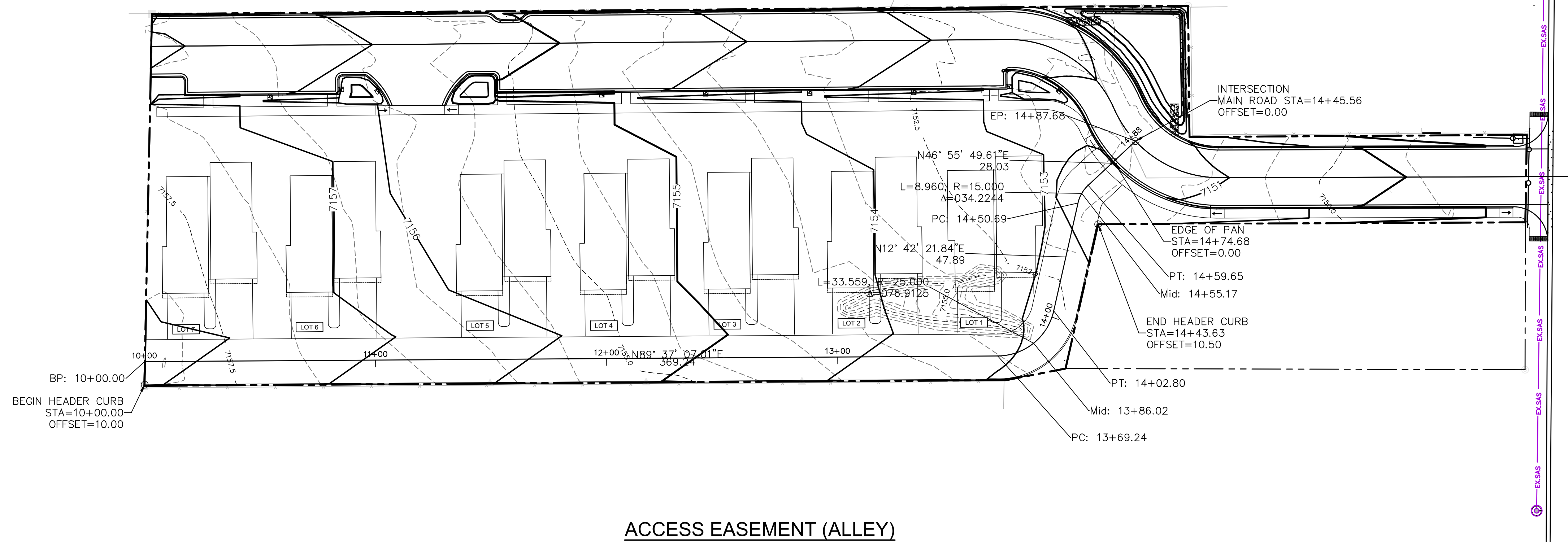
CITY REVIEW	DATE
WATER	
WASTEWATER	
TRAFFIC	
PW ENGINEERING	
FIRE DEPARTMENT	
SOLID WASTE	
LANDSCAPE	
TRAILS/OPEN SPACE	
SUBDIVISION REVIEW	

SHEET NO.

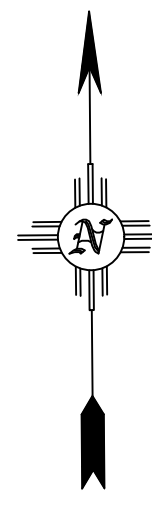
C5



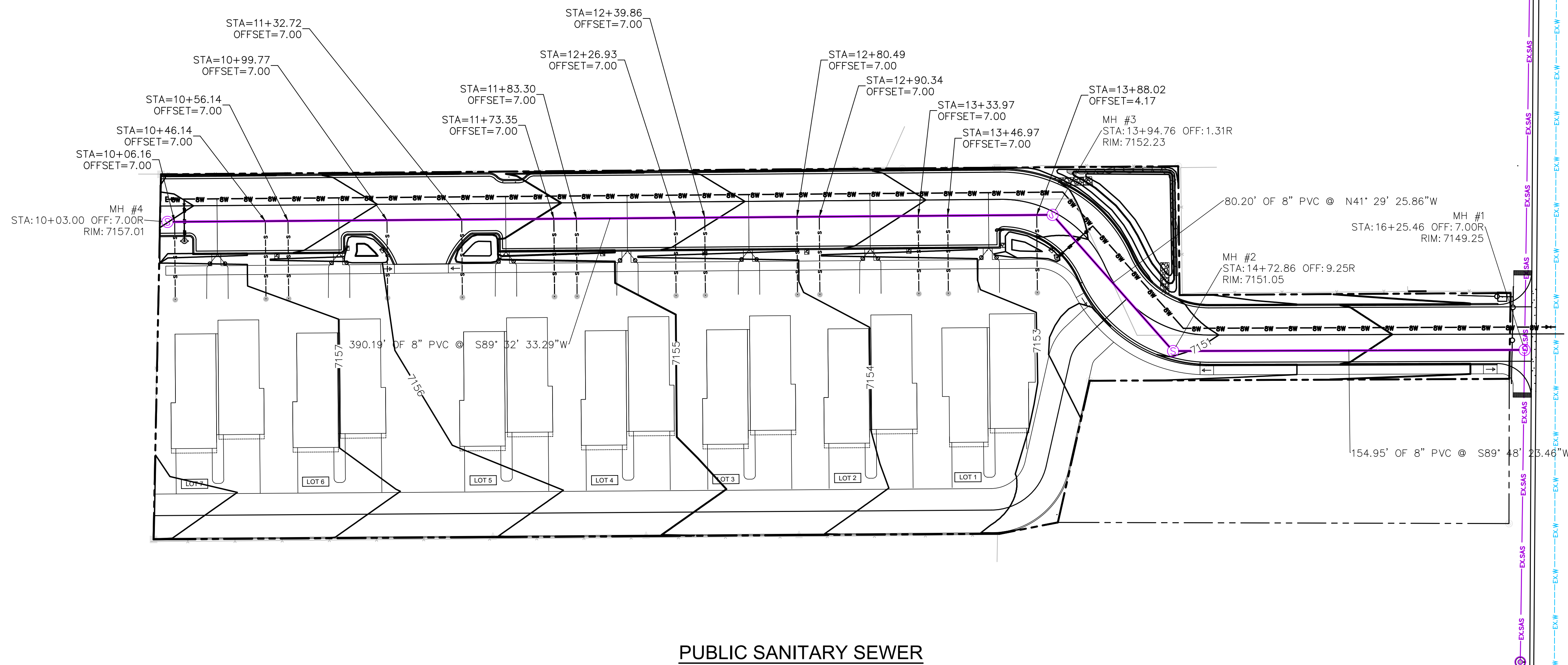
SCALE: 1" = 30'
 30' 0 30'
 CONTOUR INTERVAL = 1'-0"



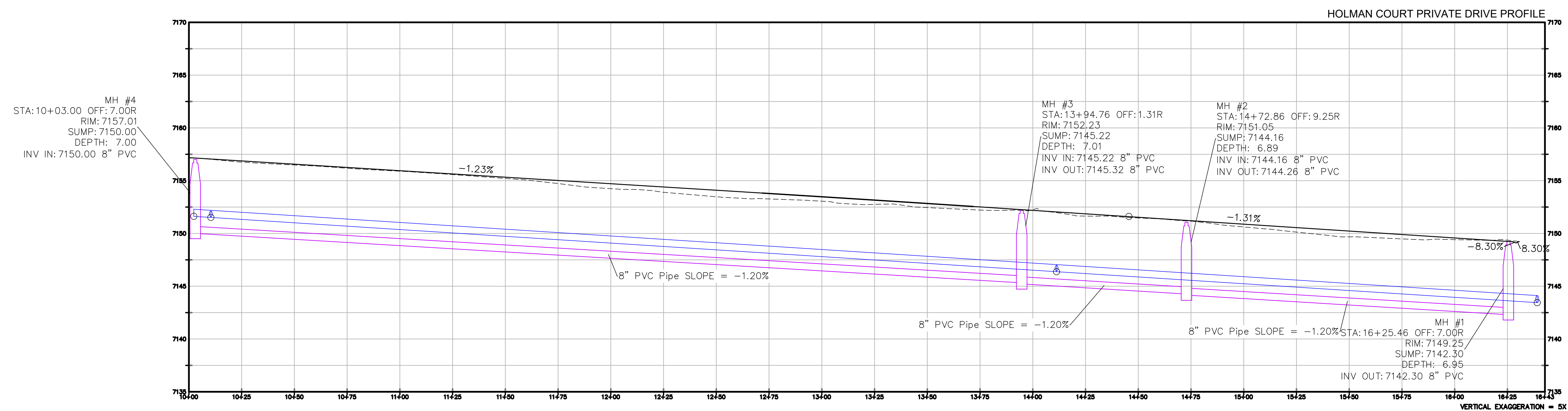
Civil Engineering • Water Resources • Traffic Engineering	
W•E Walker Engineering	
905 Camino Sierra Vista, • Santa Fe, NM 87505	
505-820-7990	
FAX 505-820-3539	
E-MAIL: civil@walkerengineering.net	
Item 5.	
No.	REVISION
BY	APP.
DATE	
PROJECT:	DESIGNED BY:
FILE:	DRAWN BY:
DATE:	CHECKED BY:
SCALE:	2/9/21
PROJECT: HOLMAN COURT SUBDIVISION	
SHEET TITLE: ACCESS EASEMENT (ALLEY)	
CITY REVIEW	DATE
DEPARTMENT	SIGN-OFF
WATER	
WASTEWATER	
PW ENGINEERING	
TRAFFIC	
FIRE DEPARTMENT	
SOLID WASTE	
LANDSCAPE	
TRAILS/OPEN SPACE	
SUBDIVISION REVIEW	
SHEET NO.	
C6	



SCALE: 1" = 30'
 30' 0 30'
 CONTOUR INTERVAL = 1'-0"



PUBLIC SANITARY SEWER



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E-MAIL: civil@walkerengineering.net	
Item 5.	

PROJECT: HOLMAN COURT SUBDIVISION	
SHEET TITLE: PUBLIC SANITARY SEWER	
CITY REVIEW	DATE
DEPARTMENT	SIGN-OFF
WATER	
WASTEWATER	
TRAFFIC	
PW ENGINEERING	
FIRE DEPARTMENT	
SOLID WASTE	
LANDSCAPE	
TRAILS/OPEN SPACE	
SUBDIVISION REVIEW	
SHEET NO. C7	

No.	REVISION	BY	APP.	DATE

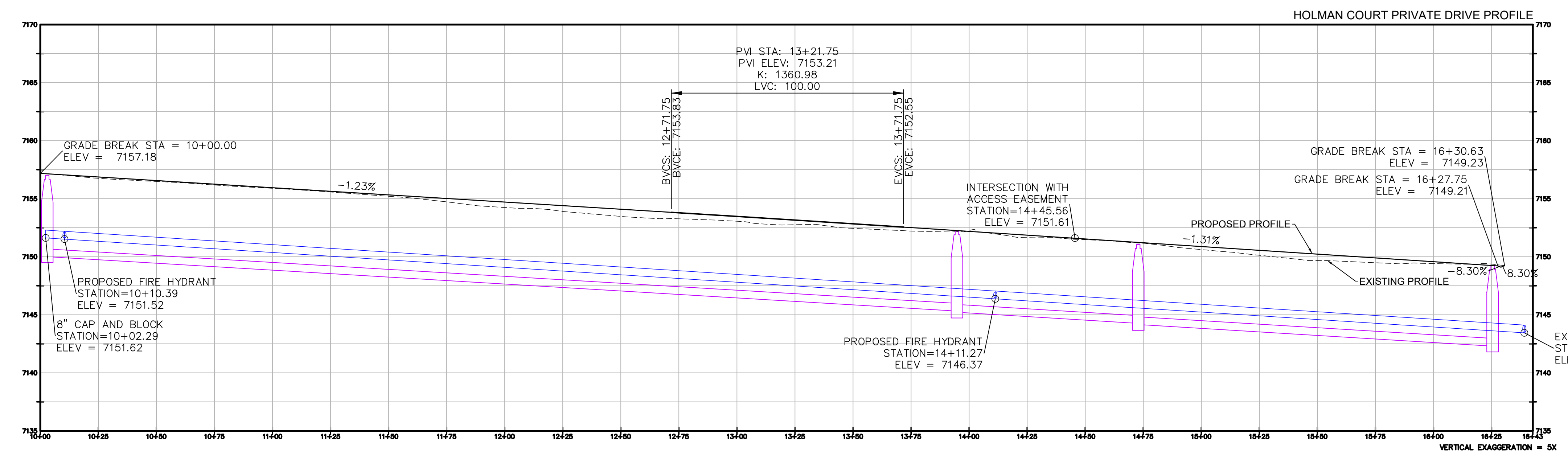
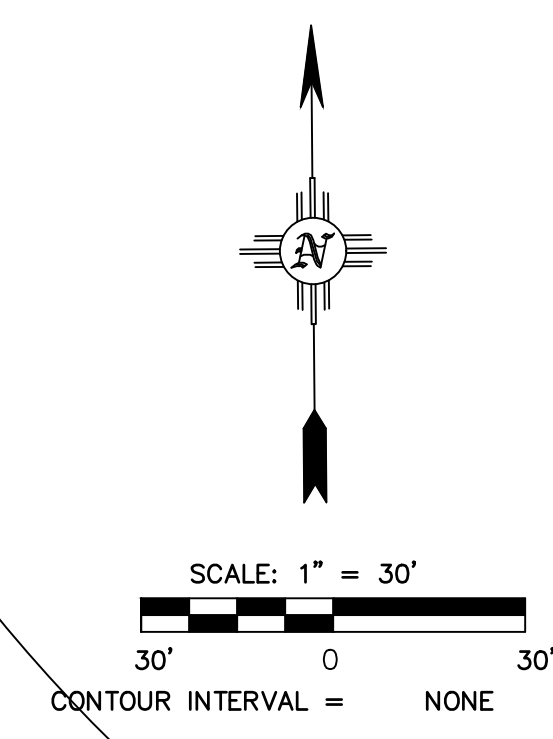
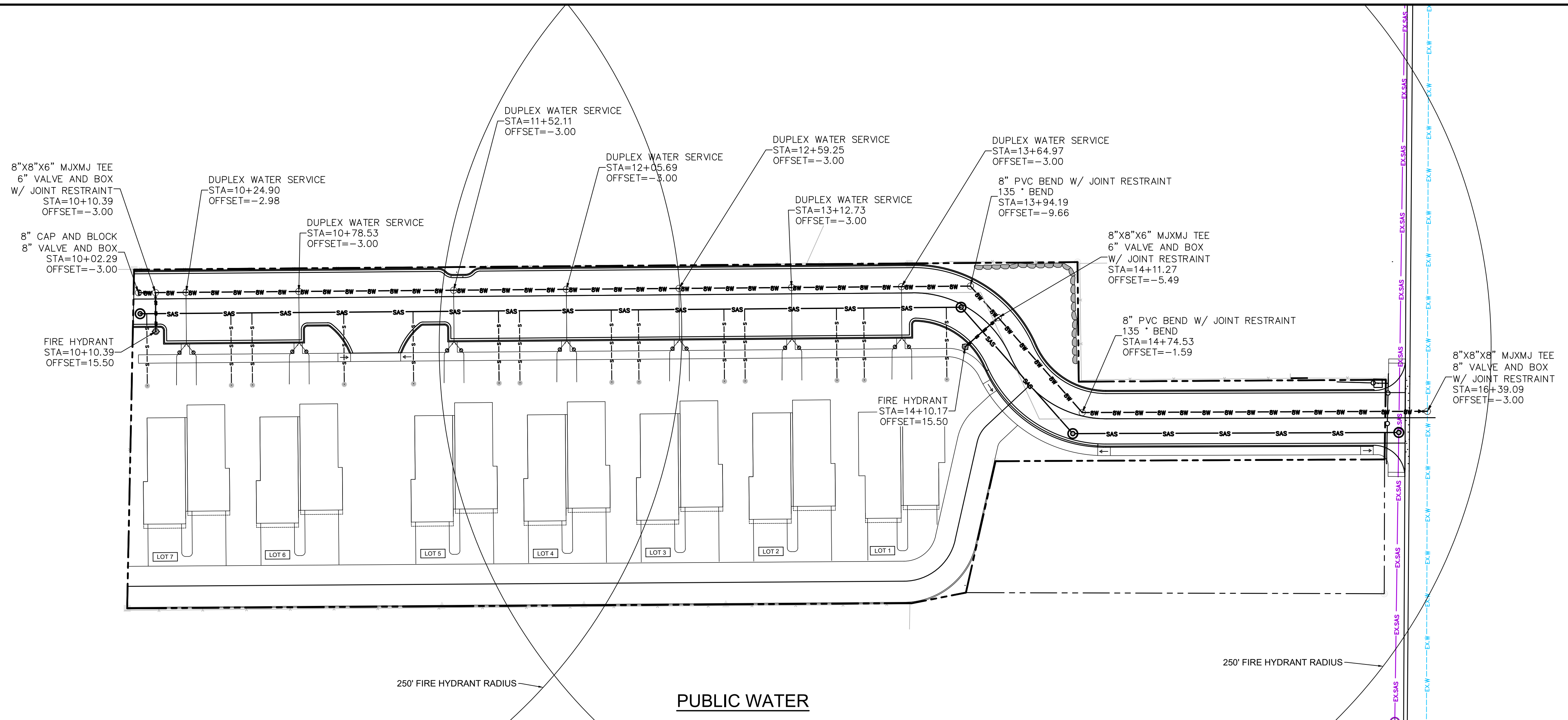
PROJECT: **HOLMAN COURT SUBDIVISION**
 FILE: **2/9/21**
 DESIGNED BY:
 DRAWN BY:
 CHECKED BY:

SCALE:

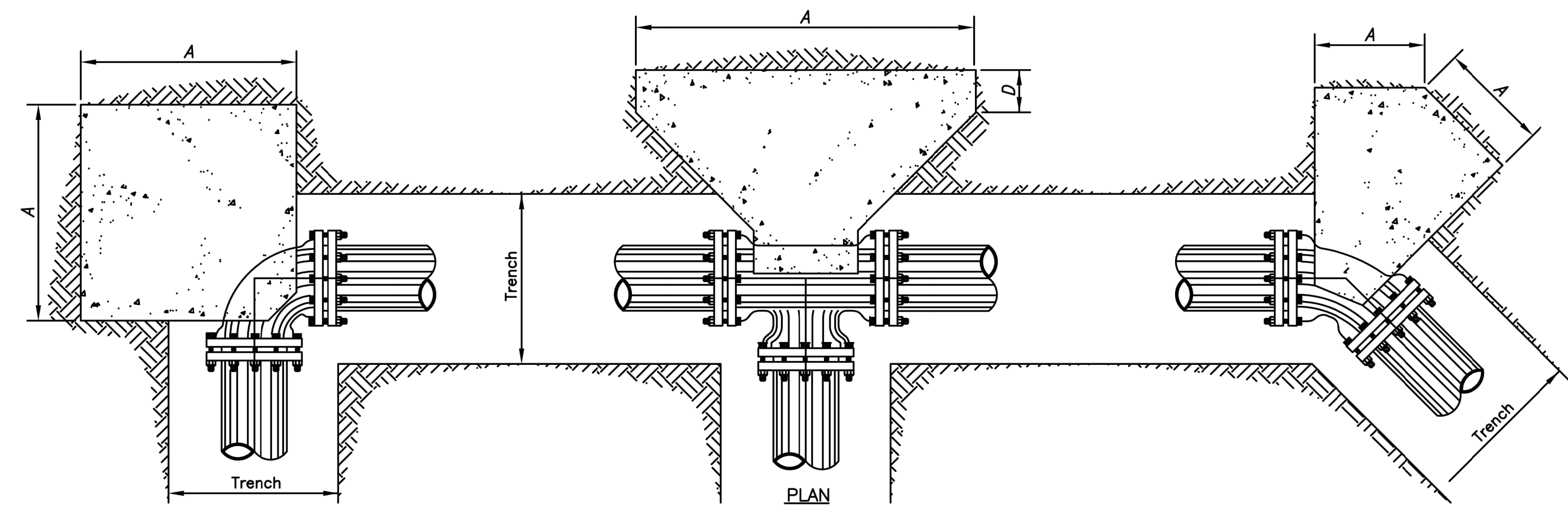
PROJECT: **HOLMAN COURT SUBDIVISION**
 SHEET TITLE: **PUBLIC WATER**

CITY REVIEW	DATE
WATER	
TRAFFIC	
LANDSCAPE	
TRAILS/OPEN SPACE	
SUBDIVISION REVIEW	

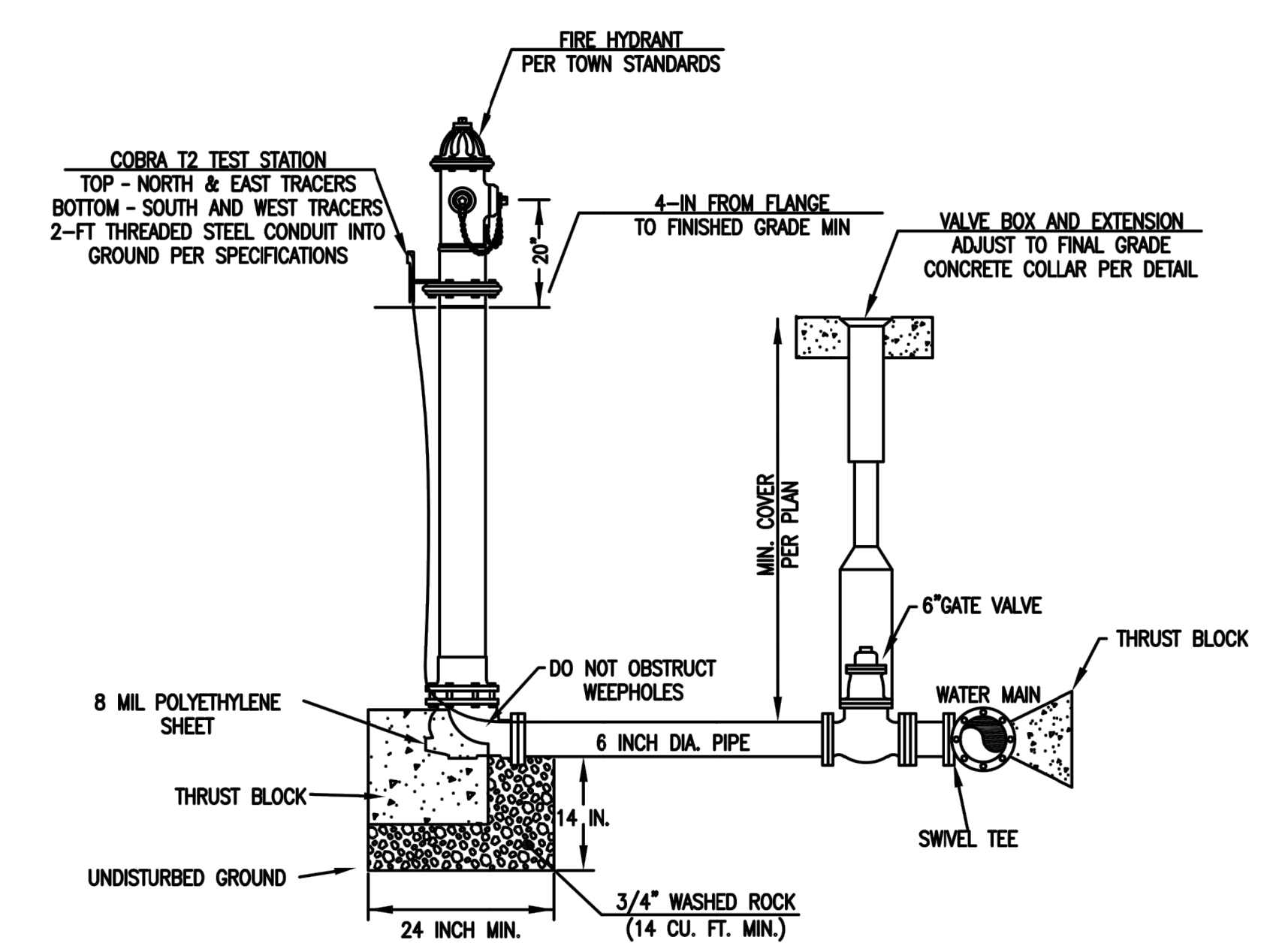
SHEET NO. **C8**



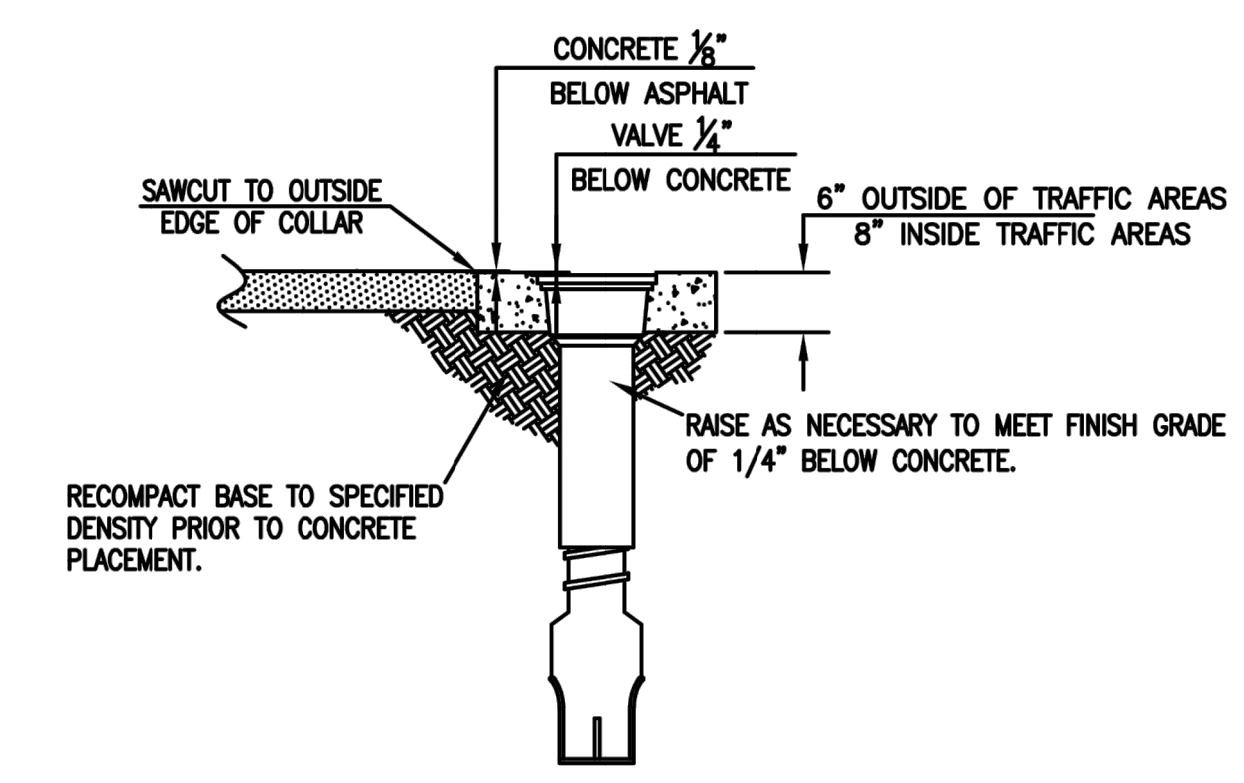
BLOCKING SCHEDULE WATER DISTRIBUTION FITTINGS												
PIPE "D"	TEES & PLUGS			90°			45°			22.5°		
	A	B	C	A	B	C	A	B	C	A	B	C
4	16	12	16	12	16	12	16	12	16	12	16	12
6	18	12	18	16	18	12	18	12	18	12	18	12
8	24	16	24	16	24	16	24	16	24	16	24	16
10	30	20	30	16	30	20	30	20	30	20	30	20
12	36	24	36	18	36	24	36	24	36	24	36	24
16	48	32	48	18	48	32	48	24	48	32	48	24
20	60	40	60	18	60	40	60	40	60	40	60	40
24	72	48	72	18	72	48	72	48	72	48	72	48
30	96	64	96	18	96	64	96	64	96	64	96	64



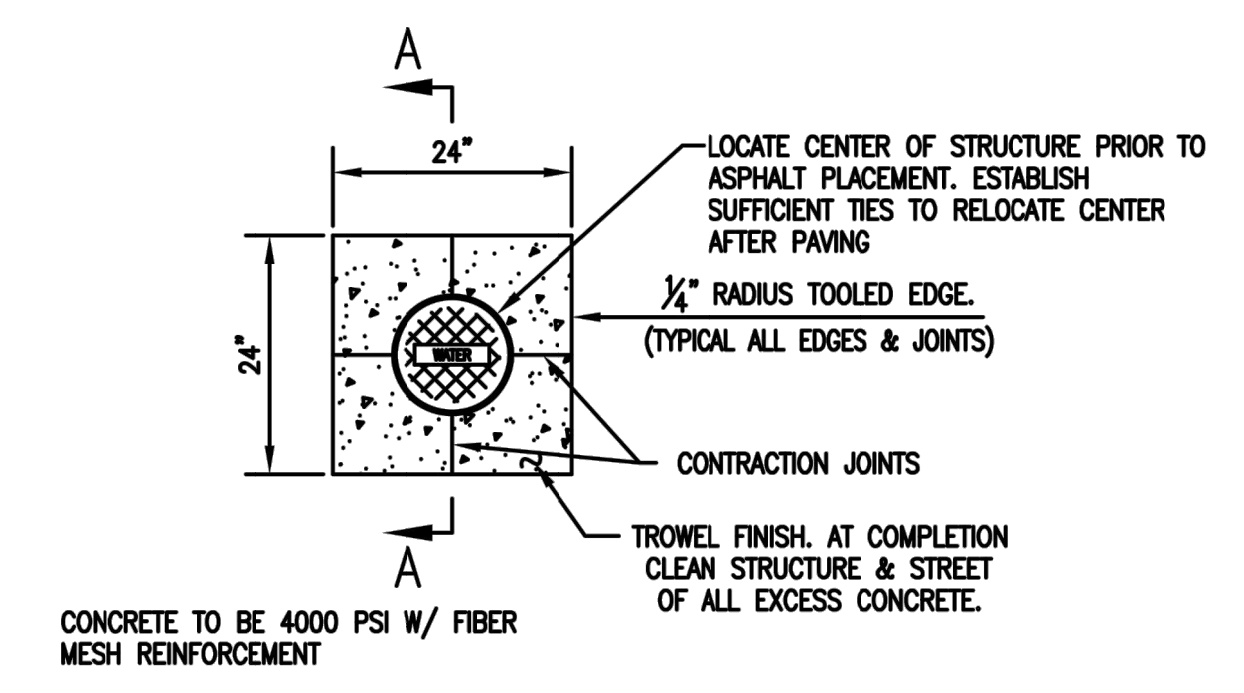
WD THRUST BLOCK
1 DETAIL



WD FIRE HYDRANT ASSEMBLY
2 DETAIL



SECTION A-A



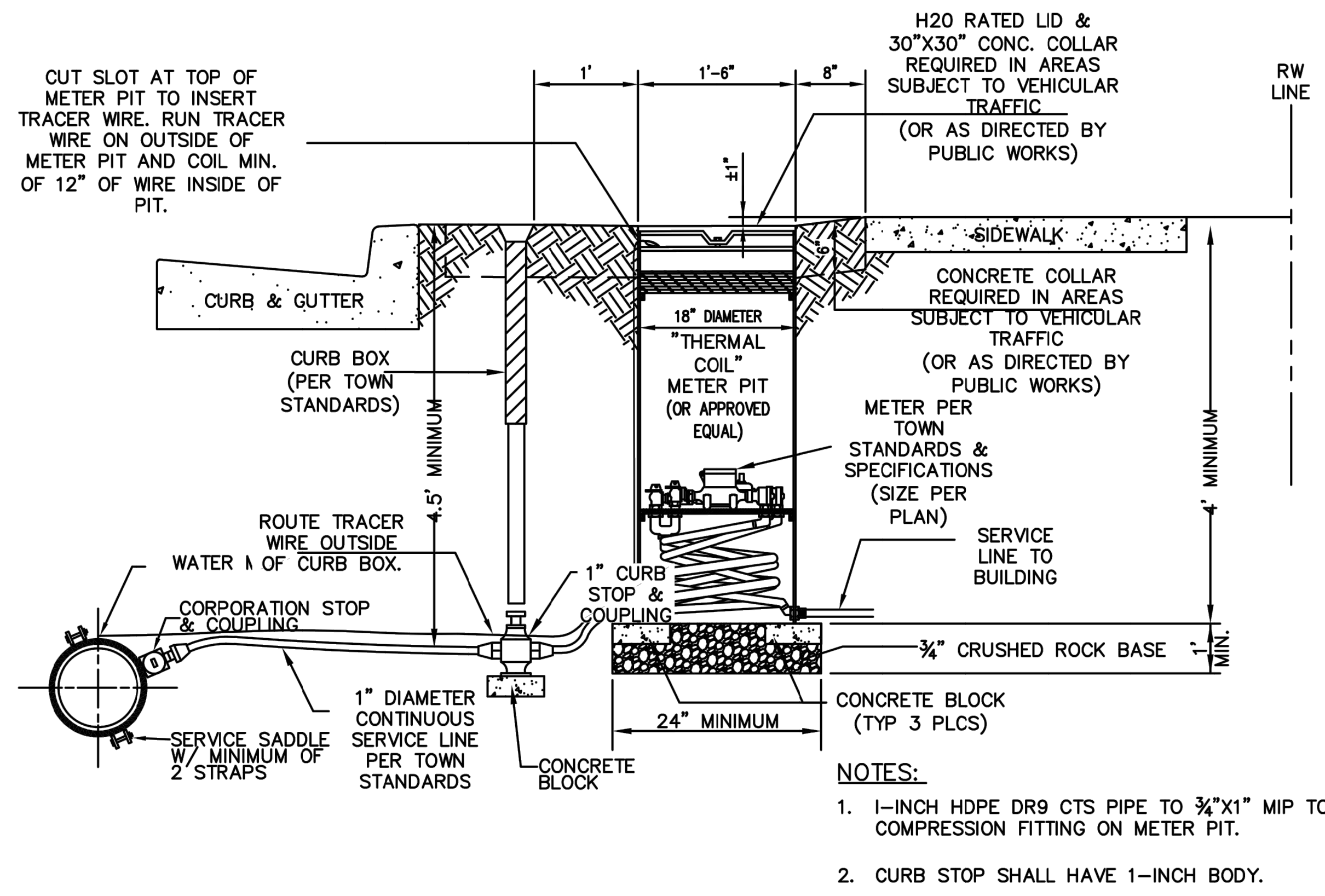
PLAN VIEW

WD WATER VALVE CONCRETE COLLAR
3 DETAIL

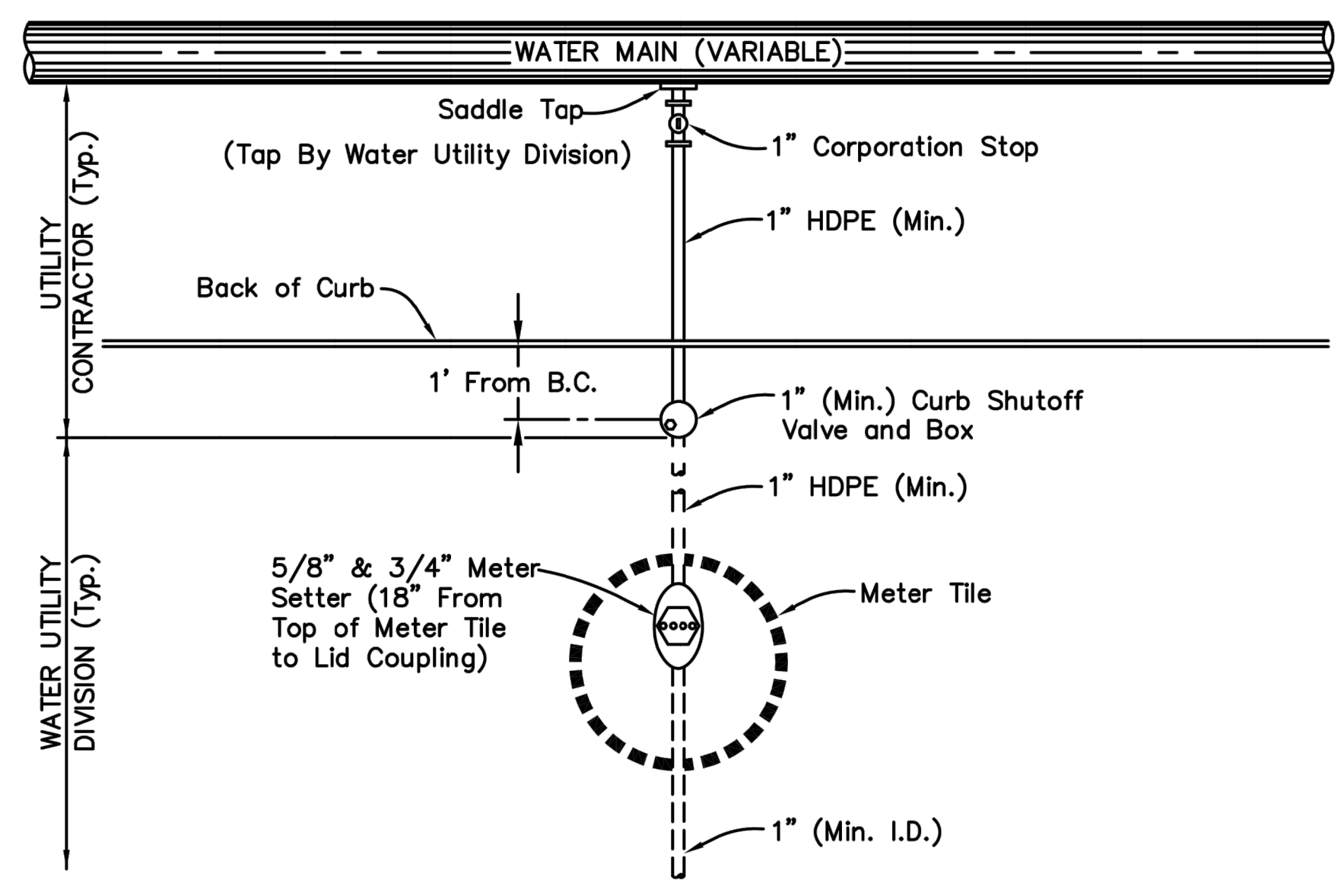
GENERAL NOTES

1. Water Lines Shall Have A Minimum Cover Of 4'-6" Or More As Shown On Profiles.
2. All Valves On Mains & Fire Hydrant Leads Shall Be Installed With Valve Box Assemblies.
3. The Size Of Valve Box Assembly To Be Installed Shall Be Determined By The Type And Size Of Valve.
4. Valve Box Caps Shall Have The Word "water" Cast In The Top.

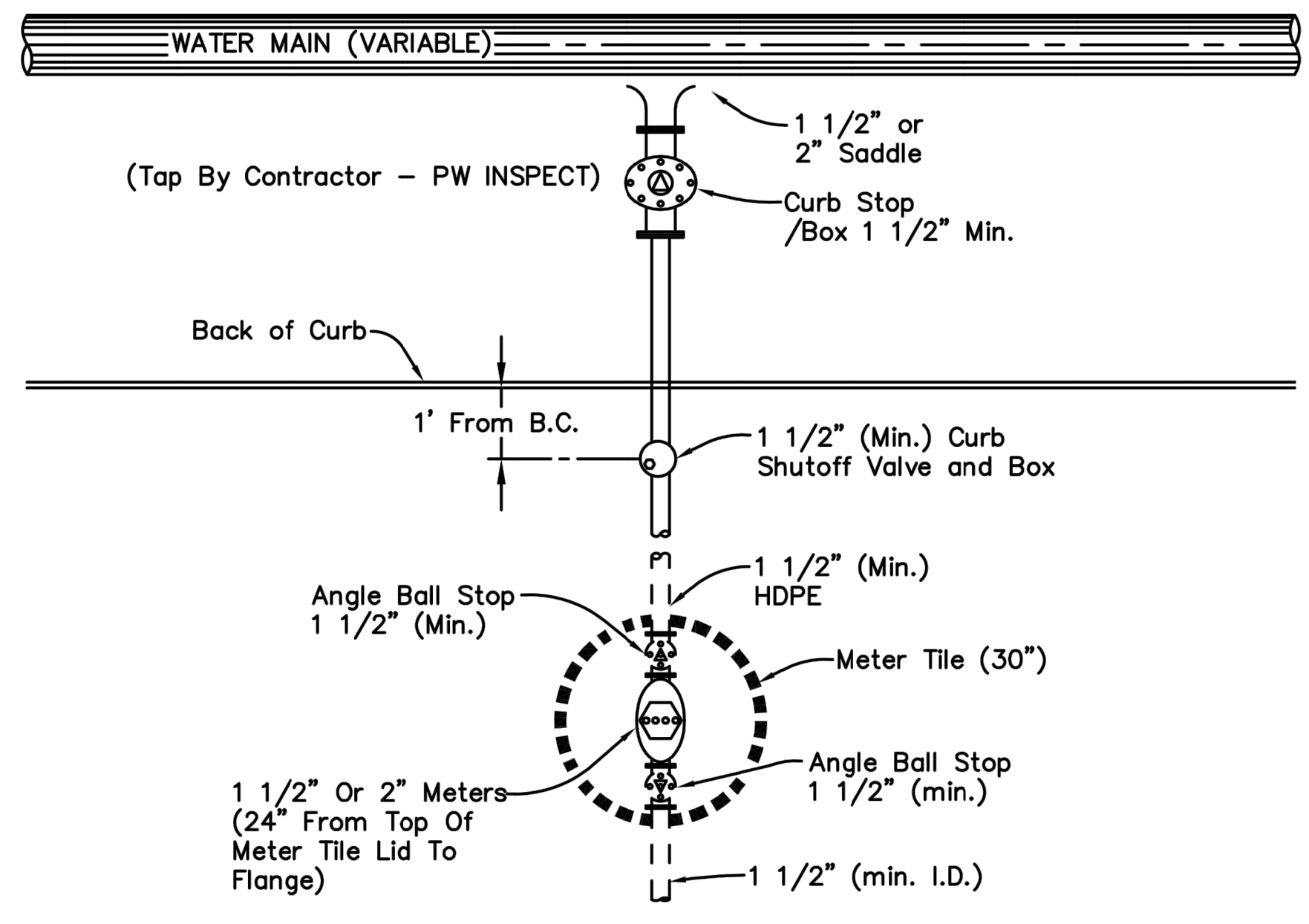
CITY OF SALIDA, COLORADO PUBLIC WORKS		
STANDARD DETAILS WATER DISTRIBUTION DETAILS		
DATE: Nov 2018	SCALE: Not to Scale	SHEET: BY:
FILENAME: 11_Salida_Water_Distribution_Details.dwg		



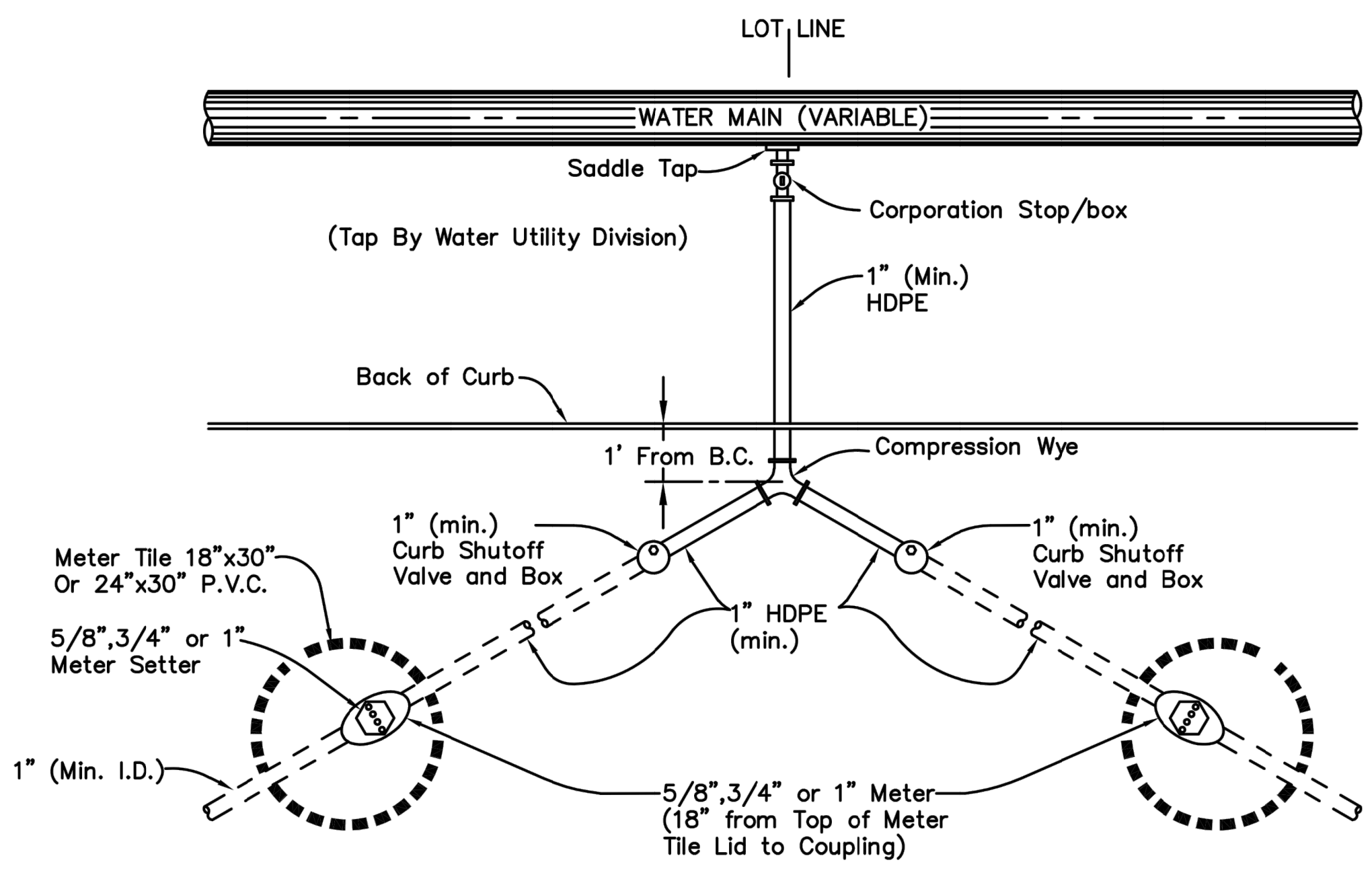
WS 1 SERVICE AND METER PIT (TYP) DETAIL



WS 2 1-IN AND SMALLER METER DETAIL



WS 3 1-1/2 AND 2-INCH METER DETAIL



WS 4 OPTIONAL DUPLEX LOT DETAIL

CITY OF SALIDA, COLORADO PUBLIC WORKS		
STANDARD DETAILS WATER SERVICE DETAILS		
DATE: Nov 2018	SCALE: Not to Scale	SHEET: 1
FILENAME: 12_SALIDA_Water_Service_Details.dwg	BY: MCL	



GENERAL DEVELOPMENT APPLICATION

Item 5.

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

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

- | | |
|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Administrative Review:
(Type) _____ |
| <input type="checkbox"/> Pre-Annexation Agreement | |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Limited Impact Review:
(Type) _____ |
| <input type="checkbox"/> Appeal Application (Interpretation) | |
| <input type="checkbox"/> Certificate of Approval | <input checked="" type="checkbox"/> Major Impact Review:
(Type) <u>PD</u> |
| <input type="checkbox"/> Creative Sign Permit | |
| <input type="checkbox"/> Historic Landmark/District | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> License to Encroach | |
| <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: David La Rochelle / Mark Lee

Mailing Address: PO Box 691 Salida Co 81201

Telephone Number: 404-301-5816 FAX: _____

Email Address: dauidlarochelle1@yahoo.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: Holman Court LLC

Street Address: LOT 2 Holman Ave.

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 9-21-20

Signature of property owner _____ Date _____

City of Salida
448 E. First St.
Suite 112
Salida, Co. 81201

David LaRochelle and Mark Lee
Holman Court LLC
Lot 2 Holman Ave.
Salida, Co. 81210

RE: Lot 2 Holman Ave.

We respectfully submit this application to subdivide and develop the current parcel known as Lot 2 Holman Ave. Salida Co. Parcel # 380706400150

We propose to subdivide the current 1.712 +/- Acres into Eight 7245 +/- Sq. Ft. Duplex Lots. Approximately 45' x 161' totaling 16 units. 2 of the units are proposed to be affordable housing. Each unit will include 2 off street parking spaces, totaling 32 off street spaces and 14 on street spaces.

The current gravel private road easement will be paved including improved curb, gutter, and appropriate drainage for the site. Separate utilities Gas, Sewer, Water, and Electrical are to be installed for each of the 16 units.

Mark Lee (Manager) Owner



David LaRochelle (Manager) Owner



Holman Court LLC.



LIMITED IMPACT & MAJOR IMPACT SUBMITTAL REQUIREMENTS

448 East First Street, Suite 112
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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
4. Staff Review. Staff report or decision forwarded to the applicant (Administrative review)
5. Public Notice
6. Public Hearing with Planning Commission (Limited Impact and Major Impact Review Applications)
7. Public Notice
8. Hearing Conducted by City Council (Major Impact Review)

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

1. 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;
2. A brief written description of the proposed development signed by the applicant;
3. Special Fee and Cost Reimbursement Agreement completed.
4. 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 notarized affidavits for proof of posting the public notice.
5. 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).

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

7. Any subdivision request including a plat meeting the requirements of Section 16-6-110;

8. 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;

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

10. 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 is consistent with the City of Salida's comprehensive plan including the cities need for additional residential housings well as affordable housing.

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 development conforms to zoning district standards and use. Refer to development plan for detailed standards for use and dimensional standards. The development meets adequate parking, landscaping and green

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

The development meets adequate parking, landscaping and green space, sign and development 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.

The project is appropriate and compatible to its proposed location. The mixture of much needed higher density residential to compliment the surrounding neighborhood and facilities. Enhance the surrounding area and fulfill the cities need for housing and affordable housing.

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 development does not create a nuisance and is respectable to the surrounding neighborhood and area. Not to create any obtrusive conditions, rather enhance the surrounding properties.

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.

There are adequate public facilities planned for the proposed use, and shall not cause any service deficiencies.

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 project will not cause any significant deterioration of resources and habitat. Refer to development plan for adequate onsite drainage and best management practices.



GENERAL DEVELOPMENT APPLICATION

Item 5.

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Salida, CO 81201
Phone: 719-530-2626 Fax: 719-539-5271
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- Annexation
- Pre-Annexation Agreement
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- License to Encroach
- Text Amendment to Land Use Code
- Watershed Protection Permit
- Conditional Use
- Administrative Review:
(Type) _____
- Limited Impact Review:
(Type) _____
- Major Impact Review:
(Type) Subdivision
- Other: _____

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

A. Applicant Information

Name of Applicant: Holman Court LLC David La Roche
402-301-5816
Mark Lee
808-280-1015

Mailing Address: PO Box 691

Telephone Number: 402-301-5816 FAX: _____

Email Address: davidlarochellc@yahoo.com Mark.Bilder@MAC.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: Holman Court LLC

Street Address: Lot 2 Holman Ave Salida Co 81201

Legal Description: Lot 2 Block _____ Subdivision Ambrose (attach description)
Parcel: 380 706 400 150

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 10-27-20

Signature of property owner _____ Date 10-27-20

City of Salida
448 E. First St.
Suite 112
Salida, Co. 81201

David LaRochelle and Mark Lee
Holman Court LLC
Lot 2 Holman Ave.
Salida, Co. 81210

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(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.

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(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.

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

10. 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 is consistent with the City of Salida's comprehensive plan including the cities need for additional residential housings well as affordable housing.

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 development conforms to zoning district standards and use. Refer to development plan for detailed standards for use and dimensional standards. The development meets adequate parking, landscaping and green

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

The development meets adequate parking, landscaping and green space, sign and development 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.

The project is appropriate and compatible to its proposed location. The mixture of much needed higher density residential to compliment the surrounding neighborhood and facilities. Enhance the surrounding area and fulfill the cities need for housing and affordable housing.

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 development does not create a nuisance and is respectable to the surrounding neighborhood and area. Not to create any obtrusive conditions, rather enhance the surrounding properties.

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.

There are adequate public facilities planned for the proposed use, and shall not cause any service deficiencies.

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 project will not cause any significant deterioration of resources and habitat. Refer to development plan for adequate onsite drainage and best management practices.



CITY COUNCIL ACTION FORM

Department Administration	Presented by Drew Nelson - City Administrator	Date April 6, 2021
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ITEM

Community Grants Recommendation – City of Salida Donor Advised Fund – Chaffee County Community Foundation

BACKGROUND

The City of Salida entered into an agreement with the Chaffee County Community Foundation (CCCF) to administer a Donor Advised Fund on the City’s behalf. CCCF took applications for funding back in December 2020, and over the intervening time has reviewed the applications and worked with a group of local community members to identify areas of critical funding needs. A report from the CCCF on selection criteria, funding partners, and other matters is attached. It should be noted that CCCF has recommended that the City consider providing up to 1% of its budget for charitable giving, which is beyond what the City has budgeted in the past.

FISCAL NOTE

\$58,140, as budgeted for in the 2021 Annual Budget.

STAFF RECOMMENDATION

Staff recommends that the City Council approve an expenditure of \$58,140 to the City’s Donor Advised Fund as identified in the CCCF memo.

SUGGESTED MOTION

A City Councilperson should make a motion to approve an expenditure of \$58,140 to the Chaffee County Community Foundation to provide funding for the City’s Donor Advised Fund, followed by a second and a roll call vote.



Salida Community Grants City Council Recommendation Packet

For consideration and modification or approval at Council Meeting on April 6th, 2021

Mr. Mayor, Councilmembers, and staff,

It is with great excitement that I submit to you this recommendation packet for the 2021 Salida Community Grants. This letter outlines the process we followed, then each application is summarized below along with our recommended funding amount. As you recall, we consolidated the application process for municipal community grants into a single application this year. This served primarily to lower the burden on nonprofits, while also increasing the efficiency of the review process. We learned many lessons and solicited feedback from both applicants and reviewers, which we will continue to build upon to improve future grant programs.

One key change I do recommend for City Council to consider community grants funding is to move the City’s allocation of funding from a set dollar amount to 1% of its budget. Not only will this bring parity with the Town of Buena Vista and allow for a more equitable distribution of funds, it will also continue to demonstrate your generosity and commitment to investing in the nonprofits who help make Salida such an amazing place to live, work, and visit.

I will be present during your meeting in order to answer any questions you have. These recommendations may be approved as is or approved with modifications as you may wish. Should Council decide to move to the 1% model for 2021, these recommendations could be approved based on the organizations themselves, and CCCF can rework the allocations between the municipalities as well as the total funding amount before finalizing the awards.

Thank you for this opportunity to partner with the City – we take this responsibility seriously and are dedicated to serving the community alongside you.

Sincerely,

Joseph Teipel
Executive Director

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<u>Applications Overview</u>
<ul style="list-style-type: none"> • 37 Community Grants (CG) applications <ul style="list-style-type: none"> ○ Total of \$175,378.25 requested vs \$80,000 budget ○ 32 organizations recommended for funding ○ No applications are recommended for full funding at request level. Mainly due to budget, not quality. • 3 line-item support applications received <ul style="list-style-type: none"> ○ Salida Business Alliance recommended for inclusion as line-item support in 2022

<u>Grant Review Committee</u>
<ul style="list-style-type: none"> • 9 Reviewers + CCCF ED Facilitator <ul style="list-style-type: none"> ○ 1 active Salida Councilmember and 1 active Buena Vista Trustee ○ 2 CCCF Board & 1 CCCF staff ○ 4 At-large residents • 3 organizational conflicts of interest for recusal • 144+ hours of application review • 30 follow-up applicant interactions • Decisions made via majority vote

2021 Community Grants Budget – City of Salida

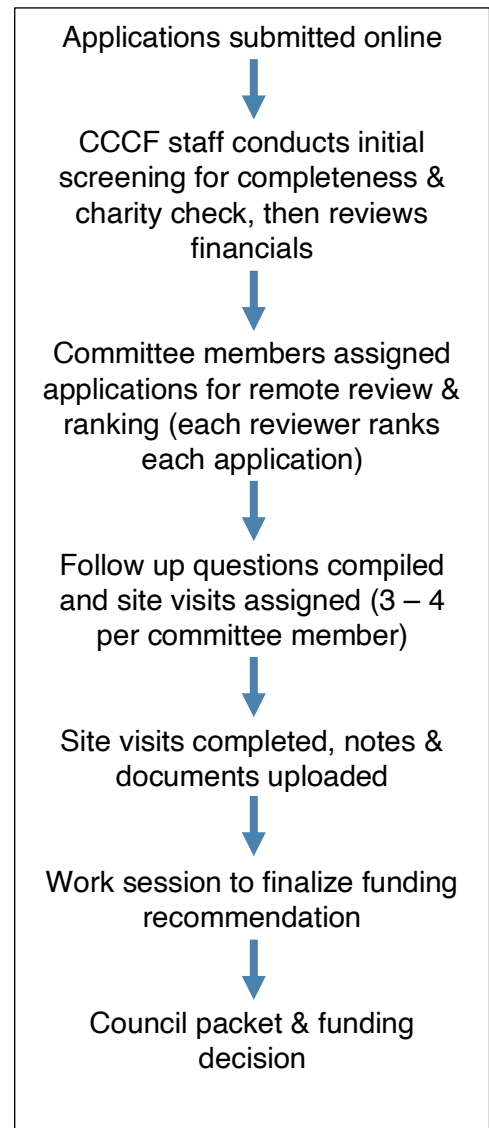
<i>Description</i>	<i>Budget</i>	<i>Recommended</i>
Line-item Support		
- Boys & Girls Club - \$7,500		
- Foodshed Alliance - \$5,000		
- SPOT - \$3,000	\$21,800	\$17,000
- Caring & Sharing*		
- SW Conservation Corps** - \$1,500		
- Central CO Conservancy*		
Competitive Grants	\$40,000	\$40,000
CCCF Administrative Fee (2%)	\$1,236	\$1,140
Total	\$63,036	\$58,140

*These organizations did not apply

**SWCC is being funded \$1,500 out of line item support (in line with past City support), with the balance from the competitive pool.





Timeline & Process

- 1) Initial committee meeting – Tuesday, Jan. 12th
 - a) Conflicts of Interest disclosed
 - b) Training on online portal
 - c) Timeline & review process agreed on
- 2) Applications assigned for review – Friday, February 19th
 - a) Conflicts of interest did not get assigned review
 - b) Alignment with rubric ranked
 - c) Site visit/follow-up questions gathered
 - d) Reviewers generate three metrics in addition to narrative comments/questions:
 - i) Overall score of the application (%)
 - ii) Whether or not they recommend funding (Y/N)
 - iii) If so, how much they recommend (\$)
- 3) Follow-ups conducted – March 11th thru March 23rd Via phone calls & emails.
- 4) Final work session conducted – Wednesday, March 24th
- 5) Follow-up Discussions – Thursday, March 25th-Monday, March 29th
- 6) Council decision – Tuesday, April 6th
- 7) CCCF to execute awards within 10 business days of executed grant agreements.
- 8) Grant reports due December 31st, 2021 and is a pre-requisite for applying for 2022 community grant support.



Factors in Funding Recommendations

The Grant Review committee strived to base all decisions on objective and defensible data. Inevitably tough decisions were made in order to meet the budget available and were based on a formula or an objective data source.

Application	Committee Reviews	Site Visits	Final Recommendations
<ul style="list-style-type: none"> ⇒ Complete ⇒ 501c3 or tax-exempt status ⇒ All required documents uploaded 	<ul style="list-style-type: none"> ⇒ Score (% to 100) ⇒ Direct benefit ⇒ Avg. \$\$ recommendation 	<ul style="list-style-type: none"> ⇒ Follow-up Questions ⇒ Additional documentation ⇒ New information or changes 	<ul style="list-style-type: none"> ⇒ Start with avg. \$\$ recommended ⇒ + or – based on site visit info ⇒ Final budget trim: <ul style="list-style-type: none"> - ≤ 70% cut 10% - Case-by-case discussion
			

Application Summaries

Due to the large number of applications, these summaries only include organizational mission statements, request purpose, and a summary of committee discussions and rationale. Full applications, individual evaluations, and other documentation are available on request.

Attached at the end is a summary spreadsheet showing all awards, average score, and the allocation of funding between the Town of Buena Vista and the City of Salida. You’ll also see superscript “^{BV}” and “^{Salida}” next to each application to denote whether both municipalities, or just one, is recommended to fund the project.

Achieve Inc. (The Little Engine Eatery) – 2021 Special Needs Summer Employment ^(BV)

Achieve, Inc. is a Colorado 501(c)(3) with a mission to provide a sustainable lifetime community of excellence for teens and young adults with learning disabilities by providing social and cognitive skills training, job training and employment for this population learning disabilities.

This application requested support to help fund Achieve’s 2021 Special Needs Employment Program and included payroll expenses for temporary, part-time job coaches for teens and young adults with learning disabilities.

The reviewers recognized that this program is unique in Chaffee County, providing opportunities for an under-served population in our community. After a virtual site visit was conducted, the benefits were clear that the program has a positive impact for not only the program participants, but also extended family, job coaches, mentors, teachers, and the community who is served at the food truck. There is the added benefit to the community, that only locally sourced food is used in the Achieve program.

Committee Review Rank:
82%

Site Visit Conducted:
Yes

Requested Amount:
\$3000

Avg. Committee Recommendation:
\$2,556

Final Recommendation:
\$2250

The Alliance – Expanding Domestic and Sexual Violence Services (BV & Salida)

The Alliance empowers individuals beyond sexual and domestic violence through advocacy, education, and social change.

Since the beginning of COVID, there has seen a 40% increase in domestic and sexual violence nationwide. This application requested funding to expand virtual and mobile advocacy options via a text crisis line, virtual advocacy interactions, and capacity for mobile advocacy. Due to COVID-19 restrictions, The Alliance has seen opportunities for in-person services “dry up” and they recognized a need to offer additional avenues for health care providers and community members to connect. These virtual and mobile advocacy programs will help them provide tools to support survivors and refer them to services. The Alliance is also looking to expand their services to include more teens and members of the Latino community.

This application received a high average rating from the initial committee review with unanimous support for funding.

Committee Review Rank:
74%

Site Visit Conducted:
Yes

Requested Amount:
\$8,000

Avg. Committee Recommendation:
\$5,000

Final Recommendation:
\$3600

Chaffee Housing Trust – Matching funds for State Grant (BV & Salida)

The Chaffee Housing Trust is a local nonprofit created to develop homeownership and rental opportunities affordable for lower-income workers and residents who cannot afford market-rate housing.

This application is an annual request, for recurring funding, and seeks to leverage a state Department of Housing matching grant. All reviewers acknowledged that the program is well run, saw measurable outcomes in the application, and unanimously recommended funding.

While the committee desired to recommend full funding, the final award of \$11,600 was agreed upon to meet the overall budget.

Committee Review Rank:
85%

Site Visit Conducted:
Yes

Requested Amount:
\$15,000

Avg. Committee Recommendation:
\$13,778

Final Recommendation:
\$11,600

Full Circle Restorative Justice – Restorative Schools-Responsive Support (BV & Salida)

FCRJ seeks to increase the health and safety of the community through restorative prevention and intervention - this is the mission of Full Circle Restorative Justice.

This application seeks support for the restorative mediation program to continue in tier 1 schools (B.V. High School and Salida H.S.) and expand to Tier 2 schools (McGinnis Middle School and Chaffee County High School). This funding will allow for the tier 1 schools to have dedicated support from an FCRJ Restorative Schools Facilitator for 20 hours a week. Funds from this grant will ensure services for Chaffee County schools needing tier 2 support have increased capacity of the Restorative Facilitator for Schools by five hours a week. Reviewers saw strong advantages to the program, in which participants take responsibility for their actions and agree to a mediated response, with the goal of avoiding the “prison pipeline”.

Measurable outcomes were clearly stated and recommendation for funding was unanimous.

Committee Review Rank: 84% Site Visit Conducted: Yes

Requested Amount: \$6,540 Avg. Committee Recommendation: \$5,885 Final Recommendation: **\$4,500**

Guidestone Colorado – Farm to School Program (BV & Salida)

Guidestone grows a vibrant agricultural future through education, community building and partnerships. Meeting this mission via four key programs: The Farm to School Program, Farmhands Education Program, Hutchinson Homestead & Learning Center, and Colorado Land Link.

This program funding request focuses on the Farm to School Program, which fosters garden education at two school gardens and the Community & School Farm. This program also grows produce for Salida School District (SSD), ensuring access to local produce in school meals.

Reviewers had some initial questions about how the numbers served were calculated and whether this program was competing with local for-profit farms, but these questions were answered fully by the applicant. All reviewers see measurable outcomes from this program and recommended funding

Committee Review Rank: 86% Site Visit Conducted: Yes

Requested Amount: \$3,000 Avg. Committee Recommendation: \$2,889 Final Recommendation: **\$2,000**

GARNA – Youth Program (BV & Salida)

The Greater Arkansas River Nature Association's (GARNA) Youth Ecological Literacy Program (YELP) inspires the next generation to take care of our local natural resources.

This application seeks support for the YELP project which addresses the need for youth to be empowered as decision makers and advocates for the natural resources and public lands that make up over 80% of our county. YELP provides engaging opportunities for learning, leadership, and service in our outdoor spaces. GARNA is prioritizing youth program Staff of Color to model for diverse Chaffee County youth that the outdoors is for everybody.

Committee Review Rank: 82% Site Visit Conducted: Yes

Requested Amount:	Avg. Committee Recommendation:	Final Recommendation:
\$5,000	\$4,500	<u>\$4,050</u>

elevateHER – empowerHER: Building Life Skills in the Wild ^(BV & Salida)

elevateHER is a nonprofit organization based in Chaffee County, Colorado, that uses a holistic approach to programming that lets us nurture each girl’s mind, body, and soul.

This application requests funding to support the empowerHER Summer 2021 Programming Session, which will engage 36 girls (grades 6-12) in a 10-week guided series of outdoor adventure, mentoring and wellness programs to teach them the skills needed to be strong, thriving and resilient. elevateHER seeks to address the opportunity gap for young women in rural Chaffee County, Colorado. With significant local barriers to entry, including the lack of other low/no cost programs, many lower income young women are not participating in outdoor activities. elevateHER addresses these cost constraints, as well as other barriers to access by providing young women with the access, equipment, and mentorship to learn and enjoy the outdoors.

Reviewers concluded that the benefits to an underserved population outweighed any questions concerning the small number of participants in the program.

All reviewers recommended funding. Questions remain about how many actual Salida residents were served vs BV residents and this disparity was the primary justification for the award amount by the committee.

Committee Review Rank:	Site Visit Conducted:
72%	Yes

Requested Amount:	Avg. Committee Recommendation:	Final Recommendation:
\$5,000	\$3,438	<u>\$2,250</u>

Chaffee County Council for the Arts – Membership and Donations Modernization ^(BV)

Chaffee Arts’ mission is to support local artists, promote their art, and learn from one another. We strive to create a visual arts community in Chaffee County through education, shows, and arts collaborations thus adding to the artistic and economic vitality of our region.

This application seeks support for purchase of a new software program which will modernize their membership and donation processes. These tasks have, historically, been handled manually, by volunteers. CCCA is hoping that, with the addition of a more modernized software process, they will have the ability to increase membership, volunteers, and donations to their programs. With these new members, volunteers, and donations, they will engage more of the community, offer more events, and offer more free to the public events.

There were significant concerns by reviewers concerning the amount the request vs. need and how the project would serve the community. After initial evaluation, only 2/3rds of the reviewers recommended funding this application. However, the site visit revealed that there is current collaboration planned with Salida (travelling art shows) and, if the grant request is not fully funded, there are plans in place to scale back the software purchase to match whatever funding is received.

Committee Review Rank:
62%

Site Visit Conducted:
Yes

Requested Amount:
\$4,500

Avg. Committee Recommendation:
\$2,214

Final Recommendation:
\$1,500

Neighbor to Neighbor Volunteers/The Chaffee Shuttle – Chaffee Matches (BV & Salida)

The Chaffee Shuttle is a shared ride and public transit service operating in Salida and Buena Vista, Colorado. Transportation is provided for medical appointments, work, shopping, and social activities throughout Chaffee County.

"Chaffee Matches" seeks a commitment and partnership from the City of Salida and the Town of Buena Vista, with a 2% match of the 2021 budgeted program expenses. The Chaffee Shuttle looks to have a limited fixed route fully operational in 2021 and plans to increase its marketing plan to let "neighbors" know of the various transit options available.

Recognizing the vital service that the Chaffee Shuttle provides to seniors, the disabled, economically challenged residents, and other underserved populations, reviewers unanimously recommended funding this request. However, due to their unstructured marketing plan and questions relating to the implementation of the proposed marketing plan, the recommendation for the amount of award was reduced.

Committee Review Rank:
76%

Site Visit Conducted:
Yes

Requested Amount:
\$6,030

Avg. Committee Recommendation:
\$5,258

Final Recommendation:
\$2,700

Articipate – Operating Support (Salida)

To foster awareness and teach the importance of the Arts in building communities and improving lives through workshops, performances, and educational programs for all ages.

This was a request for funds for general operating expenses to resume, continue, and expand their programming. This organization stated that they were impacted by COVID restrictions on indoor gatherings, a flooding of the space they share with Salida Community Center, and a cancellation of fundraisers typically used to fund programming.

Reviewers noted that the organization does provide an immeasurable benefit to the community and serves the youth population. However, the application was weak, in general, and lacked detail, with regard to programming outcomes. Also noted was the information that Articipate had received some prior COVID relief funds to off-set a portion of their fundraising losses.

Committee Review Rank:
69%

Site Visit Conducted:
Yes

Requested Amount:
\$5,000

Avg. Committee Recommendation:
\$3,438

Final Recommendation:
\$2,000

NAMI – Part-time Contracted Executive Director and Outreach (BV & Salida)

The mission of NAMI Chaffee County CO is to build a community of recovery and hope by educating, supporting and advocating for individuals and families affected by mental illness.

With this request, Nami Chaffee County is requesting general operating support to contract for a part-time Executive Director and Outreach Coordinator. Reviewers had some questions regarding the classification of these two positions within the organization. CCCF E.D., Joseph Teipel recommended that NAMI consult an HR consultant to verify they are not mis-classifying their contractors as independent contractors when they should be employees. This organization states that, according to the Mental Health Colorado Data Dashboard, 18.6% reported 8 or more days of poor mental health over a 30-day period in Chaffee County, while the state averaged 15.3%. The suicide rate in Chaffee County was 33.3 per 100,000 in 2018, compared to 21.7 in the state.

All reviewers saw measurable outcomes and critical benefit for the community. 7/10 reviewers recommended this request for funding.

Committee Review Rank: 75% Site Visit Conducted: Yes

Requested Amount: \$5,000 Avg. Committee Recommendation: \$3,688 Final Recommendation: **\$2,700**

Salida Circus Outreach Foundation – After school Salida Circus Program (BV & Salida)

Salida Circus is a unique blend of physical activity, artistic expression, and fun.

Partnering with the Boys and Girls Club, Salida Ramps and Alleys, and Holman Avenue Aerial site, this applicant seeks funding to support the After School Salida Circus Program. This program will serve up to 100 Chaffee County youth per week through six weekly circus workshops in Salida and Buena Vista. All workshops at Boys and Girls club will be offered free of charge and the workshops at other sites will be offered for \$10 per participant, however, no one will be turned away due to inability to pay.

Reviewers commented that this organization did an amazing job of staying open during COVID and pivoted very quickly to offer safe programming. The afterschool circus demonstrates clear direct benefits to a large number of Chaffee County youth and 100% of the reviewers recommended funding.

Committee Review Rank: 75% Site Visit Conducted: Yes

Requested Amount: \$7,000 Avg. Committee Recommendation: \$4,625 Final Recommendation: **\$4,000**

KHEN Community Radio – Replace/Upgrade Outdated Equipment (BV & Salida)

KHEN is a volunteer-supported community radio station and media platform committed to building community through programming, education and outreach.

This application seeks funding to replace and/or upgrade outdated equipment, including a back-up system for the Radio Tower, main broadcasting system, streaming system, and an office computer. This applicant has worked with local businesses and citizens to repurpose and re-use as much equipment as possible, but some of the equipment needed simply cannot be found used.

Reviewers acknowledged the vital service KHEN provides to the community, providing timely information about community events, COVID-19 updates, news, and alerts for the area. Several reviewers were inclined to tie the actual award to the cost of the Back-up equipment, which seemed to present as the most urgent need.

Committee Review Rank: 65% Site Visit Conducted: Yes

Requested Amount: \$4,500 Avg. Committee Recommendation: \$2,107 Final Recommendation: \$1,400

Salida Business Alliance – City of Salida – July 4th Celebration (Salida)

The Mission of the Salida Business Alliance is to work with businesses to attain a united approach in enhancing our business districts. This will strengthen our community and our economy.

This application seeks support for the city's 4th of July celebration event. Reviewers acknowledged that, while a celebration is important, this project doesn't really serve the needs of the community with the same weight as some of the other applications and is not on par with other needs of the community. **Several reviewers expressed the recommendation that the City of Salida fund this with line-item support.** In addition, they acknowledge the celebration would not happen without the SBA. This project received a rating of 64% and some of the reviewers recommended at least some nominal funding.

Committee Review Rank: 64% Site Visit Conducted: Yes

Requested Amount: \$5,000 Avg. Committee Recommendation: \$3,000 Final Recommendation: \$450

Starpoint – Salida Day Program – Food Nutrition and Education (BV & Salida)

*Our hope and goal is to fill in the gaps in funding in adult services and to stabilize funding for the early childhood programs in order to fulfill our **mission** of "enriching lives and realizing dreams."*

This application seeks support for Starpoint Salida to initiate Food Nutrition & Education for a limited number of consumers and staff, when Covid restrictions are lifted, and they are permitted to resume Day Program activities. This request included funds to upgrade some outdated kitchen equipment and cooking utensils to meet basic educational requirements. Starpoint has partnered with Green Thumb for the food and a certified chef to provide a syllabus and instruction. This program is designed as "basic kitchen skills, for nutrition and safety" and not actual cooking classes.

Nearly 80% of the reviewers recommended funding at some level, recognizing that Starpoint serves a special needs population that does not have many opportunities for growth and education elsewhere in the county. The reduced funding amount was due, mainly, to the small number of participants directly benefitting from the proposed program.

Committee Review Rank:
73%

Site Visit Conducted:
Yes

Requested Amount:
\$5,000

Avg. Committee Recommendation:
\$3,617

Final Recommendation:
\$1,800

Mini Blessings – Mounting Ramp ^(BV)

As a 501 (c)(3) non-profit organization, operating in Chaffee County, Mini-Blessings provides equine guided interactions and equine assisted learning to those within the Central Colorado region.

This application seeks support for Mini-Blessings to construct a mounting ramp. This project will meet the needs of Chaffee County community members with ambulation challenges, by enabling access to hippotherapy services and equine guided activities on the premises of the Mini-Blessings Farm. It allows persons with special needs to mount a full-size horse or interact with a full-size horse at eye level.

This project was supported unanimously by the reviewers, who noted the Mini Blessings strong proposal, the pledged commitment of labor supplied by volunteers, and the far-reaching benefits to the participants of the program. There were no questions or concerns and thus, no site visit. Requested amount was reduced simply for better fit to the overall budget.

Committee Review Rank:
81%

Site Visit Conducted:
No

Requested Amount:
\$2,000

Avg. Committee Recommendation:
\$1,875

Final Recommendation:
\$1,800

Energy Smart Colorado – Residential Energy Efficiency Program ^(BV)

In 2014, the program incorporated as a 501(c)(3) nonprofit organization with a mission to make energy efficiency improvements simple and affordable for Colorado residents.

Energy Smart Colorado (ESC) requested funds to provide home energy assessments to Buena Vista’s homeowners, to improve the health, safety, comfort and energy efficiency of their homes. In addition to identifying issues stated above, a certified building analyst would complete a blower door test and infrared photo analysis, to identify air leakage in the home, combustion safety check for risk of CO, and gas line leakage detection.

While this organization does have plans to scale up and expand to other parts of the county, the reviewers noted that, currently, the program only serves Buena Vista residents.

Committee Review Rank:
77%

Site Visit Conducted:
Yes

Requested Amount:
\$2,500

Avg. Committee Recommendation:
\$2,069

Final Recommendation:
\$1,800

Salida Senior Center/Community Center – General Operating Request (BV & Salida)

The Salida Community Center provides an opportunity to access and engage in recreational opportunities, stay active and socialize.

This applicant’s request focused on funding for basic operating expenses, due to increased needs for services in the community. This organization acknowledged receiving several grants recently which were restricted to food purchases. However, the Salida Senior Center has demonstrated a clear need for assistance with other expenses such as electric, gas, water, and fuel for vehicles to deliver the food.

Reviewers noted that the Salida Community Center serves also as a food bank and, as such, was impacted heavily by COVID restrictions for social distancing and gathering. These restrictions have affected normal food distribution and opportunities to serve meals. To pivot to the new needs of the community, during COVID, and still offer safe practices, the Center added volunteer drivers to deliver food to those in need, in lieu of serving meals at the facility.

Although reviewers felt the proposal was not strongly written, and overall ranking was only 70%, 100% of the reviewers felt funding was recommended.

