



# CITY COUNCIL REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201  
November 01, 2022 - 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/xAllQfSsmmO/vpfQhcsApYv\\_5?preview=1](https://c.streamhoster.com/embed/media/W6sdC9/xAllQfSsmmO/vpfQhcsApYv_5?preview=1)

### CALL TO ORDER

Pledge of Allegiance

Roll Call

Civility Invocation

1. Civility Invocation

### CONSENT AGENDA

2. Approve Agenda
3. Approve October 18, 2022 Minutes
4. Block Party Street Closure
5. Salida Elks Lodge Special Event Charity Ball
6. Salida Elks Lodge Special Event Christmas Mountain Celebration
7. 2022 Concrete Maintenance Project Change Order
8. Scout Wave Engineering Change Order
9. Monarch Mountain Ski Bus Contract

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

### UNFINISHED BUSINESS / ACTION ITEMS

10. **Ordinance 2022-19** AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO AMENDING CHAPTER 16, ARTICLE IV OF THE SALIDA MUNICIPAL CODE, REGARDING ZONING VARIANCES, **SECOND READING AND PUBLIC HEARING (TO BE CONTINUED TO NOVEMBER 15, 2022 REGULAR MEETING)**

### NEW BUSINESS / ACTION ITEMS

11. Amplified Sound Permits for Tres Litros, **PUBLIC HEARING**
12. **Ordinance 2022-20** AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, REZONING CERTAIN REAL PROPERTY KNOWN AS LOTS 15-21 OF THE RIVER RIDGE SUBDIVISION AND LOTS 1 & 2 OF THE DUTCH RUN SUBDIVISION FROM A MIX OF HIGH DENSITY RESIDENTIAL DISTRICT (R-3) AND MANUFACTURED HOUSING RESIDENTIAL DISTRICT (R-4) TO ENTIRELY HIGH-DENSITY RESIDENTIAL DISTRICT (R-3), **FIRST READING AND SETTING A PUBLIC HEARING**

*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.*

## COUNCILORS, MAYOR AND CITY TREASURER REPORTS

### Council Reports

- Critelli, Kasper, Naccarato, Pappenfort, Pollock, Templeton

### Mayor Report

### Treasurer Report

### Attorney Report

## EXECUTIVE SESSION

13. For the purpose of conferencing with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S Section 24-6-402(4)(b), and for the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiation and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e), and the following additional details are provided for identification purposes: **Potential Development of city-owned property and related Development Agreement for Affordable Housing Purposes**

## ADJOURN



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City Clerk | Deputy City Clerk

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Mayor Dan Shore



## CIVILITY INVOCATION

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

- We honor the opportunity to be engaged in the process of governance for the benefit of our community.
- We acknowledge that each of us brings a unique perspective to this conversation and that our perspectives may differ.
- We challenge ourselves to value varying points of view and hold all contributions as equally important.
- We understand and accept that while we may sometimes disagree, we can always be courteous and kind.
- We commit to respectful language, avoiding rumor, harsh criticism or personal accusation, even when feeling emotionally charged.
- We will, to best of our ability, speak thoughtfully and listen with attention, respect, and curiosity.
- We are confident that there may be even better solutions than any of us have thought of, which may be discovered through civil conversations.
- We 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  
October 18, 2022 - 6:00 PM

## MINUTES

### CALL TO ORDER

#### Pledge of Allegiance

#### Roll Call

#### PRESENT

Council Member Justin Critelli  
Council Member Harald Kasper  
Council Member Dominique Naccarato  
Council Member Alisa Pappenfort  
Council Member Mike Pollock  
Council Member Jane Templeton  
Mayor Dan Shore  
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 Kasper.

Voting Yea: Council Member Naccarato, Council Member Pappenfort, Council Member Pollock, Council Member Templeton

#### THE MOTION PASSED.

Approve Agenda  
Approve October 4, 2022 Minutes  
Approve Thriller Dance Street Closure  
Approve Release of Cherry Grove Subdivision Warranty

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

Doug Mendelson and Cory Riggs spoke during Public Comment.

### UNFINISHED BUSINESS / ACTION ITEMS

There was no Unfinished Business.

### NEW BUSINESS / ACTION ITEMS

Amplified Noise Permit - The 146 Taphouse - **PUBLIC HEARING**

Mayor Shore opened the Public Hearing. City Administrator Drew Nelson presented the request.

An email from Lisa DeYoung was shared with Council.

*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.*



Shore closed the Public Hearing.

Council discussed the request.

Council Member Kasper moved to approve the Noise Permits, Seconded by Council Member Pappenfort.

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

THE MOTION PASSED.

**Resolution 2022-50** A RESOLUTION OF THE CITY COUNCIL OF SALIDA, COLORADO SUMMARIZING REVENUES AND EXPENDITURES FOR EACH FUND AND ADOPTING A BUDGET FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2023 AND ENDING THE LAST DAY OF DECEMBER 2023, **PUBLIC HEARING**

Mayor Shore opened the Public Hearing.

Finance Director Aimee Tihonovich presented the Resolution.

Hearing no comment, Shore closed the Public Hearing.

Council discussed the request.

Council Member Pappenfort moved to approve the Resolution, Seconded by Council Member Critelli.

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

THE MOTION PASSED.

**Resolution 2022-51** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, FINDING THE STRINGER ANNEXATION PETITION TO BE IN SUBSTANTIAL COMPLIANCE WITH STATE STATUTES AND SETTING A PUBLIC HEARING ON SAID PETITION

Council Member Critelli moved to approve the Resolution, Seconded by Council Member Templeton.

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

THE MOTION PASSED.

**Resolution 2022-52** A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO EXPRESSING ITS SUPPORT OF BALLOT ISSUES 2A AND 2B, TO IMPROVE THE AVAILABILITY OF AFFORDABLE HOUSING IN CHAFFEE COUNTY

Council Member Critelli moved to approve the Resolution, Seconded by Council Member Pappenfort.

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

THE MOTION PASSED.

**Resolution 2022-53** A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO EXPRESSING ITS SUPPORT OF BALLOT ISSUE 2D, TO APPROVE THE SALIDA BOTTLING COMPANY PLANNED DEVELOPMENT

Council Member Templeton moved to approve the Resolution, Seconded by Council Member Kasper.

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

THE MOTION PASSED.

**Ordinance 2022-19** AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO AMENDING CHAPTER 16, ARTICLE IV OF THE SALIDA MUNICIPAL CODE, REGARDING ZONING VARIANCES, **FIRST READING AND SETTING A PUBLIC HEARING**

Council Member Naccarato moved to approve the Ordinance on first Reading and set a Public Hearing for November 1, 2022, Seconded by Council Member Kasper.

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

THE MOTION PASSED.

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

Reports were given.

#### **ADJOURN**

Adjourned at 7:28 p.m.



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City Clerk | Deputy City Clerk

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Mayor Dan Shore

### **Street Closure-Block Party**

Request of Street Closure for 1<sup>st</sup> Block of Chilcott St. on November 24, Thanksgiving Day, from 12PM-8PM

Chilcott Chill-alot Giving Thanks, Shine On Joe Pasquale Block Party