Committee Review Rank: 71% Site Visit Conducted: Yes

Requested Amount: \$10,000 Avg. Committee Recommendation: \$5,459 Final Recommendation: **\$1,500**

Chaffee County Hospitality – Housing the Difficult to House (BV & Salida)

Providing hospitality to our neighbors experiencing homelessness and walking alongside people as they work to exit homelessness.

This application seeks support for Chaffee County Hospitality to help house individuals whose personal situation makes staying in either the men’s or women’s shelter impossible. Chaffee County Hospitality stepped in immediately when the Caring and Sharing Shelter closed suddenly, further straining the resources of this organization. CC Hospitality is serving the most vulnerable of the Chaffee County population, for whom resources are scarce. The cost to house someone in a local hotel presently ranges between \$2000 and \$3000/month, depending on the motel. And, as there is currently no women’s shelter, making motel rooms are the only temporary option.

Reviewers were concerned about the unsustainability of such a costly solution to this pressing issue but noted that other resources for this specific population are in short supply. Recommendations for funding this request were unanimous, with reviewers adding that this organization is “operating on a shoestring but doing very important work” for the community”.

Committee Review Rank: 71% Site Visit Conducted: Yes

Requested Amount: \$4,000 Avg. Committee Recommendation: \$2,438 Final Recommendation: **\$2,250**

BV High School – Central Colorado Unmanned Aircraft System (BV)

The purpose of Buena Vista High School is to provide a nurturing, safe school environment in which individualized teaching and counseling approaches help students experience academic success while becoming responsible citizens and life-long learners. Our goal is to make high school relevant and rigorous for all students so that they will graduate college and career ready, in order to meet life's challenges.

This application seeks support for BVHS to pay a one-time fee of \$3000 to qualify a candidate teacher for UAS classes with the nationally recognized certification from Unmanned Safety Institute (USI). The USI certification will give the UAS program teacher the credentials to - in turn - certify students in accordance with the FAA's Small UAS Rule (Part 107). The Part 107 license allows students to legally and safely operate small UAS or drones.

Reviewers initially had some concerns surrounding funding what is, in essence, continuing education and wondered what would happen if the certified instructor left the BVHS program. Site visit questions allayed those concerns, as the teacher in question is committed to the HS, these classes, and the community. He was willing to sign a Letter of Intent for 3 years and strong ties to the community, including children enrolled in the BV school system.

Committee Review Rank: 71% Site Visit Conducted: Yes

Requested Amount: \$2.500 Avg. Committee Recommendation: \$1,417 Final Recommendation: **\$1,000**

Colorado Farm to Table – Free Local Produce for Chaffee Food Insecure (BV & Salida)

Colorado Farm to Table's mission directs us to provide hunger relief for the needy and underprivileged men, women and families in crisis. Our fresh produce, grown specifically for this in need, provides the help and respect that our fellow Coloradans needs to make ends meet and begin to stand on their own.

This funding request seeks support for Colorado Farm to Table to resume its mission of distributing produce at no cost to 14 Chaffee County recipient and distribution partners. This organization provides an unparalleled service that will help to ensure that our community partners, including the Grainery, Salida Community Center, and Ark Valley Christian Mission, are able to meet the unprecedented nutritional needs of food insecure individuals in Chaffee County.

The site visit determined that this group has been dormant over the last year, due to COVID. They have a new farmer who is committed to moving away from herbicides and pesticides over the next few years to produce more organic crops. Reviewers noted that, while Colorado Farm to Table is focused on producing upwards of 100,00 pounds of food over the next year, only 10% will stay in Chaffee County. There is no place for storage of excess produce, and, to prevent spoilage, it will likely be distributed through Care and Share beyond our county. Reviewers also noted that there is little, if any, collaboration between Colorado Farm to Table and Guidestone and other nonprofits producing food for the community.

Committee Review Rank: 81% Site Visit Conducted: Yes

Requested Amount:	Avg. Committee Recommendation:	Final Recommendation:
\$10,000	\$7,500	<u>\$4,000</u>

Grainery – Maintain and expand our open shelf food pantry (BV & Salida)

The Grainery Ministries relies on the loving generosity of this community for the resources to continue to serve our brothers and sisters in need.

This request for funding will be used to provide food items not available from the Care and Share Food Bank. Applicant states that many of the items available at the food bank do not meet the needs of our community and the lack of availability necessitates that they purchase them locally.

Reviewers noted that the Grainery is experienced in serving a very unique population who are not addressed elsewhere in the county. This population of community members includes those with no permanent address, super low-income individuals who are unhoused (or living in cars, motels, or camps), and individuals who are undocumented. The Grainery serves more than 400 Salida families and 80 Buena Vista families per week. The site visit documented that The Grainery is in full collaboration and partnership with other nonprofit entities, to ensure that none of the donated or purchased food goes to waste. The Grainery has effective ways to measure outcomes with visitor registers which ultimately are sent to Care & Share.

Final award recommendation was reduced, not because of questions of program benefits or viability, but due to the quality and clarity of the application itself.

Committee Review Rank:	Site Visit Conducted:
61%	Yes

Requested Amount:	Avg. Committee Recommendation:	Final Recommendation:
\$3,000	\$1,900	<u>\$1,000</u>

Chaffee County Search and Rescue – South- Financial Assistance (BV & Salida)

Chaffee County Search and Rescue is a non-profit, all volunteer organization operating under the direction of the Chaffee County Sheriff’s Office. Our mission is to provide search and rescue services, as well as outdoor safety education, at no cost to the public.

This applicant request seeks to fund the purchase of an all-terrain vehicle to be used in rescues and evacuations in the backcountry. They currently have one ATV that needs to be replaced.

Recognizing that Chaffee County Search and Rescue provides an invaluable service to county both residents and tourists alike, this request was highly recommended for funding. And, although there appears to be some collaboration between CC SARS South and CC SARS North (approximately 10% of the calls require participation of both units), this request would mostly serve Salida and surrounding area residents, as the boundary line for dispatch of the two groups is Brown’s Creek.

Committee Review Rank:	Site Visit Conducted:
64%	Yes

Requested Amount:	Avg. Committee Recommendation:	Final Recommendation:
\$2,500	\$1,357	<u>\$1,000</u>

Buena Vista Heritage – Open Air Exhibits and Landscaping ^(BV)

Buena Vista Heritage is a 501(c)(3) Nonprofit organization that exists to preserve and share the history of Buena Vista and Chaffee County for the education and enjoyment of the public. Our goal is to preserve, protect and restore any historical site, building, and artifact pertaining to the Town of Buena Vista, Chaffee County, as well as areas in central and/or western Colorado. We want to recreate and share the special stories unique to our area.

This request seeks to fund the creation of a free outdoor exhibit and improve walkways, signage, and beautification outside of the Historic County Courthouse building. The new exhibit, through which guests would learn about local history and artifacts, would offer a safe environment for guests during COVID 19.

Many of the reviewers felt that the proposal for the outdoor exhibits was not fully fleshed out or well organized. Also of concern was the information that there are excessive maintenance issues which need attention within the building itself. Reviewers expressed that perhaps this was not the year for new outdoor venue creation when there are more pressing issues to be addressed on site.

Committee Review Rank: 69% Site Visit Conducted: Yes

Requested Amount: \$5,200.25 Avg. Committee Recommendation: \$2,957 Final Recommendation: **\$850**

Chaffee County Childcare Initiative – The Schoolhouse ^(BV & Salida)

Our purpose is to establish childcare options in our community. We strive to help find solutions to the childcare needs of parents and guardians of the youngest members of the Arkansas River Valley, Colorado. We empower parents & caregivers by helping establish options for nurturing their children through high quality, diverse childcare options. Chaffee County Childcare Initiative is a Nonprofit 501(c)3 organization created by parents and community members in Salida, Colorado in 2019.

Chaffee Childcare Initiative (CCI) is requesting general operating support to expand childcare services by expanding the programming to five days a week, establishing a professional development program for the staff to ensure sustained high-quality instruction, and create an employee retention program to recruit and retain high quality educators.

Reviewers had some concerns regarding the gap between the budget and the programming needs of the facility. The applicant explained, during the site visit, that the facility will be hiring a director who is also a lead teacher, thereby streamlining staffing with one individual who can float between two positions. The current director be certified as a large center director, allowing the facility to accept more children into their programs. Some reviewers also expressed concern that the cost of the program (\$70/day) excludes lower income families from utilizing the Schoolhouse’s services.

Committee Review Rank: 67% Site Visit Conducted: Yes

Requested Amount: \$7,500 Avg. Committee Recommendation: \$3,313 Final Recommendation: **\$2,750**

Southwest Conservation Corps – Chaffee County Youth Conservation Crew (BV & Salida)

SCC focuses on local impact—engaging youth, young adults and veterans in conservation and service programs from 15 locations nationwide. We are embedded in our communities to meet the on-the-ground conservation needs. Our programs are a part of and supported by the larger national organization, Conservation Legacy.

SCC is requesting \$7500 to use as match for county funding This funding will provide two weeks of work to BV Singletrack Coalition. This coalition will build a new trail in Buena Vista’s popular Fourmile Recreation Area and provide an additional three miles of non-motorized recreation for hikers, runners, bikers and horseback riders. This funding will also complete support a five (5) week local youth crew based in Chaffee County. For this crew, SCC will employ 6 local youth (14-18) and 2 crew leaders to work on this project and funds awarded from the CCCF grant will be used to pay youth minimum wage.

This application had unanimous support from the reviewers who noted that the actual numbers of the many people directly benefitting from SCC programs and trail building is nearly impossible to calculate.

Committee Review Rank
80%

Site Visit Conducted:
Yes

Requested Amount:
\$7,500

Avg. Committee Recommendation:
\$5,250

Final Recommendation:
\$4,500

Chaffee County Early Childhood Council – Chaffee Conscious Discipline (BV & Salida)

Our Mission. Provide a caring collaborative system of affordable, quality services for all children prenatal to age 8 and their families.

Conscious Discipline (CD) is a comprehensive social emotional skills development system that integrates all domains of learning: social, emotional, physical, cultural, and cognitive. Four preschools have completed the CD 10 session training and have seen its positive impact. This application request will fund additional training of a “Master Trainer” who will provide additional coaching to these schools which are utilizing the program.

The reviewers noted that helping children to self-regulate and moderate their own behavior is always a good thing. And using a “trainer of trainer” method is an effective way to spread these systems to other schools in an affordable way.

Committee Review Rank
78%

Site Visit Conducted:
Yes

Requested Amount:
\$7,250

Avg. Committee Recommendation:
\$4,688

Final Recommendation:
\$3,600

Truth Has A Voice Foundation (THAV) – Internship Program (BV & Salida)

The Mission of the Truth Has A Voice Foundation is to Support Quality, Objective, Fact-based Journalism in the Upper Arkansas Valley.

This application seeks support of a high school student internship program with the Salida and Buena Vista School Districts beginning summer, 2021 The editorial focus of the Summer intern will be on stories directly related to county residents and businesses, focusing on teaching journalist skills for reporting and news writing, creating meaningful employment, and launching a career path.

Joseph Teipel, Executive Director of Chaffee County Community Foundation shared that CCCF is the fiscal sponsor for Truth Has a Voice and CCCF will exempt any grant to THAV from the 5% management fee.

There was some concern among the reviewers that the number of people directly served from this program was so small. However, the consensus was that the benefits to the community from support of this program would be far-reaching beyond just the interns in the program.

Committee Review Rank 73% Site Visit Conducted: Yes

Requested Amount: \$1,875 Avg. Committee Recommendation: \$1,577 Final Recommendation: \$900

Buena Vista Pregnancy Center- Bright Course Lessons/Hope Sync Program (BV)

The Buena Vista Pregnancy Center provides education on pregnancy alternatives and emotional support to the public.

This request is for funding of Bright Coarse Lessons, a subscription-based video streaming service which BV Pregnancy and the Salida Pregnancy Center use to help educate parents through all stages of parenting. Parents earn points by completing classes which are designed to educate, counsel and encourage positive parenting. With the Bright Course program, clients are able to submit a list of needed items to the center and purchase big ticket items with points, in lieu of money.

There was concern from some of the reviewers that both BV Pregnancy Center and Salida Pregnancy Center (below) were requesting funding for the same program, posing the question that perhaps these two entities might collaborate on curriculum purchases in the future?

Committee Review Rank 65% Site Visit Conducted: Yes

Requested Amount: \$2,700 Avg. Committee Recommendation: \$1,325 Final Recommendation: \$750

Salida Pregnancy Center – Bright Course Lessons (Salida)

This request is for funding of Bright Coarse Lessons, a subscription-based video streaming service which BV Pregnancy and the Salida Pregnancy Center use to help educate parents through all stages of parenting. Parents earn points by completing classes designed to educate, counsel and encourage positive parenting. With the Bright Course program, clients are able to submit a list of needed items to the center and purchase big ticket items with points in lieu of money.

There was concern from some of the reviewers that both BV Pregnancy Center and Salida Pregnancy Center (below) were requesting funding for the same program, posing the question that perhaps these two entities might collaborate on curriculum purchases in the future?

Committee Review Rank: 64% Site Visit Conducted: Yes

Requested Amount: \$3,783 Avg. Committee Recommendation: \$2,183 Final Recommendation: \$750

Boys & Girls Club of Chaffee County – LINE ITEM SUPPORTED (BV & Salida)

The Boys & Girls Clubs of Chaffee County/BGCCC implements evidence-based, youth development programming for school-aged youth in Chaffee County, Colorado, reinforcing Priority Outcomes of: Increased academic success; improved good character and citizenship; and increased healthy lifestyles.

In 2020 there were 880 Club members at both Clubs in Chaffee County. 36% of school-aged children in Chaffee County were supported by BGCCC (2,470 youth between ages of 5 – 17, 2020 KIDS COUNT in Colorado!). Due to COVID, outreach programming was curtailed at Salida Middle School, Chaffee County High School and Darren Patterson Academy. We served 243 youth safely this summer in compliance with Chaffee County Public Health directives. Current emphasis for operations is on safety and protecting our community's vulnerable youth to ensure a safe learning environment. As example, the 2020 Safer Learning Project partnership supports the most vulnerable students when schools are shuttered due to COVID.

All committee members felt there are measurable outcomes and recommended full funding and continued line-item support from the City.

Committee Review Rank: 83% Site Visit Conducted: No

Requested Amount: \$17,500 Avg. Committee Recommendation: \$12,250 Final Recommendation: \$12,500

Colorado Foodshed Alliance – LINE ITEM SUPPORTED (Salida)

Foodshed Alliance requests operational funding to support their Farmers Markets in Chaffee County. They facilitate a thriving local food economy by organizing and promoting Farmers Markets and vendors in Salida and Buena Vista. Their vision is to connect, develop and promote a healthy community by strengthening relationships between local producers and consumers.

Committee Review Rank: 58% Site Visit Conducted: Yes

Requested Amount: \$5,000 Avg. Committee Recommendation: \$3,312 Final Recommendation: \$5,000

Salida-area Parks, Open-space & Trails (SPOT) – LINE ITEM SUPPORTED (Salida)

This project involves the development of a social trail along the north side of Poncha Blvd. in Salida into a safe, non-motorized, public corridor. The trail will be an extension of the CR120 Trail, running from Holman Ave. easterly 1,150' to Adams Ave. It will be a 10' wide, asphalt trail positioned between Poncha Blvd. and the south fence of the Salida Golf Course. Several professional contractors have helped with cost estimates and Salida and SPOT will provide planning, funding, building and future maintenance. This trail will be a valuable addition to the Salida Trail System and greatly enhance safe transportation and recreational opportunities in the community.

This project is supported by the Salida Community Development, Public Works and Park & Recreation Departments and the Parks & Recreation, Open-space & Trails PROST Advisory Board to the Salida City Council. The Poncha Path was identified as a high priority in SPOT's Connectivity Project completed earlier this year.

Committee Review Rank: 67%		Site Visit Conducted: Yes
Requested Amount: \$5,000	Avg. Committee Recommendation: \$3,017	Final Recommendation: <u>\$3,000</u>

Organization Name	Project Name	Amount Requested	Average Score	Recommended for Funding	Average Recommended Funding	Final Recommendation	Final BV	Final Salida
The Grainery Ministry	Maintain and expand our open shelf food pantry	\$ 3,000	61%	56%	\$ 1,900	\$ 1,000	\$ 250.00	\$ 750.00
Central Colorado SURJ	CCSURJ Education Series	\$ 2,500	61%	78%	\$ 1,583	\$ 1,000	\$ 500.00	\$ 500.00
Chaffee County Council for the Arts	Membership and Donations Process Modernization	\$ 4,500	62%	67%	\$ 2,214	\$ 1,500	\$ 1,500.00	\$ -
Salida Pregnancy Resource Center	Bright Course Lessons	\$ 3,783	64%	89%	\$ 2,183	\$ 750	\$ -	\$ 750.00
Chaffee County Search and Rescue South	Financial assistance/essential equipment	\$ 2,500	64%	89%	\$ 1,357	\$ 1,000	\$ 500.00	\$ 500.00
Salida Business Alliance	City of Salida July 4th Celebration	\$ 5,000	64%	100%	\$ 3,000	\$ 450	\$ -	\$ 450.00
Buena Vista Pregnancy Center	Bright Course/Hope Sync Program aka (EWYL)	\$ 2,700	65%	78%	\$ 1,325	\$ 750	\$ 750.00	\$ -
KHEN 106.9fm Community Radio	Replace/Upgrade Outdated Equipment	\$ 4,500	65%	89%	\$ 2,107	\$ 1,400	\$ 350.00	\$ 1,050.00
Ramps and Alleys Clubhouse	Ramps & Alleys Clubhouse	\$ 3,000	66%	100%	\$ 1,188	\$ 750	\$ -	\$ 750.00
Chaffee County Childcare Initiative	Chaffee Childcare Initiative - The Schoolhouse	\$ 7,500	67%	100%	\$ 3,313	\$ 2,750	\$ 687.50	\$ 2,062.50
Buena Vista Heritage	Open Air Exhibit/Landscaping	\$ 5,200	69%	89%	\$ 2,957	\$ 850	\$ 850.00	\$ -
Articipate	Articipate Operating Support	\$ 5,000	69%	100%	\$ 3,438	\$ 2,000	\$ -	\$ 2,000.00
Salida Senior Citizen, Inc. dba Salida Community Center	General Operating	\$ 10,000	70%	100%	\$ 5,429	\$ 4,500	\$ 1,500.00	\$ 3,000.00
Chaffee County Hospitality INC.	Housing the Difficult to House	\$ 4,000	71%	100%	\$ 2,438	\$ 2,250	\$ 1,125.00	\$ 1,125.00
Central Colorado Unmanned Aircraft System (UAS) Club	BVHS Drone Program Teacher Certification	\$ 2,500	71%	89%	\$ 1,417	\$ 1,000	\$ 1,000.00	\$ -
elevateHER	empowerHER: Building Life Skills in the Wild	\$ 5,000	72%	100%	\$ 3,438	\$ 2,250	\$ 750.00	\$ 1,500.00
Truth Has A Voice Foundation	Truth Has A Voice Foundation Internship Program	\$ 1,875	73%	78%	\$ 1,577	\$ 900	\$ 450.00	\$ 450.00
Starpoint	Salida Day Program Food Nutrition & Education	\$ 5,000	73%	78%	\$ 3,617	\$ 1,800	\$ 450.00	\$ 1,350.00
The Alliance	Expanding Domestic and Sexual Violence Services	\$ 8,000	74%	100%	\$ 5,000	\$ 3,600	\$ 3,162.50	\$ 1,937.50
NAMI Chaffee County	Contract Executive Director and Outreach Coord.	\$ 5,000	75%	100%	\$ 3,688	\$ 2,700	\$ 1,350.00	\$ 1,350.00
Salida Circus Outreach Foundation	After school Salida Circus program Chaffee County	\$ 7,000	75%	100%	\$ 4,625	\$ 4,000	\$ 2,000.00	\$ 2,000.00
Neighbor to Neighbor Volunteers/The Chaffee Shuttle	Chaffee Matches	\$ 6,030	76%	100%	\$ 5,258	\$ 2,700	\$ 1,350.00	\$ 1,350.00
Energy Smart Colorado	Residential Energy Efficiency program	\$ 2,500	77%	100%	\$ 2,069	\$ 1,800	\$ 1,800.00	\$ -
Chaffee County Early Childhood Council	Chaffee Conscious Discipline	\$ 7,250	78%	100%	\$ 4,688	\$ 3,600	\$ 1,800.00	\$ 1,800.00
Southwest Conservation Corps	Chaffee County Youth Conservation Crew	\$ 7,500	80%	100%	\$ 5,250	\$ 4,500	\$ 2,250.00	\$ 750.00
Mini-Blessings	Mounting Ramp	\$ 2,000	81%	100%	\$ 1,875	\$ 1,800	\$ 1,800.00	\$ -
Colorado Farm To Table Inc	Free Local Produce for Chaffee Food-Insecure	\$ 10,000	81%	78%	\$ 7,500	\$ 4,000	\$ 1,000.00	\$ 3,000.00
Greater Arkansas River Nature Association	GARNA Youth Program	\$ 5,000	82%	100%	\$ 4,500	\$ 4,050	\$ 2,025.00	\$ 2,025.00
Achieve, Inc.	2021 Special Needs Summer Employment Program	\$ 3,000	82%	100%	\$ 2,556	\$ 2,250	\$ 2,250.00	\$ -
Full Circle Restorative Justice	Restorative Schools - Responsive Support: Tier 2	\$ 6,540	84%	100%	\$ 5,885	\$ 4,500	\$ 2,250.00	\$ 2,250.00
Chaffee Housing Trust	Matching Funds for State Operating Grant	\$ 15,000	85%	100%	\$ 13,778	\$ 11,600	\$ 5,800.00	\$ 5,800.00
Guidestone Colorado	Farm to School Program	\$ 3,000	86%	100%	\$ 2,889	\$ 2,000	\$ 500.00	\$ 1,500.00
		\$ 165,378			\$ 114,037	\$ 80,000	\$ 40,000.00	\$ 40,000.00
Line-item Support								
Boys & Girls Clubs of Chaffee County	Boys & Girls Clubs of Chaffee County	\$ 17,500	85%	100%	\$ 12,250	\$ 12,500	\$ 5,000	\$ 7,500
Salida-area Parks, Open-space & Trails (SPOT)	Poncha Path	\$ 5,000	74%	89%	\$ 3,071	\$ 3,000	\$ -	\$ 3,000
Foodshed Alliance	Foodshed Alliance Farmers Markets	\$ 5,000	75%	100%	\$ 3,313	\$ 5,000	\$ -	\$ 5,000
Southwest Conservation Corps	Chaffee County Youth Conservation Crew	\$ 7,500	80%	100%	\$ 5,250	\$ 4,500	\$ -	\$ 1,500



CITY COUNCIL ACTION FORM

Department City Attorney	Presented by Geoff Wilson	Date April 6, 2021
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ITEM Resolution 2021-08 Approving and Adopting the Salida City Council Handbook, and Replacing the Salida City Council Rules of Procedure

BACKGROUND At your March 15, 2021 Work Session, City Council reviewed and discussed a draft Salida City Council Handbook. The City Attorney explained that many Councilors had recently asked for clarity on process, and to address certain legal and procedural items. City Council shared general thoughts and suggestions on the draft, and the proposed Resolution attaches an amended version of this Handbook. Exhibit A of Resolution 2021-08 incorporates most of those comments and suggested amendments. A “Council Handbook” was requested, as a more inclusive and comprehensive document than the previous “Meeting Rules of Procedure.”

FISCAL NOTE None.

STAFF RECOMMENDATION

Staff recommends approval of this Resolution, based upon City Council’s suggestions and preferences for updated procedures, guidelines and other helpful information.

SUGGESTED MOTION



CITY COUNCIL ACTION FORM

Department City Attorney	Presented by Geoff Wilson	Date April 6, 2021
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A City Councilmember should make a motion to approve Resolution 2021-08, Approving and Adopting the Salida City Council Handbook, and Replacing the Salida City Council Rules of Procedure, followed by a second and a roll call vote.

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 08
(Series of 2021)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO
APPROVING AND ADOPTING THE SALIDA CITY COUNCIL HANDBOOK, AND
REPLACING THE SALIDA CITY COUNCIL MEETING RULES OF PROCEDURE**

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, on February 7, 2000, the City Council passed Resolution 2000-07, adopting Salida City Council Meeting Rules of Procedure; and

WHEREAS, the City Council amended the Salida City Council Meeting Rules of Procedure at various times; most recently on May 16, 2017, via Resolution 2017-31; and

WHEREAS, the City Council desires to replace said meeting rules with a more comprehensive City Council Handbook addressing: meeting procedures, conflicts of interest, Council and staff interaction, Open Meetings Law, and legislative and quasi-judicial hearings; and

WHEREAS, the City Council finds it in the best interest of the City to adopt the Salida City Council Handbook, attached and incorporated herein, to guide the City through constructive, thoughtful and inclusive decision-making, and to focus on the most positive outcomes.

NOW, THEREFORE, IT IS 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 Salida City Council Handbook, attached and incorporated herein as Exhibit A, is hereby approved and adopted.

Section 3. Resolution 2017-31, and the most recent version of the Salida City Council Meeting Rules of Procedure is hereby replaced and superseded by this Resolution 2021-08 and by the attached and approved Salida City Council Handbook.

RESOLVED, APPROVED, AND ADOPTED this 6th day of April, 2021.

CITY OF SALIDA

By: _____
P.T. Wood, Mayor

[SEAL]

ATTEST: _____
City Clerk/Deputy City Clerk

Exhibit A
Salida City Council Handbook

Salida City Council Handbook
[ADOPTED April 6, 2021 via Resolution 2021-08]
 (Replaces previous "Council Meeting Rules of Procedure")

I. Mission Statement.

To guide the City through constructive, thoughtful and inclusive decision-making, preserving what makes Salida unique and focusing on the most positive outcomes.

II. Meeting Procedures.

A. Regular Meetings of City Council: Regular meetings are typically conducted on the first and third Tuesday of the month, excluding holidays, and begin at 6:00 p.m., unless another day or time is set by prior approval of a majority of the City Council. Regular meetings shall adjourn no later than 9:00 p.m. unless a later time is agreed upon by a majority vote of the council members present at said meeting. In the event one or more agenda items have not been called prior to 9:00 p.m., and majority approval for extension of the meeting has not been obtained, such item or items shall be automatically continued to the next regular city council meeting.

B. Work Sessions of City Council: Work Sessions are typically held on the first and third Monday of the month, as needed, and usually begin at 6:00pm. The purpose of a Work Session is for general discussion, review and education of policy or operational issues. No formal action or decisions may be taken at a Work Session. However, the council may direct appointed officials to prepare information for a discussion and possible decision at a regular City Council meeting.

C. Public Hearings: Typical Order of a Public Hearing shall be as follows:

1. Mayor/presiding officer opens the public hearing.
2. City Staff summarizes their report; explains what is being requested; applies relevant Code provisions; makes recommendations; confirms proper notice of the public hearing.
3. Applicant/Appellant presents its request and basis for same; possibly brings forward persons speaking in support of the application.
4. Public Comment. Interested persons from the general public may speak, testify, address Council. (3 minute limit)
5. Applicant may offer rebuttal, closing statement and may cross-examine any person who presented or testified.
6. City Staff may offer rebuttal, closing statement and may cross-examine any person who presented or testified.
7. Council may ask questions of any party or any person who as offered comment at the hearing.
8. Mayor closes public hearing.
9. Preliminary Council Discussion. Council reviews all testimony and evidence presented, applies appropriate Code provisions, and then objectively discusses and deliberates the requested

application(s). The Council may ask additional questions of (or seek clarification or assistance from) the applicant, City Staff, Attorney, and anyone else present.

10. Call for Motion. A council member proposes a final decision on the application, in the form of a motion.
11. Deliberation. Council deliberates on the motion, and makes any applicable amendments to the motion.
12. Roll Call Vote. A roll call vote of all councilmembers occurs on the final version of the motion.

D. Quorum for City Council: Three (3) Council members and the Mayor, or four (4) Council members, shall constitute a quorum to do business at all meetings of the City Council.

E. Order of Business on City Council Meeting Agendas: All business of the council shall be considered in the order of the agenda unless otherwise directed by motion adopted by the majority of the members present. Agenda order is currently, and should normally be:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Civility Invocation
- Consent Agenda
 - Approval of Agenda
 - Approval of the Minutes
- Citizen Comment - three (3) minute time limit. (for items not on the agenda and/or agenda items that are not scheduled for public hearings)
- Public Hearings
- Unfinished Business/Action Items
- New Business/Action Items
- Reports (from Council members, appointed officials, departments, boards or commissions)
- Executive session, if applicable
- Adjournment

F. Consent Agenda: The Consent Agenda allows the Council to approve several items of routine business with one vote. Items presented by Staff at a work session may include a recommendation, if appropriate, that the item be included on the Consent Agenda for approval at a Regular Meeting. The Council shall determine those items to be included as consent items on the Agenda for any regular session of a Regular Meeting. After the City Clerk reads the Consent Agenda, all of the consent items shall be voted on as a group. If a Council Member requests discussion or requests that any item(s) be removed from the consent items, such item(s) shall be acted upon after consideration of the remaining consent items by the Council. The individual items will then be considered for adoption.

Consent Agenda items may include, but are not limited to:

- Approval of the Meeting Agenda;
- Approval of the Minutes of prior meetings;

- Approval of contracts or awards of bids previously presented in a work session and/or approved by City Council in the annual budget;
- Approval of Memoranda of Understanding with various entities;
- Approval of administrative, organizational or employment policies;
- Appointment of members to a board or commission.

The consent items will be listed as separate items on the Agenda for the Regular Meeting and have the following explanation for the general public:

“All matters listed under Item X, Consent Agenda, are considered to be routine business matters by the Council and will be enacted with a single motion and a single vote by roll call. There will be no separate discussion of these items. If discussion is deemed necessary by any member of the Council, that item should be removed from the Consent Agenda and considered separately.”

- G. Reports:** City Council reports at the end of regular City Council meetings should aim to be approximately 3 to 5 minutes each.
- H. Civility:** It is the intention of the Salida City Council to promote civil communication by adopting guidelines for speaking to the public in the City Council Chambers, and by reading this Civility Invocation at the beginning of each regular City Council meeting.
- I. Robert's Rules of Order:** regular City Council Meetings are conducted by the Mayor, according to Robert's Rules of Order, Revised, or "Bob's Rules of Order," the abbreviated Robert's Rules of Order (SMC 2-2-80).
- J. Placement of a Work Session or Regular Meeting agenda item:** The direction of either the Mayor or a minimum of two (2) City Councilmembers is required in order to place a topic or item on a work session or regular City Council meeting agenda. Such a request should be made publicly at regular meeting, if at all possible; however, that is not required if time or other circumstances do not allow.
- K. Executive Sessions:** The policy basis for executive sessions, which are not open to the public, is the recognition that the public interest can best be served if certain specified matters are discussed in private. The purpose of an executive session is to deliberate, not to make final decisions. No formal action shall be taken in an executive session to adopt a proposed policy, position, resolution, rule, regulation or ordinance.

The Colorado Revised Statutes permit Executive Sessions in the following limited situations:

1. *Real and Personal Property:* to discuss the purchase, acquisition, lease, transfer, or sale of property interests, so long as the executive session is not held to conceal an official's personal interest in the property. (CRS §24-6-402(4)(a))
2. *Attorney Conferences:* for the purpose of receiving legal advice on specific legal questions. (CRS §24-6-402(4)(b))
3. *Confidential Matters Under State or Federal Law:* for the purpose of discussing any topic required by state or federal law to be kept confidential. The governing body must announce the specific statutory citation or rule that requires the confidentiality of the matter to be discussed. (CRS §24-6-402(4)(c))

4. *Security Arrangements or Investigations*: for the purpose of discussing specialized details of security arrangements or investigations. (CRS §24-6-402(4)(d))
5. *Negotiations*: for the purpose of determining positions, strategy, or instructions to negotiators. (CRS §24-6-402(4)(e))
6. *Personnel Matters*: for the purpose of discussing general personnel matters. However, if the discussion involves a specific employee, that employee may request an open meeting. If the discussion involves more than one employee, the executive session may be held unless all of the employees request an open meeting. 'Personnel Matters' does not include discussions of any member of a local public body, any elected official, the appointment of any person to fill a vacancy in a local public body or elected office, or discussion of personnel policies that do not require discussion of particular employees. (CRS §24-6-402(4)(f))
7. *Documents Protected Under Open Records Act*: for discussions that involve consideration of documents protected by the mandatory non-disclosure provision of the Open Records Act. Discussion of documents protected under the 'work product' or 'deliberative process' privileges in the Open Records Act must occur in an open meeting unless an independent basis for an executive session concerning such documents exists. (CRS §24-6-402(4)(g))

Procedures:

1. Executive sessions may only be conducted during a regular or special meeting of the City Council.
2. The City must first announce the topic of discussion to the public, including the specific citation to the Open Meetings Law (CRS section) that authorizes consideration of the announced topic in executive session, as well as "identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized."
3. A City Councilmember must make an official motion to go into Executive Session (i.e. "I move to go into Executive Session for the purpose of a conference 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))."
4. Two-thirds of the quorum present must vote affirmatively on the motion before the governing body can close the meeting to the public.
5. Discussions that occur in Executive Session must be electronically recorded. The recordings must be retained for at least ninety (90) days after the date of the session. If, in the opinion of the City Attorney present, all or a portion of the discussion constitutes a privileged attorney-client communication, no record or electronic recording is required to be kept of that part of the discussion.

III. Conflicts of Interest

Members of the City Council shall work for the common good of the people of the City and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the City Council.

A member of the Council who has a personal or private interest in any matter proposed or pending before the Council shall disclose the interest to the other members prior to action on the matter by the Council. The member shall be excused from voting on any matter on which he or she has a conflict of interest. The member who has the conflict of interest shall refrain from attempting to influence the other members of the Council who are or will be voting on the matter. The member excused from voting

because of a conflict of interest shall leave the meeting during the deliberations and the vote on the matter.

A member of the Council shall not use his or her official position to secure a special privilege, exemption or service for himself or herself or for others, nor shall any member of the Council seek or grant any special consideration, treatment or advantage to or for any citizen beyond that which is generally available to every other citizen. This provision shall not be interpreted to prohibit or hinder a member from presenting citizen concerns to the Council or to City Staff and requesting a response to the citizen concern.

A member of the Council who, in the course of his or her private business, desires to enter into a contract with the City, or who has such a contract at the time he or she takes office, shall disclose such contract to the other members of the Council. The member shall not vote on any contract in which he or she has a financial interest and shall not attempt to influence the other members of the Council or the City Staff in the process of awarding the contract.

A member of the Council shall not take any special advantage of services or opportunities for personal gain, by virtue of his or her public office, that are not available to the public in general. Members shall refrain from accepting any benefit or promises of future benefits which compromises their independence of judgment or action or gives the appearance of such compromise.

A member of the Council shall not use public resources not available to the public in general, such as City Staff time, equipment, supplies or facilities, for private gain or personal purposes, except for privileges generally available or granted to employees of the City.

Employment. It is in the interest of the City to hire the most qualified people to work at the City. Due to the potential conflict of interest that exists when a Council member applies for an open position with the City, any councilmember that intends to apply for an open position with the City must resign his/her council seat at the next regular meeting after an application is submitted. If an employee is elected to City Council, they must resign their position with the City at the first regular meeting after they take office.

- IV. Council and Staff Interaction.** Governance of a City relies on the clear, honest, cooperative efforts of elected officials, who set policy, and City staff, who implement and administer the Council's policies. Therefore, every effort should be made to be civil, professional, and show mutual respect for the contributions made by each individual for the good of the community.
- A. Communications through appropriate senior City staff.** Questions and requests for information should be directed to the City Administrator, City Attorney, City Clerk, Municipal Judge, or their designees, including relevant Department Heads. When in doubt about what staff contact is appropriate, Councilmembers can ask the City Administrator or the affected appointed official for direction.
 - B. Requests for routine research by staff.** In order to assure proper coordination and an efficient allocation of City resources, routine requests for research by city staff should be made to the City Administrator, who will determine what follow-up to which staff member is appropriate.

- C. Policy or program modifications.** Requests to research and analyze the viability of new or modified legislation, policy, or programming should be presented as a request at a Council meeting, where it shall be decided whether the request is something that merits an investment of staff time.
- D. Political support from staff.** Councilmembers must refrain from soliciting any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff at work. Staff certainly may, as any other citizen, support political candidates away from the workplace, and on their own personal time. The City as an employer requests that personal mail for employees, including campaign material, be sent to their home address.
- E. Administrative functions.** Councilmembers should avoid staff interactions that may be construed as trying to direct or shape staff operations.
- F. Same information to all Councilmembers.** Council should expect that staff will make every attempt to provide each individual member of Council with the same information for decision-making. (i.e., requests made of staff for research will be distributed to all; correspondence to one Councilmember on policy issues will be distributed to all).
- G. Whistleblowers.** In the event a Councilmember is approached by an employee with concerns that there is an illegal activity, including the alleged violation of City policy, the Councilmember shall direct that complaint to the Mayor. The Mayor will provide the information to the appropriate appointed official for investigation. If the complaint is made against an appointed official, then the Mayor shall determine what action should be taken. Where the Mayor desires legal advice he or she should use the City Attorney, or if the complaint is against the City Attorney, then he or she has the authority to obtain outside legal counsel to assist with investigation and advice.
- H. Personnel.** Members of the Council shall not attempt to individually direct the City Administrator, the City Clerk, the City Attorney, the Municipal Judge or any City Staff on employment or personnel matters or decisions, awarding of contracts, selection of consultants, processing of development applications, or the granting of City licenses or permits.
- V. Open Meetings Law.** (Colorado Revised Statutes 24-6-401, et seq.)
- A. Meeting** means: any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.
- B. Local public body** means: any board, committee, commission, authority, or other advisory, policy-making, rule-making, or formally constituted body of the City and any public or private entity to which the City, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the local public body.
- Note the exclusion in the foregoing definition for “administrative staff.”
- C. What meetings are required to be “open to the public” at all times?**
- All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken.
- D. Notice:** Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in

attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than 24 hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.

- OML does not define "full and timely notice," but provides an example of notice by posting. The General Assembly recently authorized this posting to be on the public entity's website.

E. Chance meetings and social gatherings: The requirements of the OML do "not apply to any chance meeting or social gathering at which discussion of public business is not the central purpose."

F. Open Meetings Law may apply to the following discussions:

- a. Emails
- b. GoToWebinar chat box
- c. Text messages
 - i. Messaging during a meeting: councilmember to councilmember could violation OML; or councilmember to an applicant or the public may violate other quasi-judicial provisions.

VI. Legislative v. Quasi-Judicial Proceedings.

Applying constitutional due process (fair hearing) requirements, state and federal courts have characterized certain governmental entity decisions as legislative, and others as quasi-judicial. It is important to understand the differences between the two because the courts require that special procedures be followed for quasi-judicial matters.

Legislative Matters

Legislative matters are matters of general concern or with applicability throughout a municipality. In the legislative role, the City Council reviews, recommends, creates and amends regulations on a citywide basis. Legislative matters are frequently referred to as "policy making."

Examples: Resolutions or Ordinances with broad application; amending Municipal Code.

The City Council may freely discuss legislative matters with the general public.

Quasi-Judicial Matters

Quasi-Judicial matters have a narrower application. Unlike legislative matters, the Council does not *set* new policy in a quasi-judicial proceeding, but rather *applies* policy established in existing law to specific facts gathered at the hearing to arrive at its decision on the case presented.

Examples: special use permits, zoning variances, subdivision plat approvals, liquor license issuance, nuisance abatement.

In quasi-judicial hearings, the City Council is acting in a manner similar to a judge, and must make an objective decision that is based upon the evidence presented at the hearing and the current law and applicable legal standard.

Because these proceedings impact the property rights of one individual, entity or small group of individuals, fairness and due process must be ensured. Everyone with an interest in the case, as well as all members of the decision-making body, must hear the same evidence, at the same time, from the same sources. The applicant, appellant or property owner deserves the opportunity for a fair, impartial hearing before unbiased decision makers, each of whom have had the benefit of the same input and testimony.

Council's Impartiality in a Quasi-Judicial Proceeding may be affected by:

- (1) **Pre-judgment or bias.** An individual Councilmember's desires, personal preferences or prejudices must not be a factor for consideration, or enter into their decision-making. A councilmember must not have their mind made up before the hearing, and must remove themselves from the process if they have advocated one way or the other on a quasi-judicial matter. Each member participating in the hearing must have the ability to decide the case fairly, impartially and based solely on the evidence and testimony presented at the hearing.
- (2) **Conflicts of Interest.** Described earlier in this Handbook.
- (3) **Ex-Parte Communications.** Ex-Parte communication refers to information received "outside of the record," whether verbal, written, electronic, or graphic. Ex-parte communications are also defined as communication between a councilmember and one party, outside of the other parties to the case, or other affected individuals.

Because of the legal constraints of this process, councilmembers may not discuss quasi-judicial issues outside of a hearing. Council must refrain from listening to opinions outside of the public hearing, and should not form opinions until the hearing. Council also should not research the issue outside of the hearing. Should a member of the public, or the applicant, attempt to share opinions or discuss the issue, Council must explain that because it is a quasi-judicial matter, they cannot not engage in ex-parte communication. Councilmembers may direct the individual to provide written comments to City Staff, which will be included in the public record, and considered by all Council at the proper time.

Courts generally hold that such communications are improper and may provide legal grounds for overturning a Council's decision. These rules promote impartial decisions by ensuring disclosure of all evidence and arguments presented to the Council in its deliberation and decision. These rules also gives everyone involved a fair chance to respond to all information that may affect the decision.



CITY COUNCIL ACTION FORM

Department Administration	Presented by Drew Nelson - City Administrator	Date April 6, 2021
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ITEM

Ordinance 2021-04 – An Ordinance of the City Council of the City of Salida, Colorado, Approving the Transfer and Conveyance of Real Property, Located at the Intersection of M and West Third Street, from the City of Salida to the Chaffee Housing Trust, Authorizing the Execution of Certain Agreements for Said Sale, and Replacing and Superceding Ordinance 2020-13

BACKGROUND

As the City Council is aware, the City of Salida owns certain property at the intersection of M Street and West Third Street. The property is approximately .38 acres (16,769 square feet). On August 18, 2020, the Council adopted Ordinance 2020-10, rezoning a portion of the property from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District), and Ordinance 2020-11, vacating a portion of East Crestone Avenue that subsequently became a part of the subject property.

On November 23, 2020, the Planning Commission approved, with conditions, a limited impact review for a new six-unit affordable residential development to consist of four separate buildings, including a duplex, a primary residence with an attached accessory dwelling unit, and two single-family dwellings. Following this step, the City administratively approved a lot line elimination between the two City-owned lots at M Street and West Third Street, resulting in a single lot. The plat of the subject property and lot was recorded with the Chaffee County Clerk and Recorder on December 9, 2020, and is included in this packet for your reference.

Pursuant to the City Council’s direction, City staff (including the City Attorney and Community Development Director) was directed to ensure that the proper conditions, terms and agreements were recorded when the property is transferred from the City to the Chaffee Housing Trust (CHT). This was intended to ensure the timely construction of the residential units for sale or for rent to households earning at or below 80% of the Area Median Income (AMI) into



CITY COUNCIL ACTION FORM

Department Administration	Presented by Drew Nelson - City Administrator	Date April 6, 2021
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perpetuity. However, CHT has recently approached the City to request a slight modification to the City Council’s direction related to the rental capacity for CHT. During the intervening time between December, 2020 and now, cost of delivery of the units has increased 30%, creating a funding gap for CHT that cannot be closed via traditional financing methods in order to keep all units at or below 80% of AMI. CHT has proposed an amendment to the Ordinance to allow for rental rates of two units that will be held in CHT’s position to go up to 100% of AMI for the duration of their financing. To be clear, this 100% AMI rate will set rents below current market conditions for what is being seen in Salida’s rental supply. CHT has also proposed to provide a first option on the rental units to City employees whenever a vacancy exists. CHT will retain the right to sell these remaining two units at a rate of 80% of AMI or below.

Work is currently underway on the street, water, and sewer service within M Street. The City is responsible for relocating the water line at M Street, and for the reconstruction and paving of M Street. CHT will reimburse the City for relocation of the sewer line formerly located in East Crestone prior to transfer of the property, and will complete construction of sidewalks along M and West Third Street prior to the issuance of the Certificate of Occupancy for the units.

FISCAL NOTE

The bid amount for the City’s portion of improvements in M and West Third Streets is estimated to be \$90,000 and was included in the 2021 Street Reconstruction Project that the City Council approved in February. Other costs, including engineering and design, surveying and appraisals, was approximately \$12,000. The appraised land value for the two original City-owned lots was \$122,000. There is a reimbursement amount of \$49,180 from CHT to the City that will occur prior to transfer of the property.

STAFF RECOMMENDATION



CITY COUNCIL ACTION FORM

Department Administration	Presented by Drew Nelson - City Administrator	Date April 6, 2021
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Due to the rapidly increasing costs of housing in the Salida area, the Salida City Council has consistently advocated and adopted measures that are intended to increase the development and availability of affordable housing for the City's workforce. The City Council has identified this location as an ideal property for an affordable housing development and specifically tasked both staff and CHT to prepare the necessary applications and ordinances for this purpose. As conditions have changed in the marketplace, CHT's request for revenue flexibility in order to accommodate a 30% increase in costs (and a subsequent funding gap) appears to be within reason. In addition, the City now has an opportunity for a first option to provide rental units for its own employees, often many of whom cannot enter into either the rental or purchasing marketplace in Salida. The City Attorney has both drafted and reviewed the Ordinance and has provided their approval. Staff recommends approval of Ordinance 2021-04.

SUGGESTED MOTION

A City Councilperson should make a motion to approve Ordinance 2021-04, approving the transfer and conveyance of real property located at the intersection of M Street and West Third Street from the City of Salida to the Chaffee Housing Trust on first reading, and setting a second reading and public hearing for April 20, 2021, followed by a second and a roll call vote.

CITY OF SALIDA, COLORADO
ORDINANCE NO. 04
 (Series of 2021)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING THE TRANSFER AND CONVEYANCE OF REAL PROPERTY, LOCATED AT THE INTERSECTION OF M STREET AND W. THIRD STREET, FROM THE CITY OF SALIDA TO THE CHAFFEE HOUSING TRUST, AUTHORIZING THE EXECUTION OF CERTAIN AGREEMENTS FOR SAID SALE, AND REPLACING AND SUPERCEDING ORDINANCE 2020-13

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, pursuant to Colorado Revised Statutes § 31-15-713, the City, acting by and through its City Council (“Council”), possesses the authority to sell and dispose of real estate owned by the City by ordinance, where the real property was not used or held for park purposes or any governmental purpose; and

WHEREAS, the City owns certain real property within the City at the intersection of M Street and W. Third Street (the “Property”), more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference; and

WHEREAS, over the last few years, the City Council has consistently adopted as an essential priority and fundamental goal the increased development and availability of affordable housing for the City’s workforce; and

WHEREAS, in furtherance of these goals, the City Council approved the transfer and conveyance of the Property to Chaffee Housing Trust (“CHT”), via Ordinance 2020-13, January 5, 2021, for the purpose of constructing a new six-unit residential development, for sale or rental to households earning at or below 80% of the Area Median Income (“AMI”) in perpetuity; and

WHEREAS, CHT has recently advised the City that building costs have recently increased, which add significant cost to develop the project, and, in order to feasibly construct and finance the new six-unit residential development, two rental units must be rented to households earning up to 100% of the AMI, while selling the remaining four units at or below 80% of the AMI; and

WHEREAS, the City Council finds that this proposed project still furthers Council’s fundamental goals of increased development and availability of affordable housing for the City’s workforce, in that four housing units will be sold to households earning at or below 80% of the Area Median Income, while two housing units will be rented to households earning up to 100% of the AMI, creating attainable housing for rates less than market-rate; and

WHEREAS, the City Council finds and determines that the Property has not been a public park, and is not, or has not been, used or held for any governmental purpose; and

WHEREAS, given the foregoing, the City Council continues its desire to approve the transfer and conveyance of the Property conditioned upon execution of a development agreement and the completion of certain improvements at M Street and W. Third Street, and intends for this Ordinance to replace and supersede the recently adopted Ordinance 2020-13.

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

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

Section 2. City of Salida Ordinance 2020-13 is hereby repealed, replaced and superseded by this City of Salida Ordinance 2021-04.

Section 3. Conveyance of real property. Pursuant to Colorado Revised Statutes § 31-15-713, the City Council hereby approves the conveyance and transfer of the real property described on **Exhibit A**, to the Chaffee Housing Trust, and authorizes and directs the Mayor to execute a quit claim deed and such other instruments as necessary to effect such conveyance, in form approved by the City Attorney.

Section 4. Development Agreement Approved. In connection with the sale of Property approved by Section 3 above, and in order to ensure the timely construction of the new six-unit residential development, for four (4) units for sale to households earning at or below 80% of the Area Median Income (AMI) in perpetuity, and for two (2) units for rental to households earning at or below 100% of the AMI in perpetuity, with the City of Salida having first right of refusal for its employees for these rentals, and with the ability and option for the two (2) rental units to be sold in the future to households earning at or below 80% of the AMI, the City Council hereby authorizes and directs the Mayor to execute a development agreement and any associated documents, in form approved by the City Attorney.

Section 5. Conditions of Approval of Sale of Property. The transfer and conveyance of property and execution of deed approved by Section 3 above is expressly contingent upon the satisfaction of all of the following conditions precedent: **(1)** the execution of a development agreement, and any associated documents, in form approved by the City Attorney; **(2)** the completion of improvements at M Street and W. Third Street, including **(a)** the relocation of sewer line from East Crestone Avenue to M Street (final cost to be paid for by Chaffee Housing Trust prior to transfer); **(b)** relocation of water line within M Street (to be paid for by City); and **(c)** reconstruction and paving of M Street, meeting alignment and grades approved by Public Works (to be paid for by City).

Section 6. 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 April 6, 2021, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this ____ day of _____, 2021 and set for second reading and public hearing on the 20th day of April, 2021.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED IN FULL BY TITLE ONLY by the City Council on this 20th day of April, 2021.

City of Salida

Mayor P.T. Wood

ATTEST:

City Clerk/Deputy City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

**LEGAL DESCRIPTION
OF A
TRACT OF LAND**

A PORTION OF STRIP "C" OF EDDY BROTHER'S ADDITION AND THE VACATED PORTION OF CRESTONE AVENUE EAST, CITY OF SALIDA, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON CORNER OF LOTS 3 AND 4 OF SAID STRIP "C" AND THE SOUTHWESTERLY RIGHT-OF-WAY OF WEST 3RD STREET, BEING MARKED BY A 1 ½" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY OF WEST 3RD STREET AND THE NORTHWESTERLY RIGHT-OF-WAY OF L STREET, BEING MARKED BY A 1 ½" ALUMINUM CAP STAMPED LS 16117, BEARS NORTH 41°29'27" WEST, A DISTANCE OF 150.40 FEET;

THENCE SOUTH 43°56'04" WEST, ALONG THE COMMON LINE OF SAID LOTS 3 AND 4, A DISTANCE OF 91.78 FEET TO A POINT BEING MARKED BY A 1 ¾" STEEL DISC STAMPED LS 6753;

THENCE NORTH 46°03'38" WEST, A DISTANCE OF 150.05 FEET TO THE COMMON LINE OF LOTS 6 AND 7 OF SAID STRIP "C", BEING MARKED BY A 1 ¾" STEEL DISC STAMPED LS 6753;

THENCE NORTH 42°46'42" EAST, ALONG SAID LINE OF LOTS 6 AND 7, A DISTANCE OF 9.19 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF CRESTONE AVENUE EAST AS VACATED, BEING MARKED BY A 1 ½" ALUMINUM CAP STAMPED LS 6753;

THENCE NORTH 18°46'13" EAST, A DISTANCE OF 60.27 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CRESTONE AVENUE EAST AS VACATED AND THE SOUTHEASTERLY RIGHT-OF-WAY OF M STREET;

THENCE NORTH 49°12'02" EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY OF M STREET, A DISTANCE OF 47.25 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF WEST 3RD STREET;

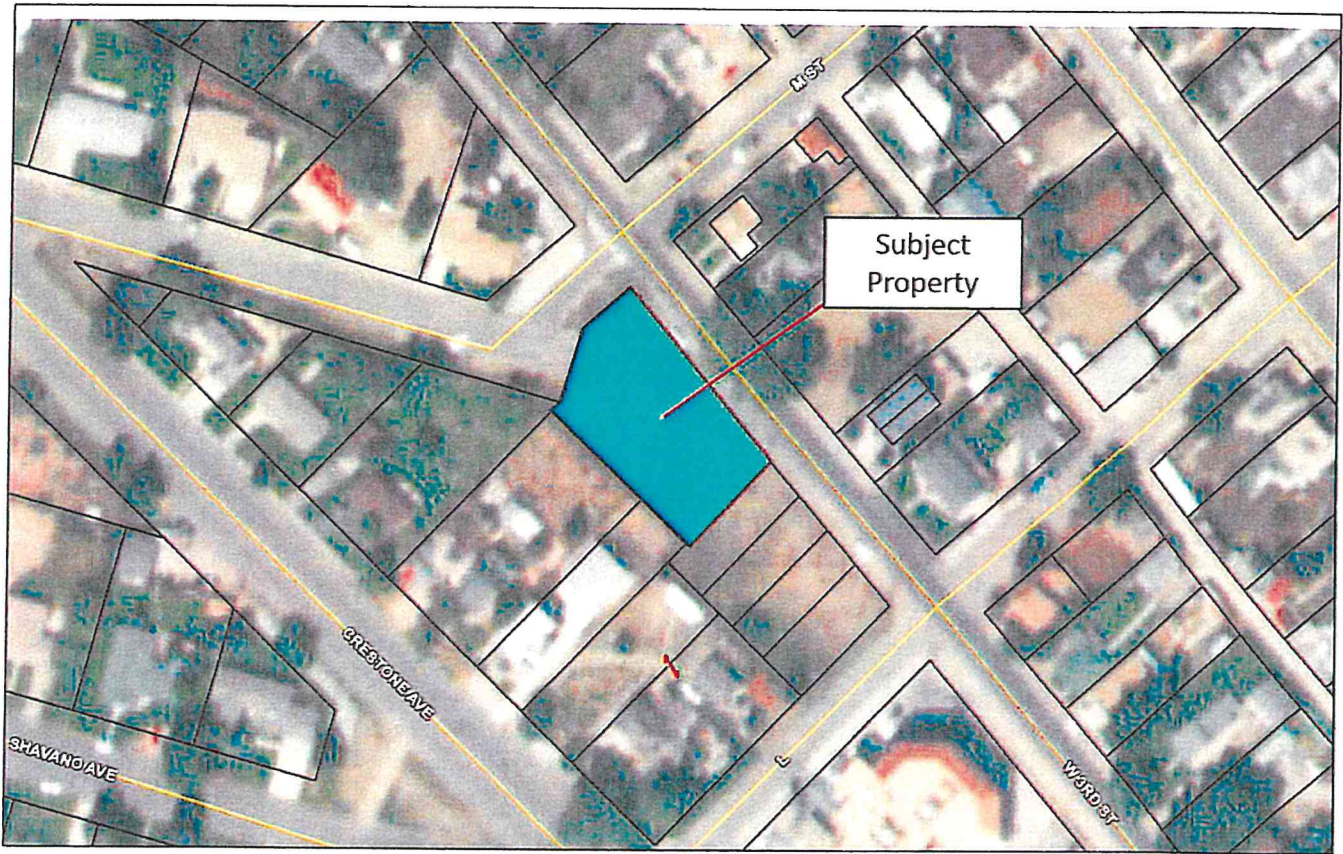
THENCE SOUTH 39°44'16" EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY OF WEST 3RD STREET, A DISTANCE OF 172.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 16816 SQUARE FEET, MORE OR LESS.

PREPARED BY:

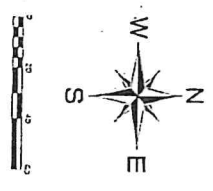
 **LANDMARK**
SURVEYING & MAPPING
SYDNEY A. SCHIEREN, PLS 37937
PO BOX 668
SALIDA, COLORADO 81201

EXHIBIT B
Informational graphic of Property



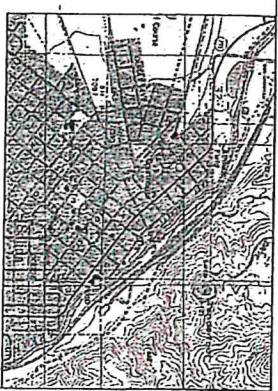
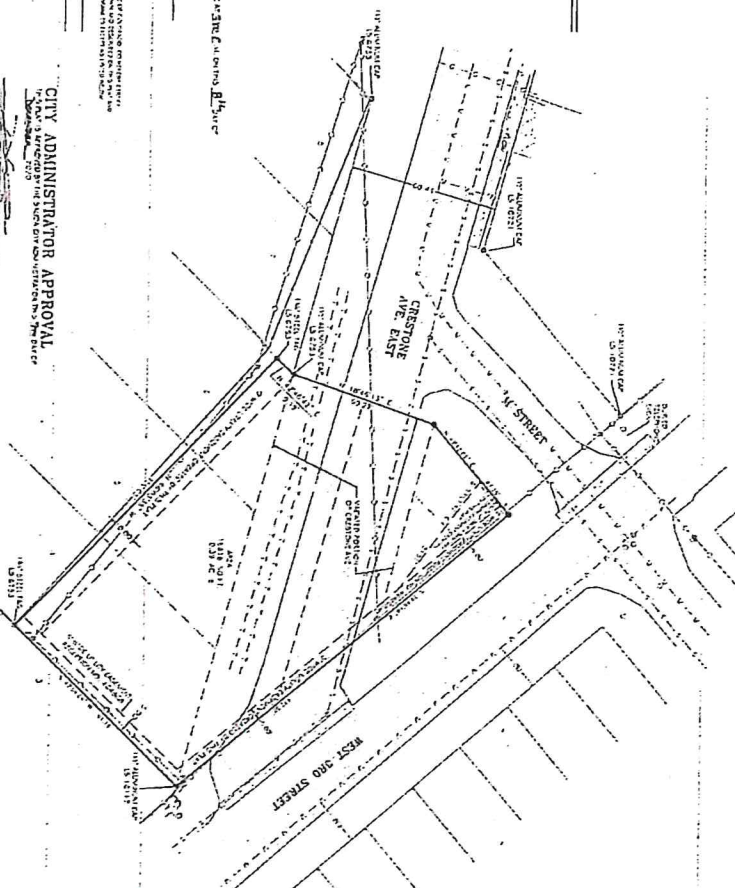
Plat

CITY OF SALIDA M AND 3RD STREET
LOT CONSOLIDATION
 LOCATED WITHIN A PORTION OF STRIP C OF EDDY BROTHERS ADDITION AND THE VACATED PORTION OF EAST CRESTONE AVENUE CITY OF SALIDA, CLAY COUNTY, COLORADO



LEGEND

- 1. EDDY BROTHERS ADDITION
- 2. EDDY BROTHERS
- 3. EDDY BROTHERS
- 4. EDDY BROTHERS
- 5. EDDY BROTHERS
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- 15. EDDY BROTHERS
- 16. EDDY BROTHERS
- 17. EDDY BROTHERS
- 18. EDDY BROTHERS
- 19. EDDY BROTHERS
- 20. EDDY BROTHERS



CITY CLERK'S CERTIFICATE
 I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN MY OFFICE ON THIS 15th DAY OF APRIL 2015.

Edith Ludwig
 CITY CLERK

CERTIFICATION OF TITLE

THE CITY OF SALIDA HAS REVIEWED THE TITLE RECORDS OF THE CITY OF SALIDA AND HAS DETERMINED THAT THE TITLE RECORDS OF THE CITY OF SALIDA DO NOT CONTAIN ANY INTERESTS THAT WOULD PREVENT THE CITY OF SALIDA FROM ACQUIRING THE PROPERTY DESCRIBED IN THE FOREGOING.

Spencer Platt
 CITY ADMINISTRATOR

CITY ADMINISTRATOR APPROVAL

I HEREBY APPROVE THE FOREGOING AS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN MY OFFICE ON THIS 15th DAY OF APRIL 2015.

Spencer Platt
 CITY ADMINISTRATOR

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN MY OFFICE ON THIS 15th DAY OF APRIL 2015.

Spencer Platt
 LAND SURVEYOR

CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN MY OFFICE ON THIS 15th DAY OF APRIL 2015.

Spencer Platt
 CLERK AND RECORDER



GENERAL NOTES

1. THE CITY OF SALIDA HAS REVIEWED THE TITLE RECORDS OF THE CITY OF SALIDA AND HAS DETERMINED THAT THE TITLE RECORDS OF THE CITY OF SALIDA DO NOT CONTAIN ANY INTERESTS THAT WOULD PREVENT THE CITY OF SALIDA FROM ACQUIRING THE PROPERTY DESCRIBED IN THE FOREGOING.

2. THE CITY OF SALIDA HAS REVIEWED THE TITLE RECORDS OF THE CITY OF SALIDA AND HAS DETERMINED THAT THE TITLE RECORDS OF THE CITY OF SALIDA DO NOT CONTAIN ANY INTERESTS THAT WOULD PREVENT THE CITY OF SALIDA FROM ACQUIRING THE PROPERTY DESCRIBED IN THE FOREGOING.

3. THE CITY OF SALIDA HAS REVIEWED THE TITLE RECORDS OF THE CITY OF SALIDA AND HAS DETERMINED THAT THE TITLE RECORDS OF THE CITY OF SALIDA DO NOT CONTAIN ANY INTERESTS THAT WOULD PREVENT THE CITY OF SALIDA FROM ACQUIRING THE PROPERTY DESCRIBED IN THE FOREGOING.

CERTIFICATION OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN MY OFFICE ON THIS 15th DAY OF APRIL 2015.

Spencer Platt
 CITY ADMINISTRATOR

NO. 551	551
CITY OF SALIDA	CITY OF SALIDA
LAND SURVEYING & MAPPING	LAND SURVEYING & MAPPING



CHAFFEE HOUSING TRUST
A Commitment to Community

PO Box 692
Buena Vista, CO 81211
(719) 239-1199
www.chaffeehousing.org
info@chaffeehousing.org

March 29, 2021

Mayor PT Wood
Salida City Council
448 East First Street, #112
Salida, CO 81201

Mayor Wood & City Council members,

Since the approval of the ordinance to convey the city-owned parcel at M & 3rd Street to the Chaffee Housing Trust, we received an updated quote from indieDwell, the manufacturer of the homes. The costs of materials have skyrocketed, causing a 30% increase in the cost to the CHT. Due to the gap in financing/funding (\$221,000) that this causes, we realize a \$109,000 shortfall in the amount we can borrow due to debt coverage ratio limits on permanent financing for the two rental units.

To resolve this dilemma, we are requesting that the ordinance be revised to allow us to set the rents at 100% AMI. By raising the rents on the 2-bedroom homes from \$1,284 to \$1,605 (CHFA fair market rents for 80% AMI vs. 100% AMI), the project pencils out and the permanent financing on the two rentals cash flows. Without this change, the two rentals will require monthly subsidy, or additional funds at construction that we don't have.

All this allows us to sell the other four homes at prices well below 80% AMI (\$215k for a 3-bedroom, \$200k for a 2-bedroom, and \$190k for a 1-bedroom). We will also be able to deliver on providing one fully accessible ADA home, one hearing/visual impaired accessible home, and two more adaptable homes (allowing for aging in place).

Though we focus on ownership, there have been requests for us to provide rentals as well. Because one home/ADU will be rentals (2-home duplex), we cannot get grant funding (\$15k/unit) like we can on the for-sale units (unless we rented them below 60% AMI, which isn't financially feasible). Having two rental homes for 100% AMI broadens the pool of potential clients, hitting a part of the market that needs support. This could include City employees who otherwise would be excluded due to income over 80% AMI. To bring benefit to the City, we would be happy to offer the City first right of refusal on the rentals whenever there is a change of occupancy.

It comes down to being able to achieve four very affordable homes for sale, and two rental homes below market. In this volatile market, this is the best solution we have.

We appreciate your consideration of this modest change.

Read McCulloch, Executive Director



EQUAL HOUSING
OPPORTUNITY

CITY OF SALIDA, COLORADO
ORDINANCE NO. 13
 (Series of 2020)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING THE TRANSFER AND CONVEYANCE OF REAL PROPERTY, LOCATED AT THE INTERSECTION OF M STREET AND W. THIRD STREET, FROM THE CITY OF SALIDA TO THE CHAFFEE HOUSING TRUST, AND AUTHORIZING THE EXECUTION OF CERTAIN AGREEMENTS FOR SAID SALE

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, pursuant to Colorado Revised Statutes § 31-15-713, the City, acting by and through its City Council (“Council”), possesses the authority to sell and dispose of real estate owned by the City by ordinance, where the real property was not used or held for park purposes or any governmental purpose; and

WHEREAS, the City owns certain real property within the City at the intersection of M Street and W. Third Street (the “Property”), more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference; and

WHEREAS, over the last few years, the City Council has consistently adopted as an essential priority and fundamental goal the increased development and availability of affordable housing for the City’s workforce; and

WHEREAS, in furtherance of these goals, the City and the Chaffee Housing Trust are negotiating agreements under which the City will convey the Property to Chaffee Housing Trust for the purpose of constructing a new six unit residential development, which will be for sale or rental to households earning at or below 80% of the Area Median Income (AMI) in perpetuity; and

WHEREAS, the City Council finds and determines that the Property has not been a public park, and is not, or has not been, used or held for any governmental purpose; and

WHEREAS, the City Council therefore desires to approve the transfer and conveyance of the Property conditioned upon execution of a development agreement and the completion of certain improvements at M Street and W. Third Street.

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

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

Section 2. Conveyance of real property. Pursuant to Colorado Revised Statutes § 31-15-713, the City Council hereby approves the conveyance and transfer of the real property described on **Exhibit A**, to the Chaffee Housing Trust, and authorizes and directs the Mayor to execute a quit claim deed and such other instruments as necessary to effect such conveyance, in form approved by the City Attorney.

Section 3. Development Agreement Approved. In connection with the sale of Property approved by Section 2 above, and in order to ensure the timely construction of the new six unit residential development, for sale or rental to households earning at or below 80% of the Area Median Income (AMI) in perpetuity, the City Council hereby authorizes and directs the Mayor to execute a development agreement and any associated documents, in form approved by the City Attorney.

Section 4. Conditions of Approval of Sale of Property. The transfer and conveyance of property and execution of deed approved by Section 2 above is expressly contingent upon the satisfaction of all of the following conditions precedent: (1) the execution of a development agreement, and any associated documents, in form approved by the City Attorney; (2) the completion of improvements at M Street and W. Third Street, including (a) the relocation of sewer line from East Crestone Avenue to M Street (final cost to be paid for by Chaffee Housing Trust prior to transfer); (b) relocation of water line within M Street (to be paid for by City); and (c) reconstruction and paving of M Street, meeting alignment and grades approved by Public Works (to be paid for by City).

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 December 15, 2020, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this ____ day of _____, 2020 and set for second reading and public hearing on the 5th day of January, 2021.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED IN FULL BY TITLE ONLY by the City Council on this 5th day of January, 2021.

City of Salida

Mayor P.T. Wood

ATTEST:

City Clerk/Deputy City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

**LEGAL DESCRIPTION
OF A
TRACT OF LAND**

A PORTION OF STRIP "C" OF EDDY BROTHER'S ADDITION AND THE VACATED PORTION OF CRESTONE AVENUE EAST, CITY OF SALIDA, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON CORNER OF LOTS 3 AND 4 OF SAID STRIP "C" AND THE SOUTHWESTERLY RIGHT-OF-WAY OF WEST 3RD STREET, BEING MARKED BY A 1 ½" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY OF WEST 3RD STREET AND THE NORTHWESTERLY RIGHT-OF-WAY OF L STREET, BEING MARKED BY A 1 ½" ALUMINUM CAP STAMPED LS 16117, BEARS NORTH 41°29'27" WEST, A DISTANCE OF 150.40 FEET;

THENCE SOUTH 43°56'04" WEST, ALONG THE COMMON LINE OF SAID LOTS 3 AND 4, A DISTANCE OF 91.78 FEET TO A POINT BEING MARKED BY A 1 ¾" STEEL DISC STAMPED LS 6753;

THENCE NORTH 46°03'38" WEST, A DISTANCE OF 150.05 FEET TO THE COMMON LINE OF LOTS 6 AND 7 OF SAID STRIP "C", BEING MARKED BY A 1 ¾" STEEL DISC STAMPED LS 6753;

THENCE NORTH 42°46'42" EAST, ALONG SAID LINE OF LOTS 6 AND 7, A DISTANCE OF 9.19 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF CRESTONE AVENUE EAST AS VACATED, BEING MARKED BY A 1 ½" ALUMINUM CAP STAMPED LS 6753;

THENCE NORTH 18°46'13" EAST, A DISTANCE OF 60.27 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CRESTONE AVENUE EAST AS VACATED AND THE SOUTHEASTERLY RIGHT-OF-WAY OF M STREET;

THENCE NORTH 49°12'02" EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY OF M STREET, A DISTANCE OF 47.25 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF WEST 3RD STREET;

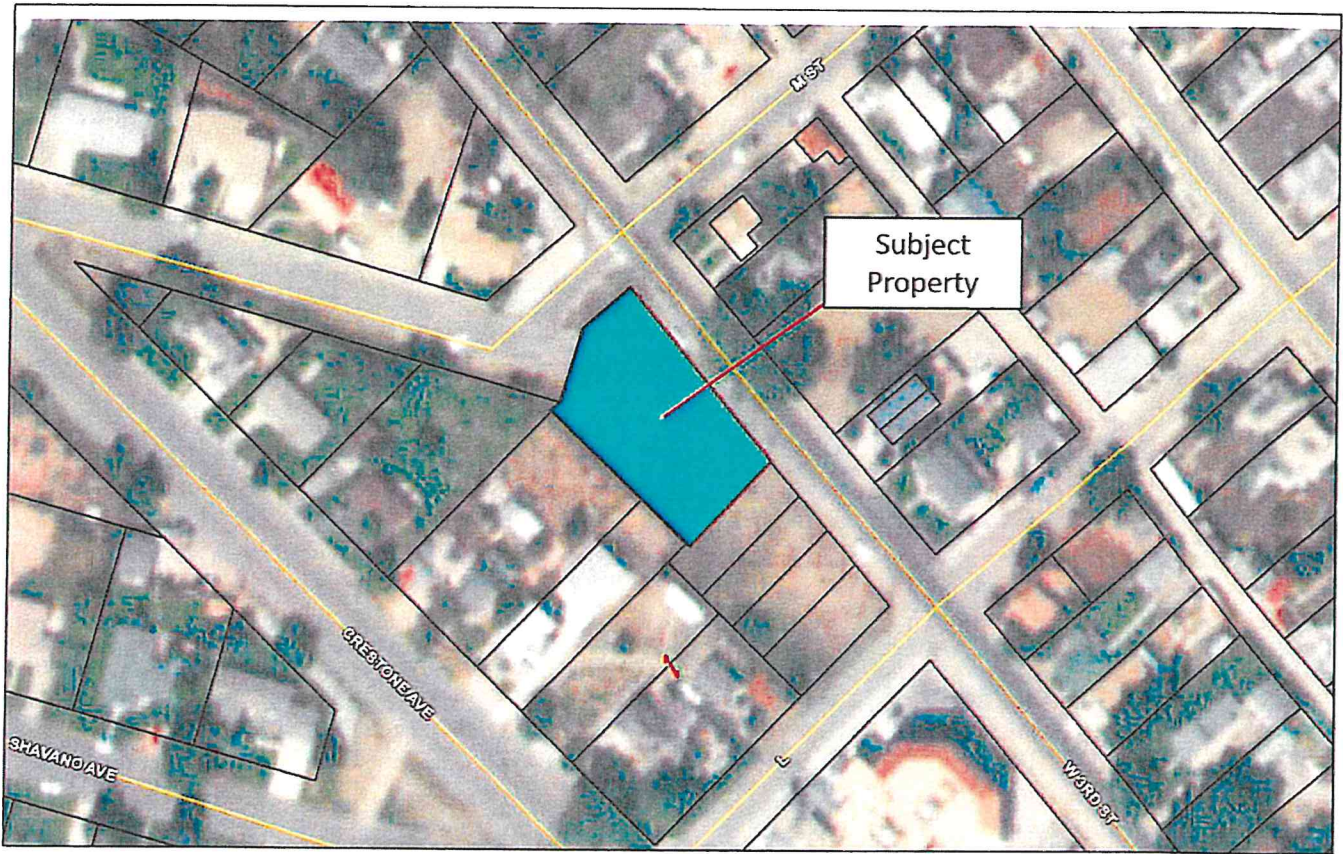
THENCE SOUTH 39°44'16" EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY OF WEST 3RD STREET, A DISTANCE OF 172.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 16816 SQUARE FEET, MORE OR LESS.

PREPARED BY:

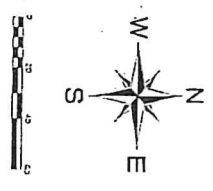
 **LANDMARK**
SURVEYING & MAPPING
SYDNEY A. SCHIEREN, PLS 37937
PO BOX 668
SALIDA, COLORADO 81201

EXHIBIT B
Informational graphic of Property



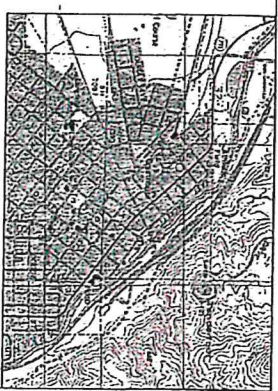
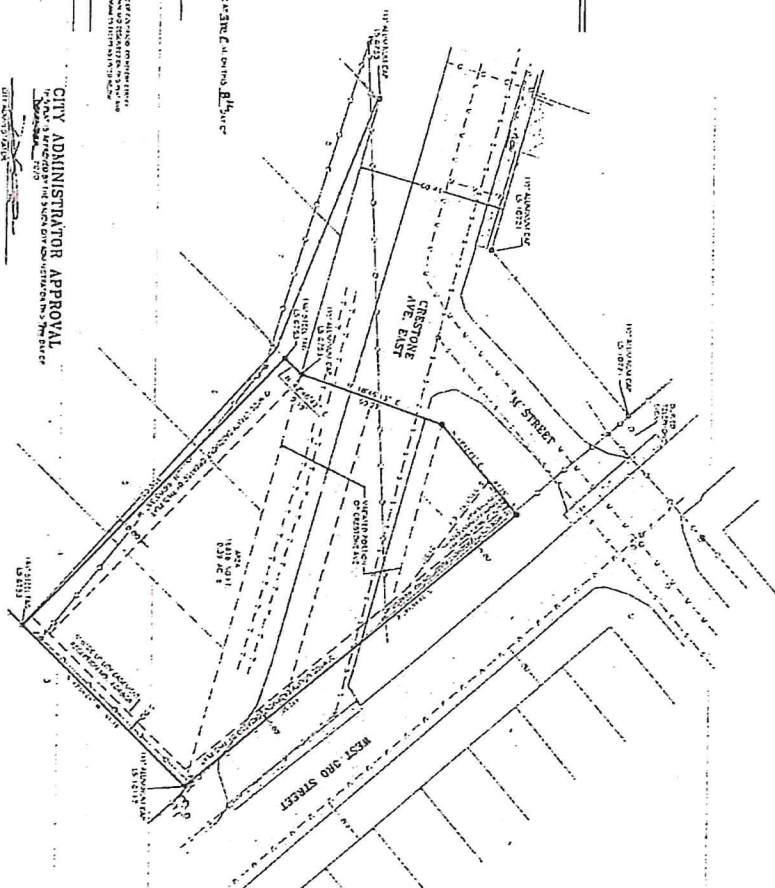
Plat

CITY OF SALIDA M AND 3RD STREET
LOT CONSOLIDATION
 LOCATED WITHIN A PORTION OF STRIP C OF EDDY BROTHERS ADDITION AND THE VACATED PORTION OF EAST CRESTONE AVENUE CITY OF SALIDA, CLAY COUNTY, COLORADO



LEGEND

- 1. EDDY BROTHERS ADDITION
- 2. EDDY BROTHERS
- 3. EDDY BROTHERS
- 4. EDDY BROTHERS
- 5. EDDY BROTHERS
- 6. EDDY BROTHERS
- 7. EDDY BROTHERS
- 8. EDDY BROTHERS
- 9. EDDY BROTHERS
- 10. EDDY BROTHERS
- 11. EDDY BROTHERS
- 12. EDDY BROTHERS
- 13. EDDY BROTHERS
- 14. EDDY BROTHERS
- 15. EDDY BROTHERS
- 16. EDDY BROTHERS
- 17. EDDY BROTHERS
- 18. EDDY BROTHERS
- 19. EDDY BROTHERS
- 20. EDDY BROTHERS



VICINITY MAP NOT TO SCALE

CITY CLERK'S CERTIFICATE
 I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN MY OFFICE ON THIS 15th DAY OF APRIL 2015.

Edith Ludwig
 City Clerk

CERTIFICATION OF TITLE

THE CITY OF SALIDA HAS REVIEWED THE TITLE RECORDS OF THE CITY OF SALIDA AND HAS DETERMINED THAT THE TITLE RECORDS OF THE CITY OF SALIDA DO NOT CONTAIN ANY INTERESTS IN THE PROPERTY DESCRIBED IN THE FOREGOING WHICH WOULD PREVENT THE CITY OF SALIDA FROM ACQUIRING THE PROPERTY DESCRIBED IN THE FOREGOING BY THE METHOD DESCRIBED IN THE FOREGOING.

Spencer Platt
 City Administrator

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN MY OFFICE ON THIS 15th DAY OF APRIL 2015.

Spencer Platt
 City Administrator

CITY ADMINISTRATOR APPROVAL

I HEREBY APPROVE THE FOREGOING AND THE CITY OF SALIDA HAS REVIEWED THE TITLE RECORDS OF THE CITY OF SALIDA AND HAS DETERMINED THAT THE TITLE RECORDS OF THE CITY OF SALIDA DO NOT CONTAIN ANY INTERESTS IN THE PROPERTY DESCRIBED IN THE FOREGOING WHICH WOULD PREVENT THE CITY OF SALIDA FROM ACQUIRING THE PROPERTY DESCRIBED IN THE FOREGOING BY THE METHOD DESCRIBED IN THE FOREGOING.

Spencer Platt
 City Administrator

CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN MY OFFICE ON THIS 15th DAY OF APRIL 2015.

Spencer Platt
 City Administrator

GENERAL NOTES

1. THE CITY OF SALIDA HAS REVIEWED THE TITLE RECORDS OF THE CITY OF SALIDA AND HAS DETERMINED THAT THE TITLE RECORDS OF THE CITY OF SALIDA DO NOT CONTAIN ANY INTERESTS IN THE PROPERTY DESCRIBED IN THE FOREGOING WHICH WOULD PREVENT THE CITY OF SALIDA FROM ACQUIRING THE PROPERTY DESCRIBED IN THE FOREGOING BY THE METHOD DESCRIBED IN THE FOREGOING.

CERTIFICATION OF OWNERSHIP AND DEDICATION
 I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN MY OFFICE ON THIS 15th DAY OF APRIL 2015.

Spencer Platt
 City Administrator

APPROVED AND RECORDED:

Spencer Platt
 City Administrator

APPROVED AND RECORDED:

Spencer Platt
 City Administrator

APPROVED AND RECORDED:

Spencer Platt
 City Administrator

APPROVED AND RECORDED:

Spencer Platt
 City Administrator



CITY COUNCIL ACTION FORM

Department Community Development	Presented by Bill Almquist - Comm. Dev. Director	Date April 6, 2021
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ITEM

First Reading of **Ordinance No. 2021-05**: 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 Upchurch Annexation.

BACKGROUND

The applicants, Tory and Clee Upchurch, are requesting approval for their 5.32 acre parcel to be annexed into the City of Salida. The private property proposed for annexation is located between County Roads (CR) 140 and 141. The applicants are also proposing the concurrent annexation of a portion of CR 140 stretching from the existing City limits at the eastern terminus of CR 141 approximately 1,274 feet to the western terminus of CR 141, totaling approximately 2.58 acres as shown in the vicinity map below and the attached annexation plat.





CITY COUNCIL ACTION FORM

Department Community Development	Presented by Bill Almquist - Comm. Dev. Director	Date April 6, 2021
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The applicants’ original proposal included the portion of CR 140 from the existing City limits to the southwest corner of their property. Following conversations between City and County staff, and pursuant the annexation intergovernmental agreement (IGA) between the City and County, City staff requested that the applicant include in the annexation plat the remaining 180 feet of CR 140 to the intersection with CR 141’s west end, to simplify the boundaries of maintenance responsibilities for both the City and the County. No portion of CR 141 is required to be included in the annexation request provided that all vehicular access to/from any future development on the site will be via CR 140 and that no future homes will front onto CR 141.

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:

- 1/6th of the perimeter of a proposed annexation must be contiguous with the City of Salida;
- Staff reviews the petition for compliance with city and state statutes and 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;
- The City Council public hearing is advertised in the newspaper for four consecutive weeks;
- The Planning Commission holds a public hearing to review the annexation and recommend the zoning designation of the property;



CITY COUNCIL ACTION FORM

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- Council holds the public hearing on the annexation petition and possibly approves an ordinance approving such annexation, along with any conditions of an annexation agreement;
- Council holds a public hearing to review and possibly approve the proposed zoning; and
- Council reviews and possibly approves an annexation agreement by resolution.

The applicants submitted their application for Annexation (along with an application for Zoning) on December 14, 2020. A conceptual review meeting was held with Planning Commission and Council on January 4, 2021. A revised plat was then submitted to the City on February 8, 2021. City Council passed Resolution No. 2021-04 on March 2, 2021 finding the annexation petition to be in substantial compliance with state statutes and set a public hearing on the petition for April 20, 2021. The request was heard by Planning Commission on March 22, 2021 and the Commission recommended that City Council approve the annexation with a number of staff conditions described later in this memo (5-1 vote).

UPDATE TO APPLICANT’S PROPOSAL

Following Planning Commission’s recommendation to approve annexation of the subject property and subsequently recommend Single-Family Residential (R-1) zoning, as opposed to the applicants’ requested zoning of Medium-Density Residential (R-2)—at least until more information regarding future development and a rezone request is provided—the applicants submitted additional information and requests that they would like to have considered for City Council’s review of both the annexation and zoning requests. The requests and an updated subdivision



CITY COUNCIL ACTION FORM

Department Community Development	Presented by Bill Almquist - Comm. Dev. Director	Date April 6, 2021
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concept design (dated 03/26/21) are included in the packet for review. In the email, the applicants outline their objectives for developing the property and offer a number of additional recommended conditions for the annexation agreement. Those conditions, comments, and requests are (verbatim):

1. *R2 Zoning for the entire property. We are willing to commit to R1 minimum Lot size and use standards (single family only) for Lots (1-10) adjacent to County Road 141.*
2. *Any future subdivision has to meet Chapter 16 Article 13 in the Salida City Code. Our current intent is to dedicate Lot 15 to the Chaffee County Housing Trust for them to build up to 5 inclusionary housing units.*
3. *Preference/first right of refusal for Chaffee County Residents: We have included 6 units in our development (2 Triplexes) that we will advertise to Chaffee County residents and do the vetting to ensure that Chaffee County Residents have the first opportunity to buy. Although these units are less profitable, these units will be at a lower price point which will afford Chaffee County Residents a better chance at buying a house.*
4. *If R1 Zoning is applied, we will develop all single family homes which will be at a much higher price point and likely be used as second homes for out of towners. This does not help with the housing affordability challenges for Chaffee County residents.*
5. *1 STR License - this is a request I am making for my family as I stated as my main goal in point #1 above.*
6. *Subdivision of the subject parcel shall not require water and sewer main extensions in the following right of ways:*
 - a) *County Road 141*
 - b) *County Road 140 east of Shepherd Drive*
7. *Right of ways as shown on the conceptual plan shall be sufficient for subdivision, particularly the bends without radius, and the portion of 40' wide right of way on the west end of the site.*



CITY COUNCIL ACTION FORM

Department Community Development	Presented by Bill Almquist - Comm. Dev. Director	Date April 6, 2021
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8. *Lots 1, 2, and 3 may have less than the required minimum lot frontage, but no less than 20', substantially in accordance with the conceptual plan. Such lots must be 50' minimum width at the rear lot line.*

The applicant also notes that *“(their) attempt in the current design (is) to provide a seamless transition from the R3 zoned properties across CR140 putting the highest density in the South end of the property and moving to a less dense design in the North and East boundaries.”*

Although the above requests/conditions are primarily addressed in the staff report for the concurrent zoning request, staff also recognizes the need to address them as part of the annexation request since an annexation agreement, and not a zoning ordinance, is the appropriate location for such negotiated terms. Therefore, these items will be addressed as part of the recommended conditions further below.

FINDINGS OF FACT:

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

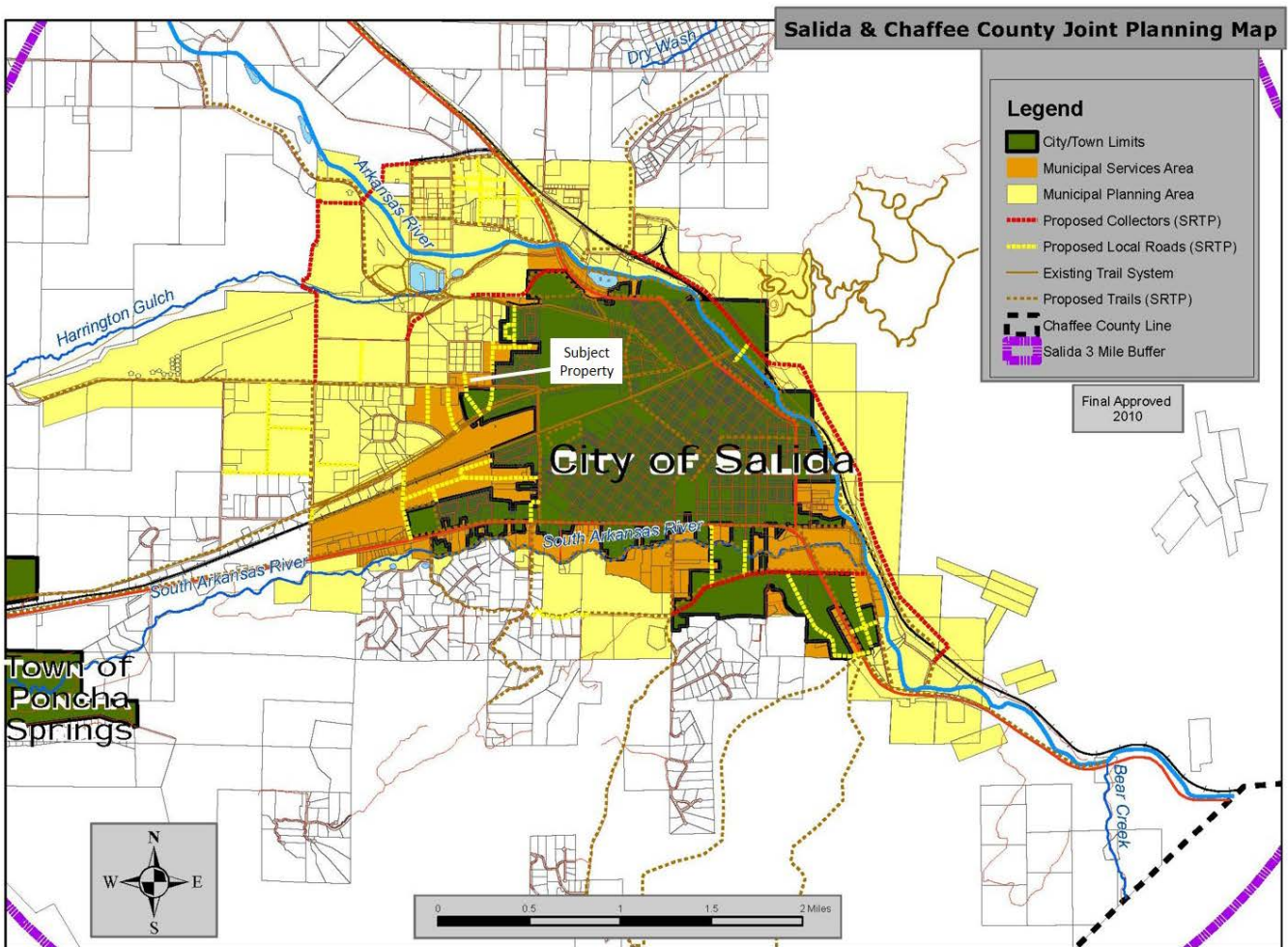
1. The proposed annexation has greater than 1/6th contiguity (16.7%) with the municipal boundary of the City of Salida. Staff confirms that 27% of the perimeter of the property would be contiguous with City limits upon annexation. (CRS §31-12-104 provides that contiguity may be achieved via the simultaneous annexation of a contiguous public right of way—in this case, the included portion of CR 140).
2. All applicable owners of the property are party to the annexation.



CITY COUNCIL ACTION FORM

Department Community Development	Presented by Bill Almquist - Comm. Dev. Director	Date April 6, 2021
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3. The annexation property 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 is defined as *“the area designated on the Joint Planning Map, adjacent to City boundaries currently eligible for annexation and immediately capable of being serviced by municipal or approved special district sewer and water utilities and infrastructure.”* See the Joint Planning Map below:

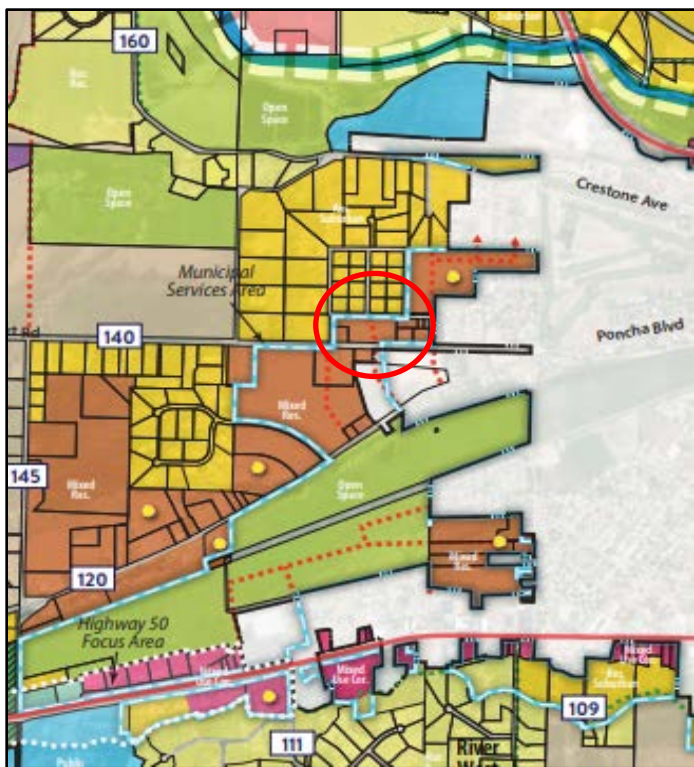




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4. The annexation property is currently zoned RES, Residential in Chaffee County; however, it is also included in the “Mixed Residential” land use designation on Chaffee County’s adopted Future Land Use Map (FLUM). Mixed Residential is defined in the County’s Comprehensive Plan as *“Areas desired for annexation adjacent to existing incorporated or unincorporated communities or along major transportation corridors where higher densities may be appropriate and near existing water and/or sanitation utilities. Envisioned to accommodate a mix of housing types and residential densities, affordable housing, institutional uses such as schools or public facilities, and appropriately scaled commercial uses appropriate for walkable amenities...”* See the County’s Salida Sub-Area FLUM with property circled in red below:





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5. The property is adjacent to a growing part of the city and therefore may be efficiently served by City fire and police departments.
6. The property to be annexed includes a portion of the CR 140 right-of-way, thereby ensuring the roadway that serves City residents will be completely within the City’s jurisdiction.
7. The annexation of the property is consistent with the vision and goals set forth in the Comprehensive Land Use Plan. Specifically, it is a strategic goal of the Comp Plan to provide for new neighborhoods and opportunities for a variety of housing types and densities. 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 housing opportunities. Though no specific development plan for the area has yet been proposed, the applicant has provided a conceptual subdivision plan indicating the desire and ability to provide a variety of housing types. Any such future subdivision or similar land use will be required to go through applicable review processes prior to approval.
8. The property is a natural extension of the City’s municipal boundary and meets legal requirements for annexation.
9. No annexation impact report is required because the property is <10 acres, per the IGA.

The annexation of the property will be accompanied by an agreement which will address a variety of topics including:

- ❖ The street improvements required within the development, as well as along portions of County Road 140;
- ❖ Development restrictions on the west and north perimeters of the property;



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- ❖ Provision of an extension of Shepherd Road into the development to align with the existing platted Shepherd Road to the south;
- ❖ Provision of a pedestrian connection to/from CR 141 to the north;
- ❖ Water and Sewer line extensions;
- ❖ Adequate Fire turnaround requirements and/or street connectivity as required by Public Works; and
- ❖ Other goals for the property, including the provision of affordable housing units.

RESPONSES FROM REFERRAL DEPARTMENTS AND AGENCIES:

- City of Salida Fire Department: Kathy Rohrich, Assistant Fire Chief, responded “Fire Department is good with the annexation. We would just need to see the changes in the subdivision design in the future.
- City of Salida Police Department: Chief Russ Johnson responded “No issues with PD.”
- City of Salida Finance Department: Aimee Tihonovich, Finance Director responded “No comments.”
- City of Salida Public Works Department: Public Works Director David Lady responded “The development is located within the municipal services area boundary for water and sewer. The portion of road shown to be annexed is based on feedback from the County with the presumption that lots within the development will not be fronting roads that are not being annexed. Annexed roads shall be improved to City Standards as previously discussed at time of development.



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- Chaffee County Development Services Department: No comment received. However, City and County staff have discussed the request, per the intergovernmental agreement, and those discussions have led to some of the recommended conditions of the annexation agreement. The Chaffee County Board of Commissioners has also provided a comment letter which is included in the hearing packet.
- Chaffee County Housing Office: Becky Gray, Director of Housing responded “Within the word doc named ‘Salida Narrative,’ the applicant stated he has been in communication with the Chaffee Housing Authority, and named Read McCulloch as his point of contact. The applicant is confusing the Chaffee Housing Trust and the Chaffee Housing Authority, as I have had no direct conversation with the applicant. It would likely be beneficial to speak with both entities, as each can offer a different approach to permanent affordability of the inclusionary housing units.
- Chaffee County Assessor’s Office: No comments received.
- Atmos Energy: Dan Higgins responded “For your information, Atmos Energy has a main along CR 141 and may be able to serve this subdivision with it pending an executed main extension contract and engineering review of capacity needs. No other comments from Atmos Energy.”
- Xcel Energy: No comments received.
- Charter Communications: No comments received
- CenturyLink: No comments received
- Salida School District: No comments received
- Town of Poncha Springs: No comments received



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STAFF RECOMMENDATIONS:

Staff recommends that City Council approve the proposed annexation, subject to the conditions listed below. Staff has reviewed the applicants’ newly submitted requests/conditions and is providing Council with alternative lists of recommended conditions depending on the zoning district that is subsequently approved. Planning Commission’s original recommended conditions are included in normal black type, while staff’s recommended revisions/additions are included in red and/or struck through. The conditions that are recommended, regardless of whichever zone district is applied, are as follows:

1. No vehicle access to/from CR 141 shall be allowed in any future development on the site without approval of Chaffee County or annexation of relevant portions of CR 141 into the City of Salida and approval via the appropriate City review process.
2. No units within any future development on the site (including accessory dwelling units) shall have frontage on CR 141 without approval of Chaffee County or annexation of relevant portions of CR 141 into the City of Salida and approval via the appropriate City review process.
3. Pedestrian access between CR 140 and the northern portion of CR 141 shall be provided in any future development on the site. Details of improvements to such access will be determined via a subdivision improvement agreement or development agreement.
4. Future development shall include a public street and utilities stubbed to the south property line in alignment with Shepherd Road.



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Department Community Development	Presented by Bill Almquist - Comm. Dev. Director	Date April 6, 2021
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5. Any future development shall meet the City’s turnaround and/or street connectivity requirements for right of ways.
6. The applicant shall, at time of development, improve the annexed portion of CR 140 fronting the site to City Standards (including curb, gutter, sidewalk, street trees and parking on the north side); provide a crosswalk across CR 140 to the shared path on the south side in a location approved by staff; and provide a minimum 2-inch overlay over both drive lanes of CR 140 from the existing City limits to the west intersection with CR 141 (or reconstruct road if needed for grade).
7. Residential development of the site shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the Salida Municipal Code, as negotiated between parties and approved by Council.
(It should be noted that Planning Commission stated a desire that inclusionary housing requirements be satisfied via built units).
8. In-lieu open space fees (currently \$3,000 per unit) shall be provided at the time of issuance of a building permit.
(It should be noted that Planning Commission members stated a desire that a public park/open space be provided in any future subdivision on the site. However, City staff has indicated that this location is not preferable for a public park due to the likely small size and identified nearby, larger park opportunities.)
9. Provision of school impact fees in an amount then in effect (currently \$444.66 per unit) at the time of issuance of a building permit.
10. ~~The “area of overlap” on the property shall be resolved prior to recordation of the annexation plat and agreement.~~ **The “area of overlap” should be resolved**



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prior to obtaining any building permits, and the owner/applicant shall provide proof to the City of filing the necessary paperwork and beginning the necessary process to resolve same prior to recordation of annexation agreement and plat.

(Per CRS 31-12-105(a)(1) and relevant case law, a property owner may request that just a portion of their legally-platted lot be considered for annexation, as is requested here—hence the above revision).

- 11.** The applicant shall be allowed one unique short-term rental license for the development that shall be applied to a specific unit identified in a future subdivision development application. The development will still be subject to the one-license-per-block face limit; however, the total number of block faces will be determined by the eventual subdivision design.
- 12.** Provided that water mains will be looped, will front each parcel, and will extend to the west end of the property along CR 140, as required by City Code and City of Salida Design Standards, future subdivision of the subject parcel (similar to the concept provided on 03/26/21) shall not require the applicant to provide water and sewer main extensions within either CR 141 nor CR 140 east of Shepherd Drive. However, significant changes to the subdivision design may require re-evaluation of this determination.
- 13.** Roads shall be designed in accordance with the Engineering Design Standards or through a PD to allow for alternatives. Given the conceptual design provided on 3/26/21, the 40-ft ROW on the west end of such a subdivision would be sufficient and a sidewalk would only be required on the east side of said ROW. A 20-ft dedication of ROW will be required of the adjacent property to the west at time of annexation for that parcel.



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If the Medium-Density Residential (R-2) zoning requested by the applicants is subsequently applied to the property, staff also recommends the following conditions:

- 14.** ~~Any future lots that are located adjacent CR 141 shall be intended for single-family dwellings only. Accessory dwelling units will be allowed on such lots per general City of Salida review standards, but will be subject to the same frontage restrictions of the primary dwellings.~~ Any future lots that are located adjacent CR 141 (Lots 1-10 on the conceptual plan submitted 3/26/21) shall be intended for detached single-family dwellings, have a minimum lot size of 7,500SF, and have no less than 50 feet of frontage onto CR 141. Accessory dwelling units will be allowed on such lots per general City of Salida review standards, but will be subject to the same frontage restrictions of the primary dwellings.
- 15.** Preference/first right of refusal shall be given to Chaffee County residents/workforce for 6 non-inclusionary housing units, at minimum, within any future development on the site. Such marketing and vetting shall be borne on the applicants with guidance provided by City staff and the Chaffee Housing Authority.
- 16.** Lots 1, 2, and 3 may have less than the required minimum lot frontage but no less than 20 feet, substantially in accordance with the conceptual plan. Such lots must be 50 feet minimum width at the rear lot line.

RECOMMENDED FINDINGS:

That the application meets all state and local requirements for annexation.



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Department Community Development	Presented by Bill Almquist - Comm. Dev. Director	Date April 6, 2021
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SUGGESTED MOTION:

“I make a motion that City Council approve the proposed Upchurch annexation as it meets the requirements for annexation, subject to Council approval of an annexation agreement that addresses the conditions outlined above and that are based upon the zoning district approved and applied.”

ATTACHMENTS:

- Proof of Publication
- Ordinance No. 2021-05
- Annexation Plat
- Annexation Petition and Application
- Applicant email with requests/suggested conditions (03/26/21)
- Subdivision Concept Design (submitted 03/26/21)
- Draft PC Meeting Minutes from 03/22/21
- Public Comments received thus far
- Letter from Huckstep Law, LLC
- Letter from CCBOC (and revision per Jon Roorda 3/19/21)

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL
FOR THE CITY OF SALIDA CONCERNING ANNEXATION
PETITION AND ZONING APPLICATIONS**

The City of Salida is considering a petition to annex and zone a certain unincorporated 6.38 acre tract of land located between County Road 140 and County Road 141, locally known as a tract in the SE 1/4 SW 1/4 of Section 31, T60N R9E of the N.M.B.M., Chaffee County, Colorado, plus a 2.59 acre portion of County Road 140 south of the subject property. The City Council by Resolution 2021-04, scheduled a hearing upon said petition for April 20, 2021, at or about 6:00 p.m. remotely through the GoToWebinar application via this direct link: <https://attendee.gotowebinar.com/join/66586926411243589>. Additionally, depending on which tier of its COVID-19 Action Plan the City is in on April 20, 2021, the hearing may also take place in City Council Chambers, 448 East 1st Street, Salida, Colorado. The hearing will consider the annexation petition and the applicant's request to zone the property Medium Density Residential (R-2). All interested persons are invited to attend the public hearing and give comment. Further information may be obtained from the Community Development Department, 719 S 2034. See the City's COVID-19 regulations: <https://cityofsalida.com/administration/page/covid-19-information>

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 2021-04
SERIES OF 2021
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, FINDING THE UPCHURCH ANNEXATION PETITION TO BE IN SUBSTANTIAL COMPLIANCE WITH STATE STATUTES AND SETTING A PUBLIC HEARING ON SAID PETITION.**

WHEREAS, in December 2020, Tory and Cleo Upchurch 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 6.38 acres located between County Roads 140 and 141 and 2.59 acres of County Road 140 from the eastern terminus of County Road 141 to the western terminus of County Road 141 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, after review of the annexation Petition and map, the City planning staff advised the City Council that the Petition and map are in substantial compliance with the state statutes, as required by C.R.S. § 31-12-101 et seq; and

WHEREAS, the Petition seeks as follows:

- 1. It is desirable and necessary that the territory described above be annexed to the City of Salida, Colorado.
- 2. The requirements of C.R.S. § 31-12-104, as amended, exist or have been met, including without limitation the following:
 - a. Not less than 1/8th of the perimeter of the area proposed to be annexed is contiguous with the City of Salida, Colorado.
 - b. A community of interest exists between the area proposed to be annexed and the City of Salida, Colorado.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed integrates with or is capable of being incorporated with the City of Salida, Colorado.
- 3. The requirements of C.R.S. § 31-12-105, as amended, exist or have been met, including without limitation the following:
 - a. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof.
 - b. A competing twenty (20) acres or more (which together with buildings and improvements situated thereon having a valuation for assessment in excess of \$20,000.00 for all valuation tax purposes for the year preceding the proposed annexation, has been included without the written consent of the landowners.
 - c. No annexation proceedings have been commenced for the annexation to a municipality other than the City of Salida, Colorado, of all or part of the territory proposed to be annexed.
 - d. The annexation proposed in the Petition will not result in the detachment of area from any school district and the attachment of the same area to another school district.
 - e. The annexation proposed in the Petition will not have the effect of extending the municipal boundary of the City of Salida more than three (3) miles in any direction from any point on the current municipal boundary of the City in any one year; and

WHEREAS, the City finds that the Petition is in compliance with Salida Municipal Code § 16-2-10 through 16-2-40; and

WHEREAS, the City has or will have in place a plan meeting the requirements of C.R.S. § 31-12-105(e) prior to the effective date of the proposed annexation; and

WHEREAS, no election for annexation of the area proposed to be annexed to the City of Salida has been had in the preceding twelve (12) months; and

WHEREAS, the owners of the Petition are the owners of one hundred percent (100%) of the territory proposed to be annexed, exclusive of public streets and alleys; and

WHEREAS, the annexation to the City of Salida, Colorado of the area proposed to be annexed will not result in a change of county boundaries; and

WHEREAS, the names and mailing addresses of the signers of the Petition and date of signing are included in the Petition, and the legal description of the land owned by Petitioners is attached to the Petition. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition for annexation with the City Clerk; and

WHEREAS, the Petition is accompanied by four (4) or more copies of an Annexation Map containing, among other things, the following information:

- 1. A written legal description of the boundaries of the area proposed to be annexed to the City of Salida, Colorado;
- 2. The boundary of the area proposed to be annexed to the City of Salida, Colorado;
- 3. Within the annexation boundary map, a showing of the location of each ownership tract in un-platted land and a plat or of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
- 4. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the City of Salida, Colorado; and

WHEREAS, none of the area proposed to be annexed to the City of Salida, Colorado, is presently a part of any incorporated city, city and county, or town, and is not contiguous to any other incorporated city, city and county, or town; and

WHEREAS, it appears that the Petition filed as aforesaid is in substantial compliance with the requirements of the Municipal

Annexation Act of 1965, C.R.S. § 31-12-107(f), as amended, and THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA THAT:

1. The City incorporates the foregoing recitals as findings by the City Council;

2. The Petition is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. § 31-12-107(f), as amended;

3. The City Council of the City of Salida, Colorado, will hold a hearing upon the Petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of C.R.S. § 31-12-104, § 31-12-105, and SMC §§ 16-2-10 through 16-2-40, as amended, and is considered eligible for annexation. The hearing shall be held on April 20, 2021, commencing at or about the hour of 6:00 p.m. remotely through the GoToWebinar application via this link: <https://attendee.gotowebinar.com/join/66586926411243589>. Additionally, depending on which tier of its COVID-19 Action Plan the City of Salida is in on April 20, 2021, based upon Public Health Department guidance, the hearing may also take place in person in the City Council Chambers, 448 East 1st Street, Salida, Colorado.

4. Any person may appear at such hearing and present evidence upon any matter to be determined by the City Council of the City of Salida, Colorado.

RESOLVED, APPROVED AND ADOPTED this 2nd day of March, 2021.

CITY OF SALIDA, COLORADO
RT. Wood, Mayor

(SEAL)

ATTEST:

City Clerk/Deputy City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

ALL THAT TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 60 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF DUPLEX 4-A, BOUNDARY LINE ADJUSTMENT AND REPLAT OF COCHETPCA ESTATES, AS RECORDED AT RECEPTION NO. 305963 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117 FROM WHENCE A 2 1/2" ALUMINUM CAP STAMPED "RM", LS 16117 BEARS SOUTH 86°32'11" WEST, A DISTANCE OF 13.90 FEET; THENCE NORTH 01°22'11" WEST, A DISTANCE OF 82.16 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140; THENCE NORTH 88°35'50" WEST ALONG SAID CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 777.08 FEET; THENCE CONTINUING ALONG SAID NORTHERLY BOUNDARY OF CHAFFEE COUNTY ROAD NO. 140 NORTH 88°34'35" WEST, A DISTANCE OF 497.11 FEET; THENCE NORTH 00°58'40" EAST, A DISTANCE OF 92.87 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN BOOK 378 AT PAGE 268 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND THE NORTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 140, MARKED BY A 1" ALUMINUM CAP STAMPED LS 1776; THENCE SOUTH 88°58'54" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 166.08 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 378 AT PAGE 268; THENCE NORTH 00°42'55" EAST, A DISTANCE OF 320.83 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 378 AT PAGE 268; THENCE NORTH 88°32'00" WEST, A DISTANCE OF 184.84 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 378 AT PAGE 268 AND ON THE EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141; THENCE NORTH 00°59'40" EAST ALONG SAID EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 124.84 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141; THENCE SOUTH 88°11'21" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 801.81 FEET TO THE NORTHWEST CORNER OF LOT 1, 141 ANNEX MINOR-SUBDIVISION AS RECORDED AT RECEPTION NO. 247084 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER; THENCE SOUTH 01°29'04" WEST, A DISTANCE OF 333.01 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 278208 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND A POINT ON SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140; THENCE SOUTH 88°30'22" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 418.06 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 389160 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER; THENCE SOUTH 78°51'15" EAST, A DISTANCE OF 60.86 TO THE POINT OF BEGINNING, CONTAINING 7.90 ACRES, MORE OR LESS.

VICINITY MAP



Published in The Mountain Mail March 12, 19, 26 and April 2, 2021

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 05
SERIES OF 2021**

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 UPCHURCH ANNEXATION.

WHEREAS, on December 14, 2020, Tory and Clee Upchurch (the “Owners”), filed an 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 5.32 acres located between County Roads 140 and 141, Salida, in the County of Chaffee, State of Colorado; plus a portion of County Road 140 stretching from the existing City limits at the eastern terminus of County Road 141 approximately 1,274 feet to the western terminus of County Road 141, totaling approximately 2.58 acres, 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. 04, Series of 2021 specified that the City Council would hold a hearing on the proposed annexation at its regular meeting on April 20, 2021, 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 April 20, 2021 held a duly-noticed public hearing to consider the proposed annexation; and

WHEREAS, notice of such hearing was published on March 12, 2021; March 19, 2021; March 26, 2021; and April 2, 2021 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 Upchurch 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 annexation to the City of the Upchurch Annexation described on Exhibit A is hereby approved pursuant to any conditions of approval included in the annexation agreement, and such real property is hereby annexed to and made a part of the City of Salida.
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, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on April 6th, 2021 and set for second reading and public hearing on the 20th day of April, 2021.

INTRODUCED ON SECOND READING AT A PUBLIC HEARING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the 20th day of April, 2021.

CITY OF SALIDA, COLORADO

P.T. Wood, Mayor

[SEAL]

ATTEST:

City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the ____ day of _____, 2021, and BY TITLE ONLY, after final adoption on the ____ day of _____, 2021.

City Clerk/Deputy City Clerk

LEGAL DESCRIPTION

ALL THAT TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 50 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBES AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF DUPLEX 4-A, BOUNDARY LINE ADJUSTMENT AND REPLAT OF COCHETOPA ESTATES, AS RECORDED AT RECEPTION NO. 309631 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE A 2 1/2" ALUMINUM CAP STAMPED "RM", LS 16117 BEARS SOUTH 86°38'21" WEST, A DISTANCE OF 13.80 FEET;
 THENCE SOUTH 01°25'11" WEST, A DISTANCE OF 82.16 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140;
 THENCE NORTH 88°35'30" WEST ALONG SAID CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 777.08 FEET;
 THENCE CONTINUING ALONG SAID NORTHERLY BOUNDARY OF CHAFFEE COUNTY ROAD NO. 140 NORTH 88°34'33" WEST, A DISTANCE OF 497.11 FEET;
 THENCE NORTH 00°58'40" EAST, A DISTANCE OF 80.87 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND THE NORTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 140, MARKED BY A 1" ALUMINUM CAP STAMPED LS 1776;
 THENCE SOUTH 88°38'54" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 185.05 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269;
 THENCE NORTH 00°52'55" EAST, A DISTANCE OF 220.83 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269;
 THENCE NORTH 88°32'00" WEST, A DISTANCE OF 184.68 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 AND ON THE EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141;
 THENCE NORTH 00°58'40" EAST ALONG SAID EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 124.84 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141;
 THENCE SOUTH 88°31'21" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 801.81 FEET TO THE NORTHWEST CORNER OF LOT 1, 141 ANNEX MINOR SUBDIVISION AS RECORDED AT RECEPTION NO. 447958 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER;
 THENCE SOUTH 01°29'04" WEST, A DISTANCE OF 333.01 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 279296 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND A POINT ON SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140;
 THENCE SOUTH 88°30'29" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 416.06 FEET, TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 389150 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER;
 THENCE SOUTH 78°51'30" EAST, A DISTANCE OF 60.86 TO THE POINT OF BEGINNING.
 CONTAINING 7.90 ACRES, MORE OR LESS

PREPARED BY:



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.

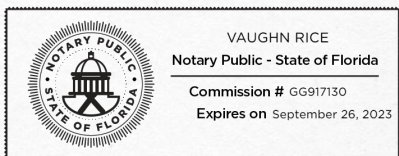
Signature of Petitioners Requesting Annexation to the City of Salida, Colorado	Date of Signature of Each Petitioner	Mailing Address of each Petitioner	Description of Property Included the Area Proposed for Annexation Owned by Each person Signing this Petition. (Attach separate sheet, if necessary)
<i>Tony Upchurch</i>			
<i>Tony Upchurch</i>	12/4/20	2112 ANN ARBOR AVE AUSTIN TX 78704	
<i>Cled Upchurch</i>	12/4/20	2112 ANN ARBOR AVE AUSTIN TX 78704	
<i>Cled Upchurch</i>			

ANNEXATION PETITION

CIRCULATOR'S AFFIDAVIT

STATE OF COLORADO)
) ss.
COUNTY OF CHAFFEE)

being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.



GG917130

09/26/2023

Florida

Hillsborough

Circulator

Subscribed and sworn to before me this 14 day of December, A. D. 2020.

Witness my hand and official seal. My commission expires: 09/26/2023.

Online Notary *Vaughn Rice* Vaughn Rice
Notary Public

Notarized online using audio-video communication

Acknowledged before me on this 14 day of December 2020, by Tory & Clee Upchurch who provided identification of:

Texas driver license



GENERAL DEVELOPMENT APPLICATION

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

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

- | | |
|--|--|
| <input checked="" type="checkbox"/> Annexation | <input type="checkbox"/> Administrative Review:
(Type) _____ |
| <input type="checkbox"/> Pre-Annexation Agreement | <input type="checkbox"/> Limited Impact Review:
(Type) _____ |
| <input type="checkbox"/> Variance | <input checked="" type="checkbox"/> Major Impact Review:
(Type) _____ |
| <input type="checkbox"/> Appeal Application | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Certificate of Approval | |
| <input type="checkbox"/> Creative Sign Permit | |
| <input type="checkbox"/> Historic Landmark/District | |
| <input type="checkbox"/> License to Encroach | |
| <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: Tory Upchurch

Mailing Address: 2112 Ann Arbor Ave Austin TX 78704

Telephone Number: 512-826-6152 FAX: _____

Email Address: toryup@gmail.com

Power of Attorney/ Authorized Representative: Bill Hussey and Ravi Reddy
(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: Upchurch Development

Street Address: Between CR 140 and CR 141, north of Shepherd Rd

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: Date: 12/14/20

Signature of property owner: Date: 12/14/20

Staff Use Only

Permit #: _____ Staff member assigned: _____ Public meeting Date: _____

Staff Comments: _____

Fee: _____ Receipt #: _____

My name is Tory Upchurch and my wife (Clee and I) love Salida. We used to live in Colorado and have been trying for years to find a town that fits us. We bought this land with the goal of eventually building a house for permanent residency so our goal is not to “get in and get out”. Our goal is to build relationships as we work through the project. I will be partnering with a friend of mine Ravi Reddy who is a developer by trade and has a great deal of experience navigating large projects and working through permitting and city process. We will like raise some money for friends and family for part of the financing of this project but will also be working with a bank (preferably local to Salida) for a majority of the financing.

In terms of location, we believe that the property is in a desirable area in terms of annexation. There are not many (if any) properties that would be available for annexation in the near future. Additionally, this property meets the City of Salida’s 1/6 contiguity rule and will be zoned consistently with other City properties in the vicinity. We will work with Public Works regarding utility extensions and public improvements.

In terms of costs and benefits, we plan to build 25+ units which will greatly relieve the housing availability stress that Salida is feeling right now and add to the tax base for the City of Salida. We will also work with the city and Chaffee County Housing Authority to provide affordable housing according the requirements set forth. I have already started a conversation with Read McCulloch at the Chaffee County Housing Authority to discuss options for working with them.

In terms of public facilities and services, we will be connecting to the water/sewer lines that already exist on CR 141 and CR 140 and extending them throughout the development. We also plan to build a public use city park in the center of the development that will be HOA maintained.

The current plan is to build a combination of single family and multi-family units that consist of mid-high end design and finishes. Our goal is to be a permanent resident in Salida at some point and we will ensure that our development adds a positive visual impact on the city for the long run.

Additionally, we will request to rezone the property to R2 which is consistent with the comprehensive plan and compatible with surrounding districts and uses.

Tory Upchurch
512.826.6152

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 Tory & Clee Upchurch, whose address is Upchurch property b/w CR 140 & 141, (hereinafter "Petitioner");
(see legal description in app)

WITNESSETH:

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:

- _____ Annexation
- _____ Limited Impact Review
- _____ 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:

- Engineering review and advice
- Legal review and advice
- Preparation of plats or plans
- Inspections
- Recording fees
- Filing fees
- Publication Costs
- 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 \$ 3000 at the time of making the initial application for the annexation + Rezone. ~~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.



Upchurch Project Conditions

Tory Upchurch <toryup@gmail.com>

Fri, Mar 26, 2021 at 2:29 PM

To: bill.almquist@cityofsalida.com

Cc: Bill Hussey <bhussey@crabtreegroupinc.com>

Bill -

Based on the recommendation of the Planning Commission to zone our property R1, I wanted to reach out and express my strong desire to have our property zoned R2. From the beginning of our discussions, I have had three main objectives in developing our property:

1. To own a house in Salida
2. Provide the community with more affordable homes
3. To provide Salida a new housing development that will have a positive long term impact.

I would like to add a 4th goal now that I understand more about the growth challenges that Salida faces:

4. Provide a model for future annexations that attempts to balance County and City objectives.

R1 Zoning will only accomplish my first goal which is not in everyone's best interest.

With that being said, I would like to make the following requests and/or recommend the following conditions be added to the annexation agreement:

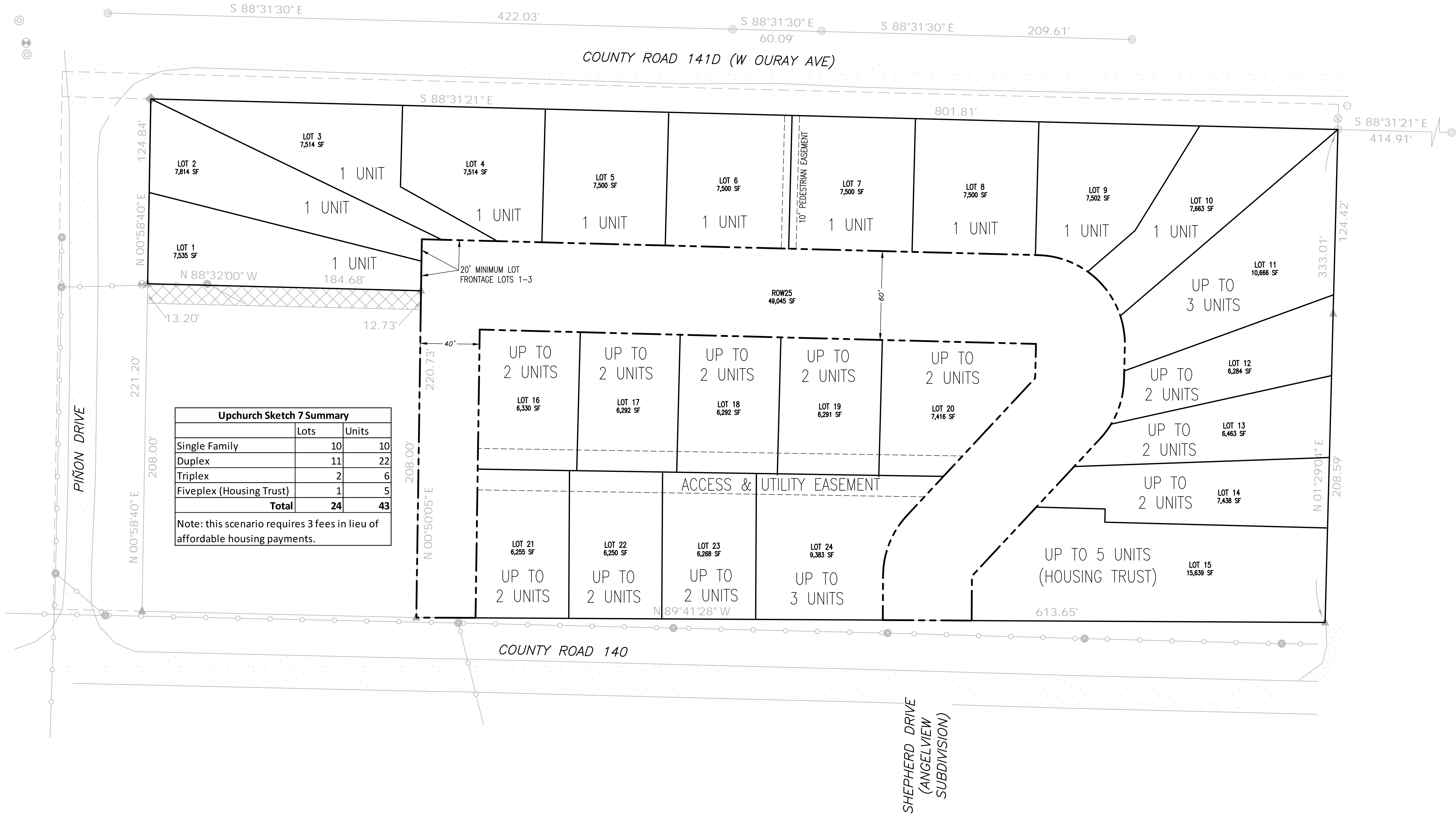
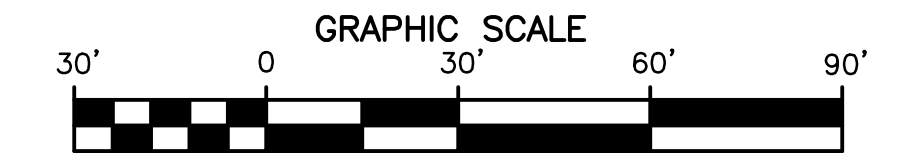
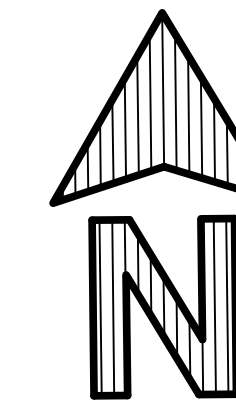
1. R2 Zoning for the entire property. We are willing to commit to R1 minimum Lot size and use standards (single family only) for Lots (1-10) adjacent to County Road 141.
2. Any future subdivision has to meet Chapter 16 Article 13 in the Salida City Code. Our current intent is to dedicate Lot 15 to the Chaffee County Housing Trust for them to build up to 5 inclusionary housing units.
3. Preference/first right of refusal for Chaffee County Residents: We have included 6 units in our development (2 Triplexes) that we will advertise to Chaffee County residents and do the vetting to ensure that Chaffee County Residents have the first opportunity to buy. Although these units are less profitable, these units will be at a lower price point which will afford Chaffee County Residents a better chance at buying a house.
4. If R1 Zoning is applied, we will develop all single family homes which will be at a much higher price point and likely be used as second homes for out of towners. This does not help with the housing affordability challenges for Chaffee County residents.
5. 1 STR License - this is a request I am making for my family as I stated as my main goal in point #1 above.
6. Subdivision of the subject parcel shall not require water and sewer main extensions in the following right of ways:
 - a. County Road 141
 - b. County Road 140 east of Shepherd Drive
7. Right of ways as shown on the conceptual plan shall be sufficient for subdivision, particularly the bends without radius, and the portion of 40' wide right of way on the west end of the site.
8. Lots 1, 2, and 3 may have less than the required minimum lot frontage, but no less than 20', substantially in accordance with the conceptual plan. Such lots must be 50' minimum width at the rear lot line.
9. This is not a condition but I feel it is important to call out our attempt in the current design to provide a seamless transition from the R3 zoned properties across CR140 putting the highest density in the South end of the property and moving to a less dense design in the North and East boundaries.

Additionally, I have attached the most recent subdivision concept design for your review assuming an R2 Zoning. Let me know if you have any thoughts or questions.

Tory
512.826.6152

20036 UPCHURCH CONCEPT 210326 R2.pdf
104K

UPCHURCH ANNEXATION SUBDIVISION SKETCH PLAN #7



Upchurch Sketch 7 Summary		
	Lots	Units
Single Family	10	10
Duplex	11	22
Triplex	2	6
Fiveplex (Housing Trust)	1	5
Total	24	43

Note: this scenario requires 3 fees in lieu of affordable housing payments.

PLANNING COMMISSION REGULAR MEETING

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

March 22, 2021 - 6:00 PM

MINUTES

Email public comments to: publiccomment@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

PRESENT

- Chairman Greg Follet
- Vice-Chair Francie Bomer
- Commissioner Judith Dockery
- Commissioner Giff Kriebel
- Commissioner Doug Mendelson
- Commissioner-Alternate Suzanne Copping

APPROVAL OF THE MINUTES

1. January 25, 2021 - draft minutes

Motion made by Vice-Chair Bomer, Seconded by Commissioner Dockery.
 Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery,
 Commissioner Kriebel, Commissioner Mendelson, Commissioner-Alternate Copping

2. February 22, 2021 - draft minutes

Motion made by Vice-Chair Bomer, Seconded by Commissioner Dockery.
 Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner
 Kriebel, Commissioner Mendelson, Commissioner-Alternate Copping

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 or Recommendation |

1. **Rose - Sacketts Addition Overlay deviation** -The applicants, Kevin and Susan Rose, are requesting approval for deviation from the requirements of the Sackett Addition Overlay for

the construction of an Accessory Dwelling Unit (“ADU”) at 334 E. Second Street, Salida, CO 81201

A. Open Public hearing - 6:04 pm

B. Proof of Publication

C. Staff Review of Application – **Jefferson** stated the applicant recently submitted revisions to their request that have not yet been reviewed by staff and therefore asked that the hearing be continued until April 26, 2021.

D. Applicant’s Presentation – None

E. Public Input – None

F. Close Public Hearing - 6:06pm

G. Commissioner Discussion - None

H. Commission Recommendation

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

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner-Alternate Copping

- 2. Upchurch Annexation** -The applicants, Tory and Clee Upchurch, are requesting approval of their 5.32 acre parcel to be annexed into the City of Salida. The property proposed for annexation is located between County Roads 140 and 141, as well as a portion of CR 140 stretching from the existing City limits at the eastern terminus of CR 141 approximately 1,274 feet to the western terminus of CR 141, totaling approximately 2.58 acres.

A. Open Public hearing - 6:07 pm

B. Proof of Publication

C. Staff Review of Application - – Almquist gave an overview of the annexation request for the Upchurch Annexation, and the justification for the serial annexation of the CR 140 ROW along with the Upchurch Annexation. The serial annexation is justified by the Intergovernmental Agreement (IGA) between Chaffee County and the City of Salida that defines this area as within the City of Salida’s Municipal Service Area (MSA).

City Council passed Resolution 2021-04 finding the application in substantial compliance with all applicable regulations and for Planning Commission to move forward with processing the annexation.

Staff finds the application has met all legal requirements for annexation. Staff supports the request with ten (10) recommended conditions, one revision to condition #3 that future lots adjacent to CR 141 be for single-family residential only, and recommended adding an eleventh (11th) condition stating that the area of overlap shown on the survey boundaries on the annexation plat shall be resolved prior to recordation of the annexation plan and agreement.

Kriebel asked if Angelview came into the City as an annexation. Staff responded yes, in the 1970’s. **Kriebel** asked if the property along Silver Spruce Drive come into the City as an annexation. Staff answered yes, in the 1990’s. **Kriebel** stated that regarding CR 140,

it appears there will be houses facing CR 140 and that would normally allow those houses to park along the road. Is CR 140 wide enough for parking? **Almquist** stated it is currently 80 feet of ROW and that does allow for parking along it, and Public Works commented that there would be parking along CR 140. **Dockery** asked if there would be driveways accessing CR 140. **Almquist** stated that the subdivision plat is not part of the request, however the concept plan that has been presented shows that the lots facing CR 140 would have rear vehicular access. **Bomer** asked for clarification that if this is approved and zoned, will the applicant need to come back to Planning Commission for subdivision approval. **Almquist** stated that yes, if the subdivision request is anything like the concept plan shown, it would require Planning Commission approval. **Mendelson** asked why they are discussing the annexation, he thought that at the joint work session with City Council they had been told their involvement would be limited to the subdivision. **Almquist** clarified that the joint work session between City Council and Planning Commission was for the annexation and zoning and the presentation of the concept plan was just for some initial feedback. **Mendelson** asked for clarification on what Planning Commission is voting on. **Almquist** clarified that Planning Commission is voting whether or not to recommend approval of the annexation to City Council for final vote. **Kriebel** asked if this property, shown as Mixed Residential on the Chaffee County Comprehensive Plan allows 4-16 dwelling units per acre, this concept plan could be implemented in the County. **Almquist** stated that is correct with some limitations due to the requirement of a pre-annexation agreement for the City to provide utilities in order to develop in the County in anticipation of future annexation to the City.

- D. Applicant's Presentation** – Applicant **Upchurch** stated they are working with the City to adhere to any guidelines and standards, and hopes to work with the surrounding neighbors to minimize impacts to their property. **Bomer** asked what happened to the HOA maintained park shown on the original sketch plan. The applicant stated the original design had a park along a road running north-south, but after discussions with Chaffee County and the City it was determined the Shepherd Street ROW would not connect to CR 141 to the north and in the revised layout it didn't make sense to include the park anymore.

Mendelson asked the applicant if they talked to the County first. **Upchurch** stated yes, and the County directed them to the City. If the applicant developed in the County, it would still require a pre-annexation agreement with the City to get access to utilities, so it made the most sense to just go to apply to the City for annexation. **Williams** clarified that the IGA requires properties in the MSA to come to the City and the City determines if the property should be annexed.

E. Public Input –

Tom Waters, no address provided. Concerned about the impacts of increased traffic on CR 140. Concerned about the amount of traffic on CR 140 created by this development plus Angelview. A traffic study should be completed and include an assessment for ingress and egress lanes, driveways, storm drainage, pedestrian crosswalks, signals and wildlife crossing impacts.

Clifford Whitehouse, 8195 CR 141C. Stated the annexation is a bad idea because it would not be an improvement to Salida and since the area can be developed without annexation and rezoning, there is no need for it. Development should be in areas already in the City and already with high density zoning. Since resources are limited, applications and requests should be balanced with their long term viability.

Stephanie Bradshaw, 8110 CR 141C. Opposed the annexation. Requested that a decision be delayed to allow time to resolve the boundary issue and to complete an Annexation Impact Report (AIR) to consider the effects of density, traffic, environmental effects, sewer and drainage, utilities, ditches on the neighbors and on schools. The City should look at the big picture. Requested single family, rural, residential use.

Mark Haarold, 8179 CR 141B. Felt the County Commissioners were much more receptive to the neighbors' concerns and is frustrated with interactions with city staff. Acknowledged that the recommended conditions address some of the concerns, but would like the City conditions to include all of the County Commissioners recommendations from their letter dated March 18, 2021, recommending only single-family homes on the parcel.

Deanna Myers, 8155 CR 141. Opposed annexation because of the negative impacts of increased street lighting. Development in the County at ¼ acre lots would be more compatible. Believed there should be buffers between different types of zoning. Wanted any development to be as harmonious as possible with surrounding development.

Ann Daniels, 7700 CR 141D. Objected to annexation due to the unresolved boundary issue, the lack of an AIR, that the CR 140 ROW should not count to meeting the contiguity requirement. Requested this property should be rural and a traffic study should be completed.

Dania Pettus, 8210 CR 141B. Requested any future public hearing be delayed until Covid is resolved because of difficulty for some concerned residents to participate. Concerned about access off of CR 140, parking along CR 141, traffic congestion, infrastructure limitations, suburban sprawl and compliance with the IGA.

Charlie Farrell, no address provided. Because this property can be developed in the County, believed there is no need to annex and that there is enough multi-family development on nearby properties. Requested that the property owner work with the County to develop the property.

Jessica and Nick Chariton, 8105 Spruce Street. Understood the need for affordable housing and growth, but would like to see Salida grow responsibly. Requested that the City and County work together on the inevitable growth. Concerned that this is irresponsible and haphazard development, and that it is not congruous with what is around it.

Aaron Huckstep, Attorney representing neighbor(s). Concerned that the application is incomplete because it appears the City is not following section 16-9-40 of their Code requiring a cost reimbursement agreement. Public Works identified the need for CR 140 improvements at the time of the Angelview development and we believe a cost reimbursement agreement would address this. Concerned there is no traffic study, no AIR, and that the boundary overlap is not resolved.

Larry Dean Metzler, 8110 CR 141C. Concerned with the impacts on CR 140, and the Shepherd Road intersection. Believes the City is favoring the applicant by annexing CR 140 which is in need of improvements and the need will increase with the impact of future Angelview development. Concerned that the proposed density is too high.

Michelle Pujol and Brent Patrini, 7616 Meadowlark Drive. Concerned about annexation creep and about the proposed density. Believes that it is backwards for the City to allow

higher density at outskirts. Meadowlark is seeing traffic and lighting impacts from Angelview. Opposed to annexation, and if annexed, density should be for single-family homes only.

Charla Waller, (James and Sharon Jacobsen, Kevin Jacobsen, Kristen Jacobsen) 8125, 8175 Ponderosa and 18 acre parcel abutting golf course. Concerned about impacts on water in Shavano Vista subdivision. Believes this not a good way for Salida to provide more affordable housing and that it should be developed in the County. If annexed, it should be with a compatible density.

Gabriel Pettis, 604 Ouray Avenue. Concerned about the increased traffic this development would add to the intersection of Holman/ CR 140 / Poncha Blvd intersection and the light pollution, noise pollution, as well as conflicts with pedestrians and bicycle traffic at that intersection. Lower density would lower the traffic.

Paula Farrell, 8255 CR 141. Requested that the annexation decision be delayed until an annexation impact report is completed, despite the site being fewer than 10 acres. Density, traffic, environmental, school, utility, police and fire safety, impacts need to be addressed and if annexed, a post-annexation impact report should be done to address these issues.

F. Close Public Hearing – 7:37pm

G. Commissioner Discussion –

Dockery asked why the boundary overlap was not resolved. **Upchurch** stated that it is not a dispute and that he is going to legally deed her the section that her fence line was over onto the Upchurch property, and deeding that property takes time. **Williams** clarified this area of overlap is not part of the property being annexed.

Keidler asked if a traffic study was done when Angelview was developed? **Almquist** stated the part that is developed was a minor impact subdivision so it did require a traffic impact analysis. A major impact subdivision will require a traffic study. **Kriebel** stated there has been a lot of development abutting CR 140 and traffic is a legitimate concern. Can this be required prior to annexation?

Williams clarified State Statute 31-12-108.5 states that an Annexation Impact Reports “shall not be required” for annexation of 10 acres or less. Shall not means cannot be required. The traffic impact report is a requirement of the City’s subdivision ordinance.

Bomer asked if there is any way a traffic impact report would not be required. **Almquist** stated yes, it is only required for a major subdivision. A minor subdivision of fewer than 5 lots does not require traffic study. **Bomer** stated that it would be unlikely that it would be a minor subdivision. She noted that the Angelview development was supposed to take over maintenance of CR 140, but when their plan changed from condominiums to townhomes that agreement no longer applied and it didn’t happen. **Almquist** stated that Public Works commented on the potential future capacity of the road as an 80 foot wide ROW collector road. Several conditions of the annexation approval are related to CR 141 and CR 140 regarding traffic impacts and improvements. **Bomer** asked what area would be included in a traffic study for the subdivision **Almquist** noted that the traffic study would specifically look at existing conditions and then adds on to that what is proposed by the subdivision. It would go beyond the Holman intersection. **Bomer** asked if Planning Commission could take into account the traffic affects when evaluating the subdivision

plat. **Almquist** noted yes. **Williams** noted that several of the recommended conditions address impacts to roadways.

Almquist clarified some of the items that were brought up in the public comments:

State Statute reads that the City shall not require an AIR because the parcel is less than 10 acres. Additionally, the topic of an AIR is addressed in the IGA with the County. **Williams** cited that language as follows: “County review of Annexation Impact Report. When required, pursuant to State Statute, the City shall have Annexation Impact Report prepared and delivered by the County on all property greater than 10 acres.” **Kriebel** asked if an AIR is precluded. **Williams** iterated that State Statute says an AIR “shall not be required” for annexations 10 acres or less in area, which means the City “cannot” require the applicant to do an AIR.

Some comments referenced possible development of the nearby “Treat” property, and there is no proposal for annexation of the referenced property.

The serial annexation of CR 140 is allowed for by state statute. By definition of this parcel being in the MSA, the IGA intends for it to be annexed, and the inclusion of CR 140 up to the MSA boundary is then logically included as part of this annexation.

There is no specific proposal for the future development of Angelview yet. It may happen soon but there is no specific application for development as of now.

Regarding lack of City response to inquiries, once an application is received by the City, elected officials are under quasi-judicial requirements for the zoning and quasi-legislative requirements for the annexation that prevents elected officials from discussing of the project. Staff has been responding to procedural questions.

Current Covid regulations do allow in person attendance in the chambers with limited capacity, and that the City has been conducting online hearings for many months now.

Follet asked if Angleview was required to provide street lighting on CR 140. **Almquist** did not think improvements to CR 140 were required, and that any lighting at Angelview is along their internal, private streets. Any lighting on CR 140 in the future would be public, which Exel would provide and they have their own standards for lights.

Bomer asked applicant if they would voluntarily complete an AIR. Applicant stated he doesn’t know what that involves so he could not commit to it at this time.

Bomer stated she’s troubled that they don’t have all the information she thinks they should to make this decision.

Mendelson stated he felt the County should have been included in hearing and that more study, including a traffic study, should have been done. He feels the annexation is moving too fast. **Follet** noted that the annexation of this area has been discussed extensively in the past. **Mendelson** feels it has not been discussed enough. He acknowledges that the proposal is compatible with the Salida Comprehensive Plan, but stated that it is not a great Comprehensive Plan and therefore this proposal should be tabled.

Copping asked how often the IGA is updated. **Almquist** replied it is updated as needed, with either party initiating the need to update. He addressed the concept brought up in some of the public comments that density should be focused at the core of a city. Salida’s core is a historic district with very limited development potential. The residential lots radiating out from the core are primarily already developed small lots. This is a barrier to

consolidating large lots interior to town to provide higher density housing near the core. Therefore the area that can accommodate higher density development is further out from the core. This is why the MSA from 2009/10 identifies these areas as the locations for future development and to provide needed housing, and therefore extended services to these areas. **Copping** noted that this conversation tonight has exposed some of the fault lines that appear to exist regarding approaches to the MSA area, and has brought to the front the tensions that exist in the implementation of the IGA. Do we need to rethink some language in the IGA to provide more guidance for the future? **Almquist** noted that the IGA and MSA do take into account the capacity of the transportation corridors along which higher densities should be located. Therefore not all areas of the MSA are designated for higher densities, just those where the transportation capacity is available.

Copping posed the question - What happens if we don't annex? If we annex, then City of Salida land use code and standards apply and therefore the City has more control over future development.

Bomer concurred that, while she has some concerns, if the annexation is denied, the potential density in County could be the same.

Williams provided additional clarification on the IGA, noting that it states that all new land use development applications shall be submitted to the City and the County agrees not to accept land use development applications for property within the MSA. Annexation and development agreement will be considered with terms that conform to the Salida Municipal Code and Comprehensive Plan and that the City shall not deny annexation except for good cause.

Mendelson noted that he found the applicant's letter confusing re: the intention of the applicant to live on the property.

H. Commission Recommendation –

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

Discussion ensued regarding amending the motion to amend condition #8 to require that the inclusionary housing requirement be met by built units rather than by fee-in-lieu. Williams clarified that this will be accomplished under the current wording of condition #8 and that no amendment is necessary.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner-Alternate Copping

Voting Nay: Commissioner Mendelson

3. **Upchurch Zoning** - The applicants, Tory and Clee Upchurch, are requesting a zoning designation of Medium-Density Residential (R-2) should the property be annexed.

A. Open Public hearing – 8:40 pm

B. Proof of Publication

C. Staff Review of Application – Almquist gave an overview of the zoning request. Staff supports the request for a zoning designation of Medium-Density Residential (R-2) with no conditions.

Dockery asked what the maximum number of units are that could be built in R-1.

Almquist stated it is 11 units per acre based on maximum density, but the minimum lot size is 7,500 square feet which would be more limiting on a built-out subdivision site.

Mendelson asked why the City is approving zoning without a plan.

Williams clarified this is to zone the newly annexed property. It is required within 90 days of annexation. It cannot be conditioned because it is just zoning.

- D. Applicant's Presentation – Upchurch** stated that the current plan is to dedicate the lot on the southeast corner to Chaffee County Housing Trust to build the inclusionary housing. He believes it needs R-3 zoning in order for that lot to work for them. He would also like to do R-3 zoning on the south side of property because it allows for more flexibility in driveway and multi-family configurations than R-2, not with the intent of maximizing the R-3 density.

Follet asked if applicant plans on incorporating some open space. Upchurch stated that with the modification of the road configuration, it does not flow well with plan, but he's not completely opposed to it.

Hussey, as applicant's representative, stated the difference between the two plans is that the square feet of public row has increased from 30k sf to over 50k sf.

Bomer stated the currently shown triangle lot appears to be a good spot for open space.

E. Public Input –

Aaron Huckstep, believed that annexation is not mandatory. Stated that density should be concentrated in the center of the city, not at edge. If applicant intends to eventually rezone, why not make R-1 now and let them rezone to R-3 later?

Tom Waters, requested that the zoning is set to the lowest density possible.

Clifford Whitehouse, concerned with development near the airport. Stead the County recommended R-1. Requested to use the 90 days allowed until zoning of the property is required. Believed Salida should prevent development of over-stimulating environments.

Stephanie Bradshaw, opposed to anything greater than R-1 zoning. Does not believe higher density is compatible given contiguity to 1-5 acre lots. R-1 was recommended by County. Requested that a traffic study be done prior to ruling on zoning request.

Mark Harrold, concerned that the County Commissioners have a better understanding of the effect of this property on surrounding land owners. County recommended R-1. Applicant said in letter they were going to build a "public-use park".

Deanna Meyers, Comprehensive Plan says should be complimentary on mass and scale. Lot size difference is not complimentary. Would like the inclusionary housing to be a single-family home rather than multi-family.

Ann Daniels, stated that planning theory does not support flagpole annexation at boundary for high-density housing. It should be at city center. This should be R-1 to blend higher density of city with rural character of county.

Dania Pettus, felt the density was inappropriate. Should not consider density greater than R-1. Concerned about parking that might spill onto CR 141.

Charlie Farrell, felt that the staff report and presentation did not address the neighbors' concerns, including a petition signed by the neighbors. He felt there should have been a meeting with neighbors to address their concerns. Requests that the zoning be R-1.

@ 3:41 Chairman **Follet** assured the public that the Planning Commission packet did include comments and letters demonstrating the neighbors' concerns.

Almquist further clarified that the letter from the Chaffee County Board of Commissioners was also included in the Planning Commission Packet. Regarding the referenced petition, it had been sent directly to City Council in January, who shared it with staff. At that time, the applicants' application submittal had not yet been deemed complete and no noticing regarding the application had gone out. Public commentary is only allowed to be considered for the public hearing if it is submitted after there is a complete application to be considered. The petition's original submittal date was well before a complete application. A late-hour request was made to submit this petition into the public comment record. **Almquist** then forwarded the petition to the Planning Commission.

Dean Metzler, stated that he felt this is sprawl and the site should be zoned R-1.

Jeff Meyers, according to the 2000 Salida Comprehensive Plan, the purpose is to protect existing neighborhoods from negative impacts of new uses. A multi-family housing development such as this would have a negative property value impact on the existing neighbors.

Michelle Pujol, agreed with what others have said. Felt staff only presented the pros and ignored the cons of this application. Requests it be zoned R-1.

Paula Farrell, concerned about additional annexations in the future along CR 140 and city the April 2, 2018 City Council and Planning Commission joint work session. Believes if affordable housing is a concern, then City should require more affordable units, and they should be single-family homes and the applicant should be responsible for building them. Requests it be zoned R-1.

Charla Waller, (+ representing James, Sharon, Kevin and Kristen Jacobsen) believed the MSA map is deceptive in how it shows the 18-acre parcel in orange. Stated that this property should not be R-3; please zone it R-1.

F. Close Public Hearing - 9:56 pm

G. Commissioner Discussion –

Bomer stated the applicant can start at R-1 and based on other studies, can evaluate changing.

H. Commission Recommendation - Motion made by Vice-Chair Bomer to recommend to City Council approve the zoning to R-1. Seconded by Commissioner Kreibel.

Discussion on the motion: **Copping** asked if a traffic study would still be required at subdivision if it was zoned R-1. **Bomer** stated she believed it would. **Almquist** clarified that a traffic study can be requested by the Administrator at Major Impact Review, but that it is not automatically required. **Bomer** asked if she could condition the approval on providing a traffic study at Major Impact Review of the Subdivision. **Williams** clarified that a zoning cannot be conditioned. City Manager **Nelson** stated that if it was a decision

of his, he was committed to requiring a traffic study at Major Impact Review for the subdivision.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner-Alternate Copping

UPDATES- None.

COMMISSIONERS' COMMENTS

ADJOURN: With no further business to come before the Commission, the meeting adjourned at 10:10 p.m.



Bill Almquist <bill.almquist@cityofsalida.com>

City of Salida, Upchurch Addition Comment

Jeff Myers <jeff@landmen.com>

Mon, Mar 8, 2021 at 10:39 AM

To: "pt.wood@salidaelected.com" <pt.wood@salidaelected.com>, "dan.shore@salidaelected.com" <dan.shore@salidaelected.com>, "jane.templeton@salidaelected.com" <jane.templeton@salidaelected.com>, "Justin.critelli@salidaelected.com" <Justin.critelli@salidaelected.com>, "mike.pollock@salidaelected.com" <mike.pollock@salidaelected.com>, "harald.kasper@salidaelected.com" <harald.kasper@salidaelected.com>, "alisa.pappenfort@salidaelected.com" <alisa.pappenfort@salidaelected.com>
Cc: "bill.almquist@cityofsalida.com" <bill.almquist@cityofsalida.com>, "kristi.jefferson@cityofsalida.com" <kristi.jefferson@cityofsalida.com>

We do not know each other but I have received notice in the mail from the City of Salida, Colorado, about a proposed new development adjacent to my home and since it says we can comment, I feel compelled to offer my input.

My name is Jeff Myers. My wife and I are property owners of a 5 acre parcel at [8155 CR 141](#), in Salida, CO, which is directly adjacent and contiguous on the corners to the newly proposed above referenced addition.

Since we own an adjacent property and one of the largest homes in the affected area , which would, therefore, normally be one of the most valuable pieces of property and one of the most affected in value by this proposed development, I would like to make a comment.

While we all know about the need for more affordable housing in our area, I would like to ask each of you to take a journey outside of your present positions and imagine for a moment that you have been placed in our shoes.

If you can go there, you will find yourself as being retired and living in a 4,000+ square foot home directly caddy-corner to the subject property, that you have invested over seven figures and a substantial portion of your hard earned net worth into.

Now imagine if you can that you have been asked to approve something to be built right next to you that will certainly affect one of your largest investments in such a manner that literally overnight will no doubt reduce the value of your property over \$200,000.

Since you are an elected official or city employee, it is apparent that you are at or above the normal intelligence level of the populace. I would submit to you that committing "economic suicide" to your estate by approving something that would create such an impact on you would not be wise.

Assuming that you are not Warren Buffet's or Bill Gate's child, which we are not, you would admit that approving something like this is not in your best interest.

If you have been successful in visualizing the situation that we find ourselves in, I believe that you can now appreciate our position on this proposal and can much better understand its overall impact on us and other adjoining property owners.

For any thinking, reasonably intelligent person to believe for even a moment that this proposed development will not a substantial negative impact on people in our position is not utilizing critical thinking and would not be something we would knowingly inflict on ourselves.

Item 9.

I will point out that even the developer is well aware of the fact that properties like ours being adjacent to his is one of the positive economic factors in his overall plan to invest in this property and leverage it into a much more favorable light for him to his potential future buyers.

When you can say to a potential buyer that if you buy into this lot in my addition, you will be right next to some million-plus dollar properties, I am sure you would agree it certainly works in your favor.

If this development goes through as proposed, and if you can still see yourselves in our shoes, I would suggest that you would deem it prudent, upon getting your annual County Property Tax bill, to venture down to the Assessor's office to "fight" the valuation that had previously been used for your property as being now fairly useless and needing to be lowered substantially due to the economic impact of the new addition.

Now, not that any of the above needs verification of the validity, if the analogy of being in our shoes is not a journey that works for you, I have another technical approach on this proposal that I will offer.

In my own past work as a state licensed real estate appraiser working on contracts for many municipalities, state government entities, industrial entities, etc., often involving land acquisition through negotiation, eminent domain and such, I have been called on many times as an expert witness in many courts in the country being both Federal District Bankruptcy Courts, Local District courts and State Regulatory agencies and I have an economic understanding of the impact events such as this proposal on neighboring properties.

If I was not personally involved in this situation, and had kept my license current, I could legally testify from an appraisal standpoint and verify the information as just illustrated with the "being in our shoes" scenario.

Thank you for your time and allowing me the ability to comment.

Jeff Myers

[8155 CR 141](#)

[Salida, CO 81201](#)

918-809-4684 cell.



Upchurch Annexation and Rezoning

Ann Daniels <asdaniels@comcast.net>
To: bill.almquist@cityofsalida.com

Wed, Mar 17, 2021 at 1:18 PM

Mr. Almquist: Would you please forward this letter to all of the City Planning Commission members for me? I have not been able to locate their email addresses and was advised you might be able to help.

Thank you, in advance, for doing so.

Dear City of Salida Planning Commission Members:

We are here to ask the City of Salida Planning Commission for the lowest level of density possible on the Upchurch property. If the property is annexed, which we object to, we request R-1, low density, so this development blends in with its rural county surroundings.

So far, we are aware, due to the signs posted on the property addressed to the public, and also through the Mountain Mail, that Mr. Upchurch has committed to developing his parcel of land at R-2 density. However, if his property is annexed, we, his neighbors, request R-1, single family dwellings with the lowest density possible. What would be wrong with having five, one acre lots with five beautifully built homes on them? Mr. Upchurch could profit from this and the surrounding community would not be as detrimentally impacted as it would be otherwise. Because he has now publically committed to R-2, this should prohibit him from building high density duplexes and multifamily residences, including tri-plexes, townhomes and apartments. We feel strongly that a high density, multifamily development is not compatible with this parcel of land due to the county lots surrounding it on every side, including two houses to the south and three houses to the east.

The bottom line is that we, in the County, are feeling Salida sprawl sneak up on us and we don't like it. We purposefully bought our properties here for the rural, country feel, and instead are about to be enveloped by city overflow. We believe there is a way to integrate the City into the County, but it is not by squeezing 27 lots onto 5.32 acres and over-building them, in an area where the surrounding County houses are detached single family dwellings on bigger parcels of rural land. The Upchurch property could be the perfect opportunity to create a transitional smaller development that would gradually blend the higher density of the City into the lower density, rural character of the surrounding subdivisions and county houses.

In closing, we would like you to commit to assuring us that a high quality, low density development will be built that reflects our rural County environment and community.

Thank you for your time and consideration in this matter.

Please include this communication in your packet material for the public hearings related to this issue.

3/17/2021

City of Salida Mail - Upchurch Annexation and Rezoning

Ann S. Daniels and David C. Ross

7700 County Road 141 D

Salida, CO 81201

asdaniels@comcast.net

303/870-7914

Item 9.

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March 17, 2021

Salida City Council
Salida Planning Commission

My name is Deanna Myers, and I reside at 8155 CR 141. My husband and I moved to this area 8 years ago after traversing the country for a year or more looking at communities from California to Florida where we might like to hang our hats. We fell in love with this place, likely for the same reasons you live here. 360 degree views, outdoor recreation opportunities, quaint, artsy town with good music and dining, and out of the noise and traffic of the big city, reminding one of Breckenridge of yore. These reasons are also discussed extensively in the Chaffee County Comprehensive Plan, which I will refer to later. I have also included in this written material references for some of my comments which may be helpful.

REPRESENTATION

Those of us who oppose the annexation of the Upchurch property are not your constituents. We do not have the ability to vote for those who sit on this body nor to serve on this council or commission. As county residents, we find that under state law and the Salida IGA (Intergovernmental Agreement), adopted March 2, 2010, all decision making regarding annexation and zoning within the Municipal Planning Area (MPA), of which we are a part, has been abdicated to the Salida Council. We are thus in a position where our only recourse is to beg for your mercy and consideration of our interests. Please try to think how you would feel in our situation.

UPCHURCH ANNEXATION, REZONING AND MAJOR SUBDIVISION PROPOSAL

The Upchurch Annexation, Rezoning and Major Subdivision proposal requests annexation into the city of Salida, rezoning of the property to R-2 and R-3, and conceptual approval of a 27 lot subdivision development, as revised. I object to all three proposals. I will address only a couple of issues that may not be addressed by others.

Rezoning - The Upchurch proposal is correct in stating that the closest in-City properties are zoned R-3, and other nearby in-city properties are zoned R-2. These properties are on the East and South of the property to be annexed. The proposal fails to note that the remaining adjacent properties, are outside of the city, and are comprised of one acre lots to the North and five acre lots to the West. I live on one of the five acre lots in Ranchos de Caballeros, a subdivision of 5 acre horse ranches where up to 4 horses are allowed per lot.

The Upchurch Annexation area is within the Municipal Service Area (MSA), therefore, were it to be developed under the Chaffee County Land Use Code, the maximum density for the area would be 4 units per acre with connection to central water and sewer.

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. In fact, under the Salida Code, **single family residences are permitted in an R-3 zone only with Administrative Review**. Sec. 16-4-150 (emphasis added).

Therefore, adopting R-3 zoning for the tract and approving a subdivision of 26-27 lots would result in at least 52 dwellings (duplexes only), and likely many more on this tract, and up to 19 unit apartments would be allowed under the same Administrative Review. While we do not know how many dwelling units will be placed on this property if approved, the development would likely result in a density of 8 to 15 or more units per acre, as opposed to the 4 units per acre allowed if developed under the Chaffee County rules.

It simply does not make sense to place such a dense development adjacent to 5 acre tracts. Good planning would place a buffer or transition area between such properties.

Annexation and Subdivision –

If annexed, the property would be developed under the city code, which would require one street light per 300 feet of street length.¹ Artificial exterior lighting has a deleterious effect on dark skies, impacts wildlife, creates potentially harmful health effects², and generally interferes with neighboring owners enjoyment of their property. For example, outdoor artificial nighttime lighting interferes with the migratory patterns of the miller moth, which created an extreme nuisance around our property last year. Furthermore, it is a fallacy that exterior lighting prevents crime. In fact, a review of one of the few studies on this subject, The Chicago Alley Lighting Project³, shows that incidences of crime actually increase with the addition of lighting.

Annexation is unnecessary because the property can be adequately developed under county standards without annexation. As stated above, with connection to central water and sewer, the property could be developed into ¼ acre single family dwellings. Additional nighttime lighting would not be required, and one quarter acre lots would be more in keeping with the surrounding properties to the North and West.

¹ Sec. 16-8-20. - Road, driveway and sidewalk standards (12) Street Lights. In new subdivisions and for development along arterial streets street lights shall be provided at a minimum of one (1) light every three hundred (300) feet of street length.

² American Medical Association, REPORT 4 OF THE COUNCIL ON SCIENCE AND PUBLIC HEALTH (A-12) Light Pollution: Adverse Health Effects of Nighttime Lighting, David Blask, PhD, MD (Tulane University School of Medicine); George Brainard, PhD (Jefferson Medical College); Ronald Gibbons, PhD (Virginia Tech); Steven Lockley, PhD (Brigham and Women's Hospital, Harvard Medical School); Richard Stevens, PhD (University Connecticut Health Center); and Mario Motta, MD (CSAPH, Tufts Medical School) [https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/public/about-ama/councils/Council Reports/council-on-science-public-health/a12-csaph4-lightpollution-summary.pdf](https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/public/about-ama/councils/Council%20Reports/council-on-science-public-health/a12-csaph4-lightpollution-summary.pdf).

³ The Chicago Alley Lighting Project: Final Evaluation Report, April 2000, Prepared by Erica N. Morrow, Shawn A. Hutton, Research and Analysis Unit, Illinois Criminal Justice Information Authority <https://www.darksky.org/wp-content/uploads/2014/09/Chicago-Alley-Lighting-Project.pdf>

In closing, please deny this request. The City may decline to annex if “the City does not desire to annex the property for reasons defined by the ... City Council.”⁴ Denial would be in keeping with the purpose of the Chaffee Salida IGA to “ensure that development...will not unintentionally encroach into areas designated as having rural densities and land use types by the county⁵” and of the Salida Comprehensive Plan, which is intended to guide city decision-making on issues regarding growth and land use, and which calls for encouraging “agriculture and low density residential development in the open lands within the Municipal Planning area around the city”.⁶

And please keep in mind one of the findings made in hearings on the Chaffee County Comprehensive Plan, “While the concentration of residential development around existing towns may be a good idea generally, overly dense development and creation of unattractive urban projects not in keeping with the small town character of each community should be avoided.”

Respectfully submitted,



Deanna Myers

8155 Co. Rd. 141
Salida, CO 81201
918-636-5292

⁴ Amended Intergovernmental Agreement between the City of Salida, Colorado and Chaffee County, Colorado, dated March 2, 2010, Resolution 2010-23. Article IV, Section 4.3.a (4).

⁵ Amended Intergovernmental Agreement between the City of Salida, Colorado and Chaffee County, Colorado, dated March 2, 2010, Resolution 2010-23. Article I. Section 1.1(4).

⁶ City of Salida 2013 Comprehensive Plan, Action CC-III.2.a



Fwd: Proposed Upchurch Annexation along Co Rds 140 and 141

2 messages

James And Sharon Jacobson <jskjacob@q.com>

Wed, Mar 17, 2021 at 6:03 PM

To: pt.wood@salidaelected.com, dan.shore@salidaelected.com, jane.templeton@salidaelected.com, Justin.critelli@salidaelected.com, mike.pollock@salidaelected.com, harald.kasper@salidaelected.com, alisa.pappenfort@salidaelected.com, clerk@cityofsalida.com, bill.almquist@cityofsalida.com, gfelt@chaffecounty.org, kbaker@chaffecounty.org, rgranzella@chaffecounty.org, publiccomment@cityofsalida.org, drew.nelson@cityofsalida.com
Cc: Upchurch-Annexation@googlegroups.com

Forwarded is our attached email to the county commissioners dated January 12, 2021 opposing the Upchurch annexation along Co Rd 140 and 141.

Please include this communication in your packet of materials for the Public Hearings related to this matter.

James Jacobson PE
Sharon Jacobson

Sent from my iPad

Begin forwarded message:

From: James And Sharon Jacobson <jskjacob@q.com>

Date: January 12, 2021 at 6:27:08 PM EST

To: gfelt@chaffecounty.org, kbaker@chaffecounty.org, rgranzella@chaffecounty.org

Cc: upchurch-annexation@googlegroups.com

Subject: Proposed Upchurch Annexation along Co Rds 140 and 141

Hello,

Our names are James and Sharon Jacobson. We live at 8175 Co Rd 141B in Shavano Vista subdivision. We are writing this letter to object to the Upchurch Annexation that is being proposed along Co Rd 140 and 141. This annexation is being proposed as a high density development in an area that has homes on acreages varying from approximately 1 acre to 5 acres. Shavano Vista was one of the first early developments west of Salida, platted in 1966 and it was approved and planned only for homes on acreages in a rural environment.

Now we believe the county has a duty to adhere and uphold to the land use plans that were developed and approved in those earlier years and to also adhere to the current provisions and guidelines spelled out in their own current land use code guidelines particularly the provisions on **incompatibility** and **visual impact**.

Concerning the Upchurch annexation, which has proposed building single family and multi family dwellings with 26 lots on 5.32 acres of land, that in its self, is certainly going to be **incompatible** with the existing rural adjacent neighborhood. Paragraph 6.4.1B in the county Land Use code cites as part of the following General Review Criteria for applicant review:

“Relationship to Surrounding Area. The PD is not incompatible with the III

“Visual Impacts. Construction on ridge lines that are visible from major roadways or residential development shall be compatible with the surrounding natural environment.”

It certainly appears that the Upchurch annexation and development as proposed definitely does not comply to the above county land code review guidelines.

The other issue we have, is why is the county going ahead with annexing additional Co Rd 140 right of way to the city without consulting with all the residents living along that section of the road? It appears to us that this is only being done to meet the 1/6 contiguity requirement by aiding annexation of this land to the city.

We ask the county for cooperation and to advocate for maintaining our existing rural environment.

Thank you for your consideration.

James Jacobson, PE
Sharon Jacobson



Bill Almquist <bill.almquist@cityofsalida.com>

Upchurch Annexation

Ann Daniels <asdaniels@comcast.net>

Sun, Mar 7, 2021 at 7:06 PM

To: pt.wood@salidaelected.com, dan.shore@salidaelected.com, jane.templeton@salidaelected.com, justin.critelli@salidaelected.com, mike.pollock@salidaelected.com, harald.kasper@salidaelected.com, alisa.pappenfort@salidaelected.com, bill.almquist@cityofsalida.com, kristi.jefferson@cityofsalida.com, clerk@cityofsalida.com

From: Judith Kinzie [mailto:judithkinzie@gmail.com]

Subject: Upchurch annexation

Dear City Council and others who may be involved,

We live at 8015 County Road 141 in Ranchos de Caballeros on 5 acres, 1 home. We object to the proposed increased density across the street from us. Our surrounding community to the west and north is rural, with those on the north having one acre per home. There are 2 homes to the east on 1 acre each that abut, are directly contiguous, to the Upchurch land. We prefer less density to better blend in with its surroundings.

Please include this communication in your packet material for the public hearings related to this matter.

Sincerely, Ed and Judith Kinzie

Sent from my iPad



City of Salida, Upchurch Addition

Jeff Myers <jeff@landmen.com>

Mon, Mar 15, 2021 at 2:18 PM

To: "Drew.nelson@cityofsalida.com" <Drew.nelson@cityofsalida.com>

Cc: "pt.wood@salidaelected.com" <pt.wood@salidaelected.com>, "dan.shore@salidaelected.com" <dan.shore@salidaelected.com>, "jane.templeton@salidaelected.com" <jane.templeton@salidaelected.com>, "Justin.critelli@salidaelected.com" <Justin.critelli@salidaelected.com>, "mike.pollock@salidaelected.com" <mike.pollock@salidaelected.com>, "harald.kasper@salidaelected.com" <harald.kasper@salidaelected.com>, "alisa.pappenfort@salidaelected.com" <alisa.pappenfort@salidaelected.com>, "Cc:" <bill.almquist@cityofsalida.com>, "kristi.jefferson@cityofsalida.com" <kristi.jefferson@cityofsalida.com>

Mr. Nelson:

We do not know each other but in light of an email of yours that is at the bottom of this email string and below mine here (which I sent to many of the city of Salida city people last week, but did not know who you were and neglected to include you in on and I apologize so it is here now for you too) it appears that I (and others similarly affected) may be one or more of the "angry neighbors" that you refer to in your email about the subject that you sent last week to others.

In light of how some of us who are negatively economically impacted by this cause may now be referred to by folks like you, I would request that if you have not seen my email about the subject before now, that you take time to read it and ask that you put yourself in our shoes as well and see what your attitude then might be about the residents impacted by this issue!

I believe that if you can see this in how it affects us, that perhaps you may see why we are not looking at this endeavor as favorable on our parts and may in fact appear angry. I am willing to bet a large sum of money that if your assets in the world were reduced overnight by over a quarter of a million dollars in value by something that someone in authority did to you, you could in fact be classified and referred to as "angry" as well.

I understand that the Texas developer behind this proposal has said to some of my neighbors that he is looking at "making some money" off of this endeavor so that he can "afford to move here himself".

While I don't mind anyone making money, I am not in favor of them doing so by extracting it out of my pocket. I doubt you would favor that if it were to happen to you either?

Why the City thinks it is OK to place multi-family housing into a rural area and reducing our current resident property values so that an Out-of-State developer can "make some money" somehow escapes my logic. Maybe you can explain to me why it is important to you, please?

If we are that hard up for places to put affordable housing that we have to do so by negatively impacting many residents who have put a lot of hard-earned money into their property, we are a little more left-leaning liberal here in Salida than even an "open-minded" democratically-oriented person like myself can stand.

Thanks for your time and I hope that perhaps you can understand why those of us in our position we may feel as we do. I am saddened by that fact that we are now referred to by those in authority such as you as "angry neighbors".

I would like to ask a favor of you however and that is in the future that you not refer to us by that name on this project but just call us the "negatively economically impacted residents" as I believe that it more accurately will describe us and be more factual and less mean.

Also, my apologies to all the previous folks that I sent this to whom I am copying in here again on this email, but for sake of avoiding conflict-of-interest on any ex-parte communication, I felt it necessary to include you again, sorry!

Item 9.

Jeff Myers

8155 CR 141

Salida, CO 81201

918-809-4684 cell

From: Jeff Myers

Sent: Monday, March 8, 2021 10:40 AM

To: pt.wood@salidaelected.com; dan.shore@salidaelected.com; jane.templeton@salidaelected.com; Justin.critelli@salidaelected.com; mike.pollock@salidaelected.com; harald.kasper@salidaelected.com; alisa.pappenfort@salidaelected.com

Cc: bill.almquist@cityofsalida.com; kristi.jefferson@cityofsalida.com

Subject: City of Salida, Upchurch Addition Comment

We do not know each other but I have received notice in the mail from the City of Salida, Colorado, about a proposed new development adjacent to my home and since it says we can comment, I feel compelled to offer my input.

My name is Jeff Myers. My wife and I are property owners of a 5 acre parcel at [8155 CR 141](#), in Salida, CO, which is directly adjacent and contiguous on the corners to the newly proposed above referenced addition.

Since we own an adjacent property and one of the largest homes in the affected area, which would, therefore, normally be one of the most valuable pieces of property and one of the most affected in value by this proposed development, I would like to make a comment.

While we all know about the need for more affordable housing in our area, I would like to ask each of you to take a journey outside of your present positions and imagine for a moment that you have been placed in our shoes.

If you can go there, you will find yourself as being retired and living in a 4,000+ square foot home directly caddy-corner to the subject property, that you have invested over seven figures and a substantial portion of your hard earned net worth into.

Now imagine if you can that you have been asked to approve something to be built right next to you that will certainly affect one of your largest investments in such a manner that literally overnight will no doubt reduce the value of your property over \$200,000.

Since you are an elected official or city employee, it is apparent that you are at or above the normal intelligence level of the populace. I would submit to you that committing "economic suicide" to your estate by approving something that would create such an impact on you would not be wise.

Assuming that you are not Warren Buffet's or Bill Gate's child, which we are not, you would admit that approving something like this is not in your best interest.

If you have been successful in visualizing the situation that we find ourselves in, I believe that you can now appreciate our position on this proposal and can much better understand its overall impact on us and other adjoining property owners.

For any thinking, reasonably intelligent person to believe for even a moment that this proposed development will not have a substantial negative impact on people in our position is not utilizing critical thinking and would not be something we would knowingly inflict on ourselves.

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I will point out that even the developer is well aware of the fact that properties like ours being adjacent to his is one of the positive economic factors in his overall plan to invest in this property and leverage it into a much more favorable light for him to his potential future buyers.

When you can say to a potential buyer that if you buy into this lot in my addition, you will be right next to some million-plus dollar properties, I am sure you would agree it certainly works in your favor.

If this development goes through as proposed, and if you can still see yourselves in our shoes, I would suggest that you would deem it prudent, upon getting your annual County Property Tax bill, to venture down to the Assessor's office to "fight" the valuation that had previously been used for your property as being now fairly useless and needing to be lowered substantially due to the economic impact of the new addition.

Now, not that any of the above needs verification of the validity, if the analogy of being in our shoes is not a journey that works for you, I have another technical approach on this proposal that I will offer.

In my own past work as a state licensed real estate appraiser working on contracts for many municipalities, state government entities, industrial entities, etc., often involving land acquisition through negotiation, eminent domain and such, I have been called on many times as an expert witness in many courts in the country being both Federal District Bankruptcy Courts, Local District courts and State Regulatory agencies and I have an economic understanding of the impact events such as this proposal on neighboring properties.

If I was not personally involved in this situation, and had kept my license current, I could legally testify from an appraisal standpoint and verify the information as just illustrated with the "being in our shoes" scenario.

Thank you for your time and allowing me the ability to comment.

Jeff Myers

[8155 CR 141](#)

[Salida, CO 81201](#)

918-809-4684 cell.

Marcella Bradford

From: Drew Nelson <Drew.nelson@cityofsalida.com>

Sent: Friday, January 15, 2021 1:29 PM

To: Bob Christiansen

Cc: bill.almquist@cityofsalida.com; Nina Williams

Subject: Upchurch Annexation

Bob – It appears that following the public comments from neighbors out on CR 140 regarding the proposed Upchurch Annexation, County planning staff (Jon Roorda) may have been working on some suggestions for public road dedication that will be requested by Chaffee County as part of the upcoming annexation hearing on this item. In addition, we are

3/18/2021

City of Salida Mail - City of Salida, Upchurch Addition

under the impression that Chaffee County will be requesting an Annexation Impact Report; however, it is our belief that the IGA only requires these reports with annexation is in excess of 10 acres, which this property is less than.

Item 9.

We believe it might be appropriate to schedule a meeting between the City and County (no applicants, elected officials, or angry neighbors) to discuss these ROW dedication and annexation report requirements. Attendees should include administrators, planners, and attorneys working on this application. I look forward to figuring out a good time to meet.

Sincerely,

Drew Nelson

Drew Nelson, City Administrator

City of Salida

448 East 1st Street, Suite #112

Salida, Colorado 81201

719.530.2629

- 215 -



please forward to Planning Committee - Upchurch annexation

Lee James <jamlee36@yahoo.com>

Fri, Mar 19, 2021 at 11:11 AM

To: "bill.almquist@cityofsalida.com" <bill.almquist@cityofsalida.com>

Dear Committee members,

I am writing to you to express my concern with the Upchurch annexation. I am not naïve enough to believe Salida was going to stay quaint and small forever. And I know our community has been struggling with enough housing and affordable housing. But I believe we can be reasonable. It seems to me that this proposal is just too many homes for that plot of land. Do people move here to live on top of each other with little green space? Don't even people who require assistance with housing have a right to green space and trees? Let's not forget our latest Recreation Master Plan that addressed the importance of including green space and trees in new housing developments.

I am not opposed to a new subdivision. I am opposed to the number of units proposed on that lot. I don't think it is unreasonable to increase the lot sizes. Most of the lots in the conceptual plan are too narrow to build any decent home. The "HOA Maintained Park" looks more like a traffic circle than a park.

Thank you for your time.

Respectfully,

Lee James

Sent from [Mail](#) for Windows 10



Upchurch Development

Mark Harrold <mark.harrold3@gmail.com>
To: bill.almquist@cityofsalida.com

Thu, Mar 18, 2021 at 12:26 PM

Mr. Almquist and members of The City of Salida Planning Commission,

The purpose of this letter is to express my concerns about some aspects of the proposed Upchurch Development on CR 140.

After this parcel is annexed it will still be bordered on 3 sides by County residential properties ranging from 1 to 5 acres, and will be the last property developed on the north side of CR 140 until the eventual development of the Richardson Ranch 1/3 mile west of this parcel. The south side of CR 140 is already being developed as high density residential condos but the existing properties on the north side of CR 140 are low density semi rural residential lots.

Allowing a high density development on a parcel bordered on 3 sides by low density semi-rural residential lots is totally inappropriate and inconsistent with the concept of development being required to be compatible with the surrounding neighborhoods. Allowing a high density development on this parcel will have a serious negative impact on our adjacent neighborhoods. An R1 zoning designation would provide that this development would be much more compatible with the adjacent subdivisions and would create a transitional development between the higher density development south of CR 140 and more rural nature of the properties north of CR 140. My understanding is that this transitional aspect is an important part of the current planning for Salida's expansion into more rural areas. R1 is the appropriate zoning designation for this parcel.

Another aspect of this development that needs to be addressed is providing a means of safe passage for the pedestrian and bicyclists, particularly children, who will be commuting from the subdivision into town for school, recreation, etc. As someone who uses CR 140 daily I can attest that the volume of traffic and speeds travelled have increased noticeably the last few years. As a result of the traffic plan for this development combined with the increased traffic from the Angelview Condos, it is an absolute certainty that conflicts between pedestrians/bicyclists commuting to and from this development, and motorized vehicles on CR 140 will increase dramatically with potentially serious consequences. The plan as it exists now provides no way for pedestrians or bicyclists to safely travel between Salida and the proposed subdivision.

The final issue for me is that the original annexation proposal included a statement by the developer, Tory Upchurch, on 1/4/21 that if annexed, the development would include a "public use park in the center of the development". His revised proposal submitted to City Council on 3/2/21 though, not only increased the number of lots but eliminated the park. The developer should not be allowed to use these bait and switch tactics to advance his proposal and then modify it solely for his benefit. If the City of Salida allowed his annexation request to proceed in any part due to his assurances of a park then the park should be part of any proposal you approve.

Please make this correspondence part of the packet submitted to The Planning Commission.

Sincerely,
Mark Harrold
8179 CR 141B
mark@harrold.us
970-217=6215



Upchurch Annexation and Rezoning

2 messages

Mary Grannell <mgrann57@gmail.com>
To: bill.almquist@cityofsalida.com

Thu, Mar 18, 2021 at 8:52 AM

Mr. Almquist: Would you please see that this letter gets to the City Planning Commission? I went to the website and am unable to find the email addresses for those individuals.

Dear City Planning Commission:

I am Mary Grannell. I own and am living at 7555 CR140. I am the house directly to the east of the Upchurch property so am very concerned about what will be built there.

We moved here in 1994 from the city to a 1970's house on 1 acre in the county. There were beautiful views, little traffic, and a nearby small quaint friendly town. The same reason most people say they move here. We had vacant acreage to the south and to the west. No, I did not expect it to be vacant forever and I'm not opposed to growth or progress but since I live in the county, I envisioned single family homes with a little space around them like the rest of the county feeling. The Angelview subdivision which is being built to the south of my property does not fit in with the rural environmental feel.

If the Upchurch property is annexed, my 2 closest neighbors and I will be on an island in the county surrounded by the city on 3 sides. I am requesting R-1 zoning to maintain a more rural setting.

I hope in the process of planning for revenue for the city or the money made by developers, you don't lose sight of why people are moving here in the first place. There needs to be long term planning, not just money in the short term.

Thank you for your consideration of my request for R-1 zoning. I feel that your decision and that of Salida will greatly impact my property and my life here.

Sincerely,

Mary Grannell

Bill Almquist <bill.almquist@cityofsalida.com>
To: Mary Grannell <mgrann57@gmail.com>

Thu, Mar 18, 2021 at 10:04 AM

Thank you for your comments, Mary. I will include them in the packet for the Planning Commission hearing.

[Quoted text hidden]

--

Bill Almquist
Community Development Director



(719) 530-2634
bill.almquist@cityofsalida.com

"M.S.H.G.S.D"

To: Commissioner Greg Felt, gfelt@chaffeecounty.org
Commissioner Keith Baker, kbaker@chaffeecounty.org
Commissioner Rusty Granzella, rgranzella@chaffeecounty.org
Debbie Fesenmeyer, Administrative Assistant, dfesenmeyer@chaffeecounty.org
Dan Swallow, Director of Development Services, dswallow@chaffeecounty.org,
Jon Roorda, Planning Manager, jroorda@chaffeecounty.org,
Christie Barton, Planner, cbarton@chaffeecounty.org
Gary Greiner, Development Engineer, ggreiner@chaffeecounty.org

Mayor P.T. Wood, pt.wood@salidaelected.com
City Council Member Dan Shore, Ward 1, dan.shore@salidaelected.com
City Council Member Jane Templeton, Ward 1, jane.templeton@salidaelected.com
City Council Member Justin Critelli, Ward 2, justin.critelli@salidaelected.com
City Council Member Mike Pollock, Ward 2, mike.pollock@salidaelected.com
City Council Member Harald Kasper, Ward 3, harald.kasper@salidaelected.com
City Council Member Alisa Papperfort, Ward 3, alisa.pappenfort@salidaelected.com
City Planner Bill Almquist, bill.almquist@cityofsalida.com
City Planner Kristi Jefferson, kristi.jefferson@cityofsalida.com
City Clerk, Erin Kelley, clerk@cityofsalida.com

DATE: January 18, 2021

RE: OPPOSITION TO UPCHURCH ANNEXATION AND REZONING REQUEST

Dear Chaffee County Commissioners, City of Salida Mayor, City Council Members and Planners:

We, the undersigned, object to the proposed annexation and rezoning of the 5.32 (according to the submitted Landmark Survey) acres (referenced herein as "The Upchurch Property"), immediately north of CR 140 between CR 141 and CR 141 A, in Chaffee County, Colorado. We oppose this project request based on community compatibility, contiguity, density and county road integrity. These concerns and others are described below.

Community Compatibility - The vast majority of the community surrounding The Upchurch Property includes Chaffee County jurisdiction properties, consisting of one to five acre parcels with single family dwellings. There are two rural subdivisions close by including Ranchos Caballeros to the west, consisting of 12, five+ acre lots, and Shavano Vista to the north, consisting of 16 one acre lots. There are also four houses north of Shavano Vista that are on two acre parcels of land, with one empty parcel, and one 20 acre vacant field to the east of Shavano Vista. Current development on the lots in the two subdivisions allows broad vistas, provides wildlife and domesticated animal habitats for deer and horses, and minimizes density. Changing the current zoning from the equivalent of R-1 to R-3 to accommodate The Upchurch Development is clearly not compatible with the surrounding community.

Paragraph 6.4.1 B, Sections 2 and 3, in the County Land Use Code dated September, 2017 cites as part of the following General Review Criteria for applicant review:

"Relationship to Surrounding Area. The PD is not incompatible with the scale, intensity, and type of uses located on adjacent property."

"Visual Impacts. Construction on ridgelines that are visible from major roadways or residential development shall be compatible with the surrounding natural environment."

If a ½ mile radius line is drawn around the Upchurch Property, it becomes evident that the vast majority of the area west and north is comprised of properties that have between one and five+ acre lots with single family homes. Twenty-six lots on five+ acres, with 25+ buildings and the potential for multi-family dwellings or apartment buildings, are not compatible with the significantly lower density that currently exists to the west and north of the Upchurch Property.

Contiguity - The concept of contiguity requires that annexed land has a fundamental and meaningful connection to existing city property. The methods used to satisfy contiguity for The Upchurch Property do not meet the definition of "contiguous," as defined in Colorado Revised Statute 2016, 31-12-104. It is obvious that to circumvent this requirement, Mr. Upchurch is requesting that the City of Salida annex a county road and bike path to create contiguity. It appears that annexing of CR 140 is being requested solely for the purpose of meeting the 1/6 contiguity requirement without consideration to the impact it will have on the existing residents. The proposal indicates that 2.24 acres of CR 140 is to be annexed and an additional 17 feet of CR 141 is to be annexed in order to achieve contiguity. This is "bootstrapping" and cannot be ignored, and Chaffee County should not allow the City of Salida to annex a county road to create a gerrymandered flag lot to satisfy contiguity. Further, state statute does not allow previously annexed property (such as the Angelview development) to satisfy the contiguity

requirement if the proposed property was not already contiguous (CRS 2016, 31-12-104 Eligibility for Annexation (b) (2) (a)).

Density - The Upchurch Development proposal is planning to subdivide the property into 26 lots. Some of these lots may or may not include multiple dwelling units. This level of density is not compatible with the existing community and will have a material adverse impact on the current residents. The increased density will bring more traffic, parking issues, noise, light, wildlife interference, and will essentially degrade the current rural community in which we live. The county and the city must work toward preservation of the existing community. The county should not allow annexation of the county road unless the project is modified to include a much lower density. It is necessary that the density remain the equivalent of R-1. The radical change as proposed by Upchurch would transform our rural neighborhood's character and greatly diminish property values. No rural neighborhood should experience radical change to the point where that neighborhood becomes unrecognizable overnight.

County Road Integrity - The Upchurch Land is surrounded by county roads that allow for substantially different uses than what is proposed in the annex request. The county must apply the same rules to the roads surrounding the development that are applied to all other county roads, including set-backs, driveway length, density, road parking, and storm drainage. Curb and gutters or private driveways should not extend into this public right of way. Parking on county roads should conform to county regulations. Access points onto county roads should also meet county requirements without unofficial alleyways or driveways.

In short, allowing annexation and changing the zoning will have an adverse effect on all of the factors related to road usage and maintenance, and will ultimately negatively impact the rural and aesthetic nature of our community.

Affordable Housing – We know that affordable housing is an important issue for the county and the city of Salida, and we all support this objective. However, if this is really an important issue, the proposal to include 12.5% affordable housing in this project will not make any meaningful difference. Moreover, the situation will become worse, because it would create 87.5% more unaffordable houses. It would be better to not develop the lot, rather than add 23 more unaffordable housing units. To make a meaningful impact, the proposal should require that at least half of the units be planned as affordable housing.

In summary, we are concerned that the Upchurch development proposal will materially change the nature of our community to the substantial detriment of current residents. The county is considering allowing the city of Salida to annex a portion of County Road 140 without consulting with all the residents living in the vicinity who use this asset. The county has a duty to adhere to and uphold the land use plans according to current Land Use Code guidelines, specifically the provisions on incompatibility and visual impact as described above. We must preserve the rural scenic character of the areas surrounding the Upchurch Land. In its own 2000 Comprehensive Plan, Part 4, under Guiding Principles, the city stated that it wants to “Develop partnerships with Chaffee County...to help discourage rural residential...development within the unincorporated area surrounding Salida....”

The multiple changes to the proposed annexing and zoning request must be made in order to preserve the integrity of our roads, environment and community. Further, regardless of whether The Upchurch Property is annexed, the density should remain the equivalent of R-1 and the

property be developed in a manner that complies with all of the land use rules to which other county road properties must adhere.

Finally, the County Commissioners have an obligation to advocate for the interests of their constituent residents who will be directly impacted by the Upchurch proposal. We insist that the county adequately engage in representing our interests.

If there are specific questions or concerns regarding this letter, we have designated Ann Daniels as our contact person. She may be reached by way of her cell phone at 303-870-7914 or through her email at asdaniels@comcast.net.

Sincerely,

Alliance for Responsible Rural Growth [ARRG]

Petition Signatures of Opposition to Upchurch Annexation and Rezoning Request

Timestamp	Full Name	Street Address	City, State, Zip	Email
1	1/19/2021 11:45:59 Jill E. Lewis	8145 Spruce St.	Salida	brilinceandbeyond@gmail.com
2	1/19/2021 11:46:04 Ann Daniels	7700 County Road 141 D	Salida	Asdaniels@comcast.net
3	1/19/2021 12:43:13 Leroy Lewis	8145 Spruce St	Salida	lee_lewis7@msn.com
4	1/19/2021 13:11:02 Charles Farrell	8255 CR 141	Salida CO	cj88943@gmail.com
5	1/19/2021 13:21:03 Janet Mancuso	7660 County Road 141D	Salida, CO 81201	jlynnprop@aol.com
6	1/19/2021 14:01:54 Patricia Helmick	12810 County Rd 195	Salida, CO 81201	patihelmick@gmail.com
7	1/19/2021 14:17:53 Paula Farrell	8255 CR141	Salida, Colorado	paulagfarrell@yahoo.com
8	1/19/2021 14:50:37 Carol Duster	12800 County Road 195	81201	momduster@me.com
9	1/19/2021 15:01:02 Jill Inge	8315 County Rd 144	Salida, CO 81201	paulandjill@gmail.com
10	1/19/2021 15:24:01 Haewon Gill & Keith Gill	12215 Saddle Ridge Lane	Salida, CO, 81201	hwygill1@gmail.com
11	1/19/2021 15:40:29 Jeff Myers	8155 County Road 141	81201	jeff@landmen.com
12	1/19/2021 16:16:37 Elijah Marshal Lewis		8145	eli_lewis@salidamcs.org
13	1/19/2021 17:36:29 Adena Dice	7705 county road 140	Salida co 81201	and77065@aol.con
14	1/19/2021 18:02:02 Veronica Dice	1111 F Street	Salida	veronica7705@outlook.com
15	1/19/2021 18:09:27 Carla T Hansford	Rancho de Caballeros, lot#8	Salida, CO, 81201	hansford_carla@hotmail.com
16	1/19/2021 18:53:17 Kathleen M Davidoff	7680. CR 141 D	Salida, CO 81201	kmdavidoff@gmail.com
17	1/19/2021 19:59:14 Judith Ann Kinzie	8015 County Road 141	81201	judithkinzie@gmail.com
18	1/19/2021 20:32:49 Jessica Chariton	8105 Spruce St.	Salida, CO 81201	jcharitonrealestate@gmail.com
19	1/19/2021 21:15:16 Paul Inge	8315 CR 144	SALIDA, CO. 81201	ingecustombuilding@gmail.com
20	1/20/2021 8:41:53 Kevin Dean Jacobson	2133 11th St W	Billings, Montana, 59102	kevradonc@yahoo.com
21	1/20/2021 11:00:34 Paulette Sundgren	P.O. Box 1102	Salida	tpsundgren@gmail.com
22	1/20/2021 11:14:13 James Jacobson	8175 Ponderosa Dr	Salida, CO 81201	jskjacob@q.com
23	1/20/2021 11:31:27 Andrew Kinsella	12301 CR 191A	Salida, CO 81201	andrew.w.kinsella@gmail.com
24	1/20/2021 11:34:26 Sharon Kate Jacobson	8175 Ponderosa Dr.	Salida, Colorado. 81201	skjake2344@gmail.com
25	1/20/2021 12:12:47 Nancy Lynn Stoudt	8195 CR 141 C	Salida, CO 81201	nancystoudt@yahoo.com
26	1/20/2021 13:24:32 Jenny Frost	8100 County Road 141B	Salida, CO 81201	jendull13@hotmail.com
27	1/20/2021 13:53:25 Thomas Mason Weir	8846 Cameron Meadow Circle	Salida	tj.weir52@gmail.com
28	1/20/2021 14:13:37 Jolene Weir	8846 Cameron Circle	Sallda, CO 81201	jweir14@icloud.com
29	1/20/2021 14:34:56 Clifford	8195 CR 141	Salida, CO 81201	cliffwhitehouse@hotmail.com
30	1/20/2021 14:44:42 Kristin Jacobson	5520 New Cambridge Rd	Orlando, FL, 32810	Kjacob492@gmail.com
31	1/20/2021 15:42:29 donna miller	11200 Highland Cir	81201	zoeshairdesignbydonna@gmail.com
32	1/20/2021 15:51:45 Juli Waters	8150 Ponderosa Dr	Salida	JULI.C.WATERS@GMAIL.COM

33	1/20/2021 17:39:44	Diane C, Whitehouse	8195 CR141	Salida, CO, 81201	whitehod1@msn.com
34	1/20/2021 19:13:53	Nathan Frost	8100 County road 141 B	Salida, COLORADO 812	ntfsls.co@gmail.com
35	1/21/2021 6:58:48	Yuen Harrold	8179 CR 141B	Salida, CO, 81201	sandyharrold@gmail.com
36	1/21/2021 7:46:43	Cathy MacDonald	309 Grant Street	Salida, CO 81201	cathyandbrymac@yahoo.com
37	1/21/2021 8:52:34	John Zeising	1120 Caliente Lane , Pob 569	81242	zusa@reagan.com
38	1/21/2021 9:11:12	Trisha Evans	1120 Caliente Lane	Poncha Springs, CO 812	trish.evans1@gmail.com
39	1/21/2021 10:33:43	Nick Chariton	8105 Spruce St	Salida, CO 81201	char7249@pacificu.edu
40	1/21/2021 12:07:07	Charla Jacobson Waller	8175 Ponderosa Drive	Salida, CO. 81201	wallerc0820@gmail.com
41	1/21/2021 16:19:09	Glenda Zavadiil	7120 County Road 178	Salida, CO. 81201	zavadilglenda@gmail.com
42	1/21/2021 17:23:55	Patsy Juarez	10117 Sioux Cir	Salida	patsynj03@gmail.com
43	1/21/2021 21:45:25	ANTHONY GORMAN MILLI	11200 Highland Circle	Salida	agmillerco@gmail.com
44	1/22/2021 7:11:33	Gregg w. Thomas	716 g street	Salida co. 81201	gthomas@q.com
45	1/22/2021 7:31:07	Julie R Maas	3399 E US Hwy 50	Salida CO 81201	j2maas@msn.com
46	1/22/2021 7:32:33	Jake Maas	3399 East US Highway 50	Salida, CO 81201	jakekmaas@icloud.com
47	1/22/2021 7:44:25	Karen Lois Thomas	716 G Street	Salida, Co. 81201	kl55_thomas@icloud.com
48	1/22/2021 8:01:34	Tom Waters	8150 Ponderosa	Salida CO 81201	thomas.a.waters@gmail.com
49	1/22/2021 13:53:51	Stephanie Leuenberger	7617 Meadowlark Dr.	Salida, CO 81201	stephanieleuenberger@me.com
50	1/22/2021 14:17:52	Peggy Gillham Barrholt	7600 Meadowlark Drive	Salida, CO, 81201	JPBarnholt@aol.com
51	1/22/2021 14:37:11	Alan R Hoch	7703 Meadowlark Lane	Salida, CO 81201	randy@marstal.com
52	1/22/2021 16:17:38	Bryan Leuenberger	7617 Meadowlark Dr	81201	bryanleuenberger@mac.com
53	1/22/2021 16:53:59	Dorothy Schwarz	7635 Meadowlark Drive	Salida, CO, 81201	riseabove7@hotmail.com
54	1/22/2021 16:56:01	Emily Haynes	407 Grant Street	Salida, CO 81201	ebellhaynes@gmail.com
55	1/22/2021 16:59:29	TaAnna Brown	10140 Blackfoot Land	Salida, CO. 81201	taannabrown@hotmail.com
56	1/22/2021 17:10:22	jeff juarez	10117 sioux cir	salida, co 81201	747fefo@gmail.com
57	1/22/2021 17:14:04	Adam Matthew Myers III	17 Silver Spruce Dr	81201	bantas67@gmail.com
58	1/22/2021 17:15:15	Judy Myers	14 Silver Spruce Dr	Salida CO 81201	judyam@sbcglobal.net
59	1/22/2021 17:17:32	Jirina Myers	17 Silver Spruce Drive	Salida CO 81201	czechmyers@gmail.com
60	1/22/2021 17:28:17	Marshall Schwarz	7635 Meadowlark Dr	Salida	marshallschwarz@hotmail.com
61	1/22/2021 17:30:44	Deanna Myers	8155 C. R. 141	Salida, CO 81201	deanna@landmen.com
62	1/22/2021 17:35:30	Clifton W Meyer	1616 CAMINO REDONDO	LOS ALAMOS	cliffmeyer@gmail.com
63	1/22/2021 18:45:27	Michelle Pujol	7660 Meadowlark Drive	Salida, CO 81201	mipuj6@gmail.com
64	1/22/2021 18:50:39	Brent L Petriani	7660 Meadowlark Drive	Salida	brentpetriani@gmail.com
65	1/22/2021 19:12:44	Anna Bishop	7735 county road 120	Salida CO 81201	shanti_11@yahoo.com
66	1/23/2021 7:54:11	Sarah Hudelson	7650 Meadowlark Lane	Salida, CO 81201	shudels2@yahoo.com
67	1/23/2021 8:06:35	Stephanie L Bradshaw	8110 Pinon Street	Salida, CO 81201	stephaniebradshaw@yahoo.com
68	1/23/2021 8:25:20	Larry Dean Metzler	8110 Piñon Street	Salida, CO. 81201	Ldeanmetzler@gmail.com
69	1/23/2021 10:58:58	Vicki Baker	7370 county road 120	Salida	Jvzbaker3@gmail.com
70	1/23/2021 12:32:24	Terry Smith	8380 CR 144	Salida, CO 81201	shavano.sunset@gmail.com
71	1/23/2021 12:39:37	Barbara Smith	8380 County Road 144	Salida, CO. 81201	barbsmith8380@gmail.com
72	1/23/2021 13:48:28	William Burmester	7707 Vista Cir	Salida, Co, 81202	coraftman@gmail.com

73	1/23/2021 15:45:13	Cheryl Lynn Hardy-Moore	31 Silver Spruce Drive	Salida, Co 81201	hardymoore@usa.net
74	1/23/2021 15:53:26	Mark Harrold	8179 CR141B	Salida	mark@harrold.us
75	1/23/2021 18:19:22	Pati McNeil	801 Poncha Boulevard	Salida, CO 81201	pati_m@hotmail.com
76	1/24/2021 8:38:10	Jeffrey Kriebel	7543 County Rd 141	Salida, CO 81201	JEFFKRIEBEL1973@GMAIL.COM
77	1/24/2021 9:08:11	Heinz W Feier	3 Silver Spruce Dr	Salida, CO 81201	waltfeier@gmail.com
78	1/24/2021 11:19:03	Paul Vosburgh	7630 Meadowlark Lane	Salida, CO 81201	7paulvos@gmail.com
79	1/24/2021 12:38:18	Patrick Kelley	8095 county road 144	Salida, CO 81201	PatrickBarrettKelley@gmail.com
80	1/24/2021 14:19:53	Lisa Connell	2 Silver Spruce	Salida, CO 81201	Inledwith@gmail.com
81	1/24/2021 14:25:36	Shannon L. Arnold	8190 Pinon Street	Salida, Colorado 81201	slarnold12@gmail.com
82	1/24/2021 14:29:30	Jillian Chernofsky	114 Mesa Drive	SALIDA	jillianchernofsky@gmail.com
83	1/24/2021 15:17:37	Shawna Averbek	8095 CR 144	81201	proverbial71@gmail.com
84	1/24/2021 15:28:43	Marilyn M. Moore	414 E. 2nd Street	Salida, CO. 81201	mmfjmoore@gmail.com
85	1/24/2021 21:44:59	gabriel pettus	604 ouray ave	salida co 81201	gabe.pettus@gmail.com

Sign the Petition:

We, the undersigned, object to the proposed annexation and rezoning of the 5.32 (according to the submitted Landmark Survey) acres (referenced herein as "The Upchurch Property"), immediately north of CR 140 between CR 141 and CR 141 A, in Chaffee County, Colorado. We oppose this project request based on community compatibility, contiguity, density and county road integrity.

Name	Street Address	City, State, Zip	Email Address
1 DAVID ROSS	7700 CR 141 D	SALIDA, CO. 81201	daveross222@YAHOO
2 Dania Pettus	8210 CR 141 B	SALIDA, CO 81201	dspettus@comcast.net
3 David Pettus	8210 CR 141 B	Salida Co 81201	OPMS5AS@aol.com
4 DM & Janet Smith	7525 OTY Rd. ⁴⁰	Salida Co 81201	Mo/E-mail
5 O. DAVIDOFF	110 MESA CR.	SALIDA, CO 81201	oada@iaccess.net.
6 Ruby Hollenbet	419 Wood Ave	Salida, CO 81201	naneruby36@me.com
7 Rick DAVIDOFF	7600 CR 141 D	Salida, Co 81201	rickd633@earthlink.com
8 SCOT DONATO	8785 CR 152	Salida CO 81201	wrscotd@yahoo.com
9 Paul Pusee	8185 Spruce	Salida CO 81201	charRMN92@MSN.COM
10 Brantley Ann	8185 Spruce Pt	Salida Co 81201	Channie92@MSN.com
11 Mary Gross	7555 CR 140	Salida Co 81201	mgramm57@gmail.com
12 Jane Gross	7711 Vista Cir	Salida, CO	daviegross@ymail.com
13 Bruce Gross	7711 Vista Circle	Salida, CO	bgross54@yahoo.com
14 Rhonda Bellavia	447 W 2nd st	Salida CO	rhondabella@yahoo.com

Sign the Petition:

We, the undersigned, object to the proposed annexation and rezoning of the 5.32 (according to the submitted Landmark Survey) acres (referenced herein as "The Upchurch Property"), immediately north of CR 140 between CR 141 and CR 141 A, in Chaffee County, Colorado. We oppose this project request based on community compatibility, contiguity, density and county road integrity.

	Name	Street Address	City, State, Zip	Email Address
15	Marcia Coyer Marcia Coyer	10210 County Rd. 160	Salida, CO 81201	
16	Ed Kenzel	8105 COUNTY RD 141	SALIDA, CO 81201	EDKENZEL N/A
17	Karen Bott	8115 CR 144	Salida, CO 81201	
18	Jennica Bony	8180 Ponderosa Dr	Salida, CO 81201	jennicat53@gmail.com
19	Michael G. Barry	8180 Ponderosa Dr	Salida, CO 81201	mikeg.barry99@gmail.com
20	Lee James	8311 CR 120	Salida, CO 81201	jameslee34@yahoo.com
21	Steve Busst	8311 CR 120	Salida, CO 81201	STEVEB1901@gmail.com
22	Maverine Iswin	8047 CR 120	" " "	
23	Geordie Maxine	8455 CR 160	Salida, CO 81201	
24	Robert Massine	8455 CR 160	SALIDA, CO 81201	scarlettammmons@msn.com
25				
26				
27				
28				



Upchurch Annexation

Mary Ann Davidson <maryann1006@gmail.com>
To: bill.almquist@cityofsalida.com

Mon, Mar 22, 2021 at 5:30 PM

Dear Mr. Almquist,

I am writing to express my opposition to the proposed Upchurch annexation. My two major concerns are 1) the proposed annexation is not contiguous with the City of Salida & 2) subdividing a five acre plot into 26 lots is inconsistent with & detrimental to the existing development.

This is not the kind of growth for which Chaffee County citizens have expressed support. In fact, it is the opposite. That kind of density is better suited for existing towns or property adjacent to similar developments.

While the proposed annexation will have no direct effect on me or my property, I truly believe that it would be a detriment to the county & of dubious benefit to the City of Salida.

I appreciate your consideration of my opinion.

Sincerely,

Mary Ann Davidson
PO Box 834
Salida, CO 81201

Sent from my iPad

Paula Farrell, Ph.D.
8255 CR 141
Salida, Colorado 81201
Paulagfarrell@yahoo.com

March 11, 2021

Item 9.

Dear Mayor Woods and Salida City Council,

I am writing to express my opposition to the Upchurch annexation and request for zoning change. I believe the concerns of the neighbors who live in the adjacent county properties have not been properly considered and the entire project has the potential to result in the worst kind of unattractive urban sprawl.

The county properties adjacent to the proposed development are one to five acre lots. The Upchurch project has been proposed to include up to 27 lots with very little specificity with regard to how many living units will be placed on each lot. This level of density is not compatible with the surrounding county properties. The City Council seems to be ignoring this fact and only considering the density of the properties currently within the city limits.

The request for annexation discussed during the City Council meeting on March 2, 2021 indicated that the people involved with the Upchurch project development were aware of the concerns of county neighbors regarding density. They modified their plan to change the zoning on the north and west to R2 and the zoning south and east to R3. This modification does not address the density concerns and your failure to acknowledge this is very misleading and smacks of favoritism.

Further, there has been little or no attention paid to the environmental impact of this development on the surrounding residents, domesticated animals and wildlife. There will be increased noise, light and water run-off pollution from the new residents. The City Council should take these elements into consideration before granting the annex and certainly before making decisions regarding the requested zoning. The City Council should require that steps be taken by the developer to mitigate all of these unintended consequences. At a minimum the development should be required to post and enforce noise ordinance signage and ensure proper installation and usage of night sky lighting. In addition, in order to ensure that ground water contamination does not occur in the adjacent Murray Ditch which is used by the county residents in the area for irrigation and the wells that are used by residents for drinking water, there should be a requirement that all landscape run off be contained within the City sewer system that will be utilized by the development.

There has also been little information provided as to the aesthetic design proposed for of the Upchurch development. As City Council Members, you should be concerned about the expanded use of boxy construction that does nothing to add to the quaint nature of Salida. We all moved to this area because Salida had a small town atmosphere unlike some of the larger resort towns or big cities. New construction should be made to look more like the homes you see on several streets surrounding the core of the city, not the cheap looking, unattractive, boxy construction that is across from the proposed development and can be found in a lot of the new construction in Poncha Springs. I believe the Salida Comprehensive Plan made it clear that aesthetics was an important component to any future development.

I hope all of you will seriously discuss the factors I have outlined above and listen carefully to the other city and county residents who share my concerns.

Thank you for your consideration,

Paula Gomez Farrell, Ph.D.



Fwd: Annexation & Rezoning

Sharon Jacobson <skjake2344@gmail.com>
To: bill.almquist@cityofsalida.com

Mon, Mar 22, 2021 at 10:10 AM

----- Forwarded message -----

From: **Q Email** <jskjacob@q.com>
Date: Monday, March 22, 2021
Subject: Fwd: Annexation & Rezoning
To: skjake2344@gmail.com

Mr. Almquist, please add my letter to the packet for the city council meeting today, on the Upchurch project.
Thank you, Sharon Jacobson

From: Sharon Jacobson <skjake2344@gmail.com>
Date: March 11, 2021 at 4:27:17 PM EST
To: jskjacob@q.com
Subject: Re: Annexation & Rezoning

On Thursday, February 4, 2021, Sharon Jacobson <skjake2344@gmail.com> wrote:

----- Forwarded message -----

From: **James And Sharon Jacobson** <jskjacob@q.com>
Date: Monday, January 25, 2021
Subject: Fwd: Annexation & Rezoning
To: Sharon Jacobson <skjake2344@gmail.com>

Sent from my iPad

Begin forwarded message:

From: James And Sharon Jacobson <jskjacob@q.com>
Date: January 25, 2021 at 3:43:01 PM EST
To: gfelt@chaffeeconomy.org, kbaker@chaffeeconomy.org, rgranzella@chaffeeconomy.org
Subject: Annexation & Rezoning

Good Morning Gentleman,

I realize you have gotten many letters about the Upchurch Annexation, some of which have my name on them, but now I would like to move to a more personal note, on this subject. My husband and I have lived in Salida, for 55 years. We raised 3 children, built 2 new homes and I ran a business for 40 years, so we have a good stake in this area. I am rather amazed that you would consider allowing a annexation like this to happen. I assume you do realize your allowing this to be build around many homes that are valued over \$500,000.00. Many families who have worked for years attaining a nice home environment, now to have it trashed by what everyone says, "it looks like a mobile home park". This does not speak well for Salida, if your goal is to just "get anyone" to move to Salida, this is the way to do it. If you want to keep Salida unique and a wonderful area for all the best things in life, then please don't do this.

I realize Mr. Upchurch wants to build something, individual homes, that go along with all the others, would be acceptable, but trashing our neighborhood is not acceptable.

Thank you for your consideration.
Sharon Jacobson

April 2, 2021

Dear City Planning Commission Members, City Council Members and Mayor P. T. Wood:

I am writing about the March 22, 2021 Salida City Planning Commission meeting regarding the Upchurch annexation and rezoning request. I feel the annexation vote taken by the Planning Commission was based on inaccurate information about the City's R-1 zoning density requirements and the County's Residential (RES) zoning district requirements.

R-1 zoning in the City allows four to sixteen dwelling units per acre while the County's Residential (RES) zoning district allows one to four dwelling units per acre. I believe that the Planning Commissioners were given erroneous information about these two zoning types and made their decision regarding the Upchurch annexation/zoning based on misinformation. I urge you to ensure that the future meetings on this subject provide accurate information and that the decision made by the Planning Commission be viewed in light of this error. I believe the annexation issue should be reevaluated and reconsidered.

I am attaching Table 2.1, Lot & Dimensional Standards, which is on pages 21 and 22 of the Chaffee County Land Use Code. The first column of the third row indicates the Zoning District Residential, which was the original category for the Upchurch property. The chart indicates a maximum residential density of four units per acre when there is connection to central water and central sewer. When our group attended a recent meeting with the County Commissioners, we discussed zoning and density in depth. The County Commissioners conveyed to us that a maximum residential density in the County is four units per acre with connection to central water and central sewer.

During the annexation discussion portion of the Planning Commission meeting held on March 22nd, Planning Commission members Giff Kriebel and Francie Bomer questioned staff as to what the highest housing density was in the County for a one acre parcel of land. They were advised by Mr. Almquist that four to sixteen dwelling units per acre were allowed by the County and that was, therefore, the equivalent to the City's R-1 zoning, so that allowing the property to be annexed and rezoned made sense from the City's perspective, because the density per acre was no different in the County than it was in the City. This was not a valid statement in that the highest housing density in the County is actually one to four houses on a one acre parcel not four to sixteen.

The bottom line is that the County has publicly affirmed, both verbally and in writing, a different density for RES than what Mr. Almquist advised the City Planning Commission in their meeting. I believe this misinformation created a misunderstanding on the part of the Planning Commission that led them to their decision regarding annexation.

Further during the March 22nd meeting, Mr. Almquist discussed proposed future changes regarding County density that have not yet been implemented by the County and are not yet part of their current County Land Use Code. In the discussion at the meeting, he referenced there would be no change in the number of dwellings if this County property is brought into the City because he said the City's R-1 designation allows for the same density as the parallel zoning for the County. That is clearly not true.

The County does not allow for the same level of density that the City does, according to the County's own current Land Use Code.

When Mr. Almquist provided the flawed information above, several concerned citizens attending via GoToWebinar, including me, typed into the Webinar Comments section, the correct information to alert the Planning Commission members to the misstatement that was made. Unfortunately, due to the limit on three minute statements, this information was blocked from view so that the Planning Commissioners apparently did not see it.

City Planning Commissioner Kriebel asked if a County representative was on the Webinar so that this information could be verified by the County. It is my understanding that County Commissioner Granzella was on this Webinar call also, but was unable to speak due to difficulties he had with the Webinar system. I believe County Commissioner Granzella would have advised the City Planning Commission members that the County presently allows one to four dwelling units per one acre parcel for its highest density residential areas in the County. Mr. Granzella was unable to do so due to Webinar problems. The vote taken at the end of the annexation discussion by the Planning Commission members was, therefore, based on incorrect information, with no County Commissioner there to set the record straight. [Please See, City Planning Commission GoToWebinar video, at minutes 40:38 – 43:50 of this meeting for further details on the actual discussion that took place regarding this issue.]

For a vote to have taken place on this issue before all facts were known was blatantly unfair to both the City Planning Commission members, who had requested the information for clarity, and to the Upchurch neighbors objecting to high density on the Upchurch property.

To me, it is disturbing that a vote on annexation can be taken based on a future guideline wish list rather than regulations currently written in the present Land Use Code. Perhaps the outcome would not have been the same regarding the annexation of the Upchurch Property had the Planning Commission had the correct data. R-1 zoning in the City (four to sixteen dwelling units per acre) is different than the current highest density of housing in the County (one to four dwelling units per acre). For this reason, I request that in future meetings on this subject, this annexation issue should be reconsidered by the City.

Thank you for your consideration,

Ann Daniels,
7700 County Road 141D
Salida, CO 81201
asdaniels@comcast.net

**Table 2.1
Lot & Dimensional Standards**

ZONING DISTRICT	Minimum Lot Size	Maximum Residential Density	Minimum Lot Frontage ⁷	Setbacks ^{1,4,5}			Height ²
				Front (Street)	Side	Rear	
Recreational REC	1 Acre	1 unit per 2 acres	50'	25'	15'	20'	35'
Rural RUR	1 Acre	1 unit per 2 acres	50'	25'	15'	20'	35'
	½ Acre (cluster ⁶)	1 unit per 2 acres			15'	20'	
Residential RES	½ Acre	1 unit per 2 acres (well and septic)	50'	25'	15'	20'	35'
		2 units per acre (with connection to central water or sewer system)					
		4 units per acre (with connection to central water and central sewer)					
COMMERCIAL ZONE DISTRICTS							
Rural Commercial, RCR	2 Acre*	N/A	50'	25'	Shall meet building codes		35'
Commercial, COM	2 Acre*	N/A	50'	25'	Shall meet building codes		35'
Industrial IND	2 Acres*	N/A	50'	25'	Shall meet building codes		35'

*Central Water or Sewer Provision: In the RCR, COM, and IND districts, there is no minimum lot size or maximum density with connection to an approved central sewer system.

NOTES:

1. All setbacks are measured from the property line. Front setbacks apply to all street frontages, including corner lots or double frontage lots. If the street frontage is prescriptive or an easement, the setback measurement begins at a point 30 feet from the road centerline.
2. Height is measured from average of finish grade to highest point of roof.
3. No permanent structure shall be constructed on platted or recorded easements.

ZONING DISTRICT	Minimum Lot Size	Maximum Residential Density	Minimum Lot Frontage ⁷	Setbacks ^{1,4,5}			Height ²
				Front (Street)	Side	Rear	
<p>4. Fences, hedges, walls & berms taller than 6 feet shall be subject to the setbacks on the property.</p> <p>5. Required setback areas shall be unobstructed from the ground to the sky, with the following exceptions:</p> <ul style="list-style-type: none"> o Cornices, sills and ornamental features may project a maximum of 12 inches into setback areas o Roof eaves/overhangs may project a maximum of 18 inches into required setback areas o At-grade porches, patios, walks, and steps are not subject to setbacks <p>6. A cluster subdivision with the 1 unit per 2 acre density shall follow the Major Subdivision process and meet the review criteria in Section 5.3.1 C and design guidelines in Section 7.3.9</p> <p>7. Lots fronting on a cul-de-sac have a 25 foot minimum frontage setback (Section 7.3.2.D)</p>							



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March 18, 2021

VIA ELECTRONIC MAIL ONLY: bill.almquist@cityofsalida.com

City of Salida Planning Commission
c/o Bill Almquist, City Planner
448 E. First Street, Suite 112
Salida, CO 81201

RE: UPCHURCH PARCEL/CONCERNING ISSUES WITH THE APPLICATION

Dear Planning Commissioners:

This letter and its Exhibits relate to the City of Salida (the “City”) Planning Commission packet for Resolution 2021-04 on the Commission’s March 22, 2021 regular meeting agenda. Resolution 2021-04 seeks a recommendation of the annexation application from Tory and Clee Upchurch (the “Application”). The Application relates to real property consisting of approximately 5.58 acres of undeveloped land in unincorporated Chaffee County, Colorado, identified by the Chaffee County Assessor as Parcel No. 368131300015 (the “Upchurch Property”).

On behalf of many local citizens informally organized as the Alliance for Responsible Rural Growth, including Mr. Charlie Farrell, owner of 8255 County Road 141, Salida, Colorado 81201, I submit to you the following comments advocating for the Planning Commission to recommend denial of Resolution 2021-04. Members of the Alliance for Responsible Rural Growth own real property in close vicinity to the Upchurch Property and will be impacted by any action on the Application. Mr. Farrell’s property, for example, is located less than ¼ mile away from the Upchurch Property.

As an initial matter, our clients acknowledge that the City of Salida is grappling with a shortage of affordable housing. The Application is not intended to address that shortage. In fact, it is expected to only exacerbate the affordable housing challenges facing the City.

The Application comes to you under unusual circumstances that are worth reviewing here. The Applicants have portrayed themselves as good-intentioned newcomers, with promises to “greatly relieve the housing availability stress that Salida is feeling right now.” **Exhibit 1.** This approach appears to have convinced the City of Salida staff, whose lead planner, Mr. Almquist, has determined Mr. Upchurch to be a “good guy” with good intentions. **Exhibit 2.**

Unfortunately, the facts leading to this Application tell a different story. The Upchurch Property was put under contract by the Applicant sometime during or before August, 2020. **Exhibit 3.** In October 2020, the Upchurch Property purchase closed, at a price of just under \$100,000 per acre. **Exhibit 4.** The Applicant always had an intention to develop this land. **Exhibit 3.**

The Application materials include already-broken promises from the developer. For instance, the Applicant indicated it would build a public park within the development. **Exhibit 1.** In the latest

development site plan, there is no park, nor is there room for a park. This new revision demonstrates the Applicant's lack of sincerity and lack of commitment to any public benefits beyond those required by the City's Municipal Code.

The Application materials also include a description of what City leaders and neighbors should expect to see on this parcel after annexation, subdivision and possible rezoning: "a combination of single family and multi-family units that consist of mid [to] high end designs and finishes." **Exhibit 1**. Does this describe the type of housing that the City's elected officials believe is needed now?

In truth, the Applicant has proposed to do nothing more than provide the required 12.5% of affordable housing units. Based on 25 total units (an approximation of the density requested by the Applicant), this means Salida will gain just three whole affordable housing units. No reasonable person could claim that providing 3 units of affordable housing and 22 mid- to high-end units constitutes "great relief" for the City of Salida's housing concerns.

Aside from a list of already-broken promises from the Applicant, this letter identifies procedural problems and substantive issues with the Upchurch Annexation. This letter is lengthy; these issues are serious and deserve your attention.

PROCEDURAL DEFECTS AND CONCERNING ANOMALIES:

The Application was received by the City in late 2020. Since that time, the City's approach and decision-making has called into question the legitimacy of the review process, as well as the independence of the City's staff and elected officials. The Application has serious implications for the City of Salida that should be discussed by the Planning Commission.

- a. The Apparently Disputed Area. Before the Application should even have been deemed complete, the City should have required the Applicant to resolve any and all boundary disputes as to the Upchurch Property. Taking any other approach represents a dangerous path that invites conflict (and possibly expensive litigation) with the City and between future neighbors after annexation. Until all boundary disputes are resolved in documents of record in Chaffee County, the Planning Commission should only recommend denial of the Application.

In this instance, the Upchurch Property's proposed Annexation Map (**Exhibit 5**) shows a nearly 2,500 square foot area of "apparent overlap" on the southwest side of the Upchurch Property that is obviously in dispute. An initial investigation tends to suggest that the neighbor, who was born and raised in Chaffee County, has been using the disputed lands for quite some time.

Rather than demand that the Applicant resolve this obvious issue before accepting the Application as complete, the City of Salida simply ignored the issue, without explanation.

Prior to taking action on the Application, the Planning Commission should require that the disputed area be surveyed, that its ownership and possession be resolved, and that any required boundary adjustment to the Upchurch Property be addressed (and new Plat Maps provided). Doing otherwise only invites expensive conflicts in the future.

- b. Waiver of the Annexation Report. Pursuant to Colorado law, an annexation impact report is required prior to any public hearing on a proposed application. *See* C.R.S. § 31-12-108.5. If a

proposed annexation is less than 10 acres in size, the impact report can be waived. *Id.* Waiver of the report means that the City, its citizens, its neighbors, and the County may avoid investigating the individual or cumulative impacts of an annexation.

In this instance, it appears the City's staff have determined - before consulting with elected officials in any public meeting - that the impact report is to be waived. **Exhibit 6.** There is no clear explanation for the City staff's decision. Since any cost of such an impact report should be borne by the Applicant¹, there is no cost savings to the City of waiving this report. Time cannot be a factor, as we know of no publicly-disclosed reason for needing to accelerate consideration or approval of the Application. Moreover, given the City's apparent intention to continue annexing lands along CR 140 and towards the airport, it is not clear why the City would avoid review of long-term, cumulative impacts of this development. An impact report could, for instance, be supplemented as the City considers new properties west of the Upchurch Parcel for annexation in the future.

The right approach is to require an annexation impact report for this Application, giving consideration to the City's demonstrated intention to continue annexation westward. In this instance, the impacts to CR 140 from the Application itself justify the need for an annexation impact report. Adding approximately 25 new residential units, served by two entrances onto CR 140 (one of which is narrower than the other), and placing approximately four new driveways in a 300-foot stretch of CR 140, where Shepherd Road and at least three driveways already exist on its southern side, is justification enough to research and understand the Application's impacts. To do otherwise represents poor planning, poor fiscal management, and a lack of serious consideration for the safety of Salida's citizens and their neighbors in Chaffee County.

Prior to taking action on the Application, the Planning Commission should require that an annexation impact report be prepared and considered. If any significant specific or cumulative impacts are identified in the report, the Applicant should be given time to respond before the Planning Commission takes action on the Application. Doing otherwise ignores the potential impacts of the Application, sets a precedent for ignoring the cumulative impacts of small annexations along the CR 140 corridor, and lends an appearance that the City is only working to please the Applicant, at the expense of the City's citizens and neighbors.

- c. Failure to Comply with Purposes and Obligations Under the IGA with Chaffee County. The City and Chaffee County are bound by the 2010 Amended Intergovernmental Agreement recorded as Reception No. 386888 in Chaffee County's official records (the "IGA"). The IGA's purpose is, in part, to "advise, consult, and involve in the planning activities the owners of private property affected by these agreements[.]" Importantly, this purpose does not limit involvement to owners of private property *within the existing City limits*.

Based on written communications already referenced above and characterizations of County residents by the City staff, it appears the City is not interested in giving much consideration to the concerns of our clients, who undoubtedly fit the description of owners in the IGA. Instead, the City staff have taken to name-calling, describing our clients as "angry neighbors" (*see Exhibit 6*) and leveling dismissive accusations of NIMBY-ism.

¹ As the sole owner of the property proposed for annexation, these costs should be shifted to the Applicant.

City staff may claim that they are, in fact, meeting these IGA obligations by conducting public hearings. This begs a simple question: if public hearings are required by law (a fact that both the City and the County would have known in 2010), why does the IGA include the more detailed purpose to “advise, consult and involve” the neighbors? Said differently, if conducting a public hearing would satisfy the purposes referenced in the IGA, why include this specific language in the document? Much like legislation, we believe the IGA must be interpreted to render none of its provisions superfluous. Applying this principle to the IGA should lead the Planning Commission to one conclusion: that conducting a public hearing is not sufficient to satisfy the purposes set forth in the IGA.

Additionally, paragraph 4.3 of the IGA requires an annexation agreement prior to the City’s consideration of the Application. To our knowledge, no such annexation agreement exists related to the Upchurch Property.² There has been no explanation as to the absence of an annexation agreement, either. Similarly, there is no indication that the annexation agreement requirement has been waived by the City or County.

Finally, paragraph 3.3 of the IGA requires the City and County to “consult and cooperate” to assess and require new developments to mitigate “impacts from roads, utility services and other impacts.” To our knowledge, there has been no assessment of impacts of any kind associated with the Application. This is further supported by the County’s March 18, 2021 letter to the City.

Prior to taking action on the Application, the Planning Commission should direct the City staff to comply with the IGA. Specifically, the City staff should “advise, consult, and involve” nearby property owners (beyond just conducting public hearings); should prepare, deliver, and have executed an annexation agreement with the Applicant; and should consult and cooperate with the County to assess impacts associated with the Application. Doing otherwise ignores the City’s obligations under the IGA and disenfranchises the specific property owners described in the IGA.

- d. Not Considering and Addressing Comments from Staff. When considering the Application, the City’s role is not to advocate for such an application. Instead, the City must assess, as an objective and neutral decisionmaker, whether the Application meets the statutory requirements for annexation and the City’s own strategic plans and goals for the carefully-directed growth of the Salida area. It is improper for the City to informally approve of any application before public review and testimony. Doing so can establish the appearance of impropriety. “[T]he appearance of impropriety undermines the integrity of the governing body itself.” Gerald E. Dahl, Advising Quasi-Judges: Bias, Conflicts of Interest, Prejudgment, at Ex Parte Contacts, *The Colorado Lawyer*, Vol. 33, No. 3 [Page 69], March 2004.

Based on the language used by City representatives in public meetings and written documents concerning the Application, it appears that the City has already made a decision to approve the Application and to rezone the Upchurch Property. This tends to heighten the concern that the City, rather than acting as an independent decisionmaker, has instead unlawfully undertaken the

² To the extent that an annexation agreement does exist, please note that it was not disclosed pursuant to the City’s CORA response to this office.

role of advocating for the Application and rezoning without properly considering (or even taking) public comments on the matter.

For example, on January 4, 2021, the City Council held a joint Work Session with the City of Salida Planning Commission. A recording of that Work Session is available at the following link: <https://www.youtube.com/watch?v=zpWth-2lyV0&feature=youtu.be>.

Mayor Wood’s comments at the Work Session tend to indicate that the City, rather than maintaining an impartial stance towards the Application, has assumed the role of advocating for the approval of both the Application and the proposed rezoning and subdivision. At [0:41:32](#): The Mayor states that the Application, rezoning, and major subdivision is a “fairly cut and dry, fairly simple ask,” without considering the role that public comment must play in the City’s decision.

Similarly, the City’s lead planner, Bill Almquist, has determined that the Applicant is a “good guy.” **Exhibit 2**. In support of this “good guy,” Mr. Almquist has already admittedly engaged in an effort of withholding information to prevent your community from getting “more worked up than necessary.” **Exhibit 2**. These comments lead reasonable people to question whether Mr. Almquist has improperly become an advocate for the Application, in violation of the Colorado Constitution. Given his role in review of the Application, it is also reasonable to wonder whether his bias – and his apparent desire to stifle transparency related to the Application – is reflected in the staff report related to the Application.

Other informed parties, who are also subject matter experts in housing and development, have raised serious questions regarding the Application. Chaffee County Housing Director Becky Gray has questioned the lack of services in the area near the Upchurch Property – an impact and uncontested need that is conspicuously ignored in the City staff’s review. **Exhibit 7**. Read McCulloch, Executive Director of the Chaffee Housing Trust, has opined that the growth pattern doesn’t make sense. **Exhibit 8**.³ Similarly, his opinions have not been given consideration by the City staff.

Prior to taking action on the Application, the Planning Commission should request that an outside third party review the Application. Given the apparent bias of City officials, this is the only manner to obtain a transparent and complete review process for the Application. Doing otherwise ignores the clear evidence of bias, lends an appearance that the City has already – improperly - made a decision on the Application and rezoning, and suggests that this Public Hearing is meaningless.

- e. Failure of City to Completely Respond to CORA Request. On February 23, 2021, this office provided a Colorado Open Records Act (“CORA”) request to the City of Salida for all communications and documents related to the Application. On March 8, 2021, the City responded with 15 documents, allegedly all of the materials to be disclosed. A response from Chaffee County to a near-exact replica CORA request produced more than 135 documents, many

³ Specifically, he notes that “[g]rowth should naturally proceed in concentric circles from the heart of town with highest density in the center and lessening as you move outwards.” In this case, the City appears to be on a mission to establish very high zoning densities at the very outer ring of the City’s boundary.

of which include City staff – but were not disclosed in the City’s CORA response to this office. Documents and communications excluded from the City’s CORA response include:

1	Email from M. Davidson, 1/23/21 @ 9:18 pm	Sent to several City of Salida Employees and elected Official PT Wood, M. Pollock, B. Almquist, K. Jefferson, E. Kelley
2	Email to County email, 01/15/21 @ 1:29 pm	Email from D. Nelson to B. Christianson, cc'd to B. Almquist, N. Williams
3	Upchurch Annexation Petition with Upchurch Signatures, notarized 12/14/20	Addressed to the City Council of the City of Salida
4	Letter from Tony Upchurch (references location, costs and benefits, public facilities and services, plan to build single family and multi-family units)	Part of annexation/zoning application
5	City of Salida General Development Application	Received by City of Salida
6	City to County email, dated 1/7/21 @ 1:49 pm	Sent from B. Almquist to C. Barton
7	City to County email, dated 1/7/21 @ 11:36 am	Sent from B. Almquist
8	City to County email, dated 1/7/21 @10:44 am	Sent from B. Almquist to C. Barton
9	City to County email, dated 1/7/21 @ 8:13 am	Sent from B. Almquist to J. Roorda
10	City to County email, dated 1/21/21 @ 12:17 pm	Sent from D. Nelson to B. Christianson
11	City to County email, dated 1/20/21 @ 3:29 pm	Sent from D. Nelson to B. Christianson, B. Almquist, N. Williams
12	City to County email, dated 1/15/21 @ 1:29 PM	Sent from D. Nelson to B. Christianson, B. Almquist, N. Williams
13	City to County email, dated, 1/21/21 @ 11:48 pm	Sent from D. Nelson to B. Christianson
14	County to City email, dated 1/7/21 @ 11:15 am	Sent to B. Almquist from C. Barton
15	Petition from ARRG	Submitted to the City and County by ARRG

Given all of the concerns expressed above related to the Application review process, the failure of the City to fully and adequately respond to the CORA request has (intentionally or unintentionally) suppressed transparency related to the Application. Prior to taking action on the Application, the Planning Commission should request that an outside third party review the Application to address the appearance of impropriety related to the Application.

SUBSTANTIVE MATTERS CHALLENGING THE LEGITIMACY OF ANNEXATION:

In addition to the procedural defects and concerns noted above, the Application also suffers from a number of substantive problems and concerns that are simply not addressed by the City staff.

- a. CR 140 Access Has Not Been Thoroughly Reviewed. The Annexation proposes to add two new intersections with CR 140, serving approximately 25 lots and at least three new driveways, to a 300-foot span of CR 140. That same 300-foot span already includes the intersection of Shepherd Road (which will apparently not be aligned with the two new entrances to the Upchurch Property) and at least three driveways. The Applicant has not performed a traffic study to determine whether the number and location of proposed entrances is appropriate, whether CR 140 is wide enough to handle this new traffic, whether CR 140 will remain safe with all of this increased use, and whether this new use – when considering the City’s apparent expansion intentions in the future – will require further infrastructure improvements to CR 140.

These issues might be addressed in an annexation impact report, but the City staff have apparently determined such a report is not necessary. By ignoring these impacts to CR 140, the City is setting a poor precedent, acting solely in the Applicant's best interest, and shifting the cost of future infrastructure improvements to the City's residents – when the Applicant is the one who should be paying these costs.⁴

Prior to taking action on the Application, the Planning Commission should request, at a minimum, that a traffic study be performed to understand the Application's impact on CR 140. If infrastructure improvements are required, the Planning Commission should recommend that those improvements be funded by the Applicant. Doing otherwise ignores the impacts of this specific development, may lead to unwelcome surprises in the future, and may create dangers to life and safety on the City's roadways.

- b. The Application Should be Denied Because it Contributes to Sprawl. The Application should be denied because it is only contributing to sprawl. Colorado law allows for annexations to factor in the perimeter of adjacent public roadways for purposes of calculating the required 1/6 contiguity. In this instance, the Upchurch Property, standing on its own, would not achieve the necessary contiguity with the City's existing boundaries. The Application achieves contiguity only by including the perimeter of CR 140.

While the use of CR 140's perimeter to achieve contiguity may be legal, it also serves as a proxy for identifying sprawl. City Councilor Justin Critelli astutely identified this issue at the City Council's March 2, 2021 regular meeting.

The Upchurch Property is separated from the existing City boundary by CR 140, which runs along the southern border of the Upchurch Property. The Chaffee County Legal Department has explicitly recognized that CR 140 is a "County right-of-way." **Exhibit 9.**

The Draft Annexation Plat attached hereto as **Exhibit 5** identifies the total perimeter of land to be annexed as 3,764.36 feet. Notably, the Draft Annexation Plat indicates that a 2.58 acre section of Chaffee County Road 140 (the "Adjacent Road Section") is part of the parcel to be annexed. The Draft Annexation Plat identifies the "Contiguous Boundary with City of Salida" as 859.24 feet, consisting of a 777.08 foot section of CR 140 extending east beyond the Upchurch Property boundary and an 82.16 foot section extending north across the right-of-way for CR 140. These beginning and end points are depicted on **Exhibit 10**, a marked-up copy of the Draft Annexation Plat.

The actual linear perimeter of the Upchurch Parcel (standing alone) is 2,278.82 feet. Approximately 301.14 feet of the southern boundary of the Upchurch Property is contiguous with the Angelview Minor Subdivision, as depicted on **Exhibit 10**. Therefore, only 13.215% of the Upchurch Property's actual total perimeter is contiguous with the existing City boundary. This is well below the minimum contiguity requirements provided by C.R.S. § 31-12-104(1).

Colorado Revised Statute § 31-12-104(1) is intended to encourage thoughtful growth throughout Colorado, minimize sprawl and strip (or "leapfrog") patterns of development, and to establish an

⁴ See paragraph 3.3 of the IGA, which notes that the City and County can require "new developments . . . to mitigate impacts resulting from developments[.]"

objective standard for parcels appropriate for annexation. The City's approach ignores these principles, instead opting for an approach that only promotes unplanned and disorderly expansion that will primarily benefit the Applicant, while forcing detrimental impacts upon neighbors in the area, including our clients. Chaffee County Housing Director Becky Gray recognized this issue, noting that the "flagpole annexation" represents an "anomaly" which should be carefully reviewed by the Planning Commission. *See Exhibit 8.*

Without the City's inclusion of the Adjacent Road Section, contiguity cannot be met. All of these manipulations should tell the Planning Commission what is patently obvious to our clients: annexation of the Upchurch Property at this time will only result in sprawl. The City Council should reject this action by recommending denial of the Application.

- c. The Application Should be Denied Because it Ignores the JPM. The Application depicts only one internal circle drive serving the Upchurch Property. As noted above, this circle drive's two entrances on CR 140 have not been reviewed in any detail and do not line up with Shepherd Road. Additionally, the proposed transportation scheme is inconsistent with the Joint Planning Map ("JPM") from 2010.

The JPM depicts Shepherd Road continuing through the Upchurch Property and connecting with CR 141-B. Instead of following the guidance of the JPM, the Applicant has chosen a disruptive new circulatory system, doubling the number of intersections with CR 140, failing to align the circulatory system's proposed new road, and failing to follow the JPM.

Until the Applicant presents a plan that complies with the JPM, provides a traffic study demonstrating that the new design will be safe and efficient, and explains the basis for varying from the JPM, the Planning Commission should recommend denial of the Application.

SPECIFIC FAILURES TO MEET STATUTORY REQUIREMENTS FOR ANNEXATION:

Both the Planning Commission and the City Council must make certain findings related to the Application in order to satisfy the requirements of C.R.S. § 31-12-104(1). For all of the reasons set forth above, I urge the Planning Commission to recommend denial of the Application on the following bases:

1. There is no community of interest between the Upchurch Property and the City of Salida;
2. The Upchurch Property is surrounded by low-density, rural properties, and cannot be considered urban;
3. The Upchurch Property is not expected to be urbanized in the near future; and
4. The Upchurch Property is not integrated with the City of Salida, nor is it capable of being integrated with the City.

On behalf of our clients, please recommend denial of Resolution 2021-04. Until the issues identified above are resolved, the Application should not proceed forward.

Sincerely yours,

HUCKSTEP LAW, LLC



Aaron J. Huckstep

cc: Charlie Farrell

My name is Tory Upchurch and my wife (Clee and I) love Salida. We used to live in Colorado and have been trying for years to find a town that fits us. We bought this land with the goal of eventually building a house for permanent residency so our goal is not to “get in and get out”. Our goal is to build relationships as we work through the project. I will be partnering with a friend of mine Ravi Reddy who is a developer by trade and has a great deal of experience navigating large projects and working through permitting and city process. We will like raise some money for friends and family for part of the financing of this project but will also be working with a bank (preferably local to Salida) for a majority of the financing.

In terms of location, we believe that the property is in a desirable area in terms of annexation. There are not many (if any) properties that would be available for annexation in the near future. Additionally, this property meets the City of Salida’s 1/6 contiguity rule and will be zoned consistently with other City properties in the vicinity. We will work with Public Works regarding utility extensions and public improvements.

In terms of costs and benefits, we plan to build 25+ units which will **greatly relieve the housing availability stress that Salida is feeling right now** and add to the tax base for the City of Salida. We will also work with the city and Chaffee County Housing Authority to provide affordable housing according the requirements set forth. I have already started a conversation with Read McCulloch at the Chaffee County Housing Authority to discuss options for working with them.

In terms of public facilities and services, we will be connecting to the water/sewer lines that already exist on CR 141 and CR 140 and extending them throughout the development. **We also plan to build a public use city park in the center of the development that will be HOA maintained.**

The current plan is to build a combination of single family and multi-family units that consist of mid-high end design and finishes. Our goal is to be a permanent resident in Salida at some point and we will ensure that our development adds a positive visual impact on the city for the long run.

Additionally, we will request to rezone the property to R3 which is consistent with the comprehensive plan and compatible with surrounding districts and uses.

Tory Upchurch
512.826.6152

Marcella Bradford

From: Christie Barton <cbarton@chaffeecounty.org>
Sent: Friday, January 08, 2021 9:11 AM
To: 'Greg Felt'; 'Keith Baker'; rgranzella@chaffeecounty.org; dtom@chaffeecounty.org; 'Bob Christiansen'; 'Dan Short'; 'Jennifer Davis'
Cc: Jon Roorda; dswallow@chaffeecounty.org
Subject: FW: Upchurch annexation
Attachments: 20165-LEGAL DESCRIPTION-ANNEX (1).pdf; Salida_narrative_123020.docx; upchurch_GDA.pdf; NOTARIZE-annexation_petition (1).pdf

FYI.

Christie Barton, AICP
Chaffee County Planner
PO Box 699, Salida, CO 81201
(719) 530-5572

From: Bill Almquist <bill.almquist@cityofsalida.com>
Sent: Thursday, January 7, 2021 1:49 PM
To: Christie Barton <cbarton@chaffeecounty.org>
Subject: Re: Upchurch annexation

Hi Christie,

Here are the rest of the relevant annexation materials that we've received, FYI. For what it's worth, I've talked to him a few times now, and **he seems like a good guy** who wants to make use of the property and make a little money, but who is also open to working with the neighbors to have his development fit in to a reasonable extent. Although they originally asked for R-3 (probably at the urging of Crabtree...), he sounds amenable to possibly revising that request based on some City feedback--**we're going to have some more internal discussions about that before making those materials any more public. No need to get people more worked up than necessary.** Let me know what you hear.

Thanks,
Bill

On Thu, Jan 7, 2021 at 11:36 AM Bill Almquist <bill.almquist@cityofsalida.com> wrote:

We do have the full paperwork for the annexation (and rezone) request, however we haven't established a hearing date yet so I haven't put together the agency review packets. I was waiting to chat with Jon about CR 140 (which I did yesterday) and get his feedback before moving ahead. He was in support of the City taking CR 140 to the west extent of the Upchurch property and also mentioned that the County would want to see dedication to 30 ft from the centerline along CR 141, adjacent the subject property. He mentioned that he would chat with Mark Stacy about it, to let him know, as well.

Sounds like the County is getting a **bunch of noise in its ear from neighbors. I assume they don't quite understand how annexations work, however, esp. with an IGA in place.** Let me know if you guys absolutely need the rest of the application materials now, or if it can wait until I send out the referrals. What is being requested to be annexed is called out clearly on the map, though.

Thanks,
Bill

On Thu, Jan 7, 2021 at 11:15 AM Christie Barton <cbarton@chaffeecounty.org> wrote:

Thanks, Bill. Is there any paperwork that goes with it or is it premature?

Christie Barton, AICP

Chaffee County Planner

PO Box 699, Salida, CO 81201

(719) 530-5572

From: Bill Almquist <bill.almquist@cityofsalida.com>

Sent: Thursday, January 7, 2021 10:44 AM

To: Christie Barton <cbarton@chaffeecounty.org>

Subject: Fwd: Upchurch annexation

Hi Christie,

I understand you wanted the annexation plat for Upchurch. Here's what I sent over to Jon yesterday.

----- Forwarded message -----

From: Bill Almquist <bill.almquist@cityofsalida.com>

Date: Thu, Jan 7, 2021 at 8:13 AM

Subject: Upchurch annexation

To: Jon Roorda <jroorda@chaffeecounty.org>

Hi Jon,

FYI, I am attaching the draft annexation plat that Tory Upchurch had prepared, which includes the portion of CR 140 that we discussed. We gave Planning Commission and City Council an initial overview of their annexation and rezone request the other night and plan to move forward with the start of hearings sometime in February.

Let me know if you have any questions or additional comments. We will of course send you the full application as part of agency review. Thanks!

--

Bill Almquist
Planner



(719) 530-2634
bill.almquist@cityofsalida.com

"M.S.H.G.S.D"

--

Bill Almquist
Planner



(719) 530-2634
bill.almquist@cityofsalida.com

"M.S.H.G.S.D"

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Bill Almquist
Planner



(719) 530-2634
bill.almquist@cityofsalida.com

Marcella Bradford

From: Tory Upchurch >
Sent: Thursday, August 27, 2020 11:51 AM
To: cbarton@chaffeeconomy.org
Subject: parcel #368131300015

Christie --

We have a 6 acre lot on CR140, parcel #368131300015 under contract to buy right now and I am in the process of doing some due diligence to understand more about development options in the county. Would you have some time to talk this afternoon or tomorrow?

Thanks.

Tory Upchurch

--

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Summary

Parcel Number 368131300015
 Account Number R368131300015
 Property Address UNINCORPORATED CHAFFEE COUNTY, CO
 Brief Tax Description TRACT IN SE4SW4 31-50-9 REC 464241
(Note: Not to be used on legal documents)
 Class Vacant Land
 Subdivision
 Neighborhood N/A
 Tax District District 06
 Millage Rate 53.46
 Acres 5.581428

Owner Name & Mailing Address

Disclaimer: Mailing address is used for Chaffee County ad-valorem taxation purposes.

Upchurch Krishna Clee
 Upchurch Tory
 2112 Ann Arbor Ave
 Austin, TX 78704

Land

Description	Acres	Square Footage	Value
Vacant Land - 5-9 Acres	6.22	270,943.19	\$147,830

Valuation

	2020	2019	2018	2017
Land Value	\$147,830	\$147,830	\$151,666	\$151,666
Building Value				
Total Value	\$147,830	\$147,830	\$151,666	\$151,666
Assessed Land Value	\$42,870	\$42,870	\$43,980	\$43,980
Assessed Building Value				
Total Assessed Value	\$42,870	\$42,870	\$43,980	\$43,980
Estimated Total Taxes	\$2,291.83	\$2,295.47	\$2,310.01	\$2,252.39

Recent Sales

Sale date range:

From: 01 / 01 / 2018 To: 02 / 10 / 2021

1500 Feet Sales by Distance

Sales

Sale Date	Sale Price	Instrument	Reception Number	Vacant or Improved	Grantor	Grantee
10/28/2020	\$499,900	Warranty Deed for Joint Tenants	464241	Vacant	HEWITT PAUL G REV TRUST	UPCHURCH KRISHNA CLEE, UPCHURCH TORY
07/02/2013	\$0	Warranty Deed	409287	Vacant	HEWITT PAUL G	HEWITT PAUL G REV TRUST
10/01/1992	\$25,000	Warranty Deed for Joint Tenants	264412	Vacant	CHELF FRANK M JR	HEWITT PAUL G & MILDRED M

No data available for the following modules: Related Accounts, Buildings, Photos, Sketches.

The Chaffee County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. Data is subject to constant change and its accuracy and completeness cannot be guaranteed.

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[GDPR Privacy Notice](#)

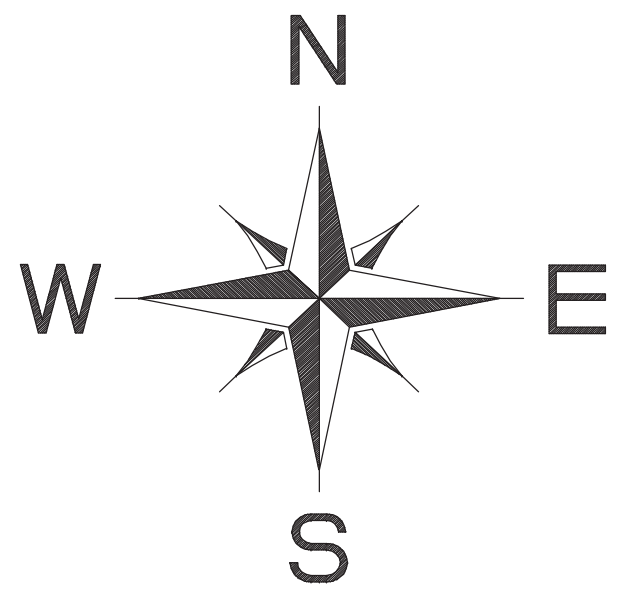
Last Data Upload: 2/9/2021 3:17:55 PM



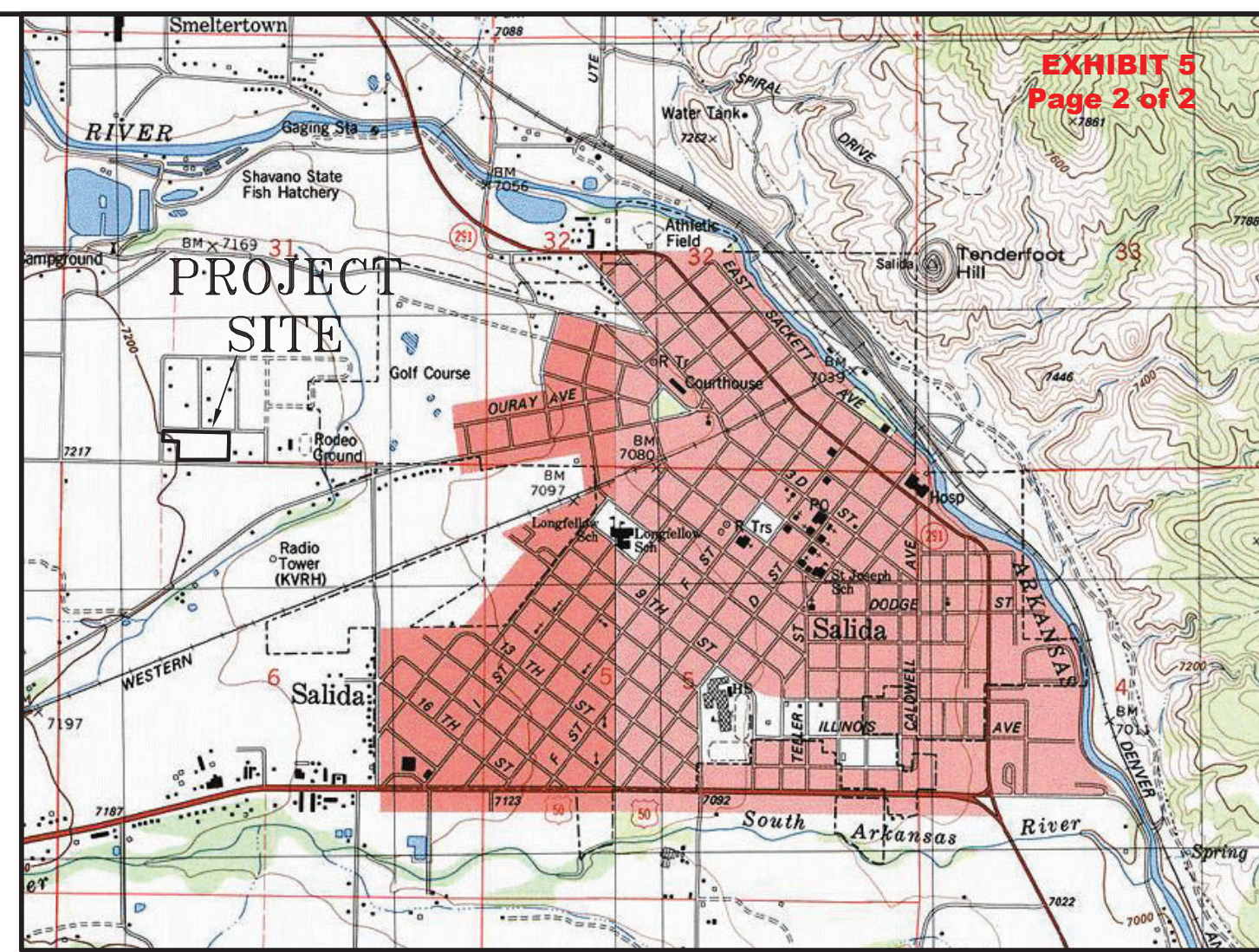
Version 2.3.105

UPCHURCH ANNEXATION TO THE CITY OF SALIDA

LOCATED IN THE SE 1/4 SW 1/4 OF SECTION 31 T50N R9E OF THE N.M.P.M. CHAFFEE COUNTY, COLORADO



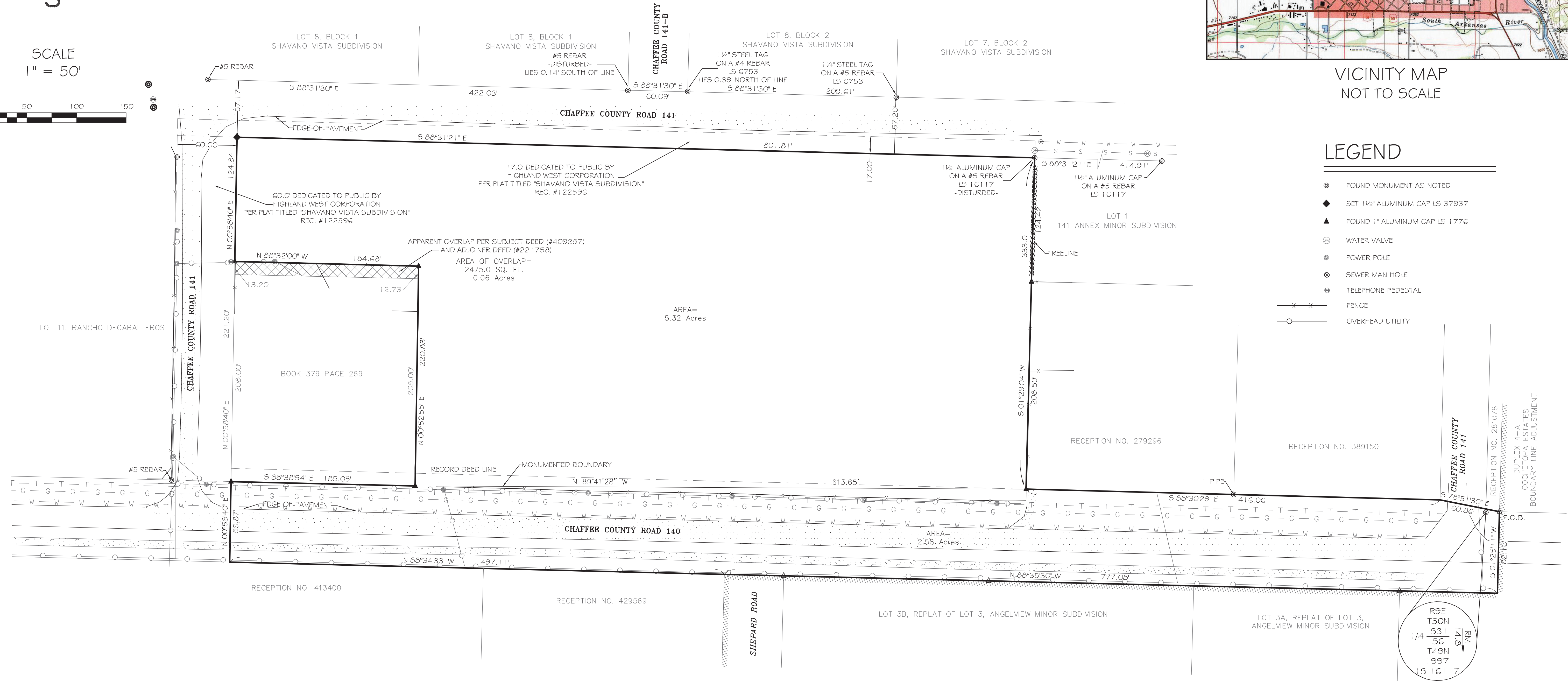
SCALE 1" = 50'



VICINITY MAP NOT TO SCALE

LEGEND

- ⊙ FOUND MONUMENT AS NOTED
- ◆ SET 1 1/2" ALUMINUM CAP LS 37937
- ▲ FOUND 1" ALUMINUM CAP LS 1776
- ⊙ WATER VALVE
- ⊙ POWER POLE
- ⊙ SEWER MAN HOLE
- ⊙ TELEPHONE PEDESTAL
- × × × FENCE
- OVERHEAD UTILITY

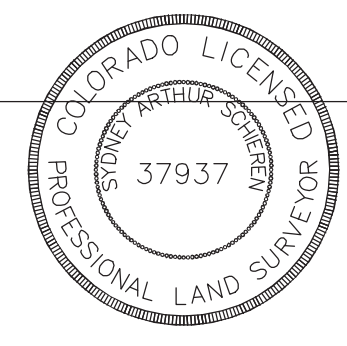


LAND SURVEYOR'S CERTIFICATE

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.

PRELIMINARY DRAFT

INTENDED FOR REVIEW BY CLIENT



REVISED: FEBRUARY 11, 2021
JOB # 20165
DATE: NOVEMBER 19, 2020
SHEET 2 OF 2

UPCHURCH ANNEXATION TO THE CITY OF SALIDA

LOCATED IN THE SE 1/4 SW 1/4 OF SECTION 31 T50N R9E OF THE N.M.P.M. CHAFFEE COUNTY, COLORADO



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.

Marcella Bradford

From: Drew Nelson <Drew.nelson@cityofsalida.com>
Sent: Friday, January 15, 2021 1:29 PM
To: Bob Christiansen
Cc: bill.almquist@cityofsalida.com; Nina Williams
Subject: Upchurch Annexation

Bob – It appears that following the public comments from neighbors out on CR 140 regarding the proposed Upchurch Annexation, County planning staff (Jon Roorda) may have been working on some suggestions for public road dedication that will be requested by Chaffee County as part of the upcoming annexation hearing on this item. In addition, we are under the impression that Chaffee County will be requesting an Annexation Impact Report; however, it is our belief that the IGA only requires these reports with annexations in excess of 10 acres, which this property is less than.

We believe it might be appropriate to schedule a meeting between the City and County (no applicants, elected officials, or angry neighbors) to discuss these ROW dedication and annexation report requirements. Attendees should include administrators, planners, and attorneys working on this application. I look forward to figuring out a good time to meet.

Sincerely,

Drew Nelson



Drew Nelson, City Administrator
City of Salida
448 East 1st Street, Suite #112
Salida, Colorado 81201
719.530.2629

--
This message has been scanned for viruses and dangerous content by [MailScanner](#), and is believed to be clean.

Marcella Bradford

From: bgray@chaffecounty.org
Sent: Monday, January 11, 2021 2:01 PM
To: 'L MARTIN'
Subject: RE: {Disarmed} FW: Hot Off the Press! Through the Roof PFR

I just adore you, Lisa. The report looks fantastic, and I typically love the work of the Lincoln Institute – thanks for sharing!

And thanks for sharing the heads up; I appreciate the education and advocacy you've been about. The Uphurch development leaves a lot to be desired, in my opinion. Like, when are we going to introduce some mixed use out there? It's a long way to the corner store... I have yet to be involved in the affordability aspect of this project, but will certainly be on the lookout.

I 100% support using the \$500 earmarked for evergreen marketing for Dave's efforts. It fits the intention, so yes! I'm so pleased with the response you received from the Commissioners 😊

Becky

From: L MARTIN < >
Sent: Monday, January 11, 2021 1:20 PM
To: Becky Gray <bgray@chaffecounty.org>
Subject: {Disarmed} FW: Hot Off the Press! Through the Roof PFR

Hi Becky!

It was great to hear all that you report on to the county commissioners. You have a lot going on!

See below link for a new publication about what communities can do about the high cost of rent in America. At first glance this publication looks pretty amazing and like it's right up your alley! Breece is our friend that is the Director of Partnerships and Strategy, Center for Geospatial Solutions, for the Lincoln Institute of Land Policy.

Do you have any concerns with me using the \$500.00 Evergreen funding that we had on hold to pay for Dave Curtis's extra time he is putting toward the montage video? Heather is onboard. I am certain Dave will have put in at least \$500.00 worth of extra time into the project by the time we're done. And I plan to ask him to create some super short clips for use on social media to promote the website/Dinner and a Movie too. If you agree, I'll have a conversation with him about this possibility and the steps he needs to take.

Just a heads up: A friend of mine (not too close of a friend), Ann Daniels lives near the Upchurch annexation and development area. She and her neighbors are concerned about impacts of the development to their neighborhood. She reached out to her circle of friends asking for support to protest this development or at least keep it to 6-12 homes on the 6+ acres. I discussed a few things with her, but I doubt I changed her mind anything. She did watch Randall's video and I hope that she watches more, especially Missing Middle Housing. She repeated several times that the developer is from out of town and just trying to make money, I didn't have the heart to tell her, "What's new with that?" She knows that affordable housing units will need to be built at a higher density but doesn't think that that affordable housing will be included in the project as Walt Harder built across the street and "the units that were supposed to be affordable are now second homes."

If we only could convince everyone to be housing advocates before they end up NIMBYs!

I hope you're doing well. The world sucks right now and everything seems harder.
Let me know when you want to walk...

Lisa

From: [Breece Robertson](#)
Sent: Monday, January 11, 2021 12:44 PM
To:
Subject: FW: Hot Off the Press! Through the Roof PFR

Hey Lisa, I thought you might find this report interesting given your work on housing in Chaffee County. Hope to see you soon! Breece

From: Emily McKeigue >
Sent: Monday, January 11, 2021 12:17 PM
To: LILP Staff >
Subject: Hot Off the Press! Through the Roof PFR

Dear All,

We're very excited about our newest PFR, *Through the Roof: What Communities Can Do About the High Cost of Rental Housing in America*, by Ingrid Gould Ellen, Jeffrey Lubell, and Mark A. Willis! It is now available at [MailScanner has detected a possible fraud attempt from "na01.safelinks.protection.outlook.com" claiming to be MailScanner has detected a possible fraud attempt from "na01.safelinks.protection.outlook.com" claiming to be https://www.lincolninst.edu/publications/policy-focus-reports/through-roof-what-communities-can-do-high-cost-rental-housing.](#)

This report shows what local U.S. governments can do to mitigate the rising cost of rental housing. It considers the root causes of high rent burdens, reviews evidence about the consequences, and lays out a framework that cities, towns, and counties can use to provide citizens with safe, decent, affordable housing options. This tool will help local officials develop new housing strategies and enhance those that already exist.

The report also appears in [CUP's Spring 2021 catalog](#) (Columbia University Press) on page 790.

If you would like a hard copy, please contact Shirlynn.

Best and be well,
Emily

Emily McKeigue
Managing Editor

Lincoln Institute of Land Policy
113 Brattle Street, Cambridge, MA 02138

www.lincolninst.edu

Finding answers in land

Marcella Bradford

From: bgray@chaffeeconomy.org
Sent: Monday, January 25, 2021 9:02 AM
To: 'Read McCulloch'; 'Marilyn Bouldin'
Subject: RE: Emailing: Letter and Petition 1-18-21

Dear Read and Marilyn,

Thanks for initiating this discussion, Marilyn, and thanks for your thorough and thoughtful response, Read.

I do not have much more to add to what Read has already said. As growth continues to occur, higher density is our friend, as Read said. And while it would be nice to see 50% of the new housing units be affordable, the ordinance only requires 12.5%. Everything seems in order with this application; the biggest anomaly is the flagpole annexation, and that's a discussion better left to the Planning Commission.

I very much appreciate all that you do and represent in our County, Marilyn. Feel free to reach out if you'd like to chat about this further.

Best Regards,

Becky Gray

Director of Housing
Chaffee County, Colorado
719-239-1398

From: Read McCulloch <read@chaffeehousing.org>
Sent: Sunday, January 24, 2021 12:49 PM
To: Marilyn Bouldin >
Cc: Becky Gray <bgray@chaffeeconomy.org>
Subject: Re: Emailing: Letter and Petition 1-18-21

Marilyn,

Thank you for sharing this, I did know this opposition existed.

As indicated in Tory Upchurch's application, I've had conversations with them about including affordable housing in their development. Since we have an interest in the project being approved, please take my views accordingly.

I understand the concerns of neighbors who bought "rural" and are being faced with the urbanization of the periphery of Salida. The growth area should, by design, accommodate city density as it is contiguous with the rest of town. Growth should naturally proceed in concentric circles from the heart of town with highest density in the center and lessening as you move outwards. This is the leading edge of that. What we don't want it to make that new development less dense (R-1) so that it provides fewer homes, and pushes the spread of development even further into the "country". This comes at great cost in the long run to the City because they need to run longer services lines for fewer homes. This becomes a net operating loss for City services, which will result in higher fees for everyone. There is a lot of debate nationally about how R-1 zoning creates large expensive lots, that can't be changed in the future, making them exclusive

to higher income households (by accident or by design?). The inclusionary housing policy the City adopted is intended to counter exclusivity, by design. The 12.5% is the highest ratio that developers and the City could stomach. 50% would be great, but not politically viable. If we put those 25 new homes further west or north where there is space to build, and they are on 2 or 5 acres, then we very effectively achieve the sprawl we all agree is not what is best. The Silver Spurge and Mesa Circle developments are similarly zoned R-3 for good reason. We need density to prevent sprawl. This is a logical progression.

Part of this debate is the conflict between existing, entitled landowners and the needs of a growing population with a serious housing problem and is becoming a full blown crisis (median home prices are now over \$500k, a 33% increase year over year according to the Realtors of Central Colorado). The community needs higher density. The nature of growth is that it pushes slowly outwards. Is it fair for those landowners near the edge, now that they're in their homes on spacious lots, can dictate what neighboring property owners can do? Should their individual concerns override the community's needs? The annexation policy is explicit on how a property gets annexed with the intent of being as fair as possible. Having properties on the edge tie into City infrastructure is desirable for all from an environmental perspective (wells and septic systems vs. City water/sewer) as well as cost.

As an active participant in HPAC, your perspective is important. You can give voice to the needs of the community, or give voice to the neighbors. **It is not an easy decision, I know. Clearly this issue has the potential of being contentious and divisive.** I think we all need to wade carefully and respectfully into these waters with a higher purpose top of mind.

I'd be happy to discuss this further with you or anyone else.

Thank you,

Read

Read McCulloch
Executive Director
(719) 239-1199
read@chaffeehousing.org
www.chaffeehousing.org
PO Box 692
Buena Vista, CO 81211



On Jan 24, 2021, at 12:03 PM, Marilyn Bouldin

> wrote:

Would either of you be willing to share your perspective on this to help me decide if I want to sign this petition?!

Thanks
Marilyn

Sent from my iPhone

Begin forwarded message:

From: Marilyn Bouldin
Date: January 23, 2021 at 5:34:54 PM MST
To: Jean and Jim McPhetres <mailto:jean@jeanandjim.com>, Janine Marr <mailto:jmarr@jeanandjim.com>
>, Mike Marr <mailto:mikemarr@jeanandjim.com>, Miq Miquelon <mailto:miquelon@jeanandjim.com>
>, Ken and Linda Baker <mailto:kenandlinda@jeanandjim.com>, Linda <mailto:linda@jeanandjim.com>
Johnson <mailto:johnson@jeanandjim.com>, Tina Fox <mailto:tinafox@jeanandjim.com>, Jeannine Aberg <mailto:jeannine@jeanandjim.com>
Maes <mailto:maes@jeanandjim.com>, ICEJohn Bouldin <mailto:icejohn@jeanandjim.com>, <mailto:icejohn@jeanandjim.com>
Lourdes Smith <mailto:lourdes@jeanandjim.com>, Larry Zavadil <mailto:larryz@jeanandjim.com>, Paula Bowman <mailto:paula@jeanandjim.com>
>, Patti Arthur <mailto:patti@jeanandjim.com>, Ann Lyford <mailto:ann@jeanandjim.com>
>, Pam Matthews <mailto:pam@jeanandjim.com>, Judy Myers <mailto:judy@jeanandjim.com>
>, Arika Bangart <mailto:arika@jeanandjim.com>, Jirina Myers <mailto:jirina@jeanandjim.com>
>, Claudia Benson <mailto:claudia@jeanandjim.com>, Megan <mailto:megan@jeanandjim.com>
Walshe <mailto:walshe@jeanandjim.com>, Kristina And Joe Smith <mailto:kristinaandjoe@jeanandjim.com>, <mailto:kristinaandjoe@jeanandjim.com>
Craig and Nicole Oubre <mailto:craigandnicole@jeanandjim.com>, Terry Luckie <mailto:terry@jeanandjim.com>
>, Stephanie Micklich <mailto:stephanie@jeanandjim.com>, Sage Ryen <mailto:sage@jeanandjim.com>
>, Britt Hughes <mailto:britt@jeanandjim.com>, Elise Feier <mailto:elise@jeanandjim.com>
>, Walt Feier <mailto:walt@jeanandjim.com>, Mary and Tim Ebuna <mailto:maryandtim@jeanandjim.com>
>, Rose Seavey <mailto:rose@jeanandjim.com>, Meghan <mailto:meghan@jeanandjim.com>
Barker <mailto:barker@jeanandjim.com>, Jim Seavey <mailto:jim@jeanandjim.com>, John and <mailto:johnand@jeanandjim.com>
Marti Dodgen <mailto:marti@jeanandjim.com>, Shelly Michell <mailto:shelly@jeanandjim.com>, Lloyd <mailto:lloyd@jeanandjim.com>
Michell <mailto:michell@jeanandjim.com>
Subject: Fwd: Emailing: Letter and Petition 1-18-21

FYI. Read PDF attachment for more info.

<ITEM-Attachment-001-7928d6a67d0240e4bce25df6719dbe3f.pdf>

Begin forwarded message:

From: Cheryl Hardy-Moore <mailto:cheryl@jeanandjim.com>
Subject: Fwd: Emailing: Letter and Petition 1-18-21
Date: January 23, 2021 at 12:37:24 PM MST
To: Marilyn Bouldin <mailto:marilyn@jeanandjim.com>

Sent from my iPhone

Begin forwarded message:

From: Ann Daniels <mailto:ann@jeanandjim.com>
Date: January 23, 2021 at 11:41:55 AM MST
To: h <mailto:h@jeanandjim.com>
Subject: FW: Emailing: Letter and Petition 1-18-21

I am sending this out to you and anyone you know who would be willing to sign it. Please read it and then on the last page, above the Signature line, there is a small link that you click on, that will take you to a place where you sign your name, local address, email address and then submit. That's all you have to do. The information goes back to someone in my neighborhood, who will then prepare an excel spreadsheet with all names attached and we will then send that on to the Commissioners and City Council and others listed in the letter. I will send you the document from the City regarding Upchurch's plan. I'm going to have to dig around for it so that will come in a minute.

Thank you for your time and consideration regarding this issue. We really appreciate your help.

Ann S. Daniels

<Letter and Petition 1-18-21.docx>

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Chaffee County Government
PO Box 699 ~ 104 Crestone Ave, Salida, CO 81201
719.539.2218 ~ www.ChaffeeCounty.org

Summary of Annexation Process between Chaffee County and City of Salida

And its Applicability to the Upchurch Annexation Application

Prepared by Chaffee County Legal Department February 9, 2021

Disclaimer

This summary is provided as a courtesy for the Chaffee County constituents who may have questions regarding local annexation processes and governing statutes in the state of Colorado. It is not intended to serve as legal advice, nor to influence decisions regarding the Upchurch Annexation application specifically. If you have any specific questions about annexation you should consult an attorney.

All comments and questions regarding the Upchurch Annexation should be sent to the [City of Salida](http://CityofSalida.com) at PublicComment@cityofsalida.com.

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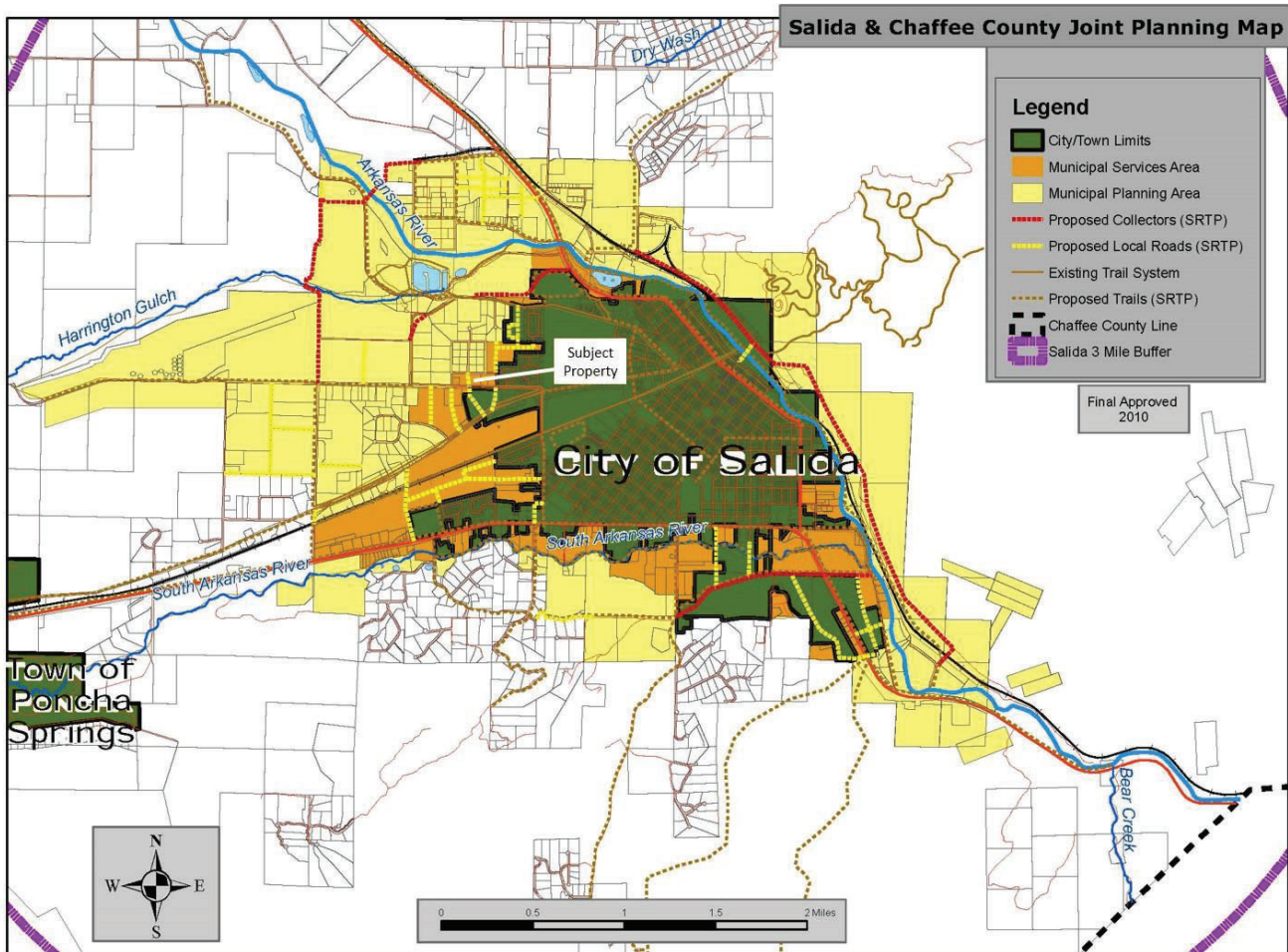
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Background on the Upchurch Annexation

Chaffee County (“County”) elected officials and staff have received questions from community members regarding annexation and rezoning of land owned by Tory and Clee Upchurch (“Upchurch Annexation”) into the City of Salida (“City”). Annexation is the process of legally bringing a property into a different

municipality or jurisdiction; in this case it is a proposal to bring the Upchurch property into the City of Salida.

The Upchurch Annexation involves a 6.22-acre parcel of undeveloped land located between CR 140 and CR 141-A north of Shepherd Road. This parcel is located in unincorporated Chaffee County, just outside the Salida City limits.



Typically, any development or subdivision of property within the unincorporated County boundaries would need to follow the Chaffee County Land Use Code. However, based on the location of the Upchurch property, the owners can petition the City to annex the property into the City. The Upchurches submitted an application for Annexation to the City of Salida City Council and Salida Planning Commission for review at their January 4, 2021 work session. The application can be viewed [here](#).

Because the County has received numerous questions about the Upchurch Annexation, the County wishes to provide some clarification for the community's awareness and understanding.

What is an annexation and what are the applicable laws?

An annexation is the process by which a municipality, such as a City or Town, incorporates new territory or property, either before or after development of that property has occurred. Colorado Revised Statute (C.R.S.) sets forth the laws governing this process. Specifically, C.R.S. § 31-12-101, *et seq.* is the Municipal Annexation Act of 1965 (“Annexation Act”), which establishes the process by which a municipality, like the City of Salida, incorporates territory through annexation.

The Annexation Act has been amended and has been held constitutional by Colorado Courts. The Courts have upheld the Annexation Act’s policy to encourage natural and well-ordered development of municipalities and not to discourage it. Annexation can take place in three ways:

1. landowner petitions;
2. annexation election; and
3. unilateral annexation of an enclave or municipally owned land.

The City may annex if it receives a petition for the annexation from a property owner(s) of a parcel of land or if for example, a neighborhood petitions to be annexed and the petition comprises of more than 50% of the landowners in the neighborhood that own more than 50% of the area/neighborhood to be annexed.¹

In addition, C.R.S. § 31-12-104 creates the eligibility requirements for annexing into a municipality. Any property is eligible if the City finds at a public hearing that:

- “Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.” C.R.S. § 31-12-104(1)(a).
 - Although the Upchurch Annexation is separated from the City by County Road 140, a County right-of-way, the statute specifically states that contiguity is not affected by the existence of a platted public right-of way. *Id.*²
- A community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. C.R.S. § 31-12-104(1)(b).
 - The City can show compliance with these specific requirements based on the fact that the proposed Upchurch property meets the contiguity requirements. C.R.S. § 31-12-104(b).

Is the Upchurch property eligible for annexation?

¹ Colo. Const. Art. II § 30(1)(b).

² “Contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, public lands, whether owned by the state, the United States, or an agency thereof, except county-owned open space, or a lake, reservoir, stream, or other natural or artificial waterway between the annexing municipality and the land proposed to be annexed.” C.R.S. § 31-12-104(1)(a)

The Upchurch property is eligible for annexation by the City. However, the City must decide whether the Upchurch Annexation meets statutory annexation requirements. Statutorily the City must find at a public hearing that:

1. The Upchurches are the owners of the property and have submitted a petition for annexation to the City.
2. The Upchurch Annexation fulfills eligibility criteria as defined through C.R.S. § 31-12-104(1)(a) and C.R.S. § 31-12-104(1)(b).
3. Approximately 860' (25.3%) of the property's boundary line is contiguous (next to) the City of Salida, meeting the minimum contiguous requirement of at least one-sixth (16.66%) of the property perimeter.

Who makes decisions about annexations?

Generally, annexations are a process created by Colorado law and are controlled by Colorado law. Whether a property is annexed by a municipality is at the discretion of the municipality following the procedures required by law.

To annex a property, the City will have to follow the process and procedures as set forth in statute. They will need a petition to annex, then to set a hearing date with public notice, and make findings that the property is eligible for annexation based on the statutory standards.

Since annexations must follow the legal process, any objections to proposed annexations or annexation process must also be considered by the City at the annexation hearing. The City retains final authority for the decision to approval or deny the annexation petition.

How does the Intergovernmental Agreement factor into the annexation process?

Intergovernmental Agreements ("IGA") are legal agreements that define how governmental entities, like the City and County, work together and set forth their respective responsibilities in collaborative endeavors. The City and County entered into an IGA on March 2, 2010 to coordinate annexation processes for properties that are subject to annexation or are within the City's Municipal Service Area ("MSA," for water/sewer utilities). See Map Page 2.

This 2010 IGA allows for coordination between the City and County to better encourage planned growth and facilitate an orderly annexation process. Specifically, the IGA states that annexation shall follow the standards as outlined in C.R.S. §§ 31-12-101 through 31-12-123 and in the City's annexation policies. It further states that annexation will generally occur only if requested by a property owner.

Under the IGA, a property within the City's Municipal Service Area is eligible for annexation and extension of municipal utilities and infrastructure as set forth by statute and the IGA.

The Upchurch property is within the City's MSA, meaning that the property is adjacent to City boundaries and immediately capable of being serviced by the City's existing sewer and water utilities and infrastructure. This means it is currently eligible for annexation under the IGA.

The IGA also requires the City to annex any County roads that are contiguous (next to) to the property being annexed. The annexed roads shall serve as principal access from the City to the property and any development(s) on it. Once the roads are annexed, the City will assume maintenance responsibilities. For any roads that are non-contiguous and/or that do not serve as principal access to the property, the County and City will negotiate on a case-by-case basis, and may require the developer of the annexed property to contribute improvements.

The IGA states that the County and City will consult and cooperate in assessing and mitigating impact from new developments, such as impacts from roads, utility services, and other impacts. Finally, consistent with C.R.S. § 31-12-108.5, the IGA states that an annexation impact report is not required for annexations of ten acres or less. Because the Upchurch Annexation is 6.22 acres, it does not require an impact report.

The IGA also outlines the process whereby the City can decline to immediately annex the property. Under this scenario, the property would be subject to joint review by the City and County and could be subject to City Development Standards through an agreed upon pre-annexation agreement between the City and property owner.

Typically, through the pre-annexation agreement the City can require the property owner to hook up to services/utilities and provides a time frame for when the property will be annexed in the future. If the City declined to annex the Upchurch property, it could be subject to a pre-annexation agreement and would follow the County's subdivision process under Chaffee County Land Use Code.

What would the process be under the County's Land Use Code?

If a property is not annexed by the City it would be subject to the Chaffee County Land Use Code, to the IGA, and to any pre-annexation agreement as negotiated between the property owner and the City. If the property is served by both water and sewer, it would be allowed a density of 4 units per acre. For the Upchurch property, the current County Land Use Code would allow for a maximum of 24 units, based on its size of 6.22 acres.

Additionally, the owners could submit an application to the County for a Planned Unit Development, which could allow for increased development density. Any development through the County's Land Use Code would be reviewed by the County Planning Commission and Board of County Commissioners.

What is a Petition for Annexations and Hearings?

Except in certain conditions, all annexations must be requested by the owners of the land being annexed. A hearing date and notice shall be given by the City pursuant to C.R.S. § 31-12-108. At the hearing the City will determine if the proposed annexation complies with C.R.S §§ 31-12-104 and 105. The hearing is governed by C.R.S. § 31-12-109 and allows any person to appear to present evidence upon any matter to be determined by the governing body in connection with the proposed annexation. At the conclusion of the hearing, the governing body shall set forth its findings of fact and determine if:

1. the annexation meets the requirements of C.R.S §§ 31-12-104 and 105;

2. if an election is required; and
3. whether or not additional terms and conditions are imposed.

Can a Petition for Annexation be Challenged?

Under C.R.S. § 31-12-116 a district court may review an annexation proceeding when any landowner in the area proposed to be annexed, or the Board of County Commissioners of the area proposed to be annexed, or any municipality within 1 mile of the area proposed to be annexed believes itself to be aggrieved by the acts of the governing body of the annexing municipality in annexing the area. No other party has standing to bring a suit to challenge an annexation.

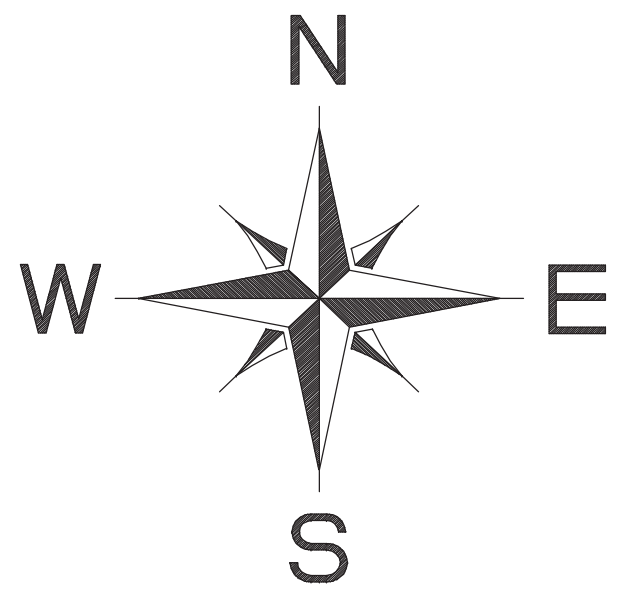
However, the Courts have determined that annexation review is a special statutory proceeding, granted by the legislature/statute, and is limited to a determination of whether the City Council has exceeded its jurisdiction or abused its discretion. Generally speaking, the Courts will give deference to the validity of an annexation, limiting any challenge to an annexation's validity to whether or not a municipality has substantially complied with the requirements of the statute.

In other words, if a property meets eligibility requirements for annexation, and the City has followed applicable statutes and its own annexation policies and requirements of the existing IGA, its annexation decisions are generally deemed to be valid.

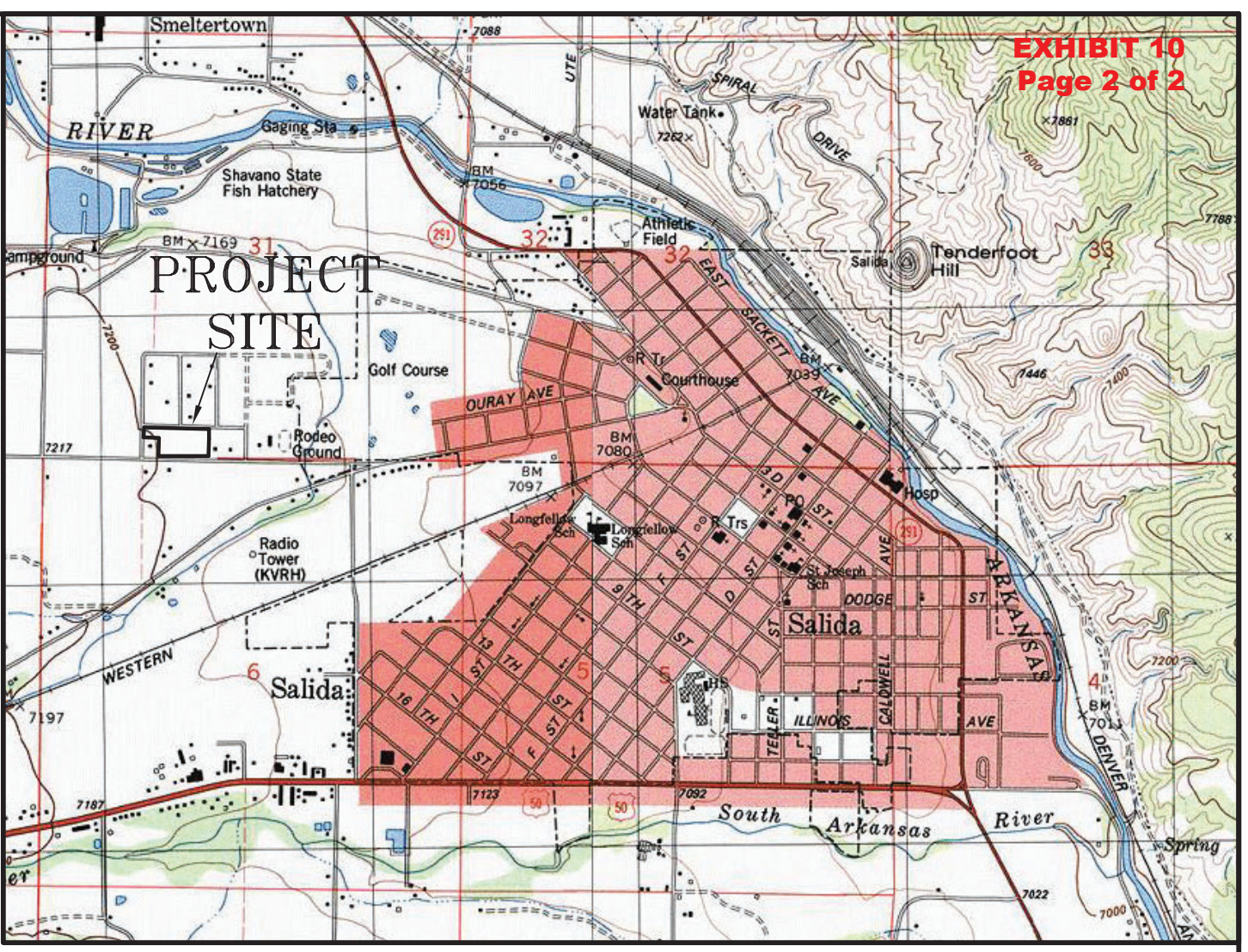
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UPCHURCH ANNEXATION TO THE CITY OF SALIDA

LOCATED IN THE SE 1/4 SW 1/4 OF SECTION 31 T50N R9E OF THE N.M.P.M. CHAFFEE COUNTY, COLORADO



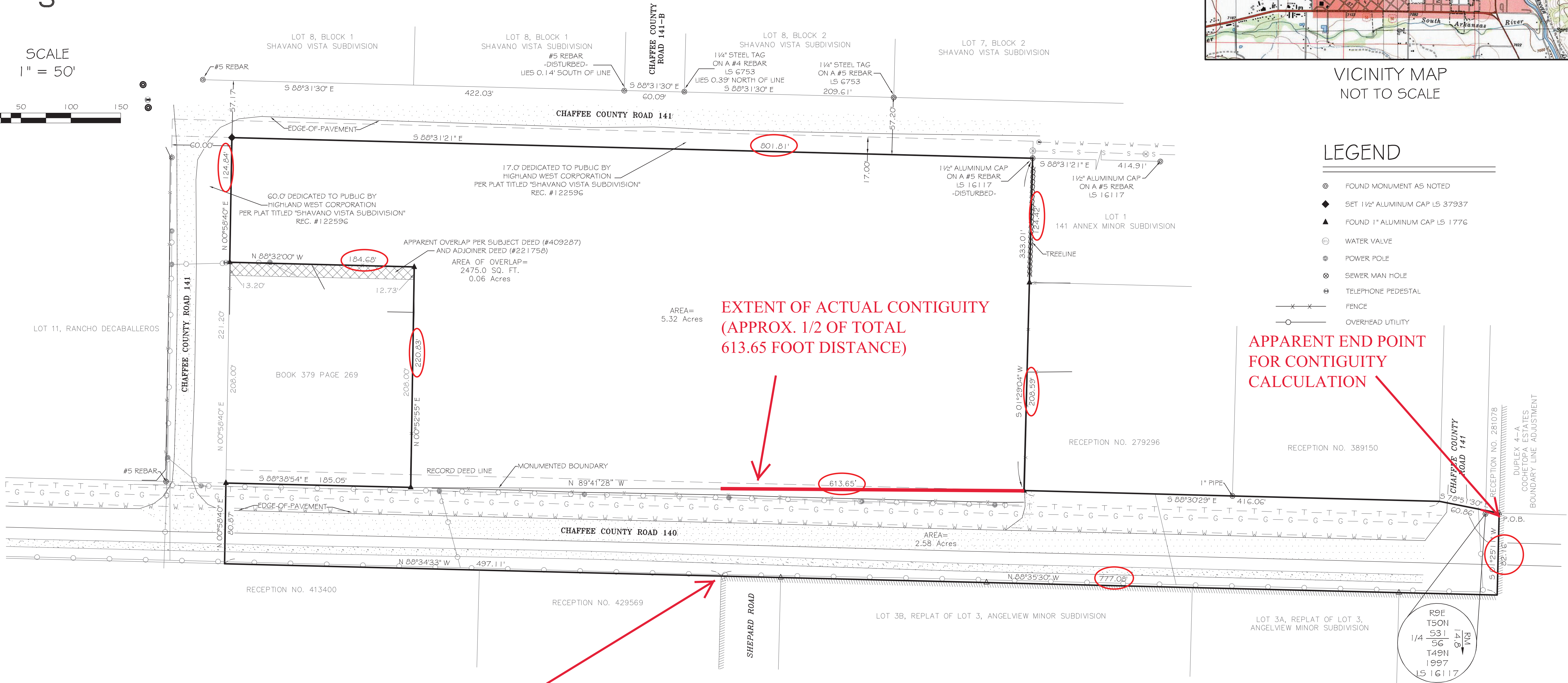
SCALE 1" = 50'



VICINITY MAP NOT TO SCALE

LEGEND

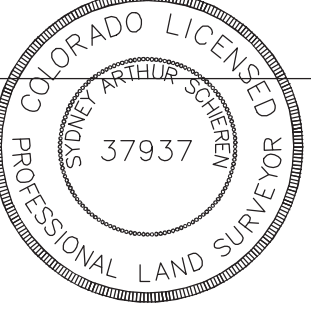
- FOUND MONUMENT AS NOTED
- ◆ SET 1 1/2" ALUMINUM CAP LS 37937
- ▲ FOUND 1" ALUMINUM CAP LS 1776
- ⊙ WATER VALVE
- ⊙ POWER POLE
- ⊙ SEWER MAN HOLE
- ⊙ TELEPHONE PEDESTAL
- × × × FENCE
- OVERHEAD UTILITY



APPARENT BEGINNING POINT FOR CONTIGUITY CALCULATION

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.

PRELIMINARY DRAFT
 INTENDED FOR REVIEW BY CLIENT



REVISED: FEBRUARY 11, 2021
JOB # 20165
DATE: NOVEMBER 19, 2020
SHEET 2 OF 2

UPCHURCH ANNEXATION TO THE CITY OF SALIDA
 LOCATED IN THE SE 1/4 SW 1/4 OF SECTION 31 T50N R9E OF THE N.M.P.M. CHAFFEE COUNTY, COLORADO



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.



BOARD OF COUNTY COMMISSIONERS

PO Box 699
SALIDA, CO 81201
PHONE (719) 539-2218
FAX (719) 539-7442
WWW.CHAFFEECOUNTY.ORG

March 18, 2021

City of Salida
Planning Commission
448 E. First Street, Suite 112
Salida, CO 81201

City of Salida
City Council
448 E. First Street, Suite 112
Salida, CO 81201

Re: The City of Salida’s Annexation and Rezoning of an approximately 5.32 acre parcel of unincorporated and undeveloped land between CR 140 and CR 141-A North of Shepherd Road (“Upchurch Property”)

Dear City of Salida Planning Commission and City Council:

The Chaffee County Board of County Commissioner (“Board”) has reviewed the Annexation Application and Rezoning request for the Upchurch Property and wishes to submit written comments regarding potential impacts that the annexation and rezoning of the Upchurch Property may have on county residents. The Board understands that the Upchurch Property is subject to the procedures as outlined in the Intergovernmental Agreement (“IGA”) (first approved in 2008 and as amended in 2010) and has been identified for many years in the City of Salida’s (“City”) Three Mile Plan, Municipal Service Area and the City’s and County’s Joint Planning Map, as well as the County’s Comprehensive Plan 2020, as an area adjacent to the City’s boundaries that is eligible for annexation which can be served by City utilities and infrastructure. The Board is also aware that the newly adopted Comprehensive Plan 2020 identifies the Upchurch Property as mixed residential and an unincorporated area along a major transportation corridor appropriate for annexation and where higher densities may be appropriate.

The Board wishes to comment regarding the Upchurch Annexation and Rezoning in hopes of assisting in an application that can meet the goals of the above aforementioned plans, promote efficient public services and to bring attention to potential unintended impacts growth may have to county residents. Thus, the Board would like to make the following comments for your consideration:

- That the Upchurch Property be zoned Single-Family Residential (R-1), which provides for residential neighborhoods comprised of detached single-family dwelling at relatively low densities. However, if the City wishes to keep a higher density, such as Medium- Density Residential (R-2), the County would like the City to consider that only single-family dwelling be permitted on the smaller lots. The Board believes that single family residences would be consistent with the adjacent unincorporated neighborhood, which is zoned Residential.
- That the applicant dedicates the required right-of-way for all County Roads adjacent to the Upchurch Property and the City work with County staff to ensure that the right-of-way is consistent with currently dedicated right-of-way.
- That all ingress and egress for the Upchurch Property will be onto County Road 140, which will be annexed and maintained by the City.
- That the applicant understands that any driveways or roads that are accessed via a County maintained road will need to comply with the Chaffee County Land Use Code, will require a county driveway or road permit and if necessary, a traffic study.
- That county and city staff verify and confirm, which roads will be annexed and maintained by the city and as contemplated by the IGA.

We also believe that Chaffee County residents that live adjacent to the Upchurch Property will express additional comments and concerns, especially in regards to density, the character of the neighborhood and environmental impacts and we encourage the City to review and consider those comments in context with the County's comments and all applicable codes, statutes and plans. We look forward to working with the City during the review of this application. If we can provide the City with any information or clarification, please do not hesitate to contact County Administrator Bob Christiansen, who will be our main liaison for the Board with respect to this process.

Sincerely,



Commissioner Greg Felt



Commissioner Keith Baker



Commissioner Rusty Granzella



Bill Almquist <bill.almquist@cityofsalida.com>

Note re: 3-feet

Jon Roorda <jroorda@chaffeecounty.org>

Fri, Mar 19, 2021 at 4:01 PM

To: Bill Almquist <bill.almquist@cityofsalida.com>, Dan Swallow <dswallow@chaffeecounty.org>

Bill,

Based on conversations with the Director of Development Services and the Assistant County Attorney, Chaffee County will not require dedication of 3 feet of additional right-of-way for the east-west portion of CR 141 adjoining the proposed Upchurch Annexation.

Please contact me with any questions.

Thanks,

Jon Roorda, PLS

Chaffee County

Planning Manager

[Quoted text hidden]

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This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.



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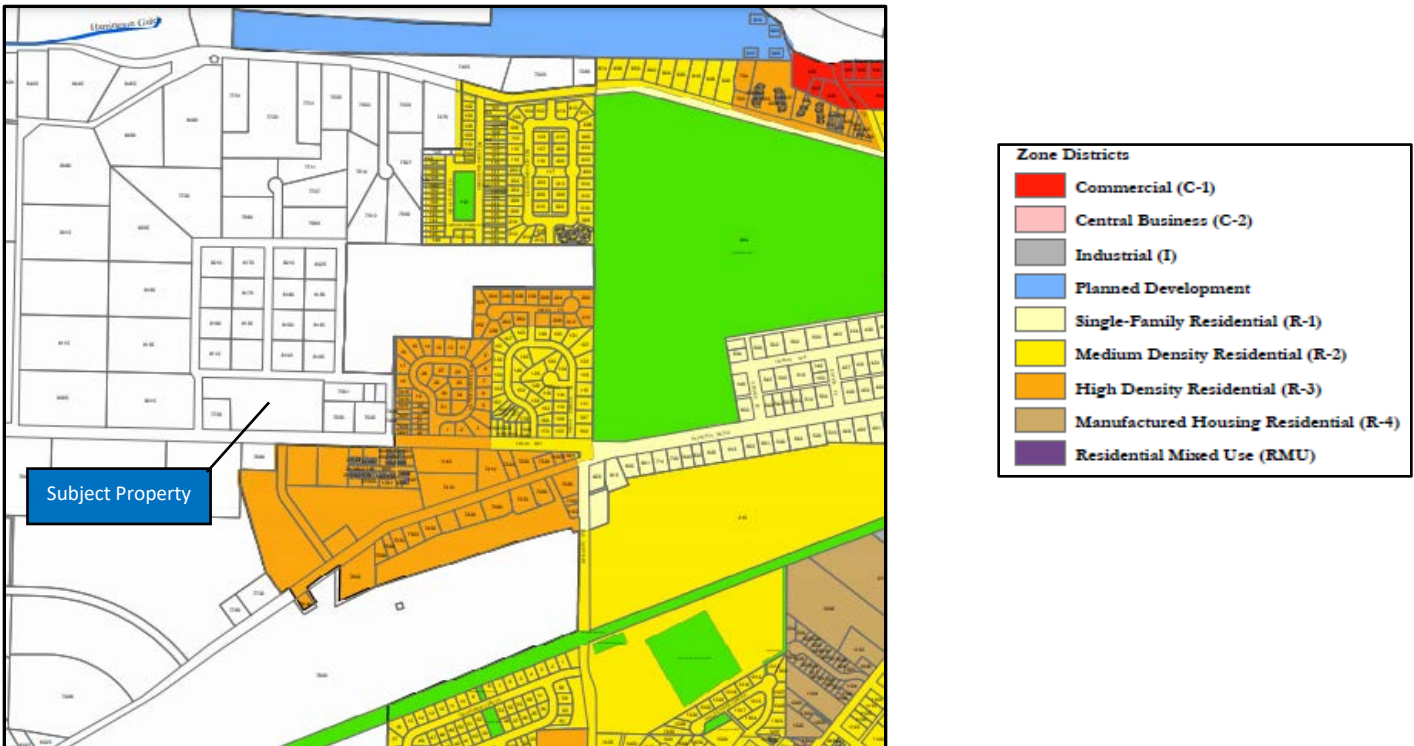
Department Choose an item.	Presented by Bill Almquist - Comm. Dev. Director	Date April 6, 2021
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ITEM

First Reading of Ordinance No. 2021-06: An Ordinance of the City of Salida, Colorado Zoning Certain Real Property Known as the Upchurch Annexation as Medium Density Residential (R-2) Zone District.

BACKGROUND

The applicants, Tory and Clee Upchurch, are requesting approval to have their 5.32 acre parcel zoned R-2, Medium Density Residential, following approval of annexation of the same property into the City of Salida. The property is located north of County Road 140 and south of County Road 141, as shown on the portion of the City’s address and zoning map below, and is in what is known as the Municipal Services Area (MSA).





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The applicants submitted their applications for both annexation and zoning on December 14, 2020. The original request was for High Density Residential (R-3). A conceptual review meeting was held with Planning Commission and City Council on January 4, 2021. Following feedback the applicant received from neighbors both directly and indirectly, as well as from City staff, the applicant submitted a revised application on February 8, 2021 to request Medium Density (R-2) zoning. The applications were subsequently deemed complete and City Council passed Resolution No. 2021-04 on March 2, 2021 finding the annexation petition to be in substantial compliance with state statutes and setting a public hearing on the petition for April 20, 2021. The hearing for zoning is to be conducted concurrently, provided that City Council approves annexation. The zoning request was heard by Planning Commission on March 22, 2021, and the Commission did not recommend approval for the requested R-2 zoning. Rather, they passed a motion to recommend that the property be zoned Single-Family Residential (R-1), at least until more information regarding future development and a rezone request is provided (6-0 vote).

UPDATE TO APPLICANT’S PROPOSAL

Following Planning Commission’s recommendation that R-1 zoning be applied to the subject property, the applicants submitted additional information and requests that they would like to be considered for City Council’s annexation agreement and zoning reviews. The e-mail letter and an updated subdivision concept design (dated March 26, 2021) are included in the packet for review. In the email, the applicants outline their objectives for developing the property under R-2 zoning and offer a number of additional requests, comments, and conditions to be added to the annexation agreement, as quoted below:



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1. *R2 Zoning for the entire property. We are willing to commit to R1 minimum Lot size and use standards (single family only) for Lots (1-10) adjacent to County Road 141.*
2. *Any future subdivision has to meet Chapter 16 Article 13 in the Salida City Code. Our current intent is to dedicate Lot 15 to the Chaffee County Housing Trust for them to build up to 5 inclusionary housing units.*
3. *Preference/first right of refusal for Chaffee County Residents: We have included 6 units in our development (2 Triplexes) that we will advertise to Chaffee County residents and do the vetting to ensure that Chaffee County Residents have the first opportunity to buy. Although these units are less profitable, these units will be at a lower price point which will afford Chaffee County Residents a better chance at buying a house.*
4. *If R1 Zoning is applied, we will develop all single family homes which will be at a much higher price point and likely be used as second homes for out of towners. This does not help with the housing affordability challenges for Chaffee County residents.*
5. *1 STR License - this is a request I am making for my family as I stated as my main goal in point #1 above.*
6. *Subdivision of the subject parcel shall not require water and sewer main extensions in the following right of ways:*
 - a) *County Road 141*
 - b) *County Road 140 east of Shepherd Drive*
7. *Right of ways as shown on the conceptual plan shall be sufficient for subdivision, particularly the bends without radius, and the portion of 40' wide right of way on the west end of the site.*



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8. *Lots 1, 2, and 3 may have less than the required minimum lot frontage, but no less than 20', substantially in accordance with the conceptual plan. Such lots must be 50' minimum width at the rear lot line.*

The applicant also notes that *“(their) attempt in the current design (is) to provide a seamless transition from the R3 zoned properties across CR 140 putting the highest density in the South end of the property and moving to a less dense design in the North and East boundaries.”*

As addressed in the memo regarding the annexation request, staff acknowledges the need to address the above requests/conditions as part of the annexation request and associated agreement, since that is the most appropriate location for such negotiated terms. However, the requests are also considered below within the relevant review standards for the zoning request.

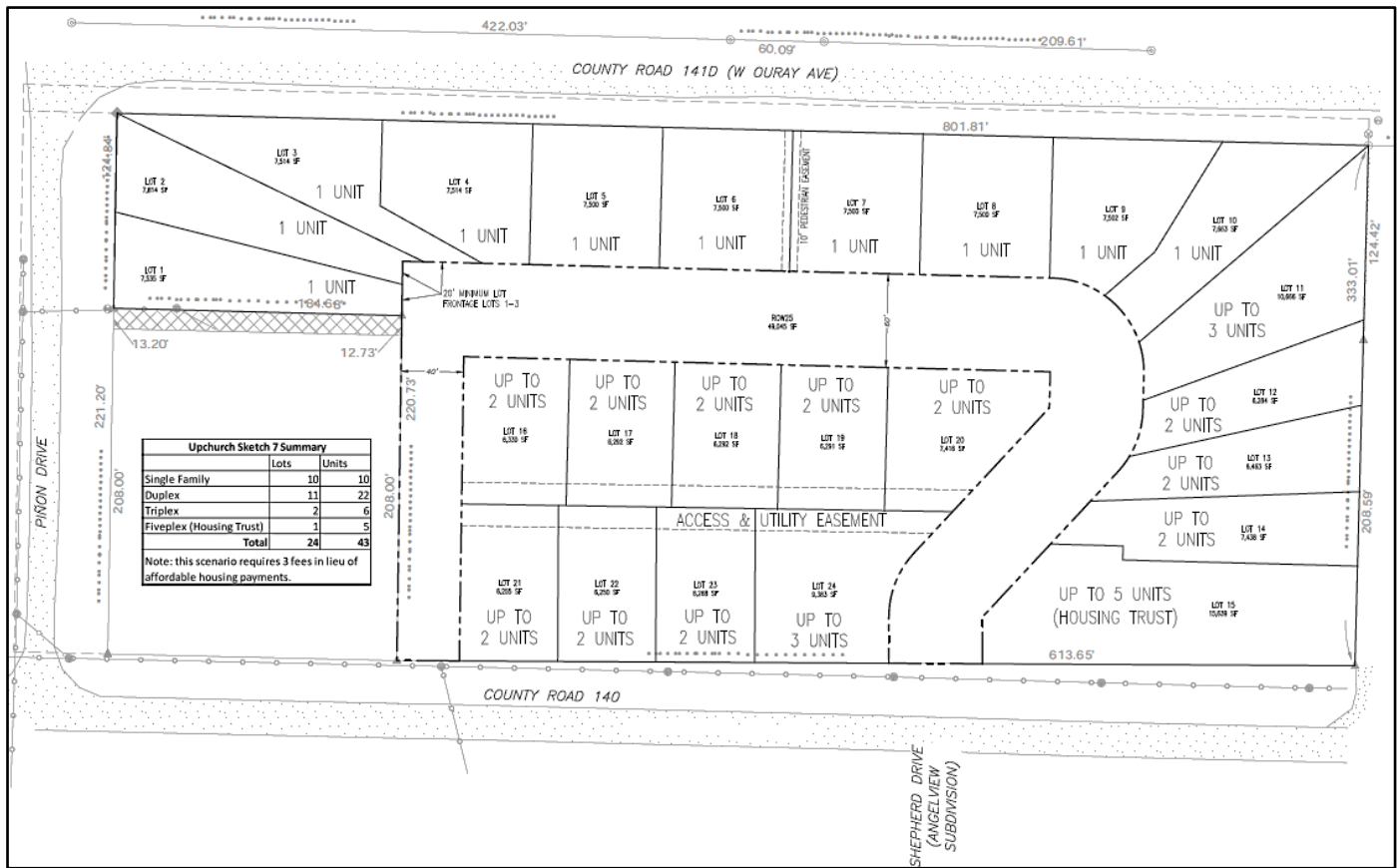
CONCEPTUAL FUTURE DEVELOPMENT

The applicants are requesting R-2, Medium Density Residential zoning with the idea of eventually subdividing the property and developing it with a variety of single-family, duplex, and multi-family units, as allowed by the zone district. Though no formal proposal has been submitted, the applicants have shared a few conceptual site plans—the latest of which was included with their email on 03/26/21 showing a total of 24 lots with up to a total of 43 units of varying types (see below). Any future proposal of this nature would need to go through the major impact review process in front of both Planning Commission and City Council.



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The applicants’ conceptual plan describes single-family homes along the northern portion of the site, duplexes and triplexes in the middle and east side of the site, and multi-family units in the southeastern corner, closest to the Angelview properties. The multi-family units are those intended to meet the Inclusionary Housing requirements. The applicants have also indicated interest in potentially requesting a future rezone in the southeastern corner to R-3 in order to accommodate additional multi-family and affordable/attainable housing. Such a “split-zoning” of the development site is not possible prior to an approved subdivision, because zoning must follow lot lines. Therefore, the applicants are



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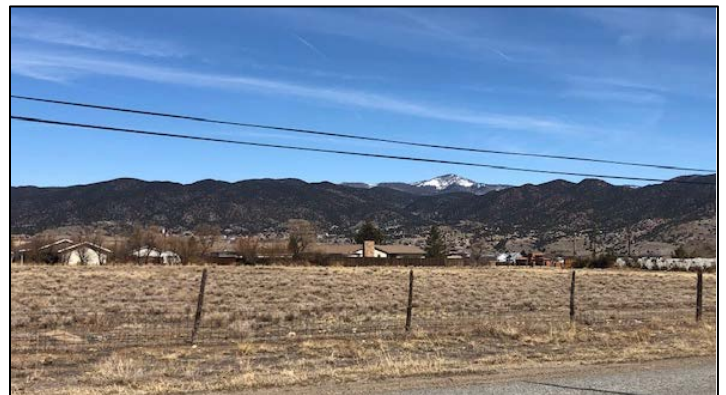
requesting R-2 until a later date when a future subdivision is approved and the property is eligible for such a rezoning. Any such rezoning request would require an additional major impact review.

SURROUNDING LAND USE AND ZONING

The subject property is currently surrounded by 1- to 5-acre single-family residential parcels to the north, west, and immediately east (zoned RES within the County), and just across CR 140 from High Density Residential (R-3) zoned properties to the southeast (within the City). The property immediately to the southeast, known as Angelview, consists of rowhouse condominiums both existing and under construction. Additional R-3 zoned properties are located approximately 500 feet to the east and are built out with an array of single-family homes and duplexes on smaller lots. There are other properties zoned R-3 and R-2 less than ¼ mile to the east that are also built out with a variety of single-family homes, duplexes, multi-family apartments, and a large church. Lastly, there is a narrow band of R-1, Single-Family Residential along Poncha Blvd just over ¼ mile away to the east. See area photos below:



Single-family properties west of subject property (County)



Subject property with single-family properties to the north (County)



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Multi-family homes to the SE (City) viewed across subject property



Close-up of Angelview development to the S/SE (City)



Duplexes at CR 140/141 east of the subject prop (R-3) (City)



Single-family within Cochetopa Estates (R-3) to the east (City)



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Single-family homes immediately to the E/NE (Love Pre-Annexation)



Single-family homes immediately to the E/SE (County)

ZONING REVIEW STANDARDS

There are four review standards specific to a Zoning/Rezoning application [Sec. 16-4-210(c)]:

1. Consistency with the Comprehensive Plan: The proposed amendment shall be consistent with the Comprehensive Plan.

Staff Review:

Chapter 3 of the Salida Comprehensive Plan, entitled “Land Use and Growth,” provides some background and guidance regarding the zoning of newly annexed properties. Specifically, it speaks to the role of the Intergovernmental Agreement (IGA) between the City of Salida and Chaffee County “for the purpose of directing growth in accord with the city and county comprehensive plans and coordinating management of development activities in the Salida area.”



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The Plan discusses the need for additional residential space throughout the community based on growth projections— “an expected addition of 12,500 to the county over the next 25 years.” (Page 3-4). The Plan discusses the role of density and infill on smaller lots within the city in order to avoid “sprawl development”— patterns of single-family homes on larger lots—especially into surrounding County agricultural lands (Pages 3-4 to 3-8). Specifically regarding properties (such as the subject property) that are within the Municipal Services Area (MSA), the Comp Plan states:

“The city has identified several areas of vacant residential parcels for infill development. In fact, the majority of land identified for infill has been identified for residential development. *Most of the vacant residential land exists to the west of the city and much of it exists within the city’s Municipal Services Area*, which would require annexation to develop it to city standards.” (Page 3-8) (emphasis added)

It should be noted that, though it is generally accepted as good planning to focus the majority of density in the core of the city where infrastructure and development already exists, there are some significant barriers to this ideal here in Salida. For one, our city center is also an historic downtown district, which is quite restrictive on the nature and amount of redevelopment that can happen there. Also, most lots near the core area of town are already smaller in size, individually-owned, and developed with housing units at or close to the allowed maximum density. It stands that some of the most developable areas in the City, where the most housing is able to be provided, are either within our commercial districts or in certain locations near or at the edge of town—especially near adequately designed transportation corridors. The boundaries of the MSA were intentionally and specifically created around these areas.



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Magnification of subject property within the MSA

Staff finds the following Comprehensive Plan Policy and Action Items most relevant to this zoning request:

Action LU&G-I.1.a.— Amend Salida’s Land Use Code and Zoning Map to advance the objectives of this plan and consider appropriate zoning designations, densities and overlays that utilize setbacks and promote the traditional historic built environment.

Action LU&G-I.1.b.—New development should complement the neighborhood’s mass and scale.

Policy LU&G-I. 2 – Infill and redevelopment should be encouraged and will advance the objectives of this plan.



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Action LU&G-I.2.a - Encourage projects to use maximum density allowances to make the best use of the available infrastructure.

Action LU&G-I.2.c –Focus new development in the Salida area within the Municipal Services Area to ensure adequate provision of services and limit sprawl development around the city.

Action LU&G-II.1.b – Any proposal for annexation will be evaluated with an expectation of urban density levels, inclusion of connections to pedestrian and bicycle corridors, water availability, and promotion of innovative, creative and energy efficient design.

Action LU&G-V.3.a – Work with the County to develop land use policies to maintain agricultural lands, develop appropriate sites to urban density and mitigate negative effects of sprawl development.

Policy LU&G-I.4—Respect rights of private landowners through open and inclusive public processes.

Action LU&G-I.4.a.—Changes to the Land Use Code and Zoning Map shall include public process in accordance with local and state laws.

Action H-II.1.c – Seek changes to the Land Use Code to ensure that affordable housing is interspersed throughout the city, maintaining diversity in existing neighborhoods.

Action LU&G-I.2.c. is particularly relevant to the request in that it speaks directly to focusing new development within the Municipal Services Area (MSA)—where considerable infrastructural investments have been made and services are already available “to...limit sprawl development *around* the city” (i.e outside of the



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MSA/into other County areas). The Comp Plan even addresses the fiscal benefits of focusing higher levels of development within certain parts of the MSA:

“In some cases, like for streets, water and sewer lines, there is a better economy of scale for encouraging development to occur around existing infrastructure and higher density development.” (Page 3-9)

Given the above guidance, staff finds that applying a zoning of Single-Family Residential (R-1)—which encourages low-density development and the least efficient use of existing services—to the property would seem contradictory to the intentions of the Comprehensive Plan. Since the property is both within the MSA and located along a high-capacity transportation corridor/collector road (CR 140), staff finds that the applicants’ request to zone the property Medium Density Residential (R-2)—which allows for a mix of housing types at slightly greater overall densities—is not only consistent with the Comprehensive Plan but also strikes the right balance between the varying goals of the Plan, especially with the recommended conditions of the annexation agreement if R-2 zoning is applied.

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.

Staff Review:

Per the City of Salida land use code, the purpose of the Medium Density Residential (R-2) zone district is:

“...to provide for residential neighborhoods comprised of detached single-family dwellings, duplex dwellings, and multi-family residences on smaller



CITY COUNCIL ACTION FORM

Department Choose an item.	Presented by Bill Almquist - Comm. Dev. Director	Date April 6, 2021
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lots than are permitted in the Single-Family Residential (R-1) zone district, allowing for slightly greater overall densities.”

The applicants’ stated intent to build a variety of housing types, and the conceptual subdivision design provided, is consistent with the above purpose. No formal proposal has been submitted, however, and any future land use proposal will need to go through the appropriate review process, including a Major Impact Review for a major subdivision. This standard is met.

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.

Staff Review:

The in-City zone districts closest to the subject property are mostly zoned R-3, High Density Residential. The Angelview development located across CR 140 just to the southeast of the subject property consists of rowhouse condominiums, and Cochetopa Estates (located 500 feet away to the east) is a mix of single-family homes and duplexes on smaller lots. As mentioned above, there are other properties within city limits that are zoned R-3 and R-2 less than ¼ mile to the north and east which are also built out with a variety of uses including single-family homes, duplexes, multi-family apartments, and even churches. There is also a narrow band of Single-Family Residential (R-1) along Poncha Blvd a little over a ¼ mile away to the east. The variety of development permitted by the proposed zoning amendment (and indicated in the applicants’ conceptual design) would be compatible with existing zone districts, land uses, and mixed housing character of nearby properties within city limits.



CITY COUNCIL ACTION FORM

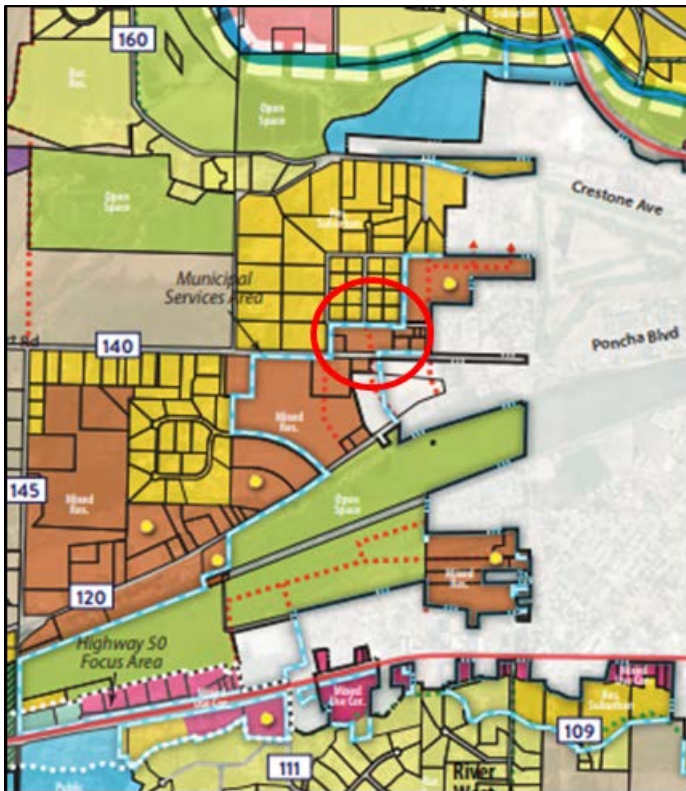
Department Choose an item.	Presented by Bill Almquist - Comm. Dev. Director	Date April 6, 2021
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Although it is not clear that this review standard is meant to addresses compatibility with zone districts and uses specifically within city limits, it is important to note that the subject property also sits at the edge of the Municipal Service Area surrounded largely by properties within the county, and compatibility with those zone districts and uses should certainly be taken into consideration. While it is possible that other adjacent properties *within* the MSA may annex and redevelop at higher densities at some point in the near future, the majority of the properties *outside* the MSA (especially north and west of CR 141) will likely exist with relatively lower densities for quite some time, especially given their current (RES) Residential zoning and the lack of available services. The applicants’ willingness to limit lots along CR 141 to single-family use on larger lots provides a reasonable transition between these two areas. The County’s recently adopted Comprehensive Plan and Future Land Use Map (FLUM) also draws a distinction between properties inside the MSA and those outside of the MSA when it comes to expected *future* density. The Salida Sub-Area FLUM, designation definitions, and future density ranges are shown below:



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Suburban Residential	1-4 DU/Acre	Areas in or near existing communities or along major transportation corridors that are included in Intergovernmental Agreements and where municipal services may be extended in the future. Generally low density residential intended to support affordable and attainable housing goals with a diversity of housing types to serve a range of income levels.
Mixed Residential	4-16 DU/Acre	Areas desired for annexation adjacent to existing incorporated or unincorporated communities or along major transportation corridors where higher densities may be appropriate and near existing water and/or sanitation utilities. Envisioned to accommodate a mix of housing types and residential densities, affordable housing, institutional uses such as schools or public facilities, and appropriately scaled commercial uses appropriate for walkable amenities. Encourages non-traditional subdivision design with smaller lots and conservation subdivisions to promote a more compact development form.



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The subject property and the adjacent properties east and west are designated “Mixed Residential,” while the properties across CR 141 to the north and west (outside the MSA) are designated “Suburban Residential.” The density range for Mixed Residential represents a four-fold increase from the future Suburban Residential and existing Residential (RES) zones. (For comparison, the maximum allowable density within Salida’s R-2 zone works out to approximately 13 DU/Acre¹). It is evident that both the City and County Comprehensive Plans have contemplated the important role that properties *within* the MSA can play to prevent sprawl in areas *outside* the MSA, while meeting housing and other needs.

Staff finds that the applicants’ proposal to zone the property R-2, allowing for a mix of housing including single-family, duplexes, and even multi-family units is compatible with the surrounding zone districts and uses—especially those within city limits, as well as those within the Municipal Services Area along the CR 140 transportation corridor. Furthermore, the applicants’ proffered condition to develop single-family homes on R-1 minimum lot sizes on the northern portion of the site provides compatibility with the properties across CR 141 (outside the MSA) and a gradual transition to the other housing types allowed in the R-2 district. In concert with the other conditions recommended for the site and addressed in the annexation agreement, this standard is met.

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 Zoning Map have occurred.

¹ These numbers are all *gross* density calculations, however, and it is noted that public roads and infrastructure reduce the developability of parcels, often by as much as 25% or more within a subdivision.



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The proposed zoning is occurring because of the requirement to zone property annexed into the City in accordance with Section 16-4-50 of the Land Use and Development Code. The only changed conditions of note are the recent development in the area (primarily across CR 140) and the recent adoption of the County’s Comprehensive Plan and Future Land Use Map discussed in #3 above. Otherwise, this standard is not applicable.

RESPONSES FROM REFERRAL DEPARTMENTS AND AGENCIES:

- City of Salida Fire Department: Kathy Rohrich, Assistant Fire Chief, responded “Fire Department is good with the annexation. We would just need to see the changes in the subdivision design in the future.”
- City of Salida Police Department: Chief Russ Johnson responded “No issues with PD.”
- City of Salida Finance Department: Aimee Tihonovich, Finance Director responded “No comments.”
- City of Salida Public Works Department: Public Works Director David Lady responded “The development is located within the municipal services area boundary for water and sewer. The portion of road shown to be annexed is based on feedback from the County with the presumption that lots within the development will not be fronting roads that are not being annexed. Annexed roads shall be improved to City Standards as previously discussed at time of development.”
- Chaffee County Development Services Department: No comment received. However, City and County staff have discussed the request, per the



CITY COUNCIL ACTION FORM

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intergovernmental agreement, and those discussions have led to some of the recommended conditions of the annexation agreement. The Chaffee County Board of Commissioners has also provided a comment letter which is included in the hearing packet.

- Chaffee County Housing Office: Becky Gray, Director of Housing responded “Within the word doc named ‘Salida Narrative,’ the applicant stated he has been in communication with the Chaffee Housing Authority, and named Read McCulloch as his point of contact. The applicant is confusing the Chaffee Housing Trust and the Chaffee Housing Authority, as I have had no direct conversation with the applicant. It would likely be beneficial to speak with both entities, as each can offer a different approach to permanent affordability of the inclusionary housing units.”
- Chaffee County Assessor’s Office: No comments received.
- Atmos Energy: Dan Higgins responded “For your information, Atmos Energy has a main along CR 141 and may be able to serve this subdivision with it pending an executed main extension contract and engineering review of capacity needs. No other comments from Atmos Energy.”
- Xcel Energy: No comments received.
- Charter Communications: No comments received
- CenturyLink: No comments received
- Salida School District: No comments received
- Town of Poncha Springs: No comments received



CITY COUNCIL ACTION FORM

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STAFF FINDINGS AND RECOMMENDATION:

Staff finds that the applicants' zoning request is consistent with the review standards for Rezoning found at Sec. 16-4-210 and recommends that City Council approve the proposed zoning to Medium-Density Residential (R-2). Staff also notes that the conditions recommended for inclusion in the annexation agreement, should the property be zoned R-2, will help strike an appropriate balance between the varied housing types, densities, and zone districts found in the area.

RECOMMENDED MOTION:

"I make a motion to recommend the City Council approve the proposed zoning of the subject site to R-2, Medium-Density Residential District, as it meets the applicable review standards for a zoning/rezoning, pursuant to Salida Municipal Code Section 16-4-210."

Attachments:

Proof of publication

Ordinance No. 2021-06

Application for Zoning

Email from applicant from 03/26/21

Conceptual Subdivision Design (dated 03/26/21)

Draft PC Meeting Minutes from 03/22/21

Public Comments received thus far

Letter from Huckstep Law, LLC

Letter from CCOBC (and revision per Jon Roorda email 03/19/21)

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL
FOR THE CITY OF SALIDA CONCERNING ANNEXATION
PETITION AND ZONING APPLICATIONS**

The City of Salida is considering a petition to annex and zone a certain unincorporated 6.38 acre tract of land located between County Road 140 and County Road 141, locally known as a tract in the SE 1/4 SW 1/4 of Section 31, T60N R9E of the N.M.B.M., Chaffee County, Colorado, plus a 2.59 acre portion of County Road 140 south of the subject property. The City Council by Resolution 2021-04, scheduled a hearing upon said petition for April 20, 2021, at or about 6:00 p.m. remotely through the GoToWebinar application via this direct link: <https://attendee.gotowebinar.com/join/66586926411243589>. Additionally, depending on which tier of its COVID-19 Action Plan the City is in on April 20, 2021, the hearing may also take place in City Council Chambers, 448 East 1st Street, Salida, Colorado. The hearing will consider the annexation petition and the applicant's request to zone the property Medium Density Residential (R-2). All interested persons are invited to attend the public hearing and give comment. Further information may be obtained from the Community Development Department, 719 S. 2034. See the City's COVID-19 regulations: <https://cityofsalida.com/administration/page/covid-19-information>

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 2021-04
SERIES OF 2021
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, FINDING THE UPCHURCH ANNEXATION PETITION TO BE IN SUBSTANTIAL COMPLIANCE WITH STATE STATUTES AND SETTING A PUBLIC HEARING ON SAID PETITION.**

WHEREAS, in December 2020, Tory and Cleo Upchurch 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 6.38 acres located between County Roads 140 and 141 and 2.59 acres of County Road 140 from the eastern terminus of County Road 141 to the western terminus of County Road 141 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, after review of the annexation Petition and map, the City planning staff advised the City Council that the Petition and map are in substantial compliance with the state statutes, as required by C.R.S. § 31-12-101 et seq; and

WHEREAS, the Petition seeks as follows:

- 1. It is desirable and necessary that the territory described above be annexed to the City of Salida, Colorado.
- 2. The requirements of C.R.S. § 31-12-104, as amended, exist or have been met, including without limitation the following:
 - a. Not less than 1/8th of the perimeter of the area proposed to be annexed is contiguous with the City of Salida, Colorado.
 - b. A community of interest exists between the area proposed to be annexed and the City of Salida, Colorado.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed integrates with or is capable of being incorporated with the City of Salida, Colorado.

3. The requirements of C.R.S. § 31-12-105, as amended, exist or have been met, including without limitation the following:

- a. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof.
- b. A competing twenty (20) acres or more (which together with buildings and improvements situated thereon having a valuation for assessment in excess of \$20,000.00 for all valuation tax purposes for the year preceding the proposed annexation, has been included without the written consent of the landowners.
- c. No annexation proceedings have been commenced for the annexation to a municipality other than the City of Salida, Colorado, of all or part of the territory proposed to be annexed.

4. The annexation proposed in the Petition will not result in the detachment of area from any school district and the attachment of the same area to another school district.

5. The annexation proposed in the Petition will not have the effect of extending the municipal boundary of the City of Salida more than three (3) miles in any direction from any point on the current municipal boundary of the City in any one year; and

WHEREAS, the City finds that the Petition is in compliance with Salida Municipal Code § 16-2-10 through 16-2-40; and

WHEREAS, the City has or will have in place a plan meeting the requirements of C.R.S. § 31-12-105(e) prior to the effective date of the proposed annexation; and

WHEREAS, no election for annexation of the area proposed to be annexed to the City of Salida has been had in the preceding twelve (12) months; and

WHEREAS, the owners of the Petition are the owners of one hundred percent (100%) of the territory proposed to be annexed, exclusive of public streets and alleys; and

WHEREAS, the annexation to the City of Salida, Colorado of the area proposed will not result in a change of county boundaries; and

WHEREAS, the names and mailing addresses of the signers of the Petition and date of signing are included in the Petition, and the legal description of the land owned by Petitioners is attached to the Petition. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition for annexation with the City Clerk; and

WHEREAS, the Petition is accompanied by four (4) or more copies of an Annexation Map containing, among other things, the following information:

- 1. A written legal description of the boundaries of the area proposed to be annexed to the City of Salida, Colorado;
- 2. The boundary of the area proposed to be annexed to the City of Salida, Colorado;
- 3. Within the annexation boundary map, a showing of the location of each ownership tract in un-platted land and a plat or of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
- 4. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the City of Salida, Colorado; and

WHEREAS, none of the area proposed to be annexed to the City of Salida, Colorado, is presently a part of any incorporated city, city and county, or town, and is not contiguous to any other incorporated city, city and county, or town; and

WHEREAS, it appears that the Petition filed as aforesaid is in substantial compliance with the requirements of the Municipal

Annexation Act of 1965, C.R.S. § 31-12-107(f), as amended, and THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA THAT:

1. The City incorporates the foregoing recitals as findings by the City Council;

2. The Petition is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. § 31-12-107(f), as amended;

3. The City Council of the City of Salida, Colorado, will hold a hearing upon the Petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of C.R.S. § 31-12-104, § 31-12-105, and § 31-12-109-10 through 12-9-40, as amended, and is considered eligible for annexation. The hearing shall be held on April 20, 2021, commencing at or about the hour of 6:00 p.m. remotely through the GoToWebinar application via this link: <https://attendee.gotowebinar.com/join/66586926411243589>. Additionally, depending on which tier of its COVID-19 Action Plan the City of Salida is in on April 20, 2021, based upon Public Health Department guidance, the hearing may also take place in person in the City Council Chambers, 448 East 1st Street, Salida, Colorado.

4. Any person may appear at such hearing and present evidence upon any matter to be determined by the City Council of the City of Salida, Colorado.

RESOLVED, APPROVED AND ADOPTED this 2nd day of March, 2021.

CITY OF SALIDA, COLORADO
RT. Wood, Mayor

(SEAL)
ATTEST:

City Clerk/Deputy City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

ALL THAT TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 60 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF DUPLEX 4-A, BOUNDARY LINE ADJUSTMENT AND REBLAT OF COCHETPCA ESTATES, AS RECORDED AT RECEPTION NO. 305963 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117 FROM WHENCE A 2 1/2" ALUMINUM CAP STAMPED "RM", LS 16117 BEARS SOUTH 86°32'11" WEST, A DISTANCE OF 13.90 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY, MARKED BY A 1" ALUMINUM CAP STAMPED LE 1776, THENCE SOUTH 88°58'54" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 166.08 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 378 AT PAGE 268 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND THE NORTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 140, MARKED BY A 1" ALUMINUM CAP STAMPED LE 1776, THENCE SOUTH 88°58'54" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 166.08 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 378 AT PAGE 268 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND THE NORTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 124.84 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141, THENCE SOUTH 88°12'11" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 801.81 FEET TO THE NORTHWEST CORNER OF LOT 1, 141 ANNEX MINOR SUBDIVISION AS RECORDED AT RECEPTION NO. 417098 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER, THENCE SOUTH 01°29'04" WEST, A DISTANCE OF 333.01 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 417098 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND A POINT ON SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, THENCE SOUTH 88°30'22" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 418.06 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 389160 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER, THENCE SOUTH 78°51'15" EAST, A DISTANCE OF 60.86 TO THE POINT OF BEGINNING, CONTAINING 7.90 ACRES, MORE OR LESS.

VICINITY MAP



Published in The Mountain Mail March 12, 19, 26 and April 2, 2021

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 06
SERIES OF 2021**

AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE UPCHURCH ANNEXATION AS MEDIUM DENSITY RESIDENTIAL (R-2) ZONE DISTRICT

WHEREAS, on December 14, 2021, Tory and Clee Upchurch (“Petitioners”), filed a General Development Application to commence proceedings to annex to the City of Salida (the “City”) a certain unincorporated tract of land comprised of 5.32 acres located north of County Road 140 and south of County Road 141, Salida, County of Chaffee, State of Colorado (the “Property”), and being more particularly described on Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, by Ordinance No. 05, Series of 2021 the City of Salida annexed the Upchurch Annexation to the City; and

WHEREAS, Petitioner has filed an application to zone the Property within the Medium Density Residential (R-2) zone district.

WHEREAS, as required by the Salida Municipal Code, the public hearing on the zoning application for the Upchurch Annexation was held on April 20, 2021 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 Medium Density Residential (R-2).
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 April 6, 2021, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City

Council on the ____ day of _____, 2021 and set for second reading and public hearing on the 20th day of April, 2021.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on the 209th day of April, 2021.

CITY OF SALIDA, COLORADO

P.T. Wood, Mayor

[SEAL]

ATTEST:

City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the ____ day of _____, 2021, and BY TITLE ONLY, after final adoption on the ____ day of _____, 2021.

City Clerk/Deputy City Clerk

Exhibit A**LEGAL DESCRIPTION**

ALL THAT TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 50 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBES AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF DUPLEX 4-A, BOUNDARY LINE ADJUSTMENT AND REPLAT OF COCHETOPA ESTATES, AS RECORDED AT RECEPTION NO. 309631 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE A 2 1/2" ALUMINUM CAP STAMPED "RM", LS 16117 BEARS SOUTH 86°38'21" WEST, A DISTANCE OF 13.80 FEET;
 THENCE SOUTH 01°25'11" WEST, A DISTANCE OF 82.16 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140;
 THENCE NORTH 88°35'30" WEST ALONG SAID CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 777.08 FEET;
 THENCE CONTINUING ALONG SAID NORTHERLY BOUNDARY OF CHAFFEE COUNTY ROAD NO. 140 NORTH 88°34'33" WEST, A DISTANCE OF 497.11 FEET;
 THENCE NORTH 00°58'40" EAST, A DISTANCE OF 80.87 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND THE NORTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 140, MARKED BY A 1" ALUMINUM CAP STAMPED LS 1776;
 THENCE SOUTH 88°38'54" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 185.05 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269;
 THENCE NORTH 00°52'55" EAST, A DISTANCE OF 220.83 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269;
 THENCE NORTH 88°32'00" WEST, A DISTANCE OF 184.68 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 AND ON THE EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141;
 THENCE NORTH 00°58'40" EAST ALONG SAID EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 124.84 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141;
 THENCE SOUTH 88°31'21" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 801.81 FEET TO THE NORTHWEST CORNER OF LOT 1, 141 ANNEX MINOR SUBDIVISION AS RECORDED AT RECEPTION NO. 447958 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER;
 THENCE SOUTH 01°29'04" WEST, A DISTANCE OF 333.01 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 279296 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND A POINT ON SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140;
 THENCE SOUTH 88°30'29" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 416.06 FEET, TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 389150 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER;
 THENCE SOUTH 78°51'30" EAST, A DISTANCE OF 60.86 TO THE POINT OF BEGINNING.
 CONTAINING 7.90 ACRES, MORE OR LESS

PREPARED BY:





GENERAL DEVELOPMENT APPLICATION

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

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Annexation | <input type="checkbox"/> Administrative Review:
(Type) _____ |
| <input type="checkbox"/> Pre-Annexation Agreement | <input type="checkbox"/> Limited Impact Review:
(Type) _____ |
| <input type="checkbox"/> Variance | <input checked="" type="checkbox"/> Major Impact Review:
(Type) ^{P2 Zoning} _____ |
| <input type="checkbox"/> Appeal Application (Interpretation) | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Certificate of Approval | |
| <input type="checkbox"/> Creative Sign Permit | |
| <input type="checkbox"/> Historic Landmark/District | |
| <input type="checkbox"/> License to Encroach | |
| <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: Tory Upchurch

Mailing Address: 2112 Ann Arbor Ave

Telephone Number: 512.826.6152 FAX: _____

Email Address: toryup@gmail.com

Power of Attorney/ Authorized Representative: Ravi Reddy, Bill Hussey
(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: Upchurch Development

Street Address: Between CR 140 and CR 141 North of Sheppard Rd

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: Tory Upchurch Date: 2/2/21

Signature of property owner: Tory Upchurch Date: 2/2/21



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

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
4. Staff Review. Staff report or decision forwarded to the applicant (Administrative review)
5. Public Notice
6. Public Hearing with Planning Commission (Limited Impact and Major Impact Review Applications)
7. Public Notice
8. Hearing Conducted by City Council (Major Impact Review)

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

1. A General Development Agreement completed.
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.
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 notarized affidavits for proof of posting the public notice.

7. 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).

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

9. Any subdivision request including a plat meeting the requirements of Section 16-6-110;
10. 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 drainage ways 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;

11. An access permit from the Colorado Department of Transportation; and
12. 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.

We will request to be zoned R2 which matches the existing zoning of the surrounding developments along CR 140. Utilities are available adjacent to the property and we will be extended along CR 140 and CR 141.

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.

Any future development will meet R2 Zoning requirements and site development standards.

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

We are building residential units which are compatible with the surrounding developments.

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.

We will ensure that our project does not cause unnecessary nuisances to 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.

We provide public facilities and propose any necessary improvements.

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.

There are no unique environmental resources required on this project and there will be little to no impact on the environment.

My name is Tory Upchurch and my wife (Clee and I) love Salida. We used to live in Colorado and have been trying for years to find a town that fits us. We bought this land with the goal of eventually building a house for permanent residency so our goal is not to “get in and get out”. Our goal is to build relationships as we work through the project. I will be partnering with a friend of mine Ravi Reddy who is a developer by trade and has a great deal of experience navigating large projects and working through permitting and city process. We will like raise some money for friends and family for part of the financing of this project but will also be working with a bank (preferably local to Salida) for a majority of the financing.

In terms of location, we believe that the property is in a desirable area in terms of annexation. There are not many (if any) properties that would be available for annexation in the near future. Additionally, this property meets the City of Salida’s 1/6 contiguity rule and will be zoned consistently with other City properties in the vicinity. We will work with Public Works regarding utility extensions and public improvements.

In terms of costs and benefits, we plan to build 25+ units which will greatly relieve the housing availability stress that Salida is feeling right now and add to the tax base for the City of Salida. We will also work with the city and Chaffee County Housing Authority to provide affordable housing according the requirements set forth. I have already started a conversation with Read McCulloch at the Chaffee County Housing Authority to discuss options for working with them.

In terms of public facilities and services, we will be connecting to the water/sewer lines that already exist on CR 141 and CR 140 and extending them throughout the development. We also plan to build a public use city park in the center of the development that will be HOA maintained.

The current plan is to build a combination of single family and multi-family units that consist of mid-high end design and finishes. Our goal is to be a permanent resident in Salida at some point and we will ensure that our development adds a positive visual impact on the city for the long run.

Additionally, we will request to rezone the property to R2 which is consistent with the comprehensive plan and compatible with surrounding districts and uses.

Tory Upchurch
512.826.6152

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 Tory & Clee Upchurch, whose address is Upchurch property b/w CR 140 & 141, (hereinafter "Petitioner");
(see legal description in app)

WITNESSETH:

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:

- _____ Annexation
- _____ Limited Impact Review
- _____ 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:

- Engineering review and advice
- Legal review and advice
- Preparation of plats or plans
- Inspections
- Recording fees
- Filing fees
- Publication Costs
- 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 \$ 3000 at the time of making the initial application for the annexation + Rezone. ~~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.

PETITIONER:

Tory Upchurch

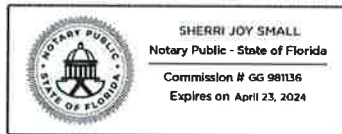
Date: 12/14/2020

STATE OF Florida)
) ss.
COUNTY OF Manatee

Acknowledged, subscribed, and sworn to before me this 14th day of December,
2020, by Tory Upchurch. Presented Driver's License for identification

WITNESS my hand and official seal.

My Commission expires: 04/23/2024.



Sherrri Joy Small
Notary Public

Notarized online using audio-video communication



Bill Almquist <bill.almquist@cityofsalida.com>

Upchurch Project Conditions

Tory Upchurch <toryup@gmail.com>
To: bill.almquist@cityofsalida.com
Cc: Bill Hussey <bhussey@crabtreegroupinc.com>

Fri, Mar 26, 2021 at 2:29 PM

Bill -

Based on the recommendation of the Planning Commission to zone our property R1, I wanted to reach out and express my strong desire to have our property zoned R2. From the beginning of our discussions, I have had three main objectives in developing our property:

1. To own a house in Salida
2. Provide the community with more affordable homes
3. To provide Salida a new housing development that will have a positive long term impact.

I would like to add a 4th goal now that I understand more about the growth challenges that Salida faces:

4. Provide a model for future annexations that attempts to balance County and City objectives.

R1 Zoning will only accomplish my first goal which is not in everyone's best interest.

With that being said, I would like to make the following requests and/or recommend the following conditions be added to the annexation agreement:

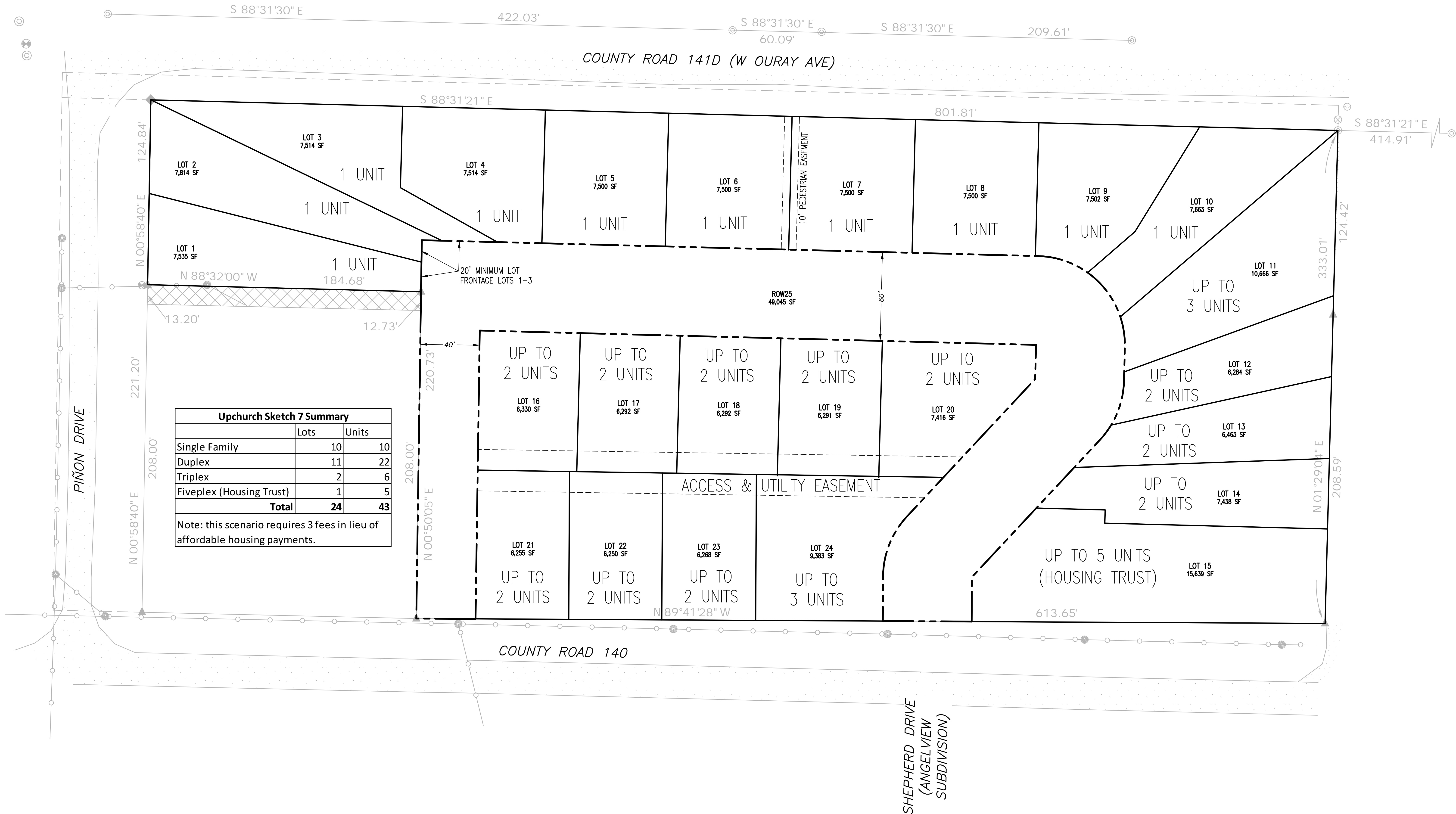
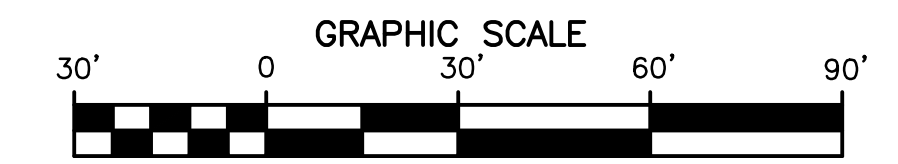
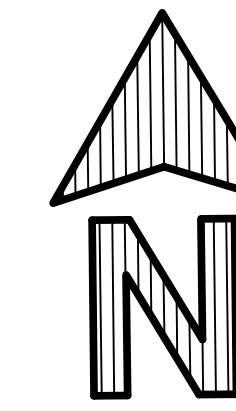
1. R2 Zoning for the entire property. We are willing to commit to R1 minimum Lot size and use standards (single family only) for Lots (1-10) adjacent to County Road 141.
2. Any future subdivision has to meet Chapter 16 Article 13 in the Salida City Code. Our current intent is to dedicate Lot 15 to the Chaffee County Housing Trust for them to build up to 5 inclusionary housing units.
3. Preference/first right of refusal for Chaffee County Residents: We have included 6 units in our development (2 Triplexes) that we will advertise to Chaffee County residents and do the vetting to ensure that Chaffee County Residents have the first opportunity to buy. Although these units are less profitable, these units will be at a lower price point which will afford Chaffee County Residents a better chance at buying a house.
4. If R1 Zoning is applied, we will develop all single family homes which will be at a much higher price point and likely be used as second homes for out of towners. This does not help with the housing affordability challenges for Chaffee County residents.
5. 1 STR License - this is a request I am making for my family as I stated as my main goal in point #1 above.
6. Subdivision of the subject parcel shall not require water and sewer main extensions in the following right of ways:
 - a. County Road 141
 - b. County Road 140 east of Shepherd Drive
7. Right of ways as shown on the conceptual plan shall be sufficient for subdivision, particularly the bends without radius, and the portion of 40' wide right of way on the west end of the site.
8. Lots 1, 2, and 3 may have less than the required minimum lot frontage, but no less than 20', substantially in accordance with the conceptual plan. Such lots must be 50' minimum width at the rear lot line.
9. This is not a condition but I feel it is important to call out our attempt in the current design to provide a seamless transition from the R3 zoned properties across CR140 putting the highest density in the South end of the property and moving to a less dense design in the North and East boundaries.

Additionally, I have attached the most recent subdivision concept design for your review assuming an R2 Zoning. Let me know if you have any thoughts or questions.

Tory
512.826.6152

20036 UPCHURCH CONCEPT 210326 R2.pdf
104K

UPCHURCH ANNEXATION SUBDIVISION SKETCH PLAN #7



Upchurch Sketch 7 Summary		
	Lots	Units
Single Family	10	10
Duplex	11	22
Triplex	2	6
Fiveplex (Housing Trust)	1	5
Total	24	43

Note: this scenario requires 3 fees in lieu of affordable housing payments.

PLANNING COMMISSION REGULAR MEETING

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

March 22, 2021 - 6:00 PM

MINUTES

Email public comments to: publiccomment@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

PRESENT

- Chairman Greg Follet
- Vice-Chair Francie Bomer
- Commissioner Judith Dockery
- Commissioner Giff Kriebel
- Commissioner Doug Mendelson
- Commissioner-Alternate Suzanne Copping

APPROVAL OF THE MINUTES

1. January 25, 2021 - draft minutes

Motion made by Vice-Chair Bomer, Seconded by Commissioner Dockery.
 Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery,
 Commissioner Kriebel, Commissioner Mendelson, Commissioner-Alternate Copping

2. February 22, 2021 - draft minutes

Motion made by Vice-Chair Bomer, Seconded by Commissioner Dockery.
 Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner
 Kriebel, Commissioner Mendelson, Commissioner-Alternate Copping

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 or Recommendation |

1. **Rose - Sacketts Addition Overlay deviation** -The applicants, Kevin and Susan Rose, are requesting approval for deviation from the requirements of the Sackett Addition Overlay for

the construction of an Accessory Dwelling Unit (“ADU”) at 334 E. Second Street, Salida, CO 81201

A. Open Public hearing - 6:04 pm

B. Proof of Publication

C. Staff Review of Application – Jefferson stated the applicant recently submitted revisions to their request that have not yet been reviewed by staff and therefore asked that the hearing be continued until April 26, 2021.

D. Applicant’s Presentation – None

E. Public Input – None

F. Close Public Hearing - 6:06pm

G. Commissioner Discussion - None

H. Commission Recommendation

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

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner-Alternate Copping

- 2. Upchurch Annexation** -The applicants, Tory and Clee Upchurch, are requesting approval of their 5.32 acre parcel to be annexed into the City of Salida. The property proposed for annexation is located between County Roads 140 and 141, as well as a portion of CR 140 stretching from the existing City limits at the eastern terminus of CR 141 approximately 1,274 feet to the western terminus of CR 141, totaling approximately 2.58 acres.

A. Open Public hearing - 6:07 pm

B. Proof of Publication

C. Staff Review of Application - – Almquist gave an overview of the annexation request for the Upchurch Annexation, and the justification for the serial annexation of the CR 140 ROW along with the Upchurch Annexation. The serial annexation is justified by the Intergovernmental Agreement (IGA) between Chaffee County and the City of Salida that defines this area as within the City of Salida’s Municipal Service Area (MSA).

City Council passed Resolution 2021-04 finding the application in substantial compliance with all applicable regulations and for Planning Commission to move forward with processing the annexation.

Staff finds the application has met all legal requirements for annexation. Staff supports the request with ten (10) recommended conditions, one revision to condition #3 that future lots adjacent to CR 141 be for single-family residential only, and recommended adding an eleventh (11th) condition stating that the area of overlap shown on the survey boundaries on the annexation plat shall be resolved prior to recordation of the annexation plan and agreement.

Kriebel asked if Angelview came into the City as an annexation. Staff responded yes, in the 1970’s. **Kriebel** asked if the property along Silver Spruce Drive come into the City as an annexation. Staff answered yes, in the 1990’s. **Kriebel** stated that regarding CR 140,

it appears there will be houses facing CR 140 and that would normally allow those houses to park along the road. Is CR 140 wide enough for parking? **Almquist** stated it is currently 80 feet of ROW and that does allow for parking along it, and Public Works commented that there would be parking along CR 140. **Dockery** asked if there would be driveways accessing CR 140. **Almquist** stated that the subdivision plat is not part of the request, however the concept plan that has been presented shows that the lots facing CR 140 would have rear vehicular access. **Bomer** asked for clarification that if this is approved and zoned, will the applicant need to come back to Planning Commission for subdivision approval. **Almquist** stated that yes, if the subdivision request is anything like the concept plan shown, it would require Planning Commission approval. **Mendelson** asked why they are discussing the annexation, he thought that at the joint work session with City Council they had been told their involvement would be limited to the subdivision. **Almquist** clarified that the joint work session between City Council and Planning Commission was for the annexation and zoning and the presentation of the concept plan was just for some initial feedback. **Mendelson** asked for clarification on what Planning Commission is voting on. **Almquist** clarified that Planning Commission is voting whether or not to recommend approval of the annexation to City Council for final vote. **Kriebel** asked if this property, shown as Mixed Residential on the Chaffee County Comprehensive Plan allows 4-16 dwelling units per acre, this concept plan could be implemented in the County. **Almquist** stated that is correct with some limitations due to the requirement of a pre-annexation agreement for the City to provide utilities in order to develop in the County in anticipation of future annexation to the City.

- D. Applicant's Presentation** – Applicant **Upchurch** stated they are working with the City to adhere to any guidelines and standards, and hopes to work with the surrounding neighbors to minimize impacts to their property. **Bomer** asked what happened to the HOA maintained park shown on the original sketch plan. The applicant stated the original design had a park along a road running north-south, but after discussions with Chaffee County and the City it was determined the Shepherd Street ROW would not connect to CR 141 to the north and in the revised layout it didn't make sense to include the park anymore.

Mendelson asked the applicant if they talked to the County first. **Upchurch** stated yes, and the County directed them to the City. If the applicant developed in the County, it would still require a pre-annexation agreement with the City to get access to utilities, so it made the most sense to just go to apply to the City for annexation. **Williams** clarified that the IGA requires properties in the MSA to come to the City and the City determines if the property should be annexed.

E. Public Input –

Tom Waters, no address provided. Concerned about the impacts of increased traffic on CR 140. Concerned about the amount of traffic on CR 140 created by this development plus Angelview. A traffic study should be completed and include an assessment for ingress and egress lanes, driveways, storm drainage, pedestrian crosswalks, signals and wildlife crossing impacts.

Clifford Whitehouse, 8195 CR 141C. Stated the annexation is a bad idea because it would not be an improvement to Salida and since the area can be developed without annexation and rezoning, there is no need for it. Development should be in areas already in the City and already with high density zoning. Since resources are limited, applications and requests should be balanced with their long term viability.

Stephanie Bradshaw, 8110 CR 141C. Opposed the annexation. Requested that a decision be delayed to allow time to resolve the boundary issue and to complete an Annexation Impact Report (AIR) to consider the effects of density, traffic, environmental effects, sewer and drainage, utilities, ditches on the neighbors and on schools. The City should look at the big picture. Requested single family, rural, residential use.

Mark Haarold, 8179 CR 141B. Felt the County Commissioners were much more receptive to the neighbors' concerns and is frustrated with interactions with city staff. Acknowledged that the recommended conditions address some of the concerns, but would like the City conditions to include all of the County Commissioners recommendations from their letter dated March 18, 2021, recommending only single-family homes on the parcel.

Deanna Myers, 8155 CR 141. Opposed annexation because of the negative impacts of increased street lighting. Development in the County at ¼ acre lots would be more compatible. Believed there should be buffers between different types of zoning. Wanted any development to be as harmonious as possible with surrounding development.

Ann Daniels, 7700 CR 141D. Objected to annexation due to the unresolved boundary issue, the lack of an AIR, that the CR 140 ROW should not count to meeting the contiguity requirement. Requested this property should be rural and a traffic study should be completed.

Dania Pettus, 8210 CR 141B. Requested any future public hearing be delayed until Covid is resolved because of difficulty for some concerned residents to participate. Concerned about access off of CR 140, parking along CR 141, traffic congestion, infrastructure limitations, suburban sprawl and compliance with the IGA.

Charlie Farrell, no address provided. Because this property can be developed in the County, believed there is no need to annex and that there is enough multi-family development on nearby properties. Requested that the property owner work with the County to develop the property.

Jessica and Nick Chariton, 8105 Spruce Street. Understood the need for affordable housing and growth, but would like to see Salida grow responsibly. Requested that the City and County work together on the inevitable growth. Concerned that this is irresponsible and haphazard development, and that it is not congruous with what is around it.

Aaron Huckstep, Attorney representing neighbor(s). Concerned that the application is incomplete because it appears the City is not following section 16-9-40 of their Code requiring a cost reimbursement agreement. Public Works identified the need for CR 140 improvements at the time of the Angelview development and we believe a cost reimbursement agreement would address this. Concerned there is no traffic study, no AIR, and that the boundary overlap is not resolved.

Larry Dean Metzler, 8110 CR 141C. Concerned with the impacts on CR 140, and the Shepherd Road intersection. Believes the City is favoring the applicant by annexing CR 140 which is in need of improvements and the need will increase with the impact of future Angelview development. Concerned that the proposed density is too high.

Michelle Pujol and Brent Patrini, 7616 Meadowlark Drive. Concerned about annexation creep and about the proposed density. Believes that it is backwards for the City to allow

higher density at outskirts. Meadowlark is seeing traffic and lighting impacts from Angelview. Opposed to annexation, and if annexed, density should be for single-family homes only.

Charla Waller, (James and Sharon Jacobsen, Kevin Jacobsen, Kristen Jacobsen) 8125, 8175 Ponderosa and 18 acre parcel abutting golf course. Concerned about impacts on water in Shavano Vista subdivision. Believes this not a good way for Salida to provide more affordable housing and that it should be developed in the County. If annexed, it should be with a compatible density.

Gabriel Pettis, 604 Ouray Avenue. Concerned about the increased traffic this development would add to the intersection of Holman/ CR 140 / Poncha Blvd intersection and the light pollution, noise pollution, as well as conflicts with pedestrians and bicycle traffic at that intersection. Lower density would lower the traffic.

Paula Farrell, 8255 CR 141. Requested that the annexation decision be delayed until an annexation impact report is completed, despite the site being fewer than 10 acres. Density, traffic, environmental, school, utility, police and fire safety, impacts need to be addressed and if annexed, a post-annexation impact report should be done to address these issues.

F. Close Public Hearing – 7:37pm

G. Commissioner Discussion –

Dockery asked why the boundary overlap was not resolved. **Upchurch** stated that it is not a dispute and that he is going to legally deed her the section that her fence line was over onto the Upchurch property, and deeding that property takes time. **Williams** clarified this area of overlap is not part of the property being annexed.

Keidler asked if a traffic study was done when Angelview was developed? **Almquist** stated the part that is developed was a minor impact subdivision so it did require a traffic impact analysis. A major impact subdivision will require a traffic study. **Kriebel** stated there has been a lot of development abutting CR 140 and traffic is a legitimate concern. Can this be required prior to annexation?

Williams clarified State Statute 31-12-108.5 states that an Annexation Impact Reports “shall not be required” for annexation of 10 acres or less. Shall not means cannot be required. The traffic impact report is a requirement of the City’s subdivision ordinance.

Bomer asked if there is any way a traffic impact report would not be required. **Almquist** stated yes, it is only required for a major subdivision. A minor subdivision of fewer than 5 lots does not require traffic study. **Bomer** stated that it would be unlikely that it would be a minor subdivision. She noted that the Angelview development was supposed to take over maintenance of CR 140, but when their plan changed from condominiums to townhomes that agreement no longer applied and it didn’t happen. **Almquist** stated that Public Works commented on the potential future capacity of the road as an 80 foot wide ROW collector road. Several conditions of the annexation approval are related to CR 141 and CR 140 regarding traffic impacts and improvements. **Bomer** asked what area would be included in a traffic study for the subdivision **Almquist** noted that the traffic study would specifically looks at existing conditions and then adds on to that what is proposed by the subdivision. It would go beyond the Holman intersection. **Bomer** asked if Planning Commission could take into account the traffic affects when evaluating the subdivision

plat. **Almquist** noted yes. **Williams** noted that several of the recommended conditions address impacts to roadways.

Almquist clarified some of the items that were brought up in the public comments:

State Statute reads that the City shall not require an AIR because the parcel is less than 10 acres. Additionally, the topic of an AIR is addressed in the IGA with the County. **Williams** cited that language as follows: “County review of Annexation Impact Report. When required, pursuant to State Statute, the City shall have Annexation Impact Report prepared and delivered by the County on all property greater than 10 acres.” **Kriebel** asked if an AIR is precluded. **Williams** iterated that State Statute says an AIR “shall not be required” for annexations 10 acres or less in area, which means the City “cannot” require the applicant to do an AIR.

Some comments referenced possible development of the nearby “Treat” property, and there is no proposal for annexation of the referenced property.

The serial annexation of CR 140 is allowed for by state statute. By definition of this parcel being in the MSA, the IGA intends for it to be annexed, and the inclusion of CR 140 up to the MSA boundary is then logically included as part of this annexation.

There is no specific proposal for the future development of Angelview yet. It may happen soon but there is no specific application for development as of now.

Regarding lack of City response to inquiries, once an application is received by the City, elected officials are under quasi-judicial requirements for the zoning and quasi-legislative requirements for the annexation that prevents elected officials from discussing of the project. Staff has been responding to procedural questions.

Current Covid regulations do allow in person attendance in the chambers with limited capacity, and that the City has been conducting online hearings for many months now.

Follet asked if Angleview was required to provide street lighting on CR 140. **Almquist** did not think improvements to CR 140 were required, and that any lighting at Angelview is along their internal, private streets. Any lighting on CR 140 in the future would be public, which Exel would provide and they have their own standards for lights.

Bomer asked applicant if they would voluntarily complete an AIR. Applicant stated he doesn’t know what that involves so he could not commit to it at this time.

Bomer stated she’s troubled that they don’t have all the information she thinks they should to make this decision.

Mendelson stated he felt the County should have been included in hearing and that more study, including a traffic study, should have been done. He feels the annexation is moving too fast. **Follet** noted that the annexation of this area has been discussed extensively in the past. **Mendelson** feels it has not been discussed enough. He acknowledges that the proposal is compatible with the Salida Comprehensive Plan, but stated that it is not a great Comprehensive Plan and therefore this proposal should be tabled.

Copping asked how often the IGA is updated. **Almquist** replied it is updated as needed, with either party initiating the need to update. He addressed the concept brought up in some of the public comments that density should be focused at the core of a city. Salida’s core is a historic district with very limited development potential. The residential lots radiating out from the core are primarily already developed small lots. This is a barrier to

consolidating large lots interior to town to provide higher density housing near the core. Therefore the area that can accommodate higher density development is further out from the core. This is why the MSA from 2009/10 identifies these areas as the locations for future development and to provide needed housing, and therefore extended services to these areas. **Copping** noted that this conversation tonight has exposed some of the fault lines that appear to exist regarding approaches to the MSA area, and has brought to the front the tensions that exist in the implementation of the IGA. Do we need to rethink some language in the IGA to provide more guidance for the future? **Almquist** noted that the IGA and MSA do take into account the capacity of the transportation corridors along which higher densities should be located. Therefore not all areas of the MSA are designated for higher densities, just those where the transportation capacity is available.

Copping posed the question - What happens if we don't annex? If we annex, then City of Salida land use code and standards apply and therefore the City has more control over future development.

Bomer concurred that, while she has some concerns, if the annexation is denied, the potential density in County could be the same.

Williams provided additional clarification on the IGA, noting that it states that all new land use development applications shall be submitted to the City and the County agrees not to accept land use development applications for property within the MSA. Annexation and development agreement will be considered with terms that conform to the Salida Municipal Code and Comprehensive Plan and that the City shall not deny annexation except for good cause.

Mendelson noted that he found the applicant's letter confusing re: the intention of the applicant to live on the property.

H. Commission Recommendation –

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

Discussion ensued regarding amending the motion to amend condition #8 to require that the inclusionary housing requirement be met by built units rather than by fee-in-lieu. Williams clarified that this will be accomplished under the current wording of condition #8 and that no amendment is necessary.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner-Alternate Copping

Voting Nay: Commissioner Mendelson

3. **Upchurch Zoning** - The applicants, Tory and Clee Upchurch, are requesting a zoning designation of Medium-Density Residential (R-2) should the property be annexed.

A. Open Public hearing – 8:40 pm

B. Proof of Publication

C. Staff Review of Application – Almquist gave an overview of the zoning request. Staff supports the request for a zoning designation of Medium-Density Residential (R-2) with no conditions.

Dockery asked what the maximum number of units are that could be built in R-1.

Almquist stated it is 11 units per acre based on maximum density, but the minimum lot size is 7,500 square feet which would be more limiting on a built-out subdivision site.

Mendelson asked why the City is approving zoning without a plan.

Williams clarified this is to zone the newly annexed property. It is required within 90 days of annexation. It cannot be conditioned because it is just zoning.

- D. Applicant's Presentation – Upchurch** stated that the current plan is to dedicate the lot on the southeast corner to Chaffee County Housing Trust to build the inclusionary housing. He believes it needs R-3 zoning in order for that lot to work for them. He would also like to do R-3 zoning on the south side of property because it allows for more flexibility in driveway and multi-family configurations than R-2, not with the intent of maximizing the R-3 density.

Follet asked if applicant plans on incorporating some open space. Upchurch stated that with the modification of the road configuration, it does not flow well with plan, but he's not completely opposed to it.

Hussey, as applicant's representative, stated the difference between the two plans is that the square feet of public row has increased from 30k sf to over 50k sf.

Bomer stated the currently shown triangle lot appears to be a good spot for open space.

E. Public Input –

Aaron Huckstep, believed that annexation is not mandatory. Stated that density should be concentrated in the center of the city, not at edge. If applicant intends to eventually rezone, why not make R-1 now and let them rezone to R-3 later?

Tom Waters, requested that the zoning is set to the lowest density possible.

Clifford Whitehouse, concerned with development near the airport. Stead the County recommended R-1. Requested to use the 90 days allowed until zoning of the property is required. Believed Salida should prevent development of over-stimulating environments.

Stephanie Bradshaw, opposed to anything greater than R-1 zoning. Does not believe higher density is compatible given contiguity to 1-5 acre lots. R-1 was recommended by County. Requested that a traffic study be done prior to ruling on zoning request.

Mark Harrold, concerned that the County Commissioners have a better understanding of the effect of this property on surrounding land owners. County recommended R-1. Applicant said in letter they were going to build a "public-use park".

Deanna Meyers, Comprehensive Plan says should be complimentary on mass and scale. Lot size difference is not complimentary. Would like the inclusionary housing to be a single-family home rather than multi-family.

Ann Daniels, stated that planning theory does not support flagpole annexation at boundary for high-density housing. It should be at city center. This should be R-1 to blend higher density of city with rural character of county.

Dania Pettus, felt the density was inappropriate. Should not consider density greater than R-1. Concerned about parking that might spill onto CR 141.

Charlie Farrell, felt that the staff report and presentation did not address the neighbors' concerns, including a petition signed by the neighbors. He felt there should have been a meeting with neighbors to address their concerns. Requests that the zoning be R-1.

@ 3:41 Chairman **Follet** assured the public that the Planning Commission packet did include comments and letters demonstrating the neighbors' concerns.

Almquist further clarified that the letter from the Chaffee County Board of Commissioners was also included in the Planning Commission Packet. Regarding the referenced petition, it had been sent directly to City Council in January, who shared it with staff. At that time, the applicants' application submittal had not yet been deemed complete and no noticing regarding the application had gone out. Public commentary is only allowed to be considered for the public hearing if it is submitted after there is a complete application to be considered. The petition's original submittal date was well before a complete application. A late-hour request was made to submit this petition into the public comment record. **Almquist** then forwarded the petition to the Planning Commission.

Dean Metzler, stated that he felt this is sprawl and the site should be zoned R-1.

Jeff Meyers, according to the 2000 Salida Comprehensive Plan, the purpose is to protect existing neighborhoods from negative impacts of new uses. A multi-family housing development such as this would have a negative property value impact on the existing neighbors.

Michelle Pujol, agreed with what others have said. Felt staff only presented the pros and ignored the cons of this application. Requests it be zoned R-1.

Paula Farrell, concerned about additional annexations in the future along CR 140 and city the April 2, 2018 City Council and Planning Commission joint work session. Believes if affordable housing is a concern, then City should require more affordable units, and they should be single-family homes and the applicant should be responsible for building them. Requests it be zoned R-1.

Charla Waller, (+ representing James, Sharon, Kevin and Kristen Jacobsen) believed the MSA map is deceptive in how it shows the 18-acre parcel in orange. Stated that this property should not be R-3; please zone it R-1.

F. Close Public Hearing - 9:56 pm

G. Commissioner Discussion –

Bomer stated the applicant can start at R-1 and based on other studies, can evaluate changing.

H. Commission Recommendation - Motion made by Vice-Chair Bomer to recommend to City Council approve the zoning to R-1. Seconded by Commissioner Kreibel.

Discussion on the motion: **Copping** asked if a traffic study would still be required at subdivision if it was zoned R-1. **Bomer** stated she believed it would. **Almquist** clarified that a traffic study can be requested by the Administrator at Major Impact Review, but that it is not automatically required. **Bomer** asked if she could condition the approval on providing a traffic study at Major Impact Review of the Subdivision. **Williams** clarified that a zoning cannot be conditioned. City Manager **Nelson** stated that if it was a decision

of his, he was committed to requiring a traffic study at Major Impact Review for the subdivision.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner-Alternate Copping

UPDATES- None.

COMMISSIONERS' COMMENTS

ADJOURN: With no further business to come before the Commission, the meeting adjourned at 10:10 p.m.



Bill Almquist <bill.almquist@cityofsalida.com>

City of Salida, Upchurch Addition Comment

Jeff Myers <jeff@landmen.com>

Mon, Mar 8, 2021 at 10:39 AM

To: "pt.wood@salidaelected.com" <pt.wood@salidaelected.com>, "dan.shore@salidaelected.com" <dan.shore@salidaelected.com>, "jane.templeton@salidaelected.com" <jane.templeton@salidaelected.com>, "Justin.critelli@salidaelected.com" <Justin.critelli@salidaelected.com>, "mike.pollock@salidaelected.com" <mike.pollock@salidaelected.com>, "harald.kasper@salidaelected.com" <harald.kasper@salidaelected.com>, "alisa.pappenfort@salidaelected.com" <alisa.pappenfort@salidaelected.com>
Cc: "bill.almquist@cityofsalida.com" <bill.almquist@cityofsalida.com>, "kristi.jefferson@cityofsalida.com" <kristi.jefferson@cityofsalida.com>

We do not know each other but I have received notice in the mail from the City of Salida, Colorado, about a proposed new development adjacent to my home and since it says we can comment, I feel compelled to offer my input.

My name is Jeff Myers. My wife and I are property owners of a 5 acre parcel at [8155 CR 141](#), in Salida, CO, which is directly adjacent and contiguous on the corners to the newly proposed above referenced addition.

Since we own an adjacent property and one of the largest homes in the affected area , which would, therefore, normally be one of the most valuable pieces of property and one of the most affected in value by this proposed development, I would like to make a comment.

While we all know about the need for more affordable housing in our area, I would like to ask each of you to take a journey outside of your present positions and imagine for a moment that you have been placed in our shoes.

If you can go there, you will find yourself as being retired and living in a 4,000+ square foot home directly caddy-corner to the subject property, that you have invested over seven figures and a substantial portion of your hard earned net worth into.

Now imagine if you can that you have been asked to approve something to be built right next to you that will certainly affect one of your largest investments in such a manner that literally overnight will no doubt reduce the value of your property over \$200,000.

Since you are an elected official or city employee, it is apparent that you are at or above the normal intelligence level of the populace. I would submit to you that committing "economic suicide" to your estate by approving something that would create such an impact on you would not be wise.

Assuming that you are not Warren Buffet's or Bill Gate's child, which we are not, you would admit that approving something like this is not in your best interest.

If you have been successful in visualizing the situation that we find ourselves in, I believe that you can now appreciate our position on this proposal and can much better understand its overall impact on us and other adjoining property owners.

For any thinking, reasonably intelligent person to believe for even a moment that this proposed development will not a substantial negative impact on people in our position is not utilizing critical thinking and would not be something we would knowingly inflict on ourselves.

Item 10.

I will point out that even the developer is well aware of the fact that properties like ours being adjacent to his is one of the positive economic factors in his overall plan to invest in this property and leverage it into a much more favorable light for him to his potential future buyers.

When you can say to a potential buyer that if you buy into this lot in my addition, you will be right next to some million-plus dollar properties, I am sure you would agree it certainly works in your favor.

If this development goes through as proposed, and if you can still see yourselves in our shoes, I would suggest that you would deem it prudent, upon getting your annual County Property Tax bill, to venture down to the Assessor's office to "fight" the valuation that had previously been used for your property as being now fairly useless and needing to be lowered substantially due to the economic impact of the new addition.

Now, not that any of the above needs verification of the validity, if the analogy of being in our shoes is not a journey that works for you, I have another technical approach on this proposal that I will offer.

In my own past work as a state licensed real estate appraiser working on contracts for many municipalities, state government entities, industrial entities, etc., often involving land acquisition through negotiation, eminent domain and such, I have been called on many times as an expert witness in many courts in the country being both Federal District Bankruptcy Courts, Local District courts and State Regulatory agencies and I have an economic understanding of the impact events such as this proposal on neighboring properties.

If I was not personally involved in this situation, and had kept my license current, I could legally testify from an appraisal standpoint and verify the information as just illustrated with the "being in our shoes" scenario.

Thank you for your time and allowing me the ability to comment.

Jeff Myers

[8155 CR 141](#)

[Salida, CO 81201](#)

918-809-4684 cell.



Bill Almquist <bill.almquist@cityofsalida.com>

Upchurch Annexation and Rezoning

Ann Daniels <asdaniels@comcast.net>
To: bill.almquist@cityofsalida.com

Wed, Mar 17, 2021 at 1:18 PM

Mr. Almquist: Would you please forward this letter to all of the City Planning Commission members for me? I have not been able to locate their email addresses and was advised you might be able to help.

Thank you, in advance, for doing so.

Dear City of Salida Planning Commission Members:

We are here to ask the City of Salida Planning Commission for the lowest level of density possible on the Upchurch property. If the property is annexed, which we object to, we request R-1, low density, so this development blends in with its rural county surroundings.

So far, we are aware, due to the signs posted on the property addressed to the public, and also through the Mountain Mail, that Mr. Upchurch has committed to developing his parcel of land at R-2 density. However, if his property is annexed, we, his neighbors, request R-1, single family dwellings with the lowest density possible. What would be wrong with having five, one acre lots with five beautifully built homes on them? Mr. Upchurch could profit from this and the surrounding community would not be as detrimentally impacted as it would be otherwise. Because he has now publically committed to R-2, this should prohibit him from building high density duplexes and multifamily residences, including tri-plexes, townhomes and apartments. We feel strongly that a high density, multifamily development is not compatible with this parcel of land due to the county lots surrounding it on every side, including two houses to the south and three houses to the east.

The bottom line is that we, in the County, are feeling Salida sprawl sneak up on us and we don't like it. We purposefully bought our properties here for the rural, country feel, and instead are about to be enveloped by city overflow. We believe there is a way to integrate the City into the County, but it is not by squeezing 27 lots onto 5.32 acres and over-building them, in an area where the surrounding County houses are detached single family dwellings on bigger parcels of rural land. The Upchurch property could be the perfect opportunity to create a transitional smaller development that would gradually blend the higher density of the City into the lower density, rural character of the surrounding subdivisions and county houses.

In closing, we would like you to commit to assuring us that a high quality, low density development will be built that reflects our rural County environment and community.

Thank you for your time and consideration in this matter.

Please include this communication in your packet material for the public hearings related to this issue.

3/17/2021

City of Salida Mail - Upchurch Annexation and Rezoning

Ann S. Daniels and David C. Ross

7700 County Road 141 D

Salida, CO 81201

asdaniels@comcast.net

303/870-7914

Item 10.

- 321 -

March 17, 2021

Salida City Council
Salida Planning Commission

My name is Deanna Myers, and I reside at 8155 CR 141. My husband and I moved to this area 8 years ago after traversing the country for a year or more looking at communities from California to Florida where we might like to hang our hats. We fell in love with this place, likely for the same reasons you live here. 360 degree views, outdoor recreation opportunities, quaint, artsy town with good music and dining, and out of the noise and traffic of the big city, reminding one of Breckenridge of yore. These reasons are also discussed extensively in the Chaffee County Comprehensive Plan, which I will refer to later. I have also included in this written material references for some of my comments which may be helpful.

REPRESENTATION

Those of us who oppose the annexation of the Upchurch property are not your constituents. We do not have the ability to vote for those who sit on this body nor to serve on this council or commission. As county residents, we find that under state law and the Salida IGA (Intergovernmental Agreement), adopted March 2, 2010, all decision making regarding annexation and zoning within the Municipal Planning Area (MPA), of which we are a part, has been abdicated to the Salida Council. We are thus in a position where our only recourse is to beg for your mercy and consideration of our interests. Please try to think how you would feel in our situation.

UPCHURCH ANNEXATION, REZONING AND MAJOR SUBDIVISION PROPOSAL

The Upchurch Annexation, Rezoning and Major Subdivision proposal requests annexation into the city of Salida, rezoning of the property to R-2 and R-3, and conceptual approval of a 27 lot subdivision development, as revised. I object to all three proposals. I will address only a couple of issues that may not be addressed by others.

Rezoning - The Upchurch proposal is correct in stating that the closest in-City properties are zoned R-3, and other nearby in-city properties are zoned R-2. These properties are on the East and South of the property to be annexed. The proposal fails to note that the remaining adjacent properties, are outside of the city, and are comprised of one acre lots to the North and five acre lots to the West. I live on one of the five acre lots in Ranchos de Caballeros, a subdivision of 5 acre horse ranches where up to 4 horses are allowed per lot.

The Upchurch Annexation area is within the Municipal Service Area (MSA), therefore, were it to be developed under the Chaffee County Land Use Code, the maximum density for the area would be 4 units per acre with connection to central water and sewer.

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. In fact, under the Salida Code, **single family residences are permitted in an R-3 zone only with Administrative Review**. Sec. 16-4-150 (emphasis added).

Therefore, adopting R-3 zoning for the tract and approving a subdivision of 26-27 lots would result in at least 52 dwellings (duplexes only), and likely many more on this tract, and up to 19 unit apartments would be allowed under the same Administrative Review. While we do not know how many dwelling units will be placed on this property if approved, the development would likely result in a density of 8 to 15 or more units per acre, as opposed to the 4 units per acre allowed if developed under the Chaffee County rules.

It simply does not make sense to place such a dense development adjacent to 5 acre tracts. Good planning would place a buffer or transition area between such properties.

Annexation and Subdivision –

If annexed, the property would be developed under the city code, which would require one street light per 300 feet of street length.¹ Artificial exterior lighting has a deleterious effect on dark skies, impacts wildlife, creates potentially harmful health effects², and generally interferes with neighboring owners enjoyment of their property. For example, outdoor artificial nighttime lighting interferes with the migratory patterns of the miller moth, which created an extreme nuisance around our property last year. Furthermore, it is a fallacy that exterior lighting prevents crime. In fact, a review of one of the few studies on this subject, The Chicago Alley Lighting Project³, shows that incidences of crime actually increase with the addition of lighting.

Annexation is unnecessary because the property can be adequately developed under county standards without annexation. As stated above, with connection to central water and sewer, the property could be developed into ¼ acre single family dwellings. Additional nighttime lighting would not be required, and one quarter acre lots would be more in keeping with the surrounding properties to the North and West.

¹ Sec. 16-8-20. - Road, driveway and sidewalk standards (12) Street Lights. In new subdivisions and for development along arterial streets street lights shall be provided at a minimum of one (1) light every three hundred (300) feet of street length.

² American Medical Association, REPORT 4 OF THE COUNCIL ON SCIENCE AND PUBLIC HEALTH (A-12) Light Pollution: Adverse Health Effects of Nighttime Lighting, David Blask, PhD, MD (Tulane University School of Medicine); George Brainard, PhD (Jefferson Medical College); Ronald Gibbons, PhD (Virginia Tech); Steven Lockley, PhD (Brigham and Women's Hospital, Harvard Medical School); Richard Stevens, PhD (University Connecticut Health Center); and Mario Motta, MD (CSAPH, Tufts Medical School) [https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/public/about-ama/councils/Council Reports/council-on-science-public-health/a12-csaph4-lightpollution-summary.pdf](https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/public/about-ama/councils/Council%20Reports/council-on-science-public-health/a12-csaph4-lightpollution-summary.pdf).

³ The Chicago Alley Lighting Project: Final Evaluation Report, April 2000, Prepared by Erica N. Morrow, Shawn A. Hutton, Research and Analysis Unit, Illinois Criminal Justice Information Authority <https://www.darksky.org/wp-content/uploads/2014/09/Chicago-Alley-Lighting-Project.pdf>

In closing, please deny this request. The City may decline to annex if “the City does not desire to annex the property for reasons defined by the ... City Council.”⁴ Denial would be in keeping with the purpose of the Chaffee Salida IGA to “ensure that development...will not unintentionally encroach into areas designated as having rural densities and land use types by the county⁵” and of the Salida Comprehensive Plan, which is intended to guide city decision-making on issues regarding growth and land use, and which calls for encouraging “agriculture and low density residential development in the open lands within the Municipal Planning area around the city”.⁶

And please keep in mind one of the findings made in hearings on the Chaffee County Comprehensive Plan, “While the concentration of residential development around existing towns may be a good idea generally, overly dense development and creation of unattractive urban projects not in keeping with the small town character of each community should be avoided.”

Respectfully submitted,



Deanna Myers

8155 Co. Rd. 141
Salida, CO 81201
918-636-5292

⁴ Amended Intergovernmental Agreement between the City of Salida, Colorado and Chaffee County, Colorado, dated March 2, 2010, Resolution 2010-23. Article IV, Section 4.3.a (4).

⁵ Amended Intergovernmental Agreement between the City of Salida, Colorado and Chaffee County, Colorado, dated March 2, 2010, Resolution 2010-23. Article I. Section 1.1(4).

⁶ City of Salida 2013 Comprehensive Plan, Action CC-III.2.a



Bill Almquist <bill.almquist@cityofsalida.com>

Fwd: Proposed Upchurch Annexation along Co Rds 140 and 141

2 messages

James And Sharon Jacobson <jskjacob@q.com>

Wed, Mar 17, 2021 at 6:03 PM

To: pt.wood@salidaelected.com, dan.shore@salidaelected.com, jane.templeton@salidaelected.com, Justin.critelli@salidaelected.com, mike.pollock@salidaelected.com, harald.kasper@salidaelected.com, alisa.pappenfort@salidaelected.com, clerk@cityofsalida.com, bill.almquist@cityofsalida.com, gfelt@chaffecounty.org, kbaker@chaffecounty.org, rgranzella@chaffecounty.org, publiccomment@cityofsalida.org, drew.nelson@cityofsalida.com
Cc: Upchurch-Annexation@googlegroups.com

Forwarded is our attached email to the county commissioners dated January 12, 2021 opposing the Upchurch annexation along Co Rd 140 and 141.

Please include this communication in your packet of materials for the Public Hearings related to this matter.

James Jacobson PE
Sharon Jacobson

Sent from my iPad

Begin forwarded message:

From: James And Sharon Jacobson <jskjacob@q.com>

Date: January 12, 2021 at 6:27:08 PM EST

To: gfelt@chaffecounty.org, kbaker@chaffecounty.org, rgranzella@chaffecounty.org

Cc: upchurch-annexation@googlegroups.com

Subject: Proposed Upchurch Annexation along Co Rds 140 and 141

Hello,

Our names are James and Sharon Jacobson. We live at 8175 Co Rd 141B in Shavano Vista subdivision. We are writing this letter to object to the Upchurch Annexation that is being proposed along Co Rd 140 and 141. This annexation is being proposed as a high density development in an area that has homes on acreages varying from approximately 1 acre to 5 acres. Shavano Vista was one of the first early developments west of Salida, platted in 1966 and it was approved and planned only for homes on acreages in a rural environment.

Now we believe the county has a duty to adhere and uphold to the land use plans that were developed and approved in those earlier years and to also adhere to the current provisions and guidelines spelled out in their own current land use code guidelines particularly the provisions on **incompatibility** and **visual impact**.

Concerning the Upchurch annexation, which has proposed building single family and multi family dwellings with 26 lots on 5.32 acres of land, that in its self, is certainly going to be **incompatible** with the existing rural adjacent neighborhood. Paragraph 6.4.1B in the county Land Use code cites as part of the following General Review Criteria for applicant review:

“Relationship to Surrounding Area. The PD is not incompatible with the III

“Visual Impacts. Construction on ridge lines that are visible from major roadways or residential development shall be compatible with the surrounding natural environment.”

It certainly appears that the Upchurch annexation and development as proposed definitely does not comply to the above county land code review guidelines.

The other issue we have, is why is the county going ahead with annexing additional Co Rd 140 right of way to the city without consulting with all the residents living along that section of the road? It appears to us that this is only being done to meet the 1/6 contiguity requirement by aiding annexation of this land to the city.

We ask the county for cooperation and to advocate for maintaining our existing rural environment.

Thank you for your consideration.

James Jacobson, PE
Sharon Jacobson



Bill Almquist <bill.almquist@cityofsalida.com>

Upchurch Annexation

Ann Daniels <asdaniels@comcast.net>

Sun, Mar 7, 2021 at 7:06 PM

To: pt.wood@salidaelected.com, dan.shore@salidaelected.com, jane.templeton@salidaelected.com, justin.critelli@salidaelected.com, mike.pollock@salidaelected.com, harald.kasper@salidaelected.com, alisa.pappenfort@salidaelected.com, bill.almquist@cityofsalida.com, kristi.jefferson@cityofsalida.com, clerk@cityofsalida.com

From: Judith Kinzie [mailto:judithkinzie@gmail.com]

Subject: Upchurch annexation

Dear City Council and others who may be involved,

We live at 8015 County Road 141 in Ranchos de Caballeros on 5 acres, 1 home. We object to the proposed increased density across the street from us. Our surrounding community to the west and north is rural, with those on the north having one acre per home. There are 2 homes to the east on 1 acre each that abut, are directly contiguous, to the Upchurch land. We prefer less density to better blend in with its surroundings.

Please include this communication in your packet material for the public hearings related to this matter.

Sincerely, Ed and Judith Kinzie

Sent from my iPad



Bill Almquist <bill.almquist@cityofsalida.com>

City of Salida, Upchurch Addition

Jeff Myers <jeff@landmen.com>

Mon, Mar 15, 2021 at 2:18 PM

To: "Drew.nelson@cityofsalida.com" <Drew.nelson@cityofsalida.com>

Cc: "pt.wood@salidaelected.com" <pt.wood@salidaelected.com>, "dan.shore@salidaelected.com" <dan.shore@salidaelected.com>, "jane.templeton@salidaelected.com" <jane.templeton@salidaelected.com>, "Justin.critelli@salidaelected.com" <Justin.critelli@salidaelected.com>, "mike.pollock@salidaelected.com" <mike.pollock@salidaelected.com>, "harald.kasper@salidaelected.com" <harald.kasper@salidaelected.com>, "alisa.pappenfort@salidaelected.com" <alisa.pappenfort@salidaelected.com>, "Cc:" <bill.almquist@cityofsalida.com>, "kristi.jefferson@cityofsalida.com" <kristi.jefferson@cityofsalida.com>

Mr. Nelson:

We do not know each other but in light of an email of yours that is at the bottom of this email string and below mine here (which I sent to many of the city of Salida city people last week, but did not know who you were and neglected to include you in on and I apologize so it is here now for you too) it appears that I (and others similarly affected) may be one or more of the "angry neighbors" that you refer to in your email about the subject that you sent last week to others.

In light of how some of us who are negatively economically impacted by this cause may now be referred to by folks like you, I would request that if you have not seen my email about the subject before now, that you take time to read it and ask that you put yourself in our shoes as well and see what your attitude then might be about the residents impacted by this issue!

I believe that if you can see this in how it affects us, that perhaps you may see why we are not looking at this endeavor as favorable on our parts and may in fact appear angry. I am willing to bet a large sum of money that if your assets in the world were reduced overnight by over a quarter of a million dollars in value by something that someone in authority did to you, you could in fact be classified and referred to as "angry" as well.

I understand that the Texas developer behind this proposal has said to some of my neighbors that he is looking at "making some money" off of this endeavor so that he can "afford to move here himself".

While I don't mind anyone making money, I am not in favor of them doing so by extracting it out of my pocket. I doubt you would favor that if it were to happen to you either?

Why the City thinks it is OK to place multi-family housing into a rural area and reducing our current resident property values so that an Out-of-State developer can "make some money" somehow escapes my logic. Maybe you can explain to me why it is important to you, please?

If we are that hard up for places to put affordable housing that we have to do so by negatively impacting many residents who have put a lot of hard-earned money into their property, we are a little more left-leaning liberal here in Salida than even an "open-minded" democratically-oriented person like myself can stand.

Thanks for your time and I hope that perhaps you can understand why those of us in our position we may feel as we do. I am saddened by that fact that we are now referred to by those in authority such as you as "angry neighbors".

I would like to ask a favor of you however and that is in the future that you not refer to us by that name on this project but just call us the "negatively economically impacted residents" as I believe that it more accurately will describe us and be more factual and less mean.

Also, my apologies to all the previous folks that I sent this to whom I am copying in here again on this email, but for sake of avoid conflict-of-interest on any ex-parte communication, I felt it necessary to include you again, sorry!

Item 10.

Jeff Myers

8155 CR 141

Salida, CO 81201

918-809-4684 cell

From: Jeff Myers

Sent: Monday, March 8, 2021 10:40 AM

To: pt.wood@salidaelected.com; dan.shore@salidaelected.com; jane.templeton@salidaelected.com; Justin.critelli@salidaelected.com; mike.pollock@salidaelected.com; harald.kasper@salidaelected.com; alisa.pappenfort@salidaelected.com

Cc: bill.almquist@cityofsalida.com; kristi.jefferson@cityofsalida.com

Subject: City of Salida, Upchurch Addition Comment

We do not know each other but I have received notice in the mail from the City of Salida, Colorado, about a proposed new development adjacent to my home and since it says we can comment, I feel compelled to offer my input.

My name is Jeff Myers. My wife and I are property owners of a 5 acre parcel at [8155 CR 141](#), in Salida, CO, which is directly adjacent and contiguous on the corners to the newly proposed above referenced addition.

Since we own an adjacent property and one of the largest homes in the affected area, which would, therefore, normally be one of the most valuable pieces of property and one of the most affected in value by this proposed development, I would like to make a comment.

While we all know about the need for more affordable housing in our area, I would like to ask each of you to take a journey outside of your present positions and imagine for a moment that you have been placed in our shoes.

If you can go there, you will find yourself as being retired and living in a 4,000+ square foot home directly caddy-corner to the subject property, that you have invested over seven figures and a substantial portion of your hard earned net worth into.

Now imagine if you can that you have been asked to approve something to be built right next to you that will certainly affect one of your largest investments in such a manner that literally overnight will no doubt reduce the value of your property over \$200,000.

Since you are an elected official or city employee, it is apparent that you are at or above the normal intelligence level of the populace. I would submit to you that committing "economic suicide" to your estate by approving something that would create such an impact on you would not be wise.

Assuming that you are not Warren Buffet's or Bill Gate's child, which we are not, you would admit that approving something like this is not in your best interest.

If you have been successful in visualizing the situation that we find ourselves in, I believe that you can now appreciate our position on this proposal and can much better understand its overall impact on us and other adjoining property owners.

For any thinking, reasonably intelligent person to believe for even a moment that this proposed development will not have a substantial negative impact on people in our position is not utilizing critical thinking and would not be something we would knowingly inflict on ourselves.

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I will point out that even the developer is well aware of the fact that properties like ours being adjacent to his is one of the positive economic factors in his overall plan to invest in this property and leverage it into a much more favorable light for him to his potential future buyers.

When you can say to a potential buyer that if you buy into this lot in my addition, you will be right next to some million-plus dollar properties, I am sure you would agree it certainly works in your favor.

If this development goes through as proposed, and if you can still see yourselves in our shoes, I would suggest that you would deem it prudent, upon getting your annual County Property Tax bill, to venture down to the Assessor's office to "fight" the valuation that had previously been used for your property as being now fairly useless and needing to be lowered substantially due to the economic impact of the new addition.

Now, not that any of the above needs verification of the validity, if the analogy of being in our shoes is not a journey that works for you, I have another technical approach on this proposal that I will offer.

In my own past work as a state licensed real estate appraiser working on contracts for many municipalities, state government entities, industrial entities, etc., often involving land acquisition through negotiation, eminent domain and such, I have been called on many times as an expert witness in many courts in the country being both Federal District Bankruptcy Courts, Local District courts and State Regulatory agencies and I have an economic understanding of the impact events such as this proposal on neighboring properties.

If I was not personally involved in this situation, and had kept my license current, I could legally testify from an appraisal standpoint and verify the information as just illustrated with the "being in our shoes" scenario.

Thank you for your time and allowing me the ability to comment.

Jeff Myers

[8155 CR 141](#)

[Salida, CO 81201](#)

918-809-4684 cell.

Marcella Bradford

From: Drew Nelson <Drew.nelson@cityofsalida.com>

Sent: Friday, January 15, 2021 1:29 PM

To: Bob Christiansen

Cc: bill.almquist@cityofsalida.com; Nina Williams

Subject: Upchurch Annexation

Bob – It appears that following the public comments from neighbors out on CR 140 regarding the proposed Upchurch Annexation, County planning staff (Jon Roorda) may have been working on some suggestions for public road dedication that will be requested by Chaffee County as part of the upcoming annexation hearing on this item. In addition, we are

3/18/2021

City of Salida Mail - City of Salida, Upchurch Addition

under the impression that Chaffee County will be requesting an Annexation Impact Report; however, it is our belief that the IGA only requires these reports with annexation is in excess of 10 acres, which this property is less than.

Item 10.

We believe it might be appropriate to schedule a meeting between the City and County (no applicants, elected officials, or angry neighbors) to discuss these ROW dedication and annexation report requirements. Attendees should include administrators, planners, and attorneys working on this application. I look forward to figuring out a good time to meet.

Sincerely,

Drew Nelson

Drew Nelson, City Administrator

City of Salida

448 East 1st Street, Suite #112

Salida, Colorado 81201

719.530.2629

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please forward to Planning Committee - Upchurch annexation

Lee James <jamlee36@yahoo.com>

Fri, Mar 19, 2021 at 11:11 AM

To: "bill.almquist@cityofsalida.com" <bill.almquist@cityofsalida.com>

Dear Committee members,

I am writing to you to express my concern with the Upchurch annexation. I am not naïve enough to believe Salida was going to stay quaint and small forever. And I know our community has been struggling with enough housing and affordable housing. But I believe we can be reasonable. It seems to me that this proposal is just too many homes for that plot of land. Do people move here to live on top of each other with little green space? Don't even people who require assistance with housing have a right to green space and trees? Let's not forget our latest Recreation Master Plan that addressed the importance of including green space and trees in new housing developments.

I am not opposed to a new subdivision. I am opposed to the number of units proposed on that lot. I don't think it is unreasonable to increase the lot sizes. Most of the lots in the conceptual plan are too narrow to build any decent home. The "HOA Maintained Park" looks more like a traffic circle than a park.

Thank you for your time.

Respectfully,

Lee James

Sent from [Mail](#) for Windows 10



Bill Almquist <bill.almquist@cityofsalida.com>

Upchurch Development

Mark Harrold <mark.harrold3@gmail.com>
To: bill.almquist@cityofsalida.com

Thu, Mar 18, 2021 at 12:26 PM

Mr. Almquist and members of The City of Salida Planning Commission,

The purpose of this letter is to express my concerns about some aspects of the proposed Upchurch Development on CR 140.

After this parcel is annexed it will still be bordered on 3 sides by County residential properties ranging from 1 to 5 acres, and will be the last property developed on the north side of CR 140 until the eventual development of the Richardson Ranch 1/3 mile west of this parcel. The south side of CR 140 is already being developed as high density residential condos but the existing properties on the north side of CR 140 are low density semi rural residential lots.

Allowing a high density development on a parcel bordered on 3 sides by low density semi-rural residential lots is totally inappropriate and inconsistent with the concept of development being required to be compatible with the surrounding neighborhoods. Allowing a high density development on this parcel will have a serious negative impact on our adjacent neighborhoods. An R1 zoning designation would provide that this development would be much more compatible with the adjacent subdivisions and would create a transitional development between the higher density development south of CR 140 and more rural nature of the properties north of CR 140. My understanding is that this transitional aspect is an important part of the current planning for Salida's expansion into more rural areas. R1 is the appropriate zoning designation for this parcel.

Another aspect of this development that needs to be addressed is providing a means of safe passage for the pedestrian and bicyclists, particularly children, who will be commuting from the subdivision into town for school, recreation, etc. As someone who uses CR 140 daily I can attest that the volume of traffic and speeds travelled have increased noticeably the last few years. As a result of the traffic plan for this development combined with the increased traffic from the Angelview Condos, it is an absolute certainty that conflicts between pedestrians/bicyclists commuting to and from this development, and motorized vehicles on CR 140 will increase dramatically with potentially serious consequences. The plan as it exists now provides no way for pedestrians or bicyclists to safely travel between Salida and the proposed subdivision.

The final issue for me is that the original annexation proposal included a statement by the developer, Tory Upchurch, on 1/4/21 that if annexed, the development would include a "public use park in the center of the development". His revised proposal submitted to City Council on 3/2/21 though, not only increased the number of lots but eliminated the park. The developer should not be allowed to use these bait and switch tactics to advance his proposal and then modify it solely for his benefit. If the City of Salida allowed his annexation request to proceed in any part due to his assurances of a park then the park should be part of any proposal you approve.

Please make this correspondence part of the packet submitted to The Planning Commission.

Sincerely,
Mark Harrold
8179 CR 141B
mark@harrold.us
970-217=6215



Upchurch Annexation and Rezoning

2 messages

Mary Grannell <mgrann57@gmail.com>
To: bill.almquist@cityofsalida.com

Thu, Mar 18, 2021 at 8:52 AM

Mr. Almquist: Would you please see that this letter gets to the City Planning Commission? I went to the website and am unable to find the email addresses for those individuals.

Dear City Planning Commission:

I am Mary Grannell. I own and am living at 7555 CR140. I am the house directly to the east of the Upchurch property so am very concerned about what will be built there.

We moved here in 1994 from the city to a 1970's house on 1 acre in the county. There were beautiful views, little traffic, and a nearby small quaint friendly town. The same reason most people say they move here. We had vacant acreage to the south and to the west. No, I did not expect it to be vacant forever and I'm not opposed to growth or progress but since I live in the county, I envisioned single family homes with a little space around them like the rest of the county feeling. The Angelview subdivision which is being built to the south of my property does not fit in with the rural environmental feel.

If the Upchurch property is annexed, my 2 closest neighbors and I will be on an island in the county surrounded by the city on 3 sides. I am requesting R-1 zoning to maintain a more rural setting.

I hope in the process of planning for revenue for the city or the money made by developers, you don't lose sight of why people are moving here in the first place. There needs to be long term planning, not just money in the short term.

Thank you for your consideration of my request for R-1 zoning. I feel that your decision and that of Salida will greatly impact my property and my life here.

Sincerely,

Mary Grannell

Bill Almquist <bill.almquist@cityofsalida.com>
To: Mary Grannell <mgrann57@gmail.com>

Thu, Mar 18, 2021 at 10:04 AM

Thank you for your comments, Mary. I will include them in the packet for the Planning Commission hearing.

[Quoted text hidden]

--

Bill Almquist
Community Development Director



(719) 530-2634
bill.almquist@cityofsalida.com

"M.S.H.G.S.D"

To: Commissioner Greg Felt, gfelt@chaffeecounty.org
Commissioner Keith Baker, kbaker@chaffeecounty.org
Commissioner Rusty Granzella, rgranzella@chaffeecounty.org
Debbie Fesenmeyer, Administrative Assistant, dfesenmeyer@chaffeecounty.org
Dan Swallow, Director of Development Services, dswallow@chaffeecounty.org,
Jon Roorda, Planning Manager, jroorda@chaffeecounty.org,
Christie Barton, Planner, cbarton@chaffeecounty.org
Gary Greiner, Development Engineer, ggreiner@chaffeecounty.org

Mayor P.T. Wood, pt.wood@salidaelected.com
City Council Member Dan Shore, Ward 1, dan.shore@salidaelected.com
City Council Member Jane Templeton, Ward 1, jane.templeton@salidaelected.com
City Council Member Justin Critelli, Ward 2, justin.critelli@salidaelected.com
City Council Member Mike Pollock, Ward 2, mike.pollock@salidaelected.com
City Council Member Harald Kasper, Ward 3, harald.kasper@salidaelected.com
City Council Member Alisa Papperfort, Ward 3, alisa.pappenfort@salidaelected.com
City Planner Bill Almquist, bill.almquist@cityofsalida.com
City Planner Kristi Jefferson, kristi.jefferson@cityofsalida.com
City Clerk, Erin Kelley, clerk@cityofsalida.com

DATE: January 18, 2021

RE: OPPOSITION TO UPCHURCH ANNEXATION AND REZONING REQUEST

Dear Chaffee County Commissioners, City of Salida Mayor, City Council Members and Planners:

We, the undersigned, object to the proposed annexation and rezoning of the 5.32 (according to the submitted Landmark Survey) acres (referenced herein as "The Upchurch Property"), immediately north of CR 140 between CR 141 and CR 141 A, in Chaffee County, Colorado. We oppose this project request based on community compatibility, contiguity, density and county road integrity. These concerns and others are described below.

Community Compatibility - The vast majority of the community surrounding The Upchurch Property includes Chaffee County jurisdiction properties, consisting of one to five acre parcels with single family dwellings. There are two rural subdivisions close by including Ranchos Caballeros to the west, consisting of 12, five+ acre lots, and Shavano Vista to the north, consisting of 16 one acre lots. There are also four houses north of Shavano Vista that are on two acre parcels of land, with one empty parcel, and one 20 acre vacant field to the east of Shavano Vista. Current development on the lots in the two subdivisions allows broad vistas, provides wildlife and domesticated animal habitats for deer and horses, and minimizes density. Changing the current zoning from the equivalent of R-1 to R-3 to accommodate The Upchurch Development is clearly not compatible with the surrounding community.

Paragraph 6.4.1 B, Sections 2 and 3, in the County Land Use Code dated September, 2017 cites as part of the following General Review Criteria for applicant review:

"Relationship to Surrounding Area. The PD is not incompatible with the scale, intensity, and type of uses located on adjacent property."

"Visual Impacts. Construction on ridgelines that are visible from major roadways or residential development shall be compatible with the surrounding natural environment."

If a ½ mile radius line is drawn around the Upchurch Property, it becomes evident that the vast majority of the area west and north is comprised of properties that have between one and five+ acre lots with single family homes. Twenty-six lots on five+ acres, with 25+ buildings and the potential for multi-family dwellings or apartment buildings, are not compatible with the significantly lower density that currently exists to the west and north of the Upchurch Property.

Contiguity - The concept of contiguity requires that annexed land has a fundamental and meaningful connection to existing city property. The methods used to satisfy contiguity for The Upchurch Property do not meet the definition of "contiguous," as defined in Colorado Revised Statute 2016, 31-12-104. It is obvious that to circumvent this requirement, Mr. Upchurch is requesting that the City of Salida annex a county road and bike path to create contiguity. It appears that annexing of CR 140 is being requested solely for the purpose of meeting the 1/6 contiguity requirement without consideration to the impact it will have on the existing residents. The proposal indicates that 2.24 acres of CR 140 is to be annexed and an additional 17 feet of CR 141 is to be annexed in order to achieve contiguity. This is "bootstrapping" and cannot be ignored, and Chaffee County should not allow the City of Salida to annex a county road to create a gerrymandered flag lot to satisfy contiguity. Further, state statute does not allow previously annexed property (such as the Angelview development) to satisfy the contiguity

requirement if the proposed property was not already contiguous (CRS 2016, 31-12-104 Eligibility for Annexation (b) (2) (a)).

Density - The Upchurch Development proposal is planning to subdivide the property into 26 lots. Some of these lots may or may not include multiple dwelling units. This level of density is not compatible with the existing community and will have a material adverse impact on the current residents. The increased density will bring more traffic, parking issues, noise, light, wildlife interference, and will essentially degrade the current rural community in which we live. The county and the city must work toward preservation of the existing community. The county should not allow annexation of the county road unless the project is modified to include a much lower density. It is necessary that the density remain the equivalent of R-1. The radical change as proposed by Upchurch would transform our rural neighborhood's character and greatly diminish property values. No rural neighborhood should experience radical change to the point where that neighborhood becomes unrecognizable overnight.

County Road Integrity - The Upchurch Land is surrounded by county roads that allow for substantially different uses than what is proposed in the annex request. The county must apply the same rules to the roads surrounding the development that are applied to all other county roads, including set-backs, driveway length, density, road parking, and storm drainage. Curb and gutters or private driveways should not extend into this public right of way. Parking on county roads should conform to county regulations. Access points onto county roads should also meet county requirements without unofficial alleyways or driveways.

In short, allowing annexation and changing the zoning will have an adverse effect on all of the factors related to road usage and maintenance, and will ultimately negatively impact the rural and aesthetic nature of our community.

Affordable Housing – We know that affordable housing is an important issue for the county and the city of Salida, and we all support this objective. However, if this is really an important issue, the proposal to include 12.5% affordable housing in this project will not make any meaningful difference. Moreover, the situation will become worse, because it would create 87.5% more unaffordable houses. It would be better to not develop the lot, rather than add 23 more unaffordable housing units. To make a meaningful impact, the proposal should require that at least half of the units be planned as affordable housing.

In summary, we are concerned that the Upchurch development proposal will materially change the nature of our community to the substantial detriment of current residents. The county is considering allowing the city of Salida to annex a portion of County Road 140 without consulting with all the residents living in the vicinity who use this asset. The county has a duty to adhere to and uphold the land use plans according to current Land Use Code guidelines, specifically the provisions on incompatibility and visual impact as described above. We must preserve the rural scenic character of the areas surrounding the Upchurch Land. In its own 2000 Comprehensive Plan, Part 4, under Guiding Principles, the city stated that it wants to “Develop partnerships with Chaffee County...to help discourage rural residential...development within the unincorporated area surrounding Salida....”

The multiple changes to the proposed annexing and zoning request must be made in order to preserve the integrity of our roads, environment and community. Further, regardless of whether The Upchurch Property is annexed, the density should remain the equivalent of R-1 and the

property be developed in a manner that complies with all of the land use rules to which other county road properties must adhere.

Finally, the County Commissioners have an obligation to advocate for the interests of their constituent residents who will be directly impacted by the Upchurch proposal. We insist that the county adequately engage in representing our interests.

If there are specific questions or concerns regarding this letter, we have designated Ann Daniels as our contact person. She may be reached by way of her cell phone at 303-870-7914 or through her email at asdaniels@comcast.net.

Sincerely,

Alliance for Responsible Rural Growth [ARRG]

Petition Signatures of Opposition to Upchurch Annexation and Rezoning Request

Timestamp	Full Name	Street Address	City, State, Zip	Email	
1	1/19/2021 11:45:59	Jill E. Lewis	8145 Spruce St.	Salida	brilnceandbeyond@gmail.com
2	1/19/2021 11:46:04	Ann Daniels	7700 County Road 141 D	Salida	Asdaniels@comcast.net
3	1/19/2021 12:43:13	Leroy Lewis	8145 Spruce St	Salida	lee_lewis7@msn.com
4	1/19/2021 13:11:02	Charles Farrell	8255 CR 141	Salida CO	cj88943@gmail.com
5	1/19/2021 13:21:03	Janet Mancuso	7660 County Road 141D	Salida, CO 81201	jlynnprop@aol.com
6	1/19/2021 14:01:54	Patricia Helmick	12810 County Rd 195	Salida, CO 81201	patihelmick@gmail.com
7	1/19/2021 14:17:53	Paula Farrell	8255 CR141	Salida, Colorado	paulagfarrell@yahoo.com
8	1/19/2021 14:50:37	Carol Duster	12800 County Road 195	81201	momduster@me.com
9	1/19/2021 15:01:02	Jill Inge	8315 County Rd 144	Salida, CO 81201	paulandjill@gmail.com
10	1/19/2021 15:24:01	Haewon Gill & Keith Gill	12215 Saddle Ridge Lane	Salida, CO, 81201	hwygill1@gmail.com
11	1/19/2021 15:40:29	Jeff Myers	8155 County Road 141	81201	jeff@landmen.com
12	1/19/2021 16:16:37	Elijah Marshal Lewis	8145	81201	eli_lewis@salidamcs.org
13	1/19/2021 17:36:29	Adena Dice	7705 county road 140	Salida co 81201	and77065@aol.con
14	1/19/2021 18:02:02	Veronica Dice	1111 F Street	Salida	veronica7705@outlook.com
15	1/19/2021 18:09:27	Carla T Hansford	Rancho de Caballeros, lot#8	Salida, CO, 81201	hansford_carla@hotmail.com
16	1/19/2021 18:53:17	Kathleen M Davidoff	7680. CR 141 D	Salida, CO 81201	kmdavidoff@gmail.com
17	1/19/2021 19:59:14	Judith Ann Kinzie	8015 County Road 141	81201	judithkinzie@gmail.com
18	1/19/2021 20:32:49	Jessica Chariton	8105 Spruce St.	Salida, CO 81201	jcharitonrealestate@gmail.com
19	1/19/2021 21:15:16	Paul Inge	8315 CR 144	SALIDA, CO, 81201	ingecustombuilding@gmail.com
20	1/20/2021 8:41:53	Kevin Dean Jacobson	2133 11th St W	Billings, Montana, 59102	kevradonc@yahoo.com
21	1/20/2021 11:00:34	Paulette Sundgren	P.O. Box 1102	Salida	tpsundgren@gmail.com
22	1/20/2021 11:14:13	James Jacobson	8175 Ponderosa Dr	Salida, CO 81201	jskjacob@g.com
23	1/20/2021 11:31:27	Andrew Kinsella	12301 CR 191A	Salida, CO 81201	andrew.w.kinsella@gmail.com
24	1/20/2021 11:34:26	Sharon Kate Jacobson	8175 Ponderosa Dr.	Salida, Colorado, 81201	skjake2344@gmail.com
25	1/20/2021 12:12:47	Nancy Lynn Stoudt	8195 CR 141 C	Salida, CO 81201	nancystoudt@yahoo.com
26	1/20/2021 13:24:32	Jenny Frost	8100 County Road 141B	Salida, CO 81201	jendull13@hotmail.com
27	1/20/2021 13:53:25	Thomas Mason Weir	8846 Cameron Meadow Circle	Salida	tj.weir52@gmail.com
28	1/20/2021 14:13:37	Jolene Weir	8846 Cameron Circle	Sallda, CO 81201	jweir14@icloud.com
29	1/20/2021 14:34:56	Clifford	8195 CR 141	Salida, CO 81201	cliffwhitehouse@hotmail.com
30	1/20/2021 14:44:42	Kristin Jacobson	5520 New Cambridge Rd	Orlando, FL, 32810	Kjacob492@gmail.com
31	1/20/2021 15:42:29	donna miller	11200 Highland Cir	81201	zoeshairdesignbydonna@gmail.com
32	1/20/2021 15:51:45	Juli Waters	8150 Ponderosa Dr	Salida	JULI.C.WATERS@GMAIL.COM

33	1/20/2021 17:39:44	Diane C, Whitehouse	8195 CR141	Salida, CO, 81201	whitehod1@msn.com
34	1/20/2021 19:13:53	Nathan Frost	8100 County road 141 B	Salida, COLORADO 81201	ntfslo.co@gmail.com
35	1/21/2021 6:58:48	Yuen Harrold	8179 CR 141B	Salida, CO, 81201	sandyharrold@gmail.com
36	1/21/2021 7:46:43	Cathy MacDonald	309 Grant Street	Salida, CO 81201	cathyandbrymac@yahoo.com
37	1/21/2021 8:52:34	John zeising	1120 Caliente Lane , Pob 569	81242	zusa@reagan.com
38	1/21/2021 9:11:12	Trisha Evans	1120 Caliente Lane	Poncha Springs, CO 81201	trish.evans1@gmail.com
39	1/21/2021 10:33:43	Nick Chariton	8105 Spruce St	Salida, CO 81201	char7249@pacificu.edu
40	1/21/2021 12:07:07	Charla Jacobson Waller	8175 Ponderosa Drive	Salida, CO. 81201	wallerc0820@gmail.com
41	1/21/2021 16:19:09	Glenda Zavadil	7120 County Road 178	Salida, CO. 81201	zavadilglenda@gmail.com
42	1/21/2021 17:23:55	Patsy Juarez	10117 Sioux Cir	Salida	patsynj03@gmail.com
43	1/21/2021 21:45:25	ANTHONY GORMAN MILLER	11200 Highland Circle	Salida	agmillerco@gmail.com
44	1/22/2021 7:11:33	Gregg w. Thomas	716 g street	Salida co. 81201	gthomas@q.com
45	1/22/2021 7:31:07	Julie R Maas	3399 E US Hwy 50	Salida CO 81201	j2maas@msn.com
46	1/22/2021 7:32:33	Jake Maas	3399 East US Highway 50	Salida, CO 81201	jakekmaas@icloud.com
47	1/22/2021 7:44:25	Karen Lois Thomas	716 G Street	Salida, Co. 81201	kl55_thomas@icloud.com
48	1/22/2021 8:01:34	Tom Waters	8150 Ponderosa	Salida CO 81201	thomas.a.waters@gmail.com
49	1/22/2021 13:53:51	Stephanie Leuenberger	7617 Meadowlark Dr.	Salida, CO 81201	stephanieleuenberger@me.com
50	1/22/2021 14:17:52	Peggy Gillham Barrholt	7600 Meadowlark Drive	Salida, CO, 81201	JPBarnholt@aol.com
51	1/22/2021 14:37:11	Alan R Hoch	7703 Meadowlark Lane	Salida, CO 81201	randy@marstal.com
52	1/22/2021 16:17:38	Bryan Leuenberger	7617 Meadowlark Dr	81201	bryanleuenberger@mac.com
53	1/22/2021 16:53:59	Dorothy Schwarz	7635 Meadowlark Drive	Salida, CO, 81201	riseabove7@hotmail.com
54	1/22/2021 16:56:01	Emily Haynes	407 Grant Street	Salida, CO 81201	ebellhaynes@gmail.com
55	1/22/2021 16:59:29	TaAnna Brown	10140 Blackfoot Land	Salida, CO. 81201	taannabrown@hotmail.com
56	1/22/2021 17:10:22	jeff juarez	10117 sioux cir	salida, co 81201	747fefo@gmail.com
57	1/22/2021 17:14:04	Adam Matthew Myers III	17 Silver Spruce Dr	81201	bantas67@gmail.com
58	1/22/2021 17:15:15	Judy Myers	14 Silver Spruce Dr	Salida CO 81201	judyam@sbcglobal.net
59	1/22/2021 17:17:32	Jirina Myers	17 Silver Spruce Drive	Salida CO 81201	czechmyers@gmail.com
60	1/22/2021 17:28:17	Marshall Schwarz	7635 Meadowlark Dr	Salida	marshallschwartz@hotmail.com
61	1/22/2021 17:30:44	Deanna Myers	8155 C. R. 141	Salida, CO 81201	deanna@landmen.com
62	1/22/2021 17:35:30	Clifton W Meyer	1616 CAMINO REDONDO	LOS ALAMOS	cliffmeyer@gmail.com
63	1/22/2021 18:45:27	Michelle Pujol	7660 Meadowlark Drive	Salida, CO 81201	mipuj6@gmail.com
64	1/22/2021 18:50:39	Brent L Petrini	7660 Meadowlark Drive	Salida	brentpetrini@gmail.com
65	1/22/2021 19:12:44	Anna Bishop	7735 county road 120	Salida CO 81201	shanti_11@yahoo.com
66	1/23/2021 7:54:11	Sarah Hudelson	7650 Meadowlark Lane	Salida, CO 81201	shudels2@yahoo.com
67	1/23/2021 8:06:35	Stephanie L Bradshaw	8110 Pinon Street	Salida, CO 81201	stephaniebradshaw@yahoo.com
68	1/23/2021 8:25:20	Larry Dean Metzler	8110 Piñon Street	Salida, CO. 81201	Ldeanmetzler@gmail.com
69	1/23/2021 10:58:58	Vicki Baker	7370 county road 120	Salida	Jvzbaker3@gmail.com
70	1/23/2021 12:32:24	Terry Smith	8380 CR 144	Salida, CO 81201	shavano.sunset@gmail.com
71	1/23/2021 12:39:37	Barbara Smith	8380 County Road 144	Salida, CO. 81201	barbsmith8380@gmail.com
72	1/23/2021 13:48:28	William Burmester	7707 Vista Cir	Salida, Co, 81202	coraftman@gmail.com

73	1/23/2021 15:45:13	Cheryl Lynn Hardy-Moore	31 Silver Spruce Drive	Salida, Co 81201	hardymoore@usa.net
74	1/23/2021 15:53:26	Mark Harrold	8179 CR141B	Salida	mark@harrold.us
75	1/23/2021 18:19:22	Pati McNeil	801 Poncha Boulevard	Salida, CO 81201	pati_m@hotmail.com
76	1/24/2021 8:38:10	Jeffrey Kriebel	7543 County Rd 141	Salida, CO 81201	JEFFKRIEBEL1973@GMAIL.COM
77	1/24/2021 9:08:11	Heinz W Feier	3 Silver Spruce Dr	Salida, CO 81201	waltfeier@gmail.com
78	1/24/2021 11:19:03	Paul Vosburgh	7630 Meadowlark Lane	Salida, CO 81201	7paulvos@gmail.com
79	1/24/2021 12:38:18	Patrick Kelley	8095 county road 144	Salida, CO 81201	PatrickBarrettKelley@gmail.com
80	1/24/2021 14:19:53	Lisa Connell	2 Silver Spruce	Salida, CO 81201	Inledwith@gmail.com
81	1/24/2021 14:25:36	Shannon L. Arnold	8190 Pinon Street	Salida, Colorado 81201	slarnold12@gmail.com
82	1/24/2021 14:29:30	Jillian Chernofsky	114 Mesa Drive	SALIDA	jillianchernofsky@gmail.com
83	1/24/2021 15:17:37	Shawna Averbek	8095 CR 144	81201	proverbial71@gmail.com
84	1/24/2021 15:28:43	Marilyn M. Moore	414 E. 2nd Street	Salida, CO. 81201	mmfjmoore@gmail.com
85	1/24/2021 21:44:59	gabriel pettus	604 ouray ave	salida co 81201	gabe.pettus@gmail.com

Sign the Petition:

We, the undersigned, object to the proposed annexation and rezoning of the 5.32 (according to the submitted Landmark Survey) acres (referenced herein as "The Upchurch Property"), immediately north of CR 140 between CR 141 and CR 141 A, in Chaffee County, Colorado. We oppose this project request based on community compatibility, contiguity, density and county road integrity.

Name	Street Address	City, State, Zip	Email Address
1 DAVID ROSS	7700 CR 141 D	SALIDA, CO. 81201	daveross222@YAHOO
2 Dania Pettus	8210 CR 141 B	SALIDA, CO 81201	dspeffus@comcast.net
3 David Pettus	8210 CR 141 B	Salida Co 81201	OPMS5AS@aol.com
4 DM & Janet Smith	7525 OTY Rd. ⁴⁰	Salida Co 81201	Mo/E-mail
5 O. DAVIDOFF	110 MESA CR.	SALIDA, CO 81201	dadsalico@outlook.net.
6 Ruby Hollenbeck	419 Wood Ave	Salida, CO 81201	naneruby36@me.com
7 Rick DAVIDOFF	7600 CR 141 D	Salida, Co 81201	rickd633@earthlink.com
8 SCOT DONATO	8785 CR 152	Salida CO 81201	wrscotd@yahoo.com
9 Paul Pusee	8185 Spruce	Salida CO 81201	CHARMIN92@MSN.COM
10 Brantley Ann	8185 Spruce Pt	Salida Co 81201	Charmin 92@MSN.com
11 Mary Gross	7555 CR 140	Salida Co 81201	mgramm57@gmail.com
12 Jane Gross	7711 Vista Cir	Salida, CO	daviegross@ymail.com
13 Bruce Gross	7711 Vista Circle	Salida, CO	bgross54@yahoo.com
14 Rhonda Bellavia	447 W 2nd st	Salida CO	rhondabella@yahoo.com

Sign the Petition:

We, the undersigned, object to the proposed annexation and rezoning of the 5.32 (according to the submitted Landmark Survey) acres (referenced herein as "The Upchurch Property"), immediately north of CR 140 between CR 141 and CR 141 A, in Chaffee County, Colorado. We oppose this project request based on community compatibility, contiguity, density and county road integrity.

	Name	Street Address	City, State, Zip	Email Address
15	Marcia Coyer Marcia Coyer	10210 County Rd. 160	Salida, CO 81201	
16	Ed Kenzel	8105 COUNTY RD 141	SALIDA, CO 81201	EDKENZEL N/A
17	Karen Bott	8115 CR 144	Salida, CO 81201	
18	Jenica Bony	8180 Ponderosa Dr	Salida, CO 81201	jenicat53@gmail.com
19	Michael G. Barry	8180 Ponderosa Dr	Salida, CO 81201	mikeg.barry99@gmail.com
20	Lee James	8311 CR 120	Salida, CO 81201	jameslee34@yahoo.com
21	Steve Busst	8311 CR 120	Salida, CO 81201	STEVEB1901@gmail.com
22	Maurine Iswin	8047 CR 120	" " "	
23	Geordie Maxine	8455 CR 160	Salida, CO 81201	GA
24	Robert Massine	8455 CR 160	SALIDA, CO 81201	scarlettammmons@msn.com
25				
26				
27				
28				



Upchurch Annexation

Mary Ann Davidson <maryann1006@gmail.com>
To: bill.almquist@cityofsalida.com

Mon, Mar 22, 2021 at 5:30 PM

Dear Mr. Almquist,

I am writing to express my opposition to the proposed Upchurch annexation. My two major concerns are 1) the proposed annexation is not contiguous with the City of Salida & 2) subdividing a five acre plot into 26 lots is inconsistent with & detrimental to the existing development.

This is not the kind of growth for which Chaffee County citizens have expressed support. In fact, it is the opposite. That kind of density is better suited for existing towns or property adjacent to similar developments.

While the proposed annexation will have no direct effect on me or my property, I truly believe that it would be a detriment to the county & of dubious benefit to the City of Salida.

I appreciate your consideration of my opinion.

Sincerely,

Mary Ann Davidson
PO Box 834
Salida, CO 81201

Sent from my iPad

Paula Farrell, Ph.D.
8255 CR 141
Salida, Colorado 81201
Paulagfarrell@yahoo.com

March 11, 2021

Item 10.

Dear Mayor Woods and Salida City Council,

I am writing to express my opposition to the Upchurch annexation and request for zoning change. I believe the concerns of the neighbors who live in the adjacent county properties have not been properly considered and the entire project has the potential to result in the worst kind of unattractive urban sprawl.

The county properties adjacent to the proposed development are one to five acre lots. The Upchurch project has been proposed to include up to 27 lots with very little specificity with regard to how many living units will be placed on each lot. This level of density is not compatible with the surrounding county properties. The City Council seems to be ignoring this fact and only considering the density of the properties currently within the city limits.

The request for annexation discussed during the City Council meeting on March 2, 2021 indicated that the people involved with the Upchurch project development were aware of the concerns of county neighbors regarding density. They modified their plan to change the zoning on the north and west to R2 and the zoning south and east to R3. This modification does not address the density concerns and your failure to acknowledge this is very misleading and smacks of favoritism.

Further, there has been little or no attention paid to the environmental impact of this development on the surrounding residents, domesticated animals and wildlife. There will be increased noise, light and water run-off pollution from the new residents. The City Council should take these elements into consideration before granting the annex and certainly before making decisions regarding the requested zoning. The City Council should require that steps be taken by the developer to mitigate all of these unintended consequences. At a minimum the development should be required to post and enforce noise ordinance signage and ensure proper installation and usage of night sky lighting. In addition, in order to ensure that ground water contamination does not occur in the adjacent Murray Ditch which is used by the county residents in the area for irrigation and the wells that are used by residents for drinking water, there should be a requirement that all landscape run off be contained within the City sewer system that will be utilized by the development.

There has also been little information provided as to the aesthetic design proposed for of the Upchurch development. As City Council Members, you should be concerned about the expanded use of boxy construction that does nothing to add to the quaint nature of Salida. We all moved to this area because Salida had a small town atmosphere unlike some of the larger resort towns or big cities. New construction should be made to look more like the homes you see on several streets surrounding the core of the city, not the cheap looking, unattractive, boxy construction that is across from the proposed development and can be found in a lot of the new construction in Poncha Springs. I believe the Salida Comprehensive Plan made it clear that aesthetics was an important component to any future development.

I hope all of you will seriously discuss the factors I have outlined above and listen carefully to the other city and county residents who share my concerns.

Thank you for your consideration,

Paula Gomez Farrell, Ph.D.



Fwd: Annexation & Rezoning

Sharon Jacobson <skjake2344@gmail.com>
To: bill.almquist@cityofsalida.com

Mon, Mar 22, 2021 at 10:10 AM

----- Forwarded message -----
From: **Q Email** <jskjacob@q.com>
Date: Monday, March 22, 2021
Subject: Fwd: Annexation & Rezoning
To: skjake2344@gmail.com

Mr. Almquist, please add my letter to the packet for the city council meeting today, on the Upchurch project.
Thank you, Sharon Jacobson

From: Sharon Jacobson <skjake2344@gmail.com>
Date: March 11, 2021 at 4:27:17 PM EST
To: jskjacob@q.com
Subject: Re: Annexation & Rezoning

On Thursday, February 4, 2021, Sharon Jacobson <skjake2344@gmail.com> wrote:

----- Forwarded message -----
From: **James And Sharon Jacobson** <jskjacob@q.com>
Date: Monday, January 25, 2021
Subject: Fwd: Annexation & Rezoning
To: Sharon Jacobson <skjake2344@gmail.com>

Sent from my iPad

Begin forwarded message:

From: James And Sharon Jacobson <jskjacob@q.com>
Date: January 25, 2021 at 3:43:01 PM EST
To: gfelt@chaffeeconomy.org, kbaker@chaffeeconomy.org, rgranzella@chaffeeconomy.org
Subject: Annexation & Rezoning

Good Morning Gentleman,

I realize you have gotten many letters about the Upchurch Annexation, some of which have my name on them, but now I would like to move to a more personal note, on this subject. My husband and I have lived in Salida, for 55 years. We raised 3 children, built 2 new homes and I ran a business for 40 years, so we have a good stake in this area. I am rather amazed that you would consider allowing a annexation like this to happen. I assume you do realize your allowing this to be build around many homes that are valued over \$500,000.00. Many families who have worked for years attaining a nice home environment, now to have it trashed by what everyone says, "it looks like a mobile home park". This does not speak well for Salida, if your goal is to just "get anyone" to move to Salida, this is the way to do it. If you want to keep Salida unique and a wonderful area for all the best things in life, then please don't do this.

I realize Mr. Upchurch wants to build something, individual homes, that go along with all the others, would be acceptable, but trashing our neighborhood is not acceptable.

Thank you for your consideration.
Sharon Jacobson

April 2, 2021

Dear City Planning Commission Members, City Council Members and Mayor P. T. Wood:

I am writing about the March 22, 2021 Salida City Planning Commission meeting regarding the Upchurch annexation and rezoning request. I feel the annexation vote taken by the Planning Commission was based on inaccurate information about the City's R-1 zoning density requirements and the County's Residential (RES) zoning district requirements.

R-1 zoning in the City allows four to sixteen dwelling units per acre while the County's Residential (RES) zoning district allows one to four dwelling units per acre. I believe that the Planning Commissioners were given erroneous information about these two zoning types and made their decision regarding the Upchurch annexation/zoning based on misinformation. I urge you to ensure that the future meetings on this subject provide accurate information and that the decision made by the Planning Commission be viewed in light of this error. I believe the annexation issue should be reevaluated and reconsidered.

I am attaching Table 2.1, Lot & Dimensional Standards, which is on pages 21 and 22 of the Chaffee County Land Use Code. The first column of the third row indicates the Zoning District Residential, which was the original category for the Upchurch property. The chart indicates a maximum residential density of four units per acre when there is connection to central water and central sewer. When our group attended a recent meeting with the County Commissioners, we discussed zoning and density in depth. The County Commissioners conveyed to us that a maximum residential density in the County is four units per acre with connection to central water and central sewer.

During the annexation discussion portion of the Planning Commission meeting held on March 22nd, Planning Commission members Giff Kriebel and Francie Bomer questioned staff as to what the highest housing density was in the County for a one acre parcel of land. They were advised by Mr. Almquist that four to sixteen dwelling units per acre were allowed by the County and that was, therefore, the equivalent to the City's R-1 zoning, so that allowing the property to be annexed and rezoned made sense from the City's perspective, because the density per acre was no different in the County than it was in the City. This was not a valid statement in that the highest housing density in the County is actually one to four houses on a one acre parcel not four to sixteen.

The bottom line is that the County has publicly affirmed, both verbally and in writing, a different density for RES than what Mr. Almquist advised the City Planning Commission in their meeting. I believe this misinformation created a misunderstanding on the part of the Planning Commission that led them to their decision regarding annexation.

Further during the March 22nd meeting, Mr. Almquist discussed proposed future changes regarding County density that have not yet been implemented by the County and are not yet part of their current County Land Use Code. In the discussion at the meeting, he referenced there would be no change in the number of dwellings if this County property is brought into the City because he said the City's R-1 designation allows for the same density as the parallel zoning for the County. That is clearly not true.

The County does not allow for the same level of density that the City does, according to the County's own current Land Use Code.

When Mr. Almquist provided the flawed information above, several concerned citizens attending via GoToWebinar, including me, typed into the Webinar Comments section, the correct information to alert the Planning Commission members to the misstatement that was made. Unfortunately, due to the limit on three minute statements, this information was blocked from view so that the Planning Commissioners apparently did not see it.

City Planning Commissioner Kriebel asked if a County representative was on the Webinar so that this information could be verified by the County. It is my understanding that County Commissioner Granzella was on this Webinar call also, but was unable to speak due to difficulties he had with the Webinar system. I believe County Commissioner Granzella would have advised the City Planning Commission members that the County presently allows one to four dwelling units per one acre parcel for its highest density residential areas in the County. Mr. Granzella was unable to do so due to Webinar problems. The vote taken at the end of the annexation discussion by the Planning Commission members was, therefore, based on incorrect information, with no County Commissioner there to set the record straight. [Please See, City Planning Commission GoToWebinar video, at minutes 40:38 – 43:50 of this meeting for further details on the actual discussion that took place regarding this issue.]

For a vote to have taken place on this issue before all facts were known was blatantly unfair to both the City Planning Commission members, who had requested the information for clarity, and to the Upchurch neighbors objecting to high density on the Upchurch property.

To me, it is disturbing that a vote on annexation can be taken based on a future guideline wish list rather than regulations currently written in the present Land Use Code. Perhaps the outcome would not have been the same regarding the annexation of the Upchurch Property had the Planning Commission had the correct data. R-1 zoning in the City (four to sixteen dwelling units per acre) is different than the current highest density of housing in the County (one to four dwelling units per acre). For this reason, I request that in future meetings on this subject, this annexation issue should be reconsidered by the City.

Thank you for your consideration,

Ann Daniels,
7700 County Road 141D
Salida, CO 81201
asdaniels@comcast.net

**Table 2.1
Lot & Dimensional Standards**

ZONING DISTRICT	Minimum Lot Size	Maximum Residential Density	Minimum Lot Frontage ⁷	Setbacks ^{1,4,5}			Height ²
				Front (Street)	Side	Rear	
Recreational REC	1 Acre	1 unit per 2 acres	50'	25'	15'	20'	35'
Rural RUR	1 Acre	1 unit per 2 acres	50'	25'	15'	20'	35'
	½ Acre (cluster ⁶)	1 unit per 2 acres			15'	20'	
Residential RES	½ Acre	1 unit per 2 acres (well and septic)	50'	25'	15'	20'	35'
		2 units per acre (with connection to central water or sewer system)					
		4 units per acre (with connection to central water and central sewer)					
COMMERCIAL ZONE DISTRICTS							
Rural Commercial, RCR	2 Acre*	N/A	50'	25'	Shall meet building codes		35'
Commercial, COM	2 Acre*	N/A	50'	25'	Shall meet building codes		35'
Industrial IND	2 Acres*	N/A	50'	25'	Shall meet building codes		35'

*Central Water or Sewer Provision: In the RCR, COM, and IND districts, there is no minimum lot size or maximum density with connection to an approved central sewer system.

NOTES:

1. All setbacks are measured from the property line. Front setbacks apply to all street frontages, including corner lots or double frontage lots. If the street frontage is prescriptive or an easement, the setback measurement begins at a point 30 feet from the road centerline.
2. Height is measured from average of finish grade to highest point of roof.
3. No permanent structure shall be constructed on platted or recorded easements.

ZONING DISTRICT	Minimum Lot Size	Maximum Residential Density	Minimum Lot Frontage ⁷	Setbacks ^{1,4,5}			Height ²
				Front (Street)	Side	Rear	
<p>4. Fences, hedges, walls & berms taller than 6 feet shall be subject to the setbacks on the property.</p> <p>5. Required setback areas shall be unobstructed from the ground to the sky, with the following exceptions:</p> <ul style="list-style-type: none"> o Cornices, sills and ornamental features may project a maximum of 12 inches into setback areas o Roof eaves/overhangs may project a maximum of 18 inches into required setback areas o At-grade porches, patios, walks, and steps are not subject to setbacks <p>6. A cluster subdivision with the 1 unit per 2 acre density shall follow the Major Subdivision process and meet the review criteria in Section 5.3.1 C and design guidelines in Section 7.3.9</p> <p>7. Lots fronting on a cul-de-sac have a 25 foot minimum frontage setback (Section 7.3.2.D)</p>							



P: 970-349-2009 • F: 970-797-1023
 www.hucksteplaw.com • info@hucksteplaw.com
 P.O. Box 2958 • 426 Belleview Avenue, Unit 303 • Crested Butte, CO 81224

March 18, 2021

VIA ELECTRONIC MAIL ONLY: bill.almquist@cityofsalida.com

City of Salida Planning Commission
 c/o Bill Almquist, City Planner
 448 E. First Street, Suite 112
 Salida, CO 81201

RE: UPCHURCH PARCEL/CONCERNING ISSUES WITH THE APPLICATION

Dear Planning Commissioners:

This letter and its Exhibits relate to the City of Salida (the “City”) Planning Commission packet for Resolution 2021-04 on the Commission’s March 22, 2021 regular meeting agenda. Resolution 2021-04 seeks a recommendation of the annexation application from Tory and Clee Upchurch (the “Application”). The Application relates to real property consisting of approximately 5.58 acres of undeveloped land in unincorporated Chaffee County, Colorado, identified by the Chaffee County Assessor as Parcel No. 368131300015 (the “Upchurch Property”).

On behalf of many local citizens informally organized as the Alliance for Responsible Rural Growth, including Mr. Charlie Farrell, owner of 8255 County Road 141, Salida, Colorado 81201, I submit to you the following comments advocating for the Planning Commission to recommend denial of Resolution 2021-04. Members of the Alliance for Responsible Rural Growth own real property in close vicinity to the Upchurch Property and will be impacted by any action on the Application. Mr. Farrell’s property, for example, is located less than ¼ mile away from the Upchurch Property.

As an initial matter, our clients acknowledge that the City of Salida is grappling with a shortage of affordable housing. The Application is not intended to address that shortage. In fact, it is expected to only exacerbate the affordable housing challenges facing the City.

The Application comes to you under unusual circumstances that are worth reviewing here. The Applicants have portrayed themselves as good-intentioned newcomers, with promises to “greatly relieve the housing availability stress that Salida is feeling right now.” **Exhibit 1**. This approach appears to have convinced the City of Salida staff, whose lead planner, Mr. Almquist, has determined Mr. Upchurch to be a “good guy” with good intentions. **Exhibit 2**.

Unfortunately, the facts leading to this Application tell a different story. The Upchurch Property was put under contract by the Applicant sometime during or before August, 2020. **Exhibit 3**. In October 2020, the Upchurch Property purchase closed, at a price of just under \$100,000 per acre. **Exhibit 4**. The Applicant always had an intention to develop this land. **Exhibit 3**.

The Application materials include already-broken promises from the developer. For instance, the Applicant indicated it would build a public park within the development. **Exhibit 1**. In the latest

development site plan, there is no park, nor is there room for a park. This new revision demonstrates the Applicant's lack of sincerity and lack of commitment to any public benefits beyond those required by the City's Municipal Code.

The Application materials also include a description of what City leaders and neighbors should expect to see on this parcel after annexation, subdivision and possible rezoning: "a combination of single family and multi-family units that consist of mid [to] high end designs and finishes." **Exhibit 1**. Does this describe the type of housing that the City's elected officials believe is needed now?

In truth, the Applicant has proposed to do nothing more than provide the required 12.5% of affordable housing units. Based on 25 total units (an approximation of the density requested by the Applicant), this means Salida will gain just three whole affordable housing units. No reasonable person could claim that providing 3 units of affordable housing and 22 mid- to high-end units constitutes "great relief" for the City of Salida's housing concerns.

Aside from a list of already-broken promises from the Applicant, this letter identifies procedural problems and substantive issues with the Upchurch Annexation. This letter is lengthy; these issues are serious and deserve your attention.

PROCEDURAL DEFECTS AND CONCERNING ANOMALIES:

The Application was received by the City in late 2020. Since that time, the City's approach and decision-making has called into question the legitimacy of the review process, as well as the independence of the City's staff and elected officials. The Application has serious implications for the City of Salida that should be discussed by the Planning Commission.

- a. The Apparently Disputed Area. Before the Application should even have been deemed complete, the City should have required the Applicant to resolve any and all boundary disputes as to the Upchurch Property. Taking any other approach represents a dangerous path that invites conflict (and possibly expensive litigation) with the City and between future neighbors after annexation. Until all boundary disputes are resolved in documents of record in Chaffee County, the Planning Commission should only recommend denial of the Application.

In this instance, the Upchurch Property's proposed Annexation Map (**Exhibit 5**) shows a nearly 2,500 square foot area of "apparent overlap" on the southwest side of the Upchurch Property that is obviously in dispute. An initial investigation tends to suggest that the neighbor, who was born and raised in Chaffee County, has been using the disputed lands for quite some time.

Rather than demand that the Applicant resolve this obvious issue before accepting the Application as complete, the City of Salida simply ignored the issue, without explanation.

Prior to taking action on the Application, the Planning Commission should require that the disputed area be surveyed, that its ownership and possession be resolved, and that any required boundary adjustment to the Upchurch Property be addressed (and new Plat Maps provided). Doing otherwise only invites expensive conflicts in the future.

- b. Waiver of the Annexation Report. Pursuant to Colorado law, an annexation impact report is required prior to any public hearing on a proposed application. *See* C.R.S. § 31-12-108.5. If a

proposed annexation is less than 10 acres in size, the impact report can be waived. *Id.* Waiver of the report means that the City, its citizens, its neighbors, and the County may avoid investigating the individual or cumulative impacts of an annexation.

In this instance, it appears the City's staff have determined - before consulting with elected officials in any public meeting - that the impact report is to be waived. **Exhibit 6.** There is no clear explanation for the City staff's decision. Since any cost of such an impact report should be borne by the Applicant¹, there is no cost savings to the City of waiving this report. Time cannot be a factor, as we know of no publicly-disclosed reason for needing to accelerate consideration or approval of the Application. Moreover, given the City's apparent intention to continue annexing lands along CR 140 and towards the airport, it is not clear why the City would avoid review of long-term, cumulative impacts of this development. An impact report could, for instance, be supplemented as the City considers new properties west of the Upchurch Parcel for annexation in the future.

The right approach is to require an annexation impact report for this Application, giving consideration to the City's demonstrated intention to continue annexation westward. In this instance, the impacts to CR 140 from the Application itself justify the need for an annexation impact report. Adding approximately 25 new residential units, served by two entrances onto CR 140 (one of which is narrower than the other), and placing approximately four new driveways in a 300-foot stretch of CR 140, where Shepherd Road and at least three driveways already exist on its southern side, is justification enough to research and understand the Application's impacts. To do otherwise represents poor planning, poor fiscal management, and a lack of serious consideration for the safety of Salida's citizens and their neighbors in Chaffee County.

Prior to taking action on the Application, the Planning Commission should require that an annexation impact report be prepared and considered. If any significant specific or cumulative impacts are identified in the report, the Applicant should be given time to respond before the Planning Commission takes action on the Application. Doing otherwise ignores the potential impacts of the Application, sets a precedent for ignoring the cumulative impacts of small annexations along the CR 140 corridor, and lends an appearance that the City is only working to please the Applicant, at the expense of the City's citizens and neighbors.

- c. Failure to Comply with Purposes and Obligations Under the IGA with Chaffee County. The City and Chaffee County are bound by the 2010 Amended Intergovernmental Agreement recorded as Reception No. 386888 in Chaffee County's official records (the "IGA"). The IGA's purpose is, in part, to "advise, consult, and involve in the planning activities the owners of private property affected by these agreements[.]" Importantly, this purpose does not limit involvement to owners of private property *within the existing City limits*.

Based on written communications already referenced above and characterizations of County residents by the City staff, it appears the City is not interested in giving much consideration to the concerns of our clients, who undoubtedly fit the description of owners in the IGA. Instead, the City staff have taken to name-calling, describing our clients as "angry neighbors" (*see Exhibit 6*) and leveling dismissive accusations of NIMBY-ism.

¹ As the sole owner of the property proposed for annexation, these costs should be shifted to the Applicant.

City staff may claim that they are, in fact, meeting these IGA obligations by conducting public hearings. This begs a simple question: if public hearings are required by law (a fact that both the City and the County would have known in 2010), why does the IGA include the more detailed purpose to “advise, consult and involve” the neighbors? Said differently, if conducting a public hearing would satisfy the purposes referenced in the IGA, why include this specific language in the document? Much like legislation, we believe the IGA must be interpreted to render none of its provisions superfluous. Applying this principle to the IGA should lead the Planning Commission to one conclusion: that conducting a public hearing is not sufficient to satisfy the purposes set forth in the IGA.

Additionally, paragraph 4.3 of the IGA requires an annexation agreement prior to the City’s consideration of the Application. To our knowledge, no such annexation agreement exists related to the Upchurch Property.² There has been no explanation as to the absence of an annexation agreement, either. Similarly, there is no indication that the annexation agreement requirement has been waived by the City or County.

Finally, paragraph 3.3 of the IGA requires the City and County to “consult and cooperate” to assess and require new developments to mitigate “impacts from roads, utility services and other impacts.” To our knowledge, there has been no assessment of impacts of any kind associated with the Application. This is further supported by the County’s March 18, 2021 letter to the City.

Prior to taking action on the Application, the Planning Commission should direct the City staff to comply with the IGA. Specifically, the City staff should “advise, consult, and involve” nearby property owners (beyond just conducting public hearings); should prepare, deliver, and have executed an annexation agreement with the Applicant; and should consult and cooperate with the County to assess impacts associated with the Application. Doing otherwise ignores the City’s obligations under the IGA and disenfranchises the specific property owners described in the IGA.

- d. Not Considering and Addressing Comments from Staff. When considering the Application, the City’s role is not to advocate for such an application. Instead, the City must assess, as an objective and neutral decisionmaker, whether the Application meets the statutory requirements for annexation and the City’s own strategic plans and goals for the carefully-directed growth of the Salida area. It is improper for the City to informally approve of any application before public review and testimony. Doing so can establish the appearance of impropriety. “[T]he appearance of impropriety undermines the integrity of the governing body itself.” Gerald E. Dahl, Advising Quasi-Judges: Bias, Conflicts of Interest, Prejudgment, at Ex Parte Contacts, *The Colorado Lawyer*, Vol. 33, No. 3 [Page 69], March 2004.

Based on the language used by City representatives in public meetings and written documents concerning the Application, it appears that the City has already made a decision to approve the Application and to rezone the Upchurch Property. This tends to heighten the concern that the City, rather than acting as an independent decisionmaker, has instead unlawfully undertaken the

² To the extent that an annexation agreement does exist, please note that it was not disclosed pursuant to the City’s CORA response to this office.

role of advocating for the Application and rezoning without properly considering (or even taking) public comments on the matter.

For example, on January 4, 2021, the City Council held a joint Work Session with the City of Salida Planning Commission. A recording of that Work Session is available at the following link: <https://www.youtube.com/watch?v=zpWth-2lyV0&feature=youtu.be>.

Mayor Wood’s comments at the Work Session tend to indicate that the City, rather than maintaining an impartial stance towards the Application, has assumed the role of advocating for the approval of both the Application and the proposed rezoning and subdivision. At [0:41:32](#): The Mayor states that the Application, rezoning, and major subdivision is a “fairly cut and dry, fairly simple ask,” without considering the role that public comment must play in the City’s decision.

Similarly, the City’s lead planner, Bill Almquist, has determined that the Applicant is a “good guy.” **Exhibit 2**. In support of this “good guy,” Mr. Almquist has already admittedly engaged in an effort of withholding information to prevent your community from getting “more worked up than necessary.” **Exhibit 2**. These comments lead reasonable people to question whether Mr. Almquist has improperly become an advocate for the Application, in violation of the Colorado Constitution. Given his role in review of the Application, it is also reasonable to wonder whether his bias – and his apparent desire to stifle transparency related to the Application – is reflected in the staff report related to the Application.

Other informed parties, who are also subject matter experts in housing and development, have raised serious questions regarding the Application. Chaffee County Housing Director Becky Gray has questioned the lack of services in the area near the Upchurch Property – an impact and uncontested need that is conspicuously ignored in the City staff’s review. **Exhibit 7**. Read McCulloch, Executive Director of the Chaffee Housing Trust, has opined that the growth pattern doesn’t make sense. **Exhibit 8**.³ Similarly, his opinions have not been given consideration by the City staff.

Prior to taking action on the Application, the Planning Commission should request that an outside third party review the Application. Given the apparent bias of City officials, this is the only manner to obtain a transparent and complete review process for the Application. Doing otherwise ignores the clear evidence of bias, lends an appearance that the City has already – improperly - made a decision on the Application and rezoning, and suggests that this Public Hearing is meaningless.

- e. Failure of City to Completely Respond to CORA Request. On February 23, 2021, this office provided a Colorado Open Records Act (“CORA”) request to the City of Salida for all communications and documents related to the Application. On March 8, 2021, the City responded with 15 documents, allegedly all of the materials to be disclosed. A response from Chaffee County to a near-exact replica CORA request produced more than 135 documents, many

³ Specifically, he notes that “[g]rowth should naturally proceed in concentric circles from the heart of town with highest density in the center and lessening as you move outwards.” In this case, the City appears to be on a mission to establish very high zoning densities at the very outer ring of the City’s boundary.

of which include City staff – but were not disclosed in the City’s CORA response to this office. Documents and communications excluded from the City’s CORA response include:

1	Email from M. Davidson, 1/23/21 @ 9:18 pm	Sent to several City of Salida Employees and elected Official PT Wood, M. Pollock, B. Almquist, K. Jefferson, E. Kelley
2	Email to County email, 01/15/21 @ 1:29 pm	Email from D. Nelson to B. Christianson, cc'd to B. Almquist, N. Williams
3	Upchurch Annexation Petition with Upchurch Signatures, notarized 12/14/20	Addressed to the City Council of the City of Salida
4	Letter from Tony Upchurch (references location, costs and benefits, public facilities and services, plan to build single family and multi-family units)	Part of annexation/zoning application
5	City of Salida General Development Application	Received by City of Salida
6	City to County email, dated 1/7/21 @ 1:49 pm	Sent from B. Almquist to C. Barton
7	City to County email, dated 1/7/21 @ 11:36 am	Sent from B. Almquist
8	City to County email, dated 1/7/21 @10:44 am	Sent from B. Almquist to C. Barton
9	City to County email, dated 1/7/21 @ 8:13 am	Sent from B. Almquist to J. Roorda
10	City to County email, dated 1/21/21 @ 12:17 pm	Sent from D. Nelson to B. Christianson
11	City to County email, dated 1/20/21 @ 3:29 pm	Sent from D. Nelson to B. Christianson, B. Almquist, N. Williams
12	City to County email, dated 1/15/21 @ 1:29 PM	Sent from D. Nelson to B. Christianson, B. Almquist, N. Williams
13	City to County email, dated, 1/21/21 @ 11:48 pm	Sent from D. Nelson to B. Christianson
14	County to City email, dated 1/7/21 @ 11:15 am	Sent to B. Almquist from C. Barton
15	Petition from ARRG	Submitted to the City and County by ARRG

Given all of the concerns expressed above related to the Application review process, the failure of the City to fully and adequately respond to the CORA request has (intentionally or unintentionally) suppressed transparency related to the Application. Prior to taking action on the Application, the Planning Commission should request that an outside third party review the Application to address the appearance of impropriety related to the Application.

SUBSTANTIVE MATTERS CHALLENGING THE LEGITIMACY OF ANNEXATION:

In addition to the procedural defects and concerns noted above, the Application also suffers from a number of substantive problems and concerns that are simply not addressed by the City staff.

- a. CR 140 Access Has Not Been Thoroughly Reviewed. The Annexation proposes to add two new intersections with CR 140, serving approximately 25 lots and at least three new driveways, to a 300-foot span of CR 140. That same 300-foot span already includes the intersection of Shepherd Road (which will apparently not be aligned with the two new entrances to the Upchurch Property) and at least three driveways. The Applicant has not performed a traffic study to determine whether the number and location of proposed entrances is appropriate, whether CR 140 is wide enough to handle this new traffic, whether CR 140 will remain safe with all of this increased use, and whether this new use – when considering the City’s apparent expansion intentions in the future – will require further infrastructure improvements to CR 140.

These issues might be addressed in an annexation impact report, but the City staff have apparently determined such a report is not necessary. By ignoring these impacts to CR 140, the City is setting a poor precedent, acting solely in the Applicant's best interest, and shifting the cost of future infrastructure improvements to the City's residents – when the Applicant is the one who should be paying these costs.⁴

Prior to taking action on the Application, the Planning Commission should request, at a minimum, that a traffic study be performed to understand the Application's impact on CR 140. If infrastructure improvements are required, the Planning Commission should recommend that those improvements be funded by the Applicant. Doing otherwise ignores the impacts of this specific development, may lead to unwelcome surprises in the future, and may create dangers to life and safety on the City's roadways.

- b. The Application Should be Denied Because it Contributes to Sprawl. The Application should be denied because it is only contributing to sprawl. Colorado law allows for annexations to factor in the perimeter of adjacent public roadways for purposes of calculating the required 1/6 contiguity. In this instance, the Upchurch Property, standing on its own, would not achieve the necessary contiguity with the City's existing boundaries. The Application achieves contiguity only by including the perimeter of CR 140.

While the use of CR 140's perimeter to achieve contiguity may be legal, it also serves as a proxy for identifying sprawl. City Councilor Justin Critelli astutely identified this issue at the City Council's March 2, 2021 regular meeting.

The Upchurch Property is separated from the existing City boundary by CR 140, which runs along the southern border of the Upchurch Property. The Chaffee County Legal Department has explicitly recognized that CR 140 is a "County right-of-way." **Exhibit 9.**

The Draft Annexation Plat attached hereto as **Exhibit 5** identifies the total perimeter of land to be annexed as 3,764.36 feet. Notably, the Draft Annexation Plat indicates that a 2.58 acre section of Chaffee County Road 140 (the "Adjacent Road Section") is part of the parcel to be annexed. The Draft Annexation Plat identifies the "Contiguous Boundary with City of Salida" as 859.24 feet, consisting of a 777.08 foot section of CR 140 extending east beyond the Upchurch Property boundary and an 82.16 foot section extending north across the right-of-way for CR 140. These beginning and end points are depicted on **Exhibit 10**, a marked-up copy of the Draft Annexation Plat.

The actual linear perimeter of the Upchurch Parcel (standing alone) is 2,278.82 feet. Approximately 301.14 feet of the southern boundary of the Upchurch Property is contiguous with the Angelview Minor Subdivision, as depicted on **Exhibit 10**. Therefore, only 13.215% of the Upchurch Property's actual total perimeter is contiguous with the existing City boundary. This is well below the minimum contiguity requirements provided by C.R.S. § 31-12-104(1).

Colorado Revised Statute § 31-12-104(1) is intended to encourage thoughtful growth throughout Colorado, minimize sprawl and strip (or "leapfrog") patterns of development, and to establish an

⁴ See paragraph 3.3 of the IGA, which notes that the City and County can require "new developments . . . to mitigate impacts resulting from developments[.]"

objective standard for parcels appropriate for annexation. The City's approach ignores these principles, instead opting for an approach that only promotes unplanned and disorderly expansion that will primarily benefit the Applicant, while forcing detrimental impacts upon neighbors in the area, including our clients. Chaffee County Housing Director Becky Gray recognized this issue, noting that the "flagpole annexation" represents an "anomaly" which should be carefully reviewed by the Planning Commission. *See Exhibit 8.*

Without the City's inclusion of the Adjacent Road Section, contiguity cannot be met. All of these manipulations should tell the Planning Commission what is patently obvious to our clients: annexation of the Upchurch Property at this time will only result in sprawl. The City Council should reject this action by recommending denial of the Application.

- c. The Application Should be Denied Because it Ignores the JPM. The Application depicts only one internal circle drive serving the Upchurch Property. As noted above, this circle drive's two entrances on CR 140 have not been reviewed in any detail and do not line up with Shepherd Road. Additionally, the proposed transportation scheme is inconsistent with the Joint Planning Map ("JPM") from 2010.

The JPM depicts Shepherd Road continuing through the Upchurch Property and connecting with CR 141-B. Instead of following the guidance of the JPM, the Applicant has chosen a disruptive new circulatory system, doubling the number of intersections with CR 140, failing to align the circulatory system's proposed new road, and failing to follow the JPM.

Until the Applicant presents a plan that complies with the JPM, provides a traffic study demonstrating that the new design will be safe and efficient, and explains the basis for varying from the JPM, the Planning Commission should recommend denial of the Application.

SPECIFIC FAILURES TO MEET STATUTORY REQUIREMENTS FOR ANNEXATION:

Both the Planning Commission and the City Council must make certain findings related to the Application in order to satisfy the requirements of C.R.S. § 31-12-104(1). For all of the reasons set forth above, I urge the Planning Commission to recommend denial of the Application on the following bases:

1. There is no community of interest between the Upchurch Property and the City of Salida;
2. The Upchurch Property is surrounded by low-density, rural properties, and cannot be considered urban;
3. The Upchurch Property is not expected to be urbanized in the near future; and
4. The Upchurch Property is not integrated with the City of Salida, nor is it capable of being integrated with the City.

On behalf of our clients, please recommend denial of Resolution 2021-04. Until the issues identified above are resolved, the Application should not proceed forward.

Sincerely yours,

HUCKSTEP LAW, LLC



Aaron J. Huckstep

cc: Charlie Farrell

My name is Tory Upchurch and my wife (Clee and I) love Salida. We used to live in Colorado and have been trying for years to find a town that fits us. We bought this land with the goal of eventually building a house for permanent residency so our goal is not to “get in and get out”. Our goal is to build relationships as we work through the project. I will be partnering with a friend of mine Ravi Reddy who is a developer by trade and has a great deal of experience navigating large projects and working through permitting and city process. We will like raise some money for friends and family for part of the financing of this project but will also be working with a bank (preferably local to Salida) for a majority of the financing.

In terms of location, we believe that the property is in a desirable area in terms of annexation. There are not many (if any) properties that would be available for annexation in the near future. Additionally, this property meets the City of Salida’s 1/6 contiguity rule and will be zoned consistently with other City properties in the vicinity. We will work with Public Works regarding utility extensions and public improvements.

In terms of costs and benefits, we plan to build 25+ units which will **greatly relieve the housing availability stress that Salida is feeling right now** and add to the tax base for the City of Salida. We will also work with the city and Chaffee County Housing Authority to provide affordable housing according the requirements set forth. I have already started a conversation with Read McCulloch at the Chaffee County Housing Authority to discuss options for working with them.

In terms of public facilities and services, we will be connecting to the water/sewer lines that already exist on CR 141 and CR 140 and extending them throughout the development. **We also plan to build a public use city park in the center of the development that will be HOA maintained.**

The current plan is to build a combination of single family and multi-family units that consist of mid-high end design and finishes. Our goal is to be a permanent resident in Salida at some point and we will ensure that our development adds a positive visual impact on the city for the long run.

Additionally, we will request to rezone the property to R3 which is consistent with the comprehensive plan and compatible with surrounding districts and uses.

Tory Upchurch
512.826.6152

Marcella Bradford

From: Christie Barton <cbarton@chaffeeconomy.org>
Sent: Friday, January 08, 2021 9:11 AM
To: 'Greg Felt'; 'Keith Baker'; rgranzella@chaffeeconomy.org; dtom@chaffeeconomy.org; 'Bob Christiansen'; 'Dan Short'; 'Jennifer Davis'
Cc: Jon Roorda; dswallow@chaffeeconomy.org
Subject: FW: Upchurch annexation
Attachments: 20165-LEGAL DESCRIPTION-ANNEX (1).pdf; Salida_narrative_123020.docx; upchurch_GDA.pdf; NOTARIZE-annexation_petition (1).pdf

FYI.

Christie Barton, AICP
Chaffee County Planner
PO Box 699, Salida, CO 81201
(719) 530-5572

From: Bill Almquist <bill.almquist@cityofsalida.com>
Sent: Thursday, January 7, 2021 1:49 PM
To: Christie Barton <cbarton@chaffeeconomy.org>
Subject: Re: Upchurch annexation

Hi Christie,

Here are the rest of the relevant annexation materials that we've received, FYI. For what it's worth, I've talked to him a few times now, and **he seems like a good guy** who wants to make use of the property and make a little money, but who is also open to working with the neighbors to have his development fit in to a reasonable extent. Although they originally asked for R-3 (probably at the urging of Crabtree...), he sounds amenable to possibly revising that request based on some City feedback--**we're going to have some more internal discussions about that before making those materials any more public. No need to get people more worked up than necessary.** Let me know what you hear.

Thanks,
Bill

On Thu, Jan 7, 2021 at 11:36 AM Bill Almquist <bill.almquist@cityofsalida.com> wrote:

We do have the full paperwork for the annexation (and rezone) request, however we haven't established a hearing date yet so I haven't put together the agency review packets. I was waiting to chat with Jon about CR 140 (which I did yesterday) and get his feedback before moving ahead. He was in support of the City taking CR 140 to the west extent of the Upchurch property and also mentioned that the County would want to see dedication to 30 ft from the centerline along CR 141, adjacent the subject property. He mentioned that he would chat with Mark Stacy about it, to let him know, as well.

Sounds like the County is getting a **bunch of noise in its ear from neighbors. I assume they don't quite understand how annexations work, however, esp. with an IGA in place.** Let me know if you guys absolutely need the rest of the application materials now, or if it can wait until I send out the referrals. What is being requested to be annexed is called out clearly on the map, though.

Thanks,
Bill

On Thu, Jan 7, 2021 at 11:15 AM Christie Barton <cbarton@chaffeecounty.org> wrote:

Thanks, Bill. Is there any paperwork that goes with it or is it premature?

Christie Barton, AICP

Chaffee County Planner

PO Box 699, Salida, CO 81201

(719) 530-5572

From: Bill Almquist <bill.almquist@cityofsalida.com>

Sent: Thursday, January 7, 2021 10:44 AM

To: Christie Barton <cbarton@chaffeecounty.org>

Subject: Fwd: Upchurch annexation

Hi Christie,

I understand you wanted the annexation plat for Upchurch. Here's what I sent over to Jon yesterday.

----- Forwarded message -----

From: Bill Almquist <bill.almquist@cityofsalida.com>

Date: Thu, Jan 7, 2021 at 8:13 AM

Subject: Upchurch annexation

To: Jon Roorda <jroorda@chaffeecounty.org>

Hi Jon,

FYI, I am attaching the draft annexation plat that Tory Upchurch had prepared, which includes the portion of CR 140 that we discussed. We gave Planning Commission and City Council an initial overview of their annexation and rezone request the other night and plan to move forward with the start of hearings sometime in February.

Let me know if you have any questions or additional comments. We will of course send you the full application as part of agency review. Thanks!

--

Bill Almquist
Planner



(719) 530-2634
bill.almquist@cityofsalida.com

"M.S.H.G.S.D"

--

Bill Almquist
Planner



(719) 530-2634
bill.almquist@cityofsalida.com

"M.S.H.G.S.D"

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Bill Almquist
Planner



(719) 530-2634
bill.almquist@cityofsalida.com

Marcella Bradford

From: Tory Upchurch >
Sent: Thursday, August 27, 2020 11:51 AM
To: cbarton@chaffeeconomy.org
Subject: parcel #368131300015

Christie --

We have a 6 acre lot on CR140, parcel #368131300015 under contract to buy right now and I am in the process of doing some due diligence to understand more about development options in the county. Would you have some time to talk this afternoon or tomorrow?

Thanks.

Tory Upchurch

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Summary

Parcel Number 368131300015
 Account Number R368131300015
 Property Address UNINCORPORATED CHAFFEE COUNTY, CO
 Brief Tax Description TRACT IN SE4SW4 31-50-9 REC 464241
(Note: Not to be used on legal documents)
 Class Vacant Land
 Subdivision
 Neighborhood N/A
 Tax District District 06
 Millage Rate 53.46
 Acres 5.581428

Owner Name & Mailing Address

Disclaimer: Mailing address is used for Chaffee County ad-valorem taxation purposes.

Upchurch Krishna Clee
 Upchurch Tory
 2112 Ann Arbor Ave
 Austin, TX 78704

Land

Description	Acres	Square Footage	Value
Vacant Land - 5-9 Acres	6.22	270,943.19	\$147,830

Valuation

	2020	2019	2018	2017
Land Value	\$147,830	\$147,830	\$151,666	\$151,666
Building Value				
Total Value	\$147,830	\$147,830	\$151,666	\$151,666
Assessed Land Value	\$42,870	\$42,870	\$43,980	\$43,980
Assessed Building Value				
Total Assessed Value	\$42,870	\$42,870	\$43,980	\$43,980
Estimated Total Taxes	\$2,291.83	\$2,295.47	\$2,310.01	\$2,252.39

Recent Sales

Sale date range:

From: 01 / 01 / 2018 To: 02 / 10 / 2021

1500 Feet Sales by Distance

Sales

Sale Date	Sale Price	Instrument	Reception Number	Vacant or Improved	Grantor	Grantee
10/28/2020	\$499,900	Warranty Deed for Joint Tenants	464241	Vacant	HEWITT PAUL G REV TRUST	UPCHURCH KRISHNA CLEE, UPCHURCH TORY
07/02/2013	\$0	Warranty Deed	409287	Vacant	HEWITT PAUL G	HEWITT PAUL G REV TRUST
10/01/1992	\$25,000	Warranty Deed for Joint Tenants	264412	Vacant	CHELF FRANK M JR	HEWITT PAUL G & MILDRED M

No data available for the following modules: Related Accounts, Buildings, Photos, Sketches.

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Last Data Upload: 2/9/2021 3:17:55 PM



Version 2.3.105

Marcella Bradford

From: Drew Nelson <Drew.nelson@cityofsalida.com>
Sent: Friday, January 15, 2021 1:29 PM
To: Bob Christiansen
Cc: bill.almquist@cityofsalida.com; Nina Williams
Subject: Upchurch Annexation

Bob – It appears that following the public comments from neighbors out on CR 140 regarding the proposed Upchurch Annexation, County planning staff (Jon Roorda) may have been working on some suggestions for public road dedication that will be requested by Chaffee County as part of the upcoming annexation hearing on this item. In addition, we are under the impression that Chaffee County will be requesting an Annexation Impact Report; however, it is our belief that the IGA only requires these reports with annexations in excess of 10 acres, which this property is less than.

We believe it might be appropriate to schedule a meeting between the City and County (no applicants, elected officials, or angry neighbors) to discuss these ROW dedication and annexation report requirements. Attendees should include administrators, planners, and attorneys working on this application. I look forward to figuring out a good time to meet.

Sincerely,

Drew Nelson



Drew Nelson, City Administrator
City of Salida
448 East 1st Street, Suite #112
Salida, Colorado 81201
719.530.2629

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Marcella Bradford

From: bgray@chaffeeconomy.org
Sent: Monday, January 11, 2021 2:01 PM
To: 'L MARTIN'
Subject: RE: {Disarmed} FW: Hot Off the Press! Through the Roof PFR

I just adore you, Lisa. The report looks fantastic, and I typically love the work of the Lincoln Institute – thanks for sharing!

And thanks for sharing the heads up; I appreciate the education and advocacy you've been about. The Uphurch development leaves a lot to be desired, in my opinion. Like, when are we going to introduce some mixed use out there? It's a long way to the corner store... I have yet to be involved in the affordability aspect of this project, but will certainly be on the lookout.

I 100% support using the \$500 earmarked for evergreen marketing for Dave's efforts. It fits the intention, so yes! I'm so pleased with the response you received from the Commissioners 😊

Becky

From: L MARTIN < >
Sent: Monday, January 11, 2021 1:20 PM
To: Becky Gray <bgray@chaffeeconomy.org>
Subject: {Disarmed} FW: Hot Off the Press! Through the Roof PFR

Hi Becky!

It was great to hear all that you report on to the county commissioners. You have a lot going on!

See below link for a new publication about what communities can do about the high cost of rent in America. At first glance this publication looks pretty amazing and like it's right up your alley! Breece is our friend that is the Director of Partnerships and Strategy, Center for Geospatial Solutions, for the Lincoln Institute of Land Policy.

Do you have any concerns with me using the \$500.00 Evergreen funding that we had on hold to pay for Dave Curtis's extra time he is putting toward the montage video? Heather is onboard. I am certain Dave will have put in at least \$500.00 worth of extra time into the project by the time we're done. And I plan to ask him to create some super short clips for use on social media to promote the website/Dinner and a Movie too. If you agree, I'll have a conversation with him about this possibility and the steps he needs to take.

Just a heads up: A friend of mine (not too close of a friend), Ann Daniels lives near the Uphurch annexation and development area. She and her neighbors are concerned about impacts of the development to their neighborhood. She reached out to her circle of friends asking for support to protest this development or at least keep it to 6-12 homes on the 6+ acres. I discussed a few things with her, but I doubt I changed her mind anything. She did watch Randall's video and I hope that she watches more, especially Missing Middle Housing. She repeated several times that the developer is from out of town and just trying to make money, I didn't have the heart to tell her, "What's new with that?" She knows that affordable housing units will need to be built at a higher density but doesn't think that that affordable housing will be included in the project as Walt Harder built across the street and "the units that were supposed to be affordable are now second homes."

If we only could convince everyone to be housing advocates before they end up NIMBYs!

I hope you're doing well. The world sucks right now and everything seems harder.
Let me know when you want to walk...

Lisa

From: [Breece Robertson](#)
Sent: Monday, January 11, 2021 12:44 PM
To:
Subject: FW: Hot Off the Press! Through the Roof PFR

Hey Lisa, I thought you might find this report interesting given your work on housing in Chaffee County. Hope to see you soon! Breece

From: Emily McKeigue >
Sent: Monday, January 11, 2021 12:17 PM
To: LILP Staff >
Subject: Hot Off the Press! Through the Roof PFR

Dear All,

We're very excited about our newest PFR, *Through the Roof: What Communities Can Do About the High Cost of Rental Housing in America*, by Ingrid Gould Ellen, Jeffrey Lubell, and Mark A. Willis! It is now available at [MailScanner has detected a possible fraud attempt from "na01.safelinks.protection.outlook.com" claiming to be MailScanner has detected a possible fraud attempt from "na01.safelinks.protection.outlook.com" claiming to be https://www.lincolninst.edu/publications/policy-focus-reports/through-roof-what-communities-can-do-high-cost-rental-housing.](#)

This report shows what local U.S. governments can do to mitigate the rising cost of rental housing. It considers the root causes of high rent burdens, reviews evidence about the consequences, and lays out a framework that cities, towns, and counties can use to provide citizens with safe, decent, affordable housing options. This tool will help local officials develop new housing strategies and enhance those that already exist.

The report also appears in [CUP's Spring 2021 catalog](#) (Columbia University Press) on page 790.

If you would like a hard copy, please contact Shirlynn.

Best and be well,
Emily

Emily McKeigue
Managing Editor

Lincoln Institute of Land Policy
113 Brattle Street, Cambridge, MA 02138

www.lincolninst.edu

Finding answers in land

Marcella Bradford

From: bgray@chaffeeconomy.org
Sent: Monday, January 25, 2021 9:02 AM
To: 'Read McCulloch'; 'Marilyn Bouldin'
Subject: RE: Emailing: Letter and Petition 1-18-21

Dear Read and Marilyn,

Thanks for initiating this discussion, Marilyn, and thanks for your thorough and thoughtful response, Read.

I do not have much more to add to what Read has already said. As growth continues to occur, higher density is our friend, as Read said. And while it would be nice to see 50% of the new housing units be affordable, the ordinance only requires 12.5%. Everything seems in order with this application; the biggest anomaly is the flagpole annexation, and that's a discussion better left to the Planning Commission.

I very much appreciate all that you do and represent in our County, Marilyn. Feel free to reach out if you'd like to chat about this further.

Best Regards,

Becky Gray

Director of Housing
Chaffee County, Colorado
719-239-1398

From: Read McCulloch <read@chaffeehousing.org>
Sent: Sunday, January 24, 2021 12:49 PM
To: Marilyn Bouldin >
Cc: Becky Gray <bgray@chaffeeconomy.org>
Subject: Re: Emailing: Letter and Petition 1-18-21

Marilyn,

Thank you for sharing this, I did know this opposition existed.

As indicated in Tory Upchurch's application, I've had conversations with them about including affordable housing in their development. Since we have an interest in the project being approved, please take my views accordingly.

I understand the concerns of neighbors who bought "rural" and are being faced with the urbanization of the periphery of Salida. The growth area should, by design, accommodate city density as it is contiguous with the rest of town. Growth should naturally proceed in concentric circles from the heart of town with highest density in the center and lessening as you move outwards. This is the leading edge of that. What we don't want it to make that new development less dense (R-1) so that it provides fewer homes, and pushes the spread of development even further into the "country". This comes at great cost in the long run to the City because they need to run longer services lines for fewer homes. This becomes a net operating loss for City services, which will result in higher fees for everyone. There is a lot of debate nationally about how R-1 zoning creates large expensive lots, that can't be changed in the future, making them exclusive

to higher income households (by accident or by design?). The inclusionary housing policy the City adopted is inter counter exclusivity, by design. The 12.5% is the highest ratio that developers and the City could stomach. 50% would be great, but not politically viable. If we put those 25 new homes further west or north where there is space to build, and they are on 2 or 5 acres, then we very effectively achieve the sprawl we all agree is not what is best. The Silver Spurge and Mesa Circle developments are similarly zoned R-3 for good reason. We need density to prevent sprawl. This is a logical progression.

Part of this debate is the conflict between existing, entitled landowners and the needs of a growing population with a serious housing problem and is becoming a full blown crisis (median home prices are now over \$500k, a 33% increase year over year according to the Realtors of Central Colorado). The community needs higher density. The nature of growth is that it pushes slowly outwards. Is it fair for those landowners near the edge, now that they're in their homes on spacious lots, can dictate what neighboring property owners can do? Should their individual concerns override the community's needs? The annexation policy is explicit on how a property gets annexed with the intent of being as fair as possible. Having properties on the edge tie into City infrastructure is desirable for all from an environmental perspective (wells and septic systems vs. City water/sewer) as well as cost.

As an active participant in HPAC, your perspective is important. You can give voice to the needs of the community, or give voice to the neighbors. **It is not an easy decision, I know. Clearly this issue has the potential of being contentious and divisive.** I think we all need to wade carefully and respectfully into these waters with a higher purpose top of mind.

I'd be happy to discuss this further with you or anyone else.

Thank you,

Read

Read McCulloch
Executive Director
(719) 239-1199
read@chaffeehousing.org
www.chaffeehousing.org
PO Box 692
Buena Vista, CO 81211



On Jan 24, 2021, at 12:03 PM, Marilyn Bouldin

> wrote:

Would either of you be willing to share your perspective on this to help me decide if I want to sign this petition?!

Thanks
Marilyn

Sent from my iPhone

Begin forwarded message:

From: Marilyn Bouldin
Date: January 23, 2021 at 5:34:54 PM MST
To: Jean and Jim McPhetres <[t](#)>, Janine Marr
>, Mike Marr >, Miq Miquelon
>, Ken and Linda Baker >, Linda
Johnson >, Tina Fox >, Jeannine Aberg
Maes < >, ICEJohn Bouldin >
Lourdes Smith >, Larry Zavadil >, Paula Bowman
>, Patti Arthur >, Ann Lyford
>, Pam Matthews >, Judy Myers
>, Arika Bangart >, Jirina Myers
>, Claudia Benson >, Megan
Walshe >, Kristina And Joe Smith >
Craig and Nicole Oubre >, Terry Luckie
>, Stephanie Micklich >, Sage Ryen
>, Britt Hughes >, Elise Feier
>, Walt Feier >, Mary and Tim Ebuna
>, Rose Seavey < >, Meghan
Barker >, Jim Seavey >, John and
Marti Dodgen >, Shelly Michell < >, Lloyd
Michell
Subject: Fwd: Emailing: Letter and Petition 1-18-21

FYI. Read PDF attachment for more info.

<ITEM-Attachment-001-7928d6a67d0240e4bce25df6719dbe3f.pdf>

Begin forwarded message:

From: Cheryl Hardy-Moore >
Subject: Fwd: Emailing: Letter and Petition 1-18-21
Date: January 23, 2021 at 12:37:24 PM MST
To: Marilyn Bouldin < >

Sent from my iPhone

Begin forwarded message:

From: Ann Daniels < >
Date: January 23, 2021 at 11:41:55 AM MST
To: [h](#)
Subject: FW: Emailing: Letter and Petition 1-18-21

I am sending this out to you and anyone you know who would be willing to sign it. Please read it and then on the last page, above the Signature line, there is a small link that you click on, that will take you to a place where you sign your name, local address, email address and then submit. That's all you have to do. The information goes back to someone in my neighborhood, who will then prepare an excel spreadsheet with all names attached and we will then send that on to the Commissioners and City Council and others listed in the letter. I will send you the document from the City regarding Upchurch's plan. I'm going to have to dig around for it so that will come in a minute.

Thank you for your time and consideration regarding this issue. We really appreciate your help.

Ann S. Daniels

<Letter and Petition 1-18-21.docx>

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This message has been scanned for viruses and dangerous content by [MailScanner](#), and is believed to be clean.



Chaffee County Government
PO Box 699 ~ 104 Crestone Ave, Salida, CO 81201
719.539.2218 ~ www.ChaffeeCounty.org

Summary of Annexation Process between Chaffee County and City of Salida

And its Applicability to the Upchurch Annexation Application

Prepared by Chaffee County Legal Department February 9, 2021

Disclaimer

This summary is provided as a courtesy for the Chaffee County constituents who may have questions regarding local annexation processes and governing statutes in the state of Colorado. It is not intended to serve as legal advice, nor to influence decisions regarding the Upchurch Annexation application specifically. If you have any specific questions about annexation you should consult an attorney.

All comments and questions regarding the Upchurch Annexation should be sent to the [City of Salida](mailto:PublicComment@cityofsalida.com) at PublicComment@cityofsalida.com.

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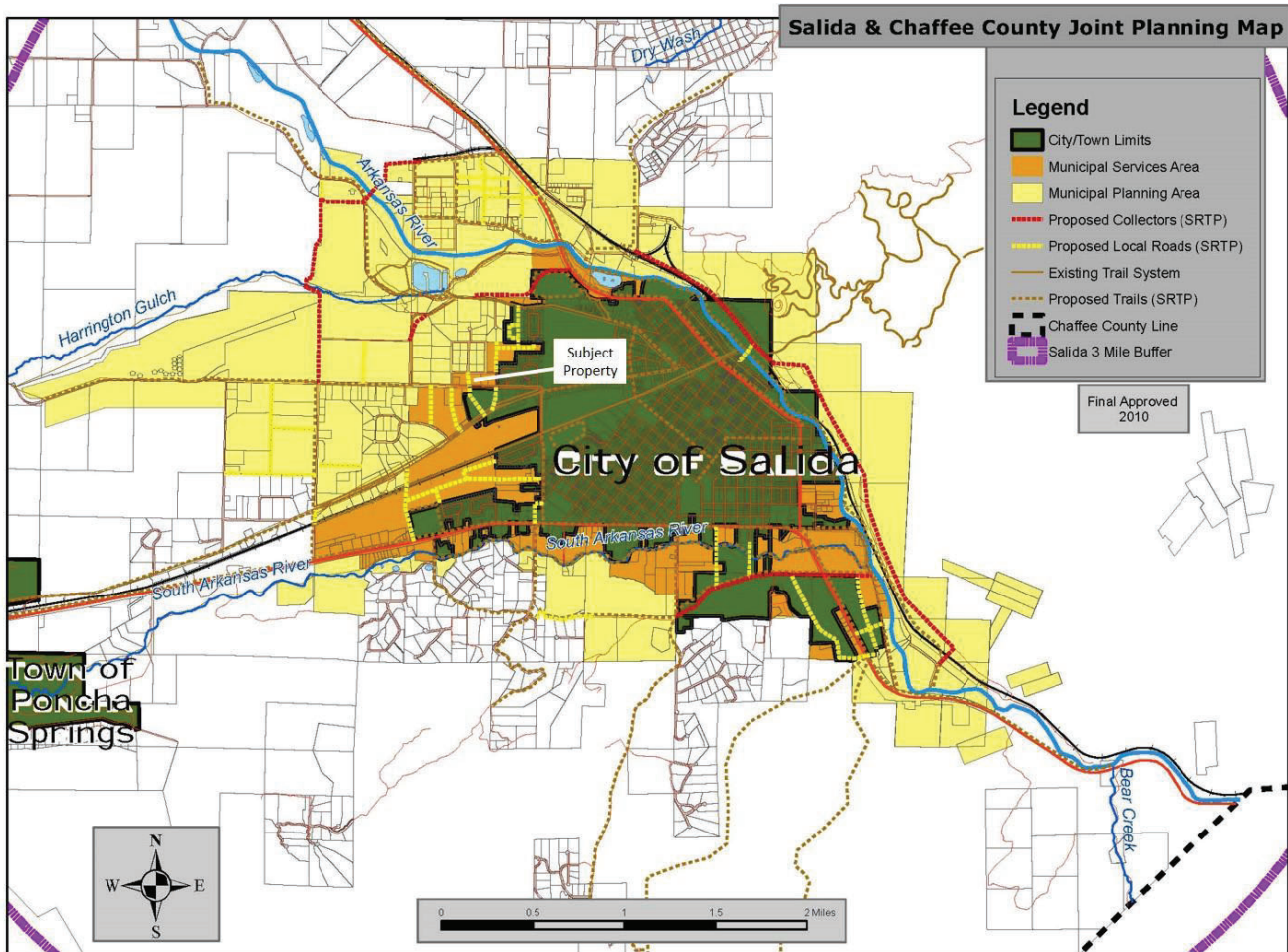
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Background on the Upchurch Annexation

Chaffee County (“County”) elected officials and staff have received questions from community members regarding annexation and rezoning of land owned by Tory and Clee Upchurch (“Upchurch Annexation”) into the City of Salida (“City”). Annexation is the process of legally bringing a property into a different

municipality or jurisdiction; in this case it is a proposal to bring the Upchurch property into the City of Salida.

The Upchurch Annexation involves a 6.22-acre parcel of undeveloped land located between CR 140 and CR 141-A north of Shepherd Road. This parcel is located in unincorporated Chaffee County, just outside the Salida City limits.



Typically, any development or subdivision of property within the unincorporated County boundaries would need to follow the Chaffee County Land Use Code. However, based on the location of the Upchurch property, the owners can petition the City to annex the property into the City. The Upchurches submitted an application for Annexation to the City of Salida City Council and Salida Planning Commission for review at their January 4, 2021 work session. The application can be viewed [here](#).

Because the County has received numerous questions about the Upchurch Annexation, the County wishes to provide some clarification for the community's awareness and understanding.

What is an annexation and what are the applicable laws?

An annexation is the process by which a municipality, such as a City or Town, incorporates new territory or property, either before or after development of that property has occurred. Colorado Revised Statute (C.R.S.) sets forth the laws governing this process. Specifically, C.R.S. § 31-12-101, *et seq.* is the Municipal Annexation Act of 1965 (“Annexation Act”), which establishes the process by which a municipality, like the City of Salida, incorporates territory through annexation.

The Annexation Act has been amended and has been held constitutional by Colorado Courts. The Courts have upheld the Annexation Act’s policy to encourage natural and well-ordered development of municipalities and not to discourage it. Annexation can take place in three ways:

1. landowner petitions;
2. annexation election; and
3. unilateral annexation of an enclave or municipally owned land.

The City may annex if it receives a petition for the annexation from a property owner(s) of a parcel of land or if for example, a neighborhood petitions to be annexed and the petition comprises of more than 50% of the landowners in the neighborhood that own more than 50% of the area/neighborhood to be annexed.¹

In addition, C.R.S. § 31-12-104 creates the eligibility requirements for annexing into a municipality. Any property is eligible if the City finds at a public hearing that:

- “Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.” C.R.S. § 31-12-104(1)(a).
 - Although the Upchurch Annexation is separated from the City by County Road 140, a County right-of-way, the statute specifically states that contiguity is not affected by the existence of a platted public right-of way. *Id.*²
- A community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. C.R.S. § 31-12-104(1)(b).
 - The City can show compliance with these specific requirements based on the fact that the proposed Upchurch property meets the contiguity requirements. C.R.S. § 31-12-104(b).

Is the Upchurch property eligible for annexation?

¹ Colo. Const. Art. II § 30(1)(b).

² “Contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, public lands, whether owned by the state, the United States, or an agency thereof, except county-owned open space, or a lake, reservoir, stream, or other natural or artificial waterway between the annexing municipality and the land proposed to be annexed.” C.R.S. § 31-12-104(1)(a)

The Upchurch property is eligible for annexation by the City. However, the City must decide whether the Upchurch Annexation meets statutory annexation requirements. Statutorily the City must find at a public hearing that:

1. The Upchurches are the owners of the property and have submitted a petition for annexation to the City.
2. The Upchurch Annexation fulfills eligibility criteria as defined through C.R.S. § 31-12-104(1)(a) and C.R.S. § 31-12-104(1)(b).
3. Approximately 860' (25.3%) of the property's boundary line is contiguous (next to) the City of Salida, meeting the minimum contiguous requirement of at least one-sixth (16.66%) of the property perimeter.

Who makes decisions about annexations?

Generally, annexations are a process created by Colorado law and are controlled by Colorado law. Whether a property is annexed by a municipality is at the discretion of the municipality following the procedures required by law.

To annex a property, the City will have to follow the process and procedures as set forth in statute. They will need a petition to annex, then to set a hearing date with public notice, and make findings that the property is eligible for annexation based on the statutory standards.

Since annexations must follow the legal process, any objections to proposed annexations or annexation process must also be considered by the City at the annexation hearing. The City retains final authority for the decision to approval or deny the annexation petition.

How does the Intergovernmental Agreement factor into the annexation process?

Intergovernmental Agreements ("IGA") are legal agreements that define how governmental entities, like the City and County, work together and set forth their respective responsibilities in collaborative endeavors. The City and County entered into an IGA on March 2, 2010 to coordinate annexation processes for properties that are subject to annexation or are within the City's Municipal Service Area ("MSA," for water/sewer utilities). See Map Page 2.

This 2010 IGA allows for coordination between the City and County to better encourage planned growth and facilitate an orderly annexation process. Specifically, the IGA states that annexation shall follow the standards as outlined in C.R.S. §§ 31-12-101 through 31-12-123 and in the City's annexation policies. It further states that annexation will generally occur only if requested by a property owner.

Under the IGA, a property within the City's Municipal Service Area is eligible for annexation and extension of municipal utilities and infrastructure as set forth by statute and the IGA.

The Upchurch property is within the City's MSA, meaning that the property is adjacent to City boundaries and immediately capable of being serviced by the City's existing sewer and water utilities and infrastructure. This means it is currently eligible for annexation under the IGA.

The IGA also requires the City to annex any County roads that are contiguous (next to) to the property being annexed. The annexed roads shall serve as principal access from the City to the property and any development(s) on it. Once the roads are annexed, the City will assume maintenance responsibilities. For any roads that are non-contiguous and/or that do not serve as principal access to the property, the County and City will negotiate on a case-by-case basis, and may require the developer of the annexed property to contribute improvements.

The IGA states that the County and City will consult and cooperate in assessing and mitigating impact from new developments, such as impacts from roads, utility services, and other impacts. Finally, consistent with C.R.S. § 31-12-108.5, the IGA states that an annexation impact report is not required for annexations of ten acres or less. Because the Upchurch Annexation is 6.22 acres, it does not require an impact report.

The IGA also outlines the process whereby the City can decline to immediately annex the property. Under this scenario, the property would be subject to joint review by the City and County and could be subject to City Development Standards through an agreed upon pre-annexation agreement between the City and property owner.

Typically, through the pre-annexation agreement the City can require the property owner to hook up to services/utilities and provides a time frame for when the property will be annexed in the future. If the City declined to annex the Upchurch property, it could be subject to a pre-annexation agreement and would follow the County's subdivision process under Chaffee County Land Use Code.

What would the process be under the County's Land Use Code?

If a property is not annexed by the City it would be subject to the Chaffee County Land Use Code, to the IGA, and to any pre-annexation agreement as negotiated between the property owner and the City. If the property is served by both water and sewer, it would be allowed a density of 4 units per acre. For the Upchurch property, the current County Land Use Code would allow for a maximum of 24 units, based on its size of 6.22 acres.

Additionally, the owners could submit an application to the County for a Planned Unit Development, which could allow for increased development density. Any development through the County's Land Use Code would be reviewed by the County Planning Commission and Board of County Commissioners.

What is a Petition for Annexations and Hearings?

Except in certain conditions, all annexations must be requested by the owners of the land being annexed. A hearing date and notice shall be given by the City pursuant to C.R.S. § 31-12-108. At the hearing the City will determine if the proposed annexation complies with C.R.S §§ 31-12-104 and 105. The hearing is governed by C.R.S. § 31-12-109 and allows any person to appear to present evidence upon any matter to be determined by the governing body in connection with the proposed annexation. At the conclusion of the hearing, the governing body shall set forth its findings of fact and determine if:

1. the annexation meets the requirements of C.R.S §§ 31-12-104 and 105;

2. if an election is required; and
3. whether or not additional terms and conditions are imposed.

Can a Petition for Annexation be Challenged?

Under C.R.S. § 31-12-116 a district court may review an annexation proceeding when any landowner in the area proposed to be annexed, or the Board of County Commissioners of the area proposed to be annexed, or any municipality within 1 mile of the area proposed to be annexed believes itself to be aggrieved by the acts of the governing body of the annexing municipality in annexing the area. No other party has standing to bring a suit to challenge an annexation.

However, the Courts have determined that annexation review is a special statutory proceeding, granted by the legislature/statute, and is limited to a determination of whether the City Council has exceeded its jurisdiction or abused its discretion. Generally speaking, the Courts will give deference to the validity of an annexation, limiting any challenge to an annexation's validity to whether or not a municipality has substantially complied with the requirements of the statute.

In other words, if a property meets eligibility requirements for annexation, and the City has followed applicable statutes and its own annexation policies and requirements of the existing IGA, its annexation decisions are generally deemed to be valid.

###

UPCHURCH ANNEXATION TO THE CITY OF SALIDA

LOCATED IN THE SE¼ SW¼
OF SECTION 31
T50N R9E OF THE N.M.P.M.
CHAFFEE COUNTY, COLORADO

PLANNING COMMISSION APPROVAL

THIS PLAT IS APPROVED BY THE CITY OF SALIDA PLANNING COMMISSION THIS ____ DAY OF _____, 2021.

CHAIR OF PLANNING COMMISSION, CITY OF SALIDA

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 KRISHNA CLEE QUICK UPCHURCH AND TORY UPCHURCH, AS OWNER OF 100 PERCENT OF THE AREA TO BE ANNEXED, EXCEPTING PUBLIC STREETS; AND WHEREAS, THE CITY COUNCIL BY RESOLUTION ADOPTED ON _____, 2021, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENT OF SECTION 31-12-107(1); WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON _____, 2021, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE CITY COUNCIL ADOPTED RESOLUTION NO. _____ (SERIES 2021), DETERMINING THAT THE ANNEXATION ELECTION WAS NOT REQUIRED; AND WHEREAS, ON _____, 2021 THE CITY COUNCIL ADOPTED ORDINANCE NO. _____ (SERIES 2021) APPROVING AND ANNEXING UPCHURCH ANNEXATION TO THE CITY OF SALIDA; NOW, THEREFORE, THE CITY COUNCIL OF SALIDA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE UPCHURCH ANNEXATION TO THE CITY OF SALIDA AS DESCRIBED HEREIN, TO WIT:

ALL THAT TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 50 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF DUPLEX 4-A, BOUNDARY LINE ADJUSTMENT AND REPLAT OF COCHETOPA ESTATES, AS RECORDED AT RECEPTION NO. 309631 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE A 2 1/2" ALUMINUM CAP STAMPED "RM", LS 16117 BEARS SOUTH 86°38'21" WEST, A DISTANCE OF 13.80 FEET; THENCE SOUTH 01°25'11" WEST, A DISTANCE OF 82.16 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140; THENCE NORTH 88°35'30" WEST ALONG SAID CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 777.08 FEET; THENCE CONTINUING ALONG SAID NORTHERLY BOUNDARY OF CHAFFEE COUNTY ROAD NO. 140 NORTH 88°34'33" WEST, A DISTANCE OF 497.11 FEET; THENCE NORTH 00°58'40" EAST, A DISTANCE OF 80.87 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND THE NORTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 140, MARKED BY A 1" ALUMINUM CAP STAMPED LS 1776; THENCE SOUTH 88°38'54" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 185.05 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269; THENCE NORTH 00°52'55" EAST, A DISTANCE OF 220.83 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269; THENCE NORTH 88°32'00" WEST, A DISTANCE OF 184.68 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 AND ON THE EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141; THENCE NORTH 00°58'40" EAST ALONG SAID EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 124.84 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141; THENCE SOUTH 88°31'21" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 801.81 FEET TO THE NORTHWEST CORNER OF LOT 1, 141 ANNEX MINOR SUBDIVISION AS RECORDED AT RECEPTION NO. 447958 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER; THENCE SOUTH 01°29'04" WEST, A DISTANCE OF 333.01 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 279296 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND A POINT ON SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140; THENCE SOUTH 88°30'29" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 416.06 FEET, TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 389150 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER; THENCE SOUTH 78°51'30" EAST, A DISTANCE OF 60.86 TO THE POINT OF BEGINNING, CONTAINING 7.90 ACRES, MORE OR LESS

SIGNED THIS ____ DAY OF _____, 2021.

CITY OF SALIDA

By: _____
MAYOR

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 KRISHNA CLEE QUICK UPCHURCH AND TORY UPCHURCH, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT AS LISTED BELOW:

DATED THIS ____ DAY OF _____, 2021.

TITLE AGENT

CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THIS ANNEXATION MAP ALONG WITH THE ORIGINAL ANNEXATION ORDINANCE FOR THE UPCHURCH ANNEXATION WERE ACCEPTED FOR FILING IN MY OFFICE ON THIS ____ DAY OF _____, 2021, 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 UPCHURCH ANNEXATION WERE ACCEPTED FOR FILING IN MY OFFICE AT _____ M. ON THIS ____ DAY OF _____, 2021 UNDER RECEPTION NUMBER _____.

CHAFFEE COUNTY CLERK AND RECORDER

GENERAL NOTES

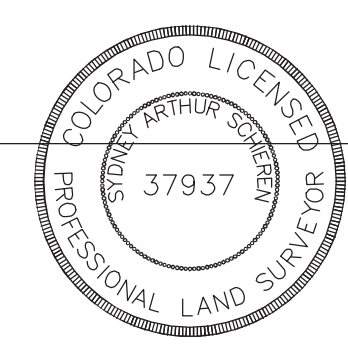
- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140 BETWEEN TWO 1" ALUMINUM CAPS STAMPED "LS 1776" HAVING A BEARING OF NORTH 89°41'28" WEST.
- 2) THIS SURVEY WAS DONE IN CONJUNCTION WITH FIRST AMERICAN TITLE INSURANCE COMPANY (CENTRAL COLORADO TITLE & ESCROW), COMMITMENT NO. 20-12552, DATED AUGUST 31, 2020.
- 3) TOTAL AREA TO BE ANNEXED=7.90 ACRES +/-
- 4) THIS ANNEXATION SUBJECT TO THE TERMS & CONDITIONS AS SET FORTH IN THE ANNEXATION AGREEMENT RECORDED AT RECEPTION NO. _____

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 PERSONAL SUPERVISION, AND THAT THE PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

PRELIMINARY DRAFT
INTENDED FOR REVIEW BY CLIENT

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



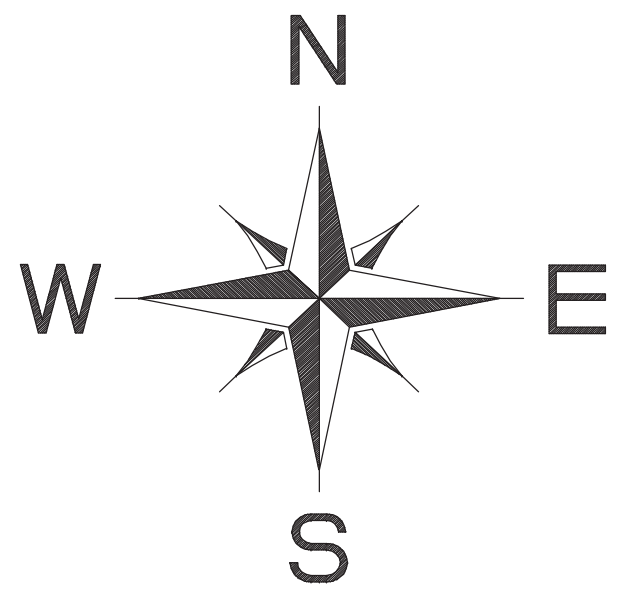
TOTAL PERIMETER OF LAND TO BE ANNEXED	3,764.36'
CONTIGUOUS BOUNDARY WITH CITY OF SALIDA	859.24'
CONTIGUOUS BOUNDARY REQUIREMENT 1/6= 16.7%	22.8%

DATE: FEBRUARY 11, 2021	UPCHURCH ANNEXATION TO THE CITY OF SALIDA LOCATED IN THE SE¼ SW¼ OF SECTION 31 T50N R9E OF THE N.M.P.M. CHAFFEE COUNTY, COLORADO
JOB # 20165	 LANDMARK SURVEYING & MAPPING P.O. BOX 668 SALIDA, CO 81201 Ph 719.539.4021 FAX 719.539.4031
DATE: NOVEMBER 19, 2020	
SHEET 1 OF 2	

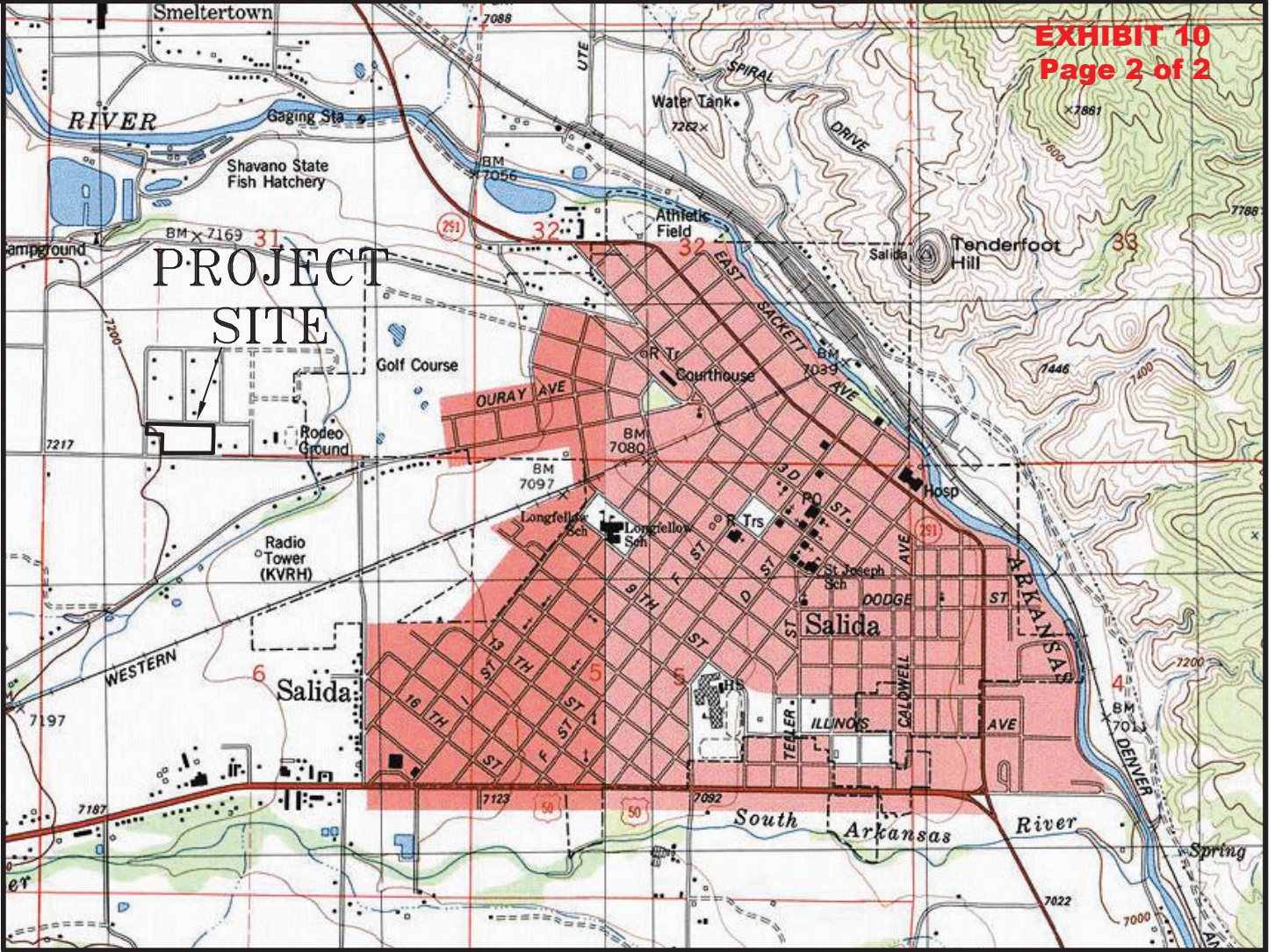
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT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

UPCHURCH ANNEXATION TO THE CITY OF SALIDA

LOCATED IN THE SE 1/4 SW 1/4 OF SECTION 31 T50N R9E OF THE N.M.P.M. CHAFFEE COUNTY, COLORADO



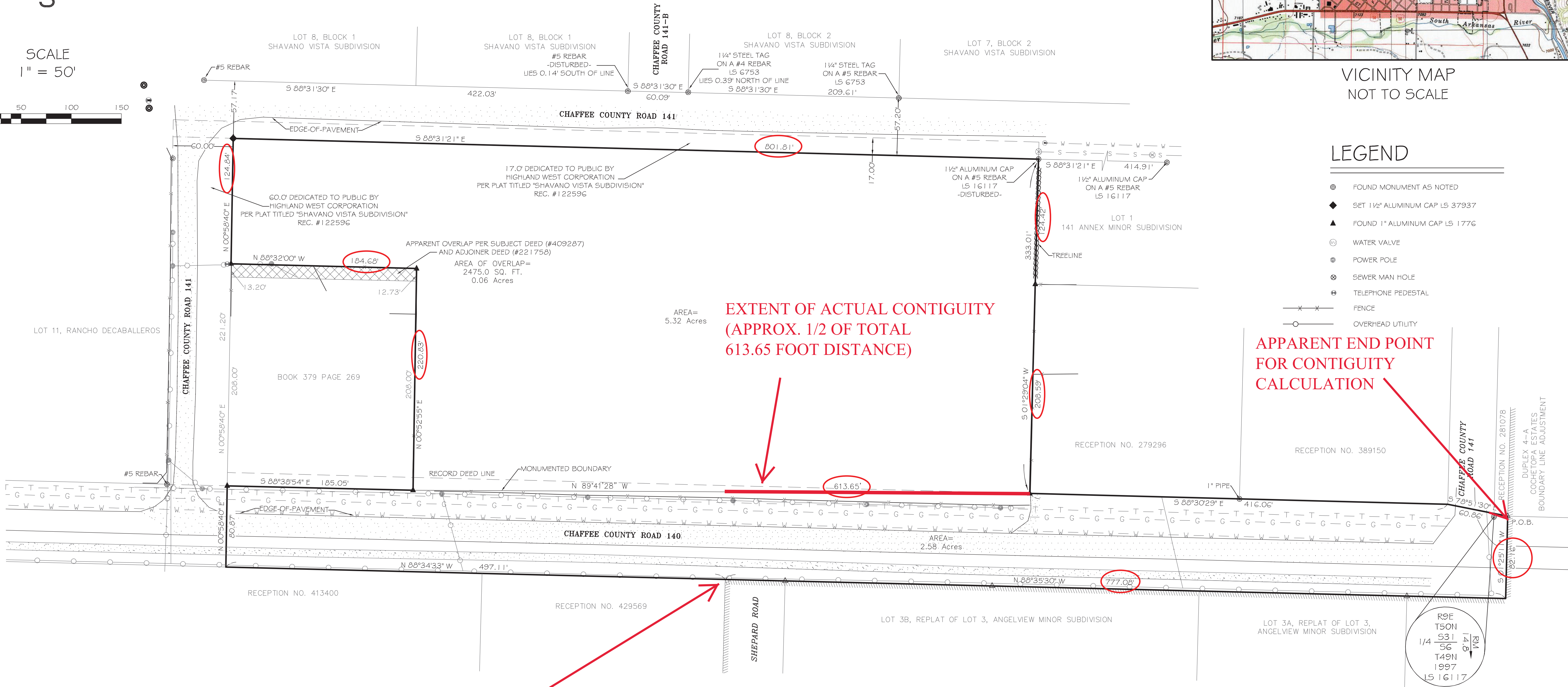
SCALE 1" = 50'



VICINITY MAP NOT TO SCALE

LEGEND

- FOUND MONUMENT AS NOTED
- ◆ SET 1 1/2" ALUMINUM CAP LS 37937
- ▲ FOUND 1" ALUMINUM CAP LS 1776
- ⊙ WATER VALVE
- ⊙ POWER POLE
- ⊙ SEWER MAN HOLE
- ⊙ TELEPHONE PEDESTAL
- × × × FENCE
- OVERHEAD UTILITY



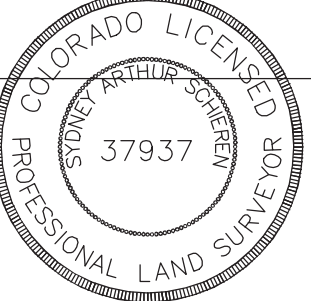
EXTENT OF ACTUAL CONTIGUITY (APPROX. 1/2 OF TOTAL 613.65 FOOT DISTANCE)

APPARENT END POINT FOR CONTIGUITY CALCULATION

APPARENT BEGINNING POINT FOR CONTIGUITY CALCULATION

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.

PRELIMINARY DRAFT
 INTENDED FOR REVIEW BY CLIENT



REVISED: FEBRUARY 11, 2021
JOB # 20165
DATE: NOVEMBER 19, 2020
SHEET 2 OF 2

UPCHURCH ANNEXATION TO THE CITY OF SALIDA
 LOCATED IN THE SE 1/4 SW 1/4 OF SECTION 31 T50N R9E OF THE N.M.P.M. CHAFFEE COUNTY, COLORADO



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.



BOARD OF COUNTY COMMISSIONERS

PO Box 699
 SALIDA, CO 81201
 PHONE (719) 539-2218
 FAX (719) 539-7442
 WWW.CHAFFEECOUNTY.ORG

March 18, 2021

City of Salida
 Planning Commission
 448 E. First Street, Suite 112
 Salida, CO 81201

City of Salida
 City Council
 448 E. First Street, Suite 112
 Salida, CO 81201

Re: The City of Salida's Annexation and Rezoning of an approximately 5.32 acre parcel of unincorporated and undeveloped land between CR 140 and CR 141-A North of Shepherd Road ("Upchurch Property")

Dear City of Salida Planning Commission and City Council:

The Chaffee County Board of County Commissioner ("Board") has reviewed the Annexation Application and Rezoning request for the Upchurch Property and wishes to submit written comments regarding potential impacts that the annexation and rezoning of the Upchurch Property may have on county residents. The Board understands that the Upchurch Property is subject to the procedures as outlined in the Intergovernmental Agreement ("IGA") (first approved in 2008 and as amended in 2010) and has been identified for many years in the City of Salida's ("City") Three Mile Plan, Municipal Service Area and the City's and County's Joint Planning Map, as well as the County's Comprehensive Plan 2020, as an area adjacent to the City's boundaries that is eligible for annexation which can be served by City utilities and infrastructure. The Board is also aware that the newly adopted Comprehensive Plan 2020 identifies the Upchurch Property as mixed residential and an unincorporated area along a major transportation corridor appropriate for annexation and where higher densities may be appropriate.

The Board wishes to comment regarding the Upchurch Annexation and Rezoning in hopes of assisting in an application that can meet the goals of the above aforementioned plans, promote efficient public services and to bring attention to potential unintended impacts growth may have to county residents. Thus, the Board would like to make the following comments for your consideration:

- That the Upchurch Property be zoned Single-Family Residential (R-1), which provides for residential neighborhoods comprised of detached single-family dwelling at relatively low densities. However, if the City wishes to keep a higher density, such as Medium- Density Residential (R-2), the County would like the City to consider that only single-family dwelling be permitted on the smaller lots. The Board believes that single family residences would be consistent with the adjacent unincorporated neighborhood, which is zoned Residential.
- That the applicant dedicates the required right-of-way for all County Roads adjacent to the Upchurch Property and the City work with County staff to ensure that the right-of-way is consistent with currently dedicated right-of-way.
- That all ingress and egress for the Upchurch Property will be onto County Road 140, which will be annexed and maintained by the City.
- That the applicant understands that any driveways or roads that are accessed via a County maintained road will need to comply with the Chaffee County Land Use Code, will require a county driveway or road permit and if necessary, a traffic study.
- That county and city staff verify and confirm, which roads will be annexed and maintained by the city and as contemplated by the IGA.

We also believe that Chaffee County residents that live adjacent to the Upchurch Property will express additional comments and concerns, especially in regards to density, the character of the neighborhood and environmental impacts and we encourage the City to review and consider those comments in context with the County's comments and all applicable codes, statutes and plans. We look forward to working with the City during the review of this application. If we can provide the City with any information or clarification, please do not hesitate to contact County Administrator Bob Christiansen, who will be our main liaison for the Board with respect to this process.

Sincerely,



Commissioner Greg Felt



Commissioner Keith Baker



Commissioner Rusty Granzella



Bill Almquist <bill.almquist@cityofsalida.com>

Note re: 3-feet

Jon Roorda <jroorda@chaffeecounty.org>

Fri, Mar 19, 2021 at 4:01 PM

To: Bill Almquist <bill.almquist@cityofsalida.com>, Dan Swallow <dswallow@chaffeecounty.org>

Bill,

Based on conversations with the Director of Development Services and the Assistant County Attorney, Chaffee County will not require dedication of 3 feet of additional right-of-way for the east-west portion of CR 141 adjoining the proposed Upchurch Annexation.

Please contact me with any questions.

Thanks,

Jon Roorda, PLS

Chaffee County

Planning Manager

[Quoted text hidden]

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This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.

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This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.



CITY COUNCIL ACTION FORM

Department Administration	Presented by Drew Nelson - City Administrator	Date April 6, 2021
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ITEM

Declaration of Extension of State of Emergency – Covid-19 Action Plan Implementation

BACKGROUND

As we are all quite aware, the worldwide COVID-19 pandemic has created an environment where federal, state and local governments Article XVII, Section 2-17-10 of the Salida Municipal Code states that when it appears to the Mayor that the general health, safety and welfare of the inhabitants of the City are threatened, he or she may declare a state of emergency by proclamation. After conferring with the Chaffee County Public Health, on Friday, March 13th, 2020, such an emergency declaration was approved by Mayor Wood to approve the City of Salida COVID-19 Action Plan. The City Council ratified the emergency declaration on March 17th, 2020, extending until April 25th, 2020. Twelve extensions have been granted for the Declaration, with the most recent one ending on April 7th, 2021. Staff continues to work with Chaffee County Public Health to revise the City of Salida COVID-19 Action Plan to reflect changes to the State of Colorado’s COVID-19 Dial, identifying rates of infection, positivity rate, and hospitalizations as data points for moving up or down on the City’s Tiered response (a copy of the Action Plan is attached hereto for your review). Currently, the City is at Tier II in the Action Plan, with Chaffee County identified in the Blue Level of the State’s COVID-19 Dial.

Section 2-17-30 establishes a term of no more than ten (10) days of for any emergency declaration. It also provides that the City Council may extend any proclamation issued by the Mayor for a period not to exceed forty (40) days by a two-thirds (2/3) vote. As issues related to COVID-19 continue, it is imperative that the City continues to follow the protocols established in the Action Plan.

FISCAL NOTE

No direct costs immediately; however, costs may be incurred as this ever-evolving situation goes forward.



CITY COUNCIL ACTION FORM

Department Administration	Presented by Drew Nelson - City Administrator	Date April 6, 2021
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STAFF RECOMMENDATION

Staff recommends approval by the City Council of a Declaration of Extension of Local State of Emergency to implement the City of Salida’s COVID-19 Action Plan, as currently established, until May 5th, 2021, which is one day after the first regular City Council meeting in May.

SUGGESTED MOTION

A City Councilmember should make a motion to approve a Declaration of extension of Local State of Emergency to implement the City of Salida’s COVID-19 Action Plan, extending until May 5th, 2021, followed by a second and a roll call vote.

**CITY OF SALIDA, COLORADO
EXTENDING A LOCAL STATE OF EMERGENCY
REGARDING COVID-19 (CORONAVIRUS DISEASE 2019)**

FINDINGS AND CONCLUSIONS:

WHEREAS, COVID-19 is a highly contagious virus that has spread to numerous countries throughout the world, including the United States; and

WHEREAS, the virus may cause serious illness or death in certain cases, particularly for elderly and persons with underlying health conditions; and

WHEREAS, on March 11, 2020, the World Health Organization (“WHO”) declared the worldwide outbreak of COVID-19 a “global pandemic”, pushing the threat beyond the “global health emergency” it had announced in January; and

WHEREAS, on March 11, 2020, the Governor of the State of Colorado declared a state of emergency due to the presence of COVID-19 in Colorado; and

WHEREAS, on March 13, 2020, the Board of County Commissioners of Chaffee County declared a Local Disaster Emergency as authorized under C.R.S. § 24-33.5-703(3) to assist local governments in responding to and recovering from emergency events, including emergency epidemics and pandemics; and

WHEREAS, on March 17, 2020, the Salida City Council unanimously approved an initial Local State of Emergency regarding COVID-19, extending until April 25, 2020; and

WHEREAS, on April 21, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until May 6, 2020; and

WHEREAS, on May 5, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until June 3, 2020; and

WHEREAS, on June 2, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until July 8, 2020; and

WHEREAS, on July 7, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until August 4, 2020; and

WHEREAS, on August 4, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until September 2, 2020; and

WHEREAS, on September 1, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until October 7, 2020; and

WHEREAS, on October 6, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until November 4, 2020; and

WHEREAS, on November 2, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until December 2, 2020; and

WHEREAS, on December 1, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until January 6, 2021; and

WHEREAS, on January 5, 2021, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until February 3, 2021; and

WHEREAS, on February 2, 2021, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until March 3, 2021; and

WHEREAS, on March 2, 2021, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until April 7, 2021; and

WHEREAS, the Chaffee County Public Health Department anticipates that, due to the contagiousness of the illness and the fact that numerous travelers from around the world visit the County, Chaffee County will see cases of the virus and its transmission within the community; and

WHEREAS, Article XVII, Section 2-17-10 of the Salida Municipal Code authorizes the Mayor to declare a State of Emergency via proclamation when it appears that the general health, safety and welfare of the inhabitants of the City are threatened by general public unrest or riot, or by attack upon the State; and

WHEREAS, Article XVII, Section 2-17-30 allows for the City Council to extend any proclamation issued by the Mayor under Section 2-17-10 to be extended for a period not to exceed forty (40) days by a two-thirds (2/3) vote; and

WHEREAS, the City's current State of Local Emergency proclamation will expire on April 7, 2021, which does not coincide with the Governor of the State of Colorado's Dial 3.0 order, which is anticipated to be extended; and

WHEREAS, the cost and magnitude of responding to and recovering from the impact of the COVID-19 virus on local emergency services providers and medical services is anticipated to be far in excess of the community's available resources; and

WHEREAS, in response to the outbreak of COVID-19 in Chaffee County and the Salida community, and in light of the ongoing risk to public health and safety, at this time it is necessary to extend the existing Local State of Emergency.

NOW THEREFORE, IT IS HEREBY DECLARED BY THE SALIDA CITY COUNCIL:

Section 1. The confirmed presence of COVID-19 in Chaffee County constitutes a Local State of Emergency, as defined in Article XVII, Section 2-17-10 of the Salida Municipal Code, not to exceed a term of forty (40) days.

Section 2. The effect of this declaration of Local State of Emergency shall continue the City's COVID-19 Action Plan, revised and effective as of December 1, 2020, attached hereto as Exhibit A,

authorizing a tiered approach to proactively respond to changes in the COVID-19 situation as well as reflect the recommendations of our Federal, State, and Local Health Departments.

Section 3. This declaration shall be made effective immediately on April 6, 2021, and shall be in effect until May 7, 2021.

APPROVED, DECLARED AND ADOPTED on this 6th day of April, 2021.

CITY OF SALIDA, COLORADO

[SEAL]

ATTEST:

P.T. Wood, Mayor
City of Salida, Colorado

City Clerk



CITY OF SALIDA – COVID-19 ACTION PLAN

Purpose: To provide a comprehensive and tiered Action Plan to City of Salida officials in response to the ongoing COVID-19 pandemic. This Action Plan is intended to slowly escalate to proactively respond to changes in the situation as well as reflect the recommendations of our State and local Public Health Departments. This Action Plan is effective December 1, 2020, until further notice.

Authority: Per Sections 2-17-10 and 2-17-20 of the Salida Municipal Code, when it appears to the Mayor that the general health, safety and welfare of the inhabitants of the City are threatened, he or she may declare a state of emergency proclamation. The proclamation may impose a curfew within the City, may prohibit public or private assemblies, may impose restrictions on movement within the City and may contain other regulations necessary and proper to the maintenance of public peace, order and safety.

Tier I – Level Green/Blue

Heightened Awareness. The Colorado Department of Public Health and Environment (CDPHE) or Chaffee County Public Health Department (CCPH) have indicated that COVID-19 is in the state and are encouraging citizens to be aware and to focus on sanitization and hygiene. CDPHE and/or CCPH has placed Chaffee County in either Level Green or Level Blue on the State’s COVID-19 Dial, with Incidence Rates of up to 75 cases per 100,000 residents (or more than 15 cases in Chaffee County per two-week period), or when the percentage of positive tests is below 1.5%.

- Encourage employees to stay home if sick or to go home if exhibiting symptoms while at work. Employees will continue to use sick leave.
- Identify work spaces where employees can temporarily isolate if they are awaiting transportation to their home or medical care.
- Wash hands often, also use hand sanitizer often.
- Face coverings are required in indoor public settings.
- Heightened amount of environmental sanitation – Lysol, wipes, environmental germicide sprays, etc.
- Employees should refrain from traveling to conferences and/or meetings in other parts of the Country where cases of COVID-19 are expanding.
- Acquire/Inspect/Issue Personal Protective Equipment (PPE) to selected City Staff (gloves, masks, etc.).

- Meetings of the City Council, and of official City Boards and Commissions, will offer the option for remote attendance and participation.

Tier II – Level Yellow

Statewide Concern. CDPHE and/or CCPH have indicated multiple cases of COVID-19 within the Chaffee County. CDPHE and/or CCPH has placed Chaffee County in Level Yellow on the State’s COVID-19 Dial. Incidence Rates are between 75 and 175 cases per 100,000 residents (or between 15 and 35 cases in Chaffee County per two-week period), or when the percentage of positive tests is between 1.5% and 3%. When directed by the Mayor, City Administrator, or their delegate, the City will move its response to Tier II which, in addition to Phase I steps, include:

- Teleworking and staggered shifts authorized. Departments should utilize telework options for a limited number of employees to lessen the impact on Tech Services.
- Meetings of the City Council, and of official City Boards and Commissions, will offer the option to attend and participate remotely, and may take place in person following all physical separation requirements. Attendance by members of the public may occur based on room size/capacity and maintaining 6’ of distance between attendees.
- Employees should refrain of physical contact with each other and with members of the public. CDPHE and CCPH recommends a 6’ distance of separation.
- Employees should limit or eliminate any outside agency meeting attendance, unless able to be done remotely.
- City Departments should begin to limit internal meetings. Face coverings are required when meeting in person with other employees or while away from one’s office or desk.
- Employees who self-identify as high risk (having compromised immune systems, for example) should work from home.
- The City will take direction from CDPHE and CCPH.

Tier III – Level Orange/Red

Chaffee County Concern. Chaffee County Health has indicated multiple rising cases of COVID-19 within Chaffee County, with an Incidence Rate between 175 and 350 per 100,000 residents (or between 35 and 70 cases in Chaffee County per two-week period), or when the percentage of positive tests is between 3% and 5%. CDPHE and/or CCPH has placed Chaffee County in either Level Orange or Level Red of the State’s COVID-19 Dial. When directed by the Mayor, City Administrator, or their delegate, the City will move its response to Tier III which, in addition to Phase II steps, include:

- Employees will be directed to stay home (or go home) if they or any family member they live with is exhibiting any symptoms, or if they are high risk.
- Meetings of the City Council, and of official City Boards and Commissions, may take place in person following all physical separation requirements, and with the following limited

restrictions: in-person attendance of the public is limited to only applicants or appellants for quasi-judicial hearings. Remote attendance and participation by all parties, including City Councilmembers and staff, is strongly encouraged.

- Recreation programs shut down, including very limited access to, or closure of, the Salida Hot Springs Aquatic Center, the SteamPlant Event Center, and the Rotary Scout Hut. Specific closure dates shall be established by Department Heads and announced via press release.
- Teleworking and staggered shifts authorized. Departments will continue to roll out additional measures or plans to allow employees to work remotely, when feasible.
- Departments must take additional steps they have identified to limit exposure between employees and between employees and members of the public.
- Reduced staffing in City buildings authorized. Departments will take steps to ensure City buildings are minimally staffed, and public access is very limited. Employees are encouraged to perform all tasks remotely, if possible. Face coverings must be worn at all times, including while in one's office or at one's desk.
- Heightened level of sanitization of spaces including additional germicide spraying.
- Selected City Staff have PPE on hand and begin utilization, as appropriate.
- Public events (other than official meetings of the City Council, or of official City Boards or Commissions) scheduled to take place in City-owned facilities are suspended until further notice. The Salida community is strongly encouraged to engage in social distancing and to postpone or cancel any gatherings where people will congregate in large numbers and/or in close contact with one another.
- Other steps as directed by CDPHE and CCPH.

Tier IV – Level Red/Purple

Full implementation of Response Plan. Tier IV may occur at such time as CDPHE and/or CCPH places Chaffee County in either Level Red or Level Purple on the State's COVID-19 Dial, with Incidence Rates in excess of 350 cases per 100,000 residents in Chaffee County (or more than 70 cases in Chaffee County per two-week period), or when the percentage of positive tests exceeds 5%, or schools are shut down, or hospitalizations exceed bed capacity at health facilities in Chaffee County, or at such other time as Salida deems it to be in the best interest of the organization and/or community. When directed by the Mayor, City Administrator, or their delegate, the City will move its response to Tier IV which, in addition to Phase III steps, include:

- City Buildings minimally staffed, no public access. Public will be directed to conduct business online, if feasible, or by phone. Non-essential services (City Hall Administration, City Hall Finance, Fire Station Administration, Police Station Administration, and Public Works Administration) are closed to the public. Public is encouraged to use digital and telephone communication, website access, online payments, and other ways of communication to conduct business with the City. Masks required at all times.

- In-Person attendance of meetings of the City Council, and of official City Boards and Commissions, shall be heavily restricted to only staff and select Elected or Appointed Officials who are necessary to be present to effectively run meetings. Any attendance and participation by the public, including applicants and appellants for quasi-judicial hearings, shall be conducted remotely only.
- Departments will fully enact Departmental plans. Teleworking options and staggered shift work maximized. Only essential services ongoing, unless able to be provided through employees working remotely.
- Incident Command may be set up locally or in coordination with County Authorities.
- Selected City Staff mandatory use of PPE.
- Other steps as directed by State and Local Health authorities, including support of their efforts.

Mayor P.T. Wood asks that the community remain vigilant during these challenging times. “Chaffee County Public Health has worked very hard to get our community through a tumultuous period while keeping our business community intact. It is critically important that we increase our efforts to limit the spread of the disease to the greatest extent possible as we head into the upcoming winter months. Remember that Chaffee’s Got Heart:

- **Hang at Home if Sick**
- **Excel at Handwashing**
- **Always Wear a Mask in Public**
- **Respect Social Distancing**
- **Test if You Have Symptoms**





Erin Kelley <erin.kelley@cityofsalida.com>

Fwd: FW: Current Mountain Pact Activities // Salida

1 message

Erin Kelley <erin.kelley@cityofsalida.com>
To: Erin Kelley <erin.kelley@cityofsalida.com>

Fri, Apr 2, 2021 at 1:51 PM

From: Anna Peterson <anna@themountainpact.org>
Sent: Friday, April 2, 2021 12:02
To: P. T. Wood <pt.wood@salidaelected.com>
Subject: Re: Current Mountain Pact Activities // Salida

Hello Mayor Wood,

I wanted to follow up with Mountain Pact efforts and ways you can get involved this spring. *Please share this with council/commissioner members if appropriate.*

In January, President Biden signed executive orders that will help tackle climate change by pausing oil and gas leasing on public lands and conserving 30 percent of U.S. lands and waters by 2030. ***We want to bolster these efforts, as we did in January with our [letter signed by over 130 Western local elected officials](#), to show support from Mountain communities across the west - like yours!***

1. Effort to Protect 30% of Lands and Waters by 2030

The foundation of the 30x30 campaign includes locally driven conservation efforts that work towards a more equitable and inclusive vision for nature conservation. The intent is for federal, state, local, and Tribal governments; agricultural and forest landowners; fishermen, hunters, anglers, outdoor recreation users and many other key stakeholders to identify and implement collaborative conservation strategies.

Local voices like yours will be critical to how specific protection strategies are implemented and the overall success of the effort.

HOW TO TAKE ACTION:

- **Join The Mountain Pact for a [webinar on Monday, April 12 from noon to 1 pm](#) with the U.S. Director of the [Campaign For Nature](#) about the 30x30 initiative and how we can work to implement strategies in our communities to help achieve this goal. **Please RSVP today!****
- Ask your **Town/City/County governing body to pass a [resolution to show support for the 30x30 effort](#)**. Let [Anna](#) know if she can get you any more information on these resolutions.
- See more [detailed background information here](#).



<https://www.eventbrite.com/e/the-mountain-pact-30x30-background-webinar-tickets-147900324853>

2. Resolution in Support of Pause on and New Oil and Gas Leasing on Federal Lands

We're encouraging city/town council and county commissions to join other communities in the Mountain Pact Network and consider **passing a resolution that expresses support for President Biden's executive order that temporarily pauses new oil and gas leasing on federal public lands so the process may be reviewed.**

Santa Fe County, the [Town of Basalt](#), and the Town of Ridgway have all passed resolutions and many more communities have their own resolutions on upcoming meeting agendas.

HOW TO TAKE ACTION:

- [Download the resolution here](#) and see these links for more [topline](#) and [detailed background](#) information.
 - If you adopt a resolution, please let us know - Anna@TheMountainPact.org
 - Also send to the Biden Administration and your congressional offices. (The Mountain Pact can help and send you contact information if needed).
 - During the Department of Interior [review](#), "[Members of the public can submit additional information through April 15 to inform Interior's interim report at \[energyreview@ios.doi.gov\]\(mailto:energyreview@ios.doi.gov\)](#)"
- Consider authoring an opinion editorial like this [one](#) from City of Reno Council member Devon Reese.

I hope you're doing well, the vaccine roll-out continues to go smoothly in your community, and you are having a safe and good start to spring. Thank you for participating with The Mountain Pact Network!

Anna

--



ANNA PETERSON

Executive Director | The Mountain Pact

Durango, Colorado | (612) 735-2402 | anna@themountainpact.org

[Subscribe to get our policy alerts](#)

Founded in 2014, [The Mountain Pact](#) mobilizes local elected officials in over 80 Western mountain communities with outdoor recreation based economies to speak with a collective voice on federal climate, public lands, and outdoor recreation policy.

A RESOLUTION OF THE [COUNTY/CITY/TOWN OF NAME , STATE] SUPPORTING EFFORT
TO PROTECT 30 PERCENT OF U.S. LANDS, WATERS, AND OCEANS BY 2030

Item 12.

WHEREAS, the United States is facing a conservation and climate crisis as nature declines and [greenhouse gas emissions continue to increase](#); and

WHEREAS, [science shows us that worldwide biodiversity is deteriorating at a faster rate than at any time in human history](#); and

WHEREAS, [from 2001 to 2017, more than 24 million acres of land were lost to human development in the lower 48 United States](#), which equals the loss of one football field-sized patch of land every 30 seconds; and

WHEREAS, scientists say that the loss of biodiversity, the increasing number of extreme weather events, and human encroachment upon wildlife habitat may [increase the risk of the transmission of infectious diseases such as COVID-19 and SARS](#).

WHEREAS, [scientists warn we must conserve and restore at least 30 percent of lands and waters by 2030 if we hope to preserve biodiversity and ecosystems as well as mitigate the impacts of climate change](#); and

WHEREAS, the global 30x30 campaign is a science-based initiative to conserve at least 30 percent of U.S. lands, waters, and oceans by the year 2030 to address the twin threats of climate change and the rapid loss of biodiversity, waters, and natural places; and

WHEREAS, the 30x30 campaign will include locally led conservation efforts; work towards a more equitable and inclusive vision for nature conservation; honor the sovereignty of Tribal nations; support private conservation; and ensure the effort is guided by science; and

WHEREAS, the 30x30 campaign relies on efforts by federal, state, local, and Tribal governments; agricultural and forest landowners; fishermen, hunters, anglers, outdoor recreation users and many other key stakeholders to identify and implement collaborative strategies; and

WHEREAS, every person, regardless of race, background, or economic status, should have access to close-to-home opportunities to get outside in nature; and

WHEREAS, our natural places help to provide food security, clean air to breathe, and clean water to drink, while offering us a wide range of health benefits; and

WHEREAS, wilderness, wildlife refuges, national conservation lands, monuments, and other protected areas drive our local economies and conserved places provide access for hunting, fishing, hiking, biking, camping, and other outdoor recreation pursuits; and

WHEREAS, conserved private lands, including working forests, farms and ranches protect open spaces, preserve threatened wildlife, and help maintain our community’s our way of life; and

WHEREAS, over 100 [economists and scientists have found that the global economy would benefit from the creation of far more protected areas on land and at sea than we have today](#); and

WHEREAS, protected public lands are the backbone of our state’s outdoor recreation industry, which generates [\\$788 billion in consumer spending nationally and supports 5.2 million](#) jobs; and

WHEREAS, [77 percent of voters in the Rocky Mountain West](#) support setting a national goal of conserving 30 percent of land and waters in the United States by 2030 and [61 percent](#) of voters are concerned about the future of land, water, air, and wildlife.

NOW THEREFORE BE IT RESOLVED, that we, the [County/City/Town of _____, State](#) stand with President Biden, U.S. agencies, members of Congress, state and local officials, and other public, private and nonprofit partners in support of science-based, locally-led conservation efforts to protect at least 30 percent of lands, waters, and oceans by 2030; and

BE IT FURTHER RESOLVED, that we call on the U.S. government, Congress, and state and local leaders to significantly increase the tools and resources available to achieve locally-driven conservation projects, and to facilitate collaboration and good-faith conversations among all people living in the United States as we work together to address our biodiversity and climate crises.

Head Commissioner/Mayor [NAME](#)

APPROVED AND ADOPTED this [##](#) day of [\(FILL OUT\)](#), 2021.

ATTEST: [\(FILL OUT\)](#)

30 x 30

Efforts To Protect 30 Percent of U.S. Lands and Waters by 2030

WHAT IS THIS EFFORT?

The global [30x30 campaign](#) is a science-based initiative to conserve at least 30 percent of U.S. lands, waters, and oceans by the year 2030 to address the twin threats of climate change and the rapid loss of biodiversity, waters, and natural places.

The foundation of the 30x30 campaign includes locally driven conservation efforts that work towards a more equitable and inclusive vision for nature conservation; honoring the sovereignty of Tribal nations; support private land conservation efforts; and ensure that the processes are guided by science. The intent is for Federal, state, local, and Tribal governments; agricultural and forest landowners; fishermen, hunters, anglers, outdoor recreation users and many other key stakeholders to identify and implement collaborative conservation strategies.

On January 27, 2021, President Biden signed three [executive orders](#) that will help tackle climate change by pausing oil and gas leasing on public lands and [conserving 30 percent of U.S. lands and waters by 2030](#). These orders will help boost the economy as we recover from the impacts of COVID-19 and move us towards a more sustainable future. In mid-January, the Mountain Pact released a [report](#) and [over 120 Western local elected officials](#) signed a [letter](#) asking the new Biden administration to take many of these steps.

This ten-year goal of conserving 30% of the U.S. by 2030, an inclusive and bold vision for safeguarding America's lands, waters, and wildlife that will include the efforts of people across the country on the frontlines of conserving, using, and enjoying nature. You can read more details in the [Department of Interior Fact Sheet](#).

WHY IS THIS SO IMPORTANT?

- [Scientists](#) warn [we must conserve and restore at least 30 percent of lands and waters by 2030 if we hope to preserve biodiversity and ecosystems as well as mitigate the impacts of climate change](#).
- The United States is facing a conservation and climate crisis as nature declines and [greenhouse gas emissions continue to increase](#).
- [Science shows us that worldwide biodiversity is deteriorating at a faster rate than at any time in human history](#).
- [From 2001 to 2017, more than 24 million acres of land were lost to human development in the lower 48 United States](#), which equals the loss of one football field-sized patch of land every 30 seconds.

- [77 percent of voters in the Rocky Mountain West](#) support setting a national goal of conserving 30 percent of land and waters in the United States by 2030 and [61 percent](#) of voters are concerned about the future of land, water, air, and wildlife.

Item 12.

PUBLIC HEALTH BENEFITS

- Scientists say that the loss of biodiversity, the increasing number of extreme weather events, and human encroachment upon wildlife habitat may [increase the risk of the transmission of infectious diseases such as COVID-19 and SARS](#).
- Our natural places help to provide food security, clean air to breathe, and clean water to drink, while offering us a wide range of health benefits; and every person, regardless of race, background, or economic status, should have access to close-to-home opportunities to get outside in nature.

ECONOMIC BENEFITS

- Wilderness, wildlife refuges, national conservation lands, monuments, and other protected areas drive our local economies and conserved places provide access for hunting, fishing, hiking, biking, camping, and other outdoor recreation pursuits.
- Conserved private lands, including working forests, farms and ranches protect open spaces, preserve threatened wildlife, and help maintain our community's way of life.
- [100 economists and scientists have found that the global economy would benefit from the creation of far more protected areas on land and at sea than we have today](#).
- Protected public lands are the backbone of our states' outdoor recreation industries, which generates [\\$788 billion in consumer spending nationally and support 5.2 million](#) jobs.

HOW CAN WE ACHIEVE THIS GOAL?

The support of, and coordination among federal, state, and local land management agencies will be critical to achieving the 30x30 goal. Likewise, the use of conservation easements and restoration programs will be instrumental in helping to protect private lands.

State, County, and Local-Level Protection Strategies

- Create more local parks and open spaces
- Create more state wildlife areas, state parks
- Secure more conservation easements
- Use more conservation leases for state trust lands
- Create more preservation designations - e.g a wildlife corridor designation similar to the Outstanding Natural Resource Waters designation
- Require state land managers to comment on federal land management plans to protect for biodiversity and increase carbon sequestration
- Focus on diversity, equity, and inclusion in land protection efforts
- Take lands off the table for development
- Fund more local conservation efforts
- Rewilding areas

Federal-Level Protection Strategies

- State land manager, working with their congressional delegation, identify lands and waters in need of federal protection

Create New Federal Executive and Legislative Protections

- National parks
- National monuments
- Wilderness Areas
- Wilderness Study Areas in Resource Management Plans.
- National Wildlife Refuges

Expand Federal Working Lands Programs to Increase Carbon Sequestration and Soil Health

Protect Private lands:

- Expand state and federal restoration programs
- Create more conservation easements on private lands
- Offer additional technical assistance for private landowners to protect habitat

Tribal lands and sovereign nations

Department of Defense Lands

HOW YOU CAN TAKE ACTION

1. **Attend the upcoming Mountain Pact webinar about 30x30:** The Mountain Pact will be hosting a [webinar](#) with the U.S. Director of the [Campaign For Nature](#) about President Biden's 30x30 conservation goal of protecting 30% of land and water by 2030 and how we can work to implement this goal in our communities. [We invite you join us on Monday, April 12 from noon to 1 pm for this webinar - please RSVP today!](#) We'll be sharing a recording of this event as well.
2. **Ask your Town/City/County governing body to adopt a resolution in support of the 30x30 goal:** Have your community sign onto [this resolution](#) or a revised version of it that expresses support for 30x30. You can find more background [here](#) (this document link).
 - a. Make sure to adjust the resolution as needed to reflect your community's needs
 - b. If you adopt a resolution, please let us know - Anna@TheMountainPact.org
 - c. Send the resolution to local media, the Biden Administration and your congressional offices

Scott de la Vega, Acting Secretary
 Department of the Interior
 1849 C Street, N.W.
 Washington DC 20240

3. **Complete a survey about the 30x30 goal:** You can [fill out this survey](#) so your voice is reflected in the 30x30 planning effort.
4. Consider **authoring an opinion editorial** to show your support for the 30x30 initiative.

**A RESOLUTION IN SUPPORT OF PRESIDENT BIDEN’S PAUSE ON NEW
OIL AND GAS LEASING ON FEDERAL PUBLIC LANDS**

WHEREAS, our vast network of federal public lands offers abundant natural beauty, a wealth of natural resources, a vital economic engine for local communities, and a sought after unique quality of life for residents of communities adjacent to them; and

WHEREAS, it’s critical that our public lands and waters are managed responsibly and sustainably so they can remain open and accessible to present and future generations; and

WHEREAS, we support the legal requirement that our federal lands be managed under the ‘multiple use’ standard to best meet the present and future needs of the American people; and believe that the federal land management policies should be developed with input from local communities and public land users, and incorporate the best available science; and

WHEREAS, federal public land policy should ensure that the companies extracting natural resources provide a fair return to federal and state taxpayers while also protecting wildlife and providing the opportunity for the development of sustainable economic non-extractive activity such as outdoor recreation; and

WHEREAS, our state is experiencing the devastating impacts of a warming climate including severe heat and drought, which are making wildfires more frequent and extreme; an increase in emissions of methane, a powerful greenhouse gas emitted on our public lands; extremes in precipitation; and dust on snow, which causes snowfall to evaporate prematurely; and

WHEREAS, [one-quarter of the country’s greenhouse gas emissions come from fossil fuel activity on public lands](#); and

WHEREAS, in [2018 pollution caused by the burning of fossil fuels caused 8.7 million or one in five deaths globally](#); and

WHEREAS, as elected leaders, it is our responsibility to take and support prudent and pragmatic steps to reverse climate change and mitigate its devastating impacts by reducing the amount of greenhouse gases and other forms of pollution that contribute to climate change,

NOW, THEREFORE, BE IT RESOLVED by the County/City/Town of (FILL OUT), that:

1. We applaud the Biden administration’s executive order that temporarily pauses new oil and gas leasing on federal public lands and encourage the administration to:
 - a. Modernize the federal oil and gas leasing program to ensure the oil and gas companies that hold leases and extract natural resources provide a fair return to federal and state taxpayers; and
 - b. Develop a plan to phase out the production of fossil fuels, which are a major contributor to climate change, in a way that also supports the workers, communities, and states that currently have fossil fuel dependent economies.

APPROVED AND ADOPTED this ## day of (FILL OUT), 2021.

ATTEST: (FILL OUT)



Oil and Gas Pause Resolution Background

President Biden's Executive Order - January 27, 2021 Pause on New Oil and Gas Leasing on U.S. Federal Public Lands

Public lands are the backbone of our Western mountain communities and vital for our way of life. Over the last year as the country has navigated COVID, residents and visitors are finding solace in the outdoors more than ever before. We are thrilled with the Biden administration's forward looking [executive orders](#) that will result in bold climate action and protection for our public lands. These actions will help boost the economy as we recover from the impacts of COVID-19 and will move us towards a more sustainable future.

The [pause on new oil and gas leasing on federal public lands](#) was one section out of three in President Biden's executive order on January 27, 2021. By pausing oil and gas leasing for the first time in 40 years, the Biden Administration rightly recognized the federal oil and gas leasing program is fundamentally broken and must be overhauled to address the climate crisis, generate a fair return for taxpayers, respect local landowners, and support communities in the inevitable transition away from fossil fuels.

Please see below for more background on why we encourage your County/City/Town Commission/Council to [adopt a resolution](#) showing support for this pause.

Oil and Gas Leasing Pause

HITTING PAUSE ON NEW OIL AND GAS LEASING (From the *Department of Interior Fact Sheet*) -

"The Executive Order will direct the Department of the Interior to pause new oil and natural gas leasing on public lands and offshore waters, concurrent with a comprehensive review of the federal oil and gas program. The targeted pause **does not impact** existing operations or permits for valid, existing leases, which are continuing to be reviewed and approved. The order does not restrict energy activities on private or state lands, or lands that the United States holds in trust or restricted status for Tribes or individual Indians.

The President's action will provide a chance to **review** the federal oil and gas program to ensure that it serves the public interest and to **restore balance** on America's public lands and waters to benefit current and future generations. Fossil fuel extraction on public lands accounts for nearly a quarter of all U.S. [greenhouse gas emissions](#). Irresponsible leasing of public lands and waters impacts communities' access to clean air, clean water, and outdoor recreation; carves up important wildlife habitat; and threatens cultural and sacred sites. Multiple bills in Congress have been introduced in recent years to reform the outdated program, including those to better ensure the public is not shut out of land management and leasing decisions; to address the mounting cleanup and remediation costs of orphan wells scattered across the country; and to provide a fair return to taxpayers for the use of their resources."

Why Is This Pause Necessary?

- Under our [current system](#), oil and gas companies nominate public lands they want to drill, purchase oil and gas leases at obscenely low rates, easily obtain drilling permits, and pay taxpayers low and outdated royalty rates, depriving governments of much-needed revenue.
- Onshore, of the more than 26 million acres under lease to the oil and gas industry, nearly 13.9 million (or 53%) of those acres are unused and non-producing.

- The Trump administration conducted a fire sale of public lands and waters, offering more than 25 million acres onshore during the past four years, 5.6 million of which were purchased.
- This pause does not affect current drilling or previously approved permits. If a project has been permitted but not started, the company is still free to move forward. The Associated Press reported that companies stockpiled thousands of permits at the end of Donald Trump’s presidency to allow drilling for several years.
- A review of this nature is not unprecedented; similar reviews have occurred for the federal oil, gas, and coal programs in the 1970s and 1980s.
- Fossil fuel production on public lands causes about a quarter of U.S. greenhouse gas pollution.
- When companies go bankrupt and orphan their wells -- which is happening with great frequency right now -- taxpayers are left on the hook to clean up their mess and deal with contaminated drinking water, polluted air, and threatens wildlife habitat.
- The Land and Water Conservation Fund would not be impacted by preventing new offshore drilling. Federal energy revenues total about \$7 billion and current production revenues, without opening new areas to leasing, fully cover LWCF’s \$900 million annual deposits with an additional \$3 billion a year remaining in the Treasury General Account.
- As this is a pause on new leases, community projects funded with royalties won’t be impacted. Education funding should not be subject to the boom and bust cycles of the oil and gas industry. We need to diversify our economy, transition away from the boom and bust cycles of fossil fuels, and invest in good paying clean energy jobs of the future.

MORE INFORMATION

Currently Leased Lands

- According to the latest Bureau of Land Management data, 51 percent of all active oil and gas leases are not being used and about 90 percent of lands managed by the Bureau of Land Management (BLM) in the West – close to 200 million acres – were open to oil and gas leasing.
- Only 23 percent of BLM lands are considered to have a moderate to high potential for oil and gas development.
- The federal onshore program accounted for just 5% of oil produced in the United States between 2008 and 2017. This is because “the most promising prospects and higher returns” are found on non-federal lands, as well as offshore.

Climate Change Impacts

This pause offers an opportunity to tackle the climate crisis head on by curbing dangerous pollution from endless drilling that also contaminates our waters and oceans and disproportionately threatens low-income communities and communities of color.

- Fossil fuel production on public lands causes about a quarter of U.S. greenhouse gas pollution. Research shows that common sense changes to the federal oil and gas leasing program would reduce carbon emissions by 100 million tons per year while generating \$7 billion in additional revenue.
- Beyond the profound financial risk to taxpayers, orphaned wells are environmental hazards that threaten drinking water supplies, endanger wildlife, and serve as a significant source of methane pollution.
- Healthy public lands and waters support valuable local outdoor recreation and tourism economies, give us the opportunity to connect with nature and the many health benefits it provides, and support the ample responsible production of renewable energy that can help communities dependent on fossil fuels transition to a new energy economy while improving their resilience to climate impacts.
- Tackling the climate crisis is both an obligation and an opportunity, and we must ensure that the communities and the workers that work in the fossil fuel industry are not left behind in the transition to clean energy. It is important that this critical step also include efforts to ensure a just and equitable transition to a clean-energy based economy by creating stable, good-paying jobs and a healthier future for all communities.

Economic Impacts

Companies must pay the federal government a royalty for the oil and gas they extract from federal lands and waters -- but the rates, at 12.5% for onshore tracts, have been frozen since the 1920s. Offshore, the rates have ranged recently from 12.5% to 18.75%.

- The current approach consistently shortchanges taxpayers and means annual rental fees for some leased acres can cost less than a cup of coffee.
- Lease bids account for just 10% of the revenue generated by the onshore program.
- A leasing pause will have little impact on day-to-day employment in the oil and gas industry and even oil industry analysts reject the idea that a single decision like this would have a significant impact on oil prices.
- The onshore leasing program has hemorrhaged revenue for decades. According to one estimate, the program's outdated royalty rate cost taxpayers \$12.4 billion in revenue between 2010 and 2019.
- The industry has been shedding jobs for some time. Since 2014, the industry has lost nearly 20% of its workforce. Ongoing consolidation within the industry is exacerbating this trend.
 - Since 2010, U.S. oil and gas companies accrued more than \$340 billion in losses, operating on increasing debt in order to boost production.
 - In the oil and gas industry, profitability and drilling decisions are determined by the price of oil. Currently, WTI crude is trading around \$52/barrel, much lower than crude prices at the beginning of the shale boom.
- The costs of repeated boom-and-bust cycles are mounting, in particular from orphaned wells abandoned by bankrupt operators.
 - Oil and gas CEOs don't have to put down enough money to clean up after themselves thanks to outdated federal bonding rates.
 - The number of oil and gas producers filing for bankruptcy is rising, which is only worsening the already-dire orphaned well problem in the U.S. There are currently about 57,000 orphaned wells throughout the country, and the Interstate Oil and Gas Compact Commission estimates that as many as another 746,000 wells may be orphaned as well.
 - It can cost upwards of \$300,000 to plug a modern oil and gas well, but the BLM requires companies to post a bond of just \$10,000 per well. This rate is even less for companies that use national or statewide bonds, which can cover hundreds or thousands of wells.
 - This could cost the public hundreds of millions – if not billions – of dollars, at a time when states are already facing serious budget deficits and can't afford to clean up industry's mess – yet the BLM has collected just \$204 million in reclamation bonds from the industry.
 - For example, the State of New Mexico estimates that it will cost over \$3 billion to safely reclaim the state's 136,000+ wells, many of which are located on federal land. The state has collected just \$17 million in reclamation bonds, while the BLM has only \$204 million in bonds for federal wells throughout the country.

Moving Forward

We look forward to working with the Biden administration on pursuing a just and equitable transition to a clean-energy based economy, creating stable good paying jobs and a better future for all communities.

- Presidents have suspended public lands leasing at least four times before in accordance with the Mineral Leasing Act, the Federal Land Policy and Management Act, and the National Environmental Policy Act.
- According to the Government Accountability Office, raising royalty rates would provide more money for state and local governments. The royalty rate for oil and gas drilling hasn't been updated since the Woodrow Wilson administration. It was set at a minimum of 12.5 percent when he signed the Mineral Leasing Act in 1920 — but hasn't budged up since, even as drilling for oil became more lucrative and less risky over time.

- By increasing appropriately-sited renewable energy generation, the administration can move our public lands towards a future as net-zero sources of climate emissions, all while creating jobs and ensuring state and local governments have new revenue streams.
- Congress also has the opportunity to create new jobs – as many as 24,000 – by paying oil and gas workers to clean-up the nearly 57,000 orphaned wells that are scattered throughout the country. Investing in cleaning up abandoned wells could create more than 24,000 jobs while protecting public lands for outdoor recreation like hunting, fishing, and hiking would put even more people back to work in the outdoor recreation economy.
- in 2020, Western senators introduced four oil and gas reform bills that would go a long way toward bringing the leasing program into the 21st century: Sen. Cortez Masto’s bill to end low potential lands leasing, Sens. Udall and Grassley’s bill to modernize the onshore program’s fiscal rates, Sen. Tester’s bill to end noncompetitive leasing, and Sen. Bennet’s bonding reform and orphaned well clean-up bill.
- Managing more public lands for conservation and recreation can harness the booming outdoor industry, supporting jobs both locally and throughout supply chains.
 - Outdoor recreation is the economic lifeblood of many western states. The industry is responsible for \$887 billion in consumer spending and directly supports 5.2 million jobs across the U.S. National parks in particular received 327.5 million visits in 2019, which generated \$41.7 billion in economic output for state and local economies.
- Many western states are taking steps to reduce their reliance on fossil fuel revenues and capitalize on continued growth in other industries, including outdoor recreation and renewable energy.
 - The State of Colorado just adopted “sweeping” new rules that, according to industry, are “undoubtedly . . . the toughest oil and natural gas development regulations in the country.” And in New Mexico, the state recently enacted a multi-year moratorium on leasing state lands near Chaco Canyon, and is now moving forward with efforts to overhaul and strengthen state oil and gas bonding requirements.

State Specific Oil and Gas Leasing Information

Rocky Mountain Wild conducted an analysis of leasing in the Mountain West. The states included in this analysis, Colorado, Montana, Nevada, New Mexico, Utah and Wyoming, are those in the continental United States with the most federal oil and gas leases. Arizona was not included in this analysis because there are currently only three parcels leased in the state for a total of about 4,200 acres and there has not been a lease sale in Arizona since September, 2018.

The results of this analysis show that the oil and gas industry currently has millions of acres of leases where they can continue operations during this pause. In addition, in many of these states, interest in leasing has gone down significantly in the last year. This report first presents key results from the analysis for each state and is supplemented by an interactive map that shows federal oil and gas leases.

Colorado

- Over 2.4 million acres are currently leased with 1.6 million acres on lands with the highest potential for oil and gas development.
- Almost 1.4 million acres leased are not developed.

Montana

- Over 1.5 million acres are currently leased with about 671 thousand acres on lands with moderate to high potential for oil and gas development.
- Over 1 million acres leased are not developed.
- In 2019 over 86 thousand acres of leases were sold. In 2020 that number was down to less than 17 thousand acres.

Nevada

- About 883 thousand acres are currently leased with about 449 thousand acres on lands with moderate to high potential for oil and gas development.
- Over 862 thousand acres leased are not developed.
- In 2019 almost 68 thousand acres of leases were sold. In 2020 that number was down to less than 17 thousand acres.

New Mexico

- Almost 4.3 million acres are currently leased with almost 1.6 million acres on lands with the highest potential for oil and gas development.
- Over 1.1 million acres leased are not developed.
- In 2019 over 58 thousand acres of leases were sold and in 2020 over 70 thousand acres were sold. In 2021 less than 6.7 thousand acres have been proposed to be sold.

Utah

- Over 2.7 million acres are currently leased with over 1.7 million acres on lands with the highest potential for oil and gas development.
- Over 1.1 million acres leased are not developed.
- In 2019 almost 225 thousand acres of leases were sold. In 2020 that number was down to about 60 thousand acres.

Wyoming

- Over 8 million acres are currently leased with over 3 million acres on lands with moderate to high potential for oil and gas development.
- Over 5 million acres leased are not developed.
- In 2019 almost 1.2 million acres of leases were sold. In 2020 that number was down to less than 242 thousand acres.



Oil and Gas Pause Resolution Background

President Biden's Executive Order - January 27, 2021

Temporary Pause on New Oil & Gas Leasing on U.S. Federal Public Lands

Public lands are the backbone of our Western mountain communities and vital for our way of life. Over the last year as the country has navigated COVID, residents and visitors are finding solace in the outdoors more than ever before. We are thrilled with the Biden administration's forward looking [executive orders](#) that will result in bold climate action and protection for our public lands. These actions will help boost the economy as we recover from the impacts of COVID-19 and will move us towards a more sustainable future.

The [pause on new oil and gas leasing on federal public lands](#) was one section out of three in President Biden's executive order on January 27, 2021. By pausing oil and gas leasing for the first time in 40 years, the Biden Administration rightly recognized the federal oil and gas leasing program is fundamentally broken and must be overhauled to address the climate crisis, generate a fair return for taxpayers, respect local landowners, and support communities in the inevitable transition away from fossil fuels.

Please see below for more background on why we encourage your County/City/Town Commission/Council to adopt a resolution showing support for this pause.

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- A review of this nature is not unprecedented; similar reviews have occurred for the federal oil, gas, and coal programs in the 1970s and 1980s.
- Fossil fuel production on public lands [causes about a quarter](#) of U.S. greenhouse gas pollution.
- When companies go bankrupt and orphan their wells -- which is happening with great frequency right now -- taxpayers are left on the hook to clean up their mess and deal with contaminated drinking water, polluted air, and threatens wildlife habitat.
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[SEE MORE INFORMATION HERE](#)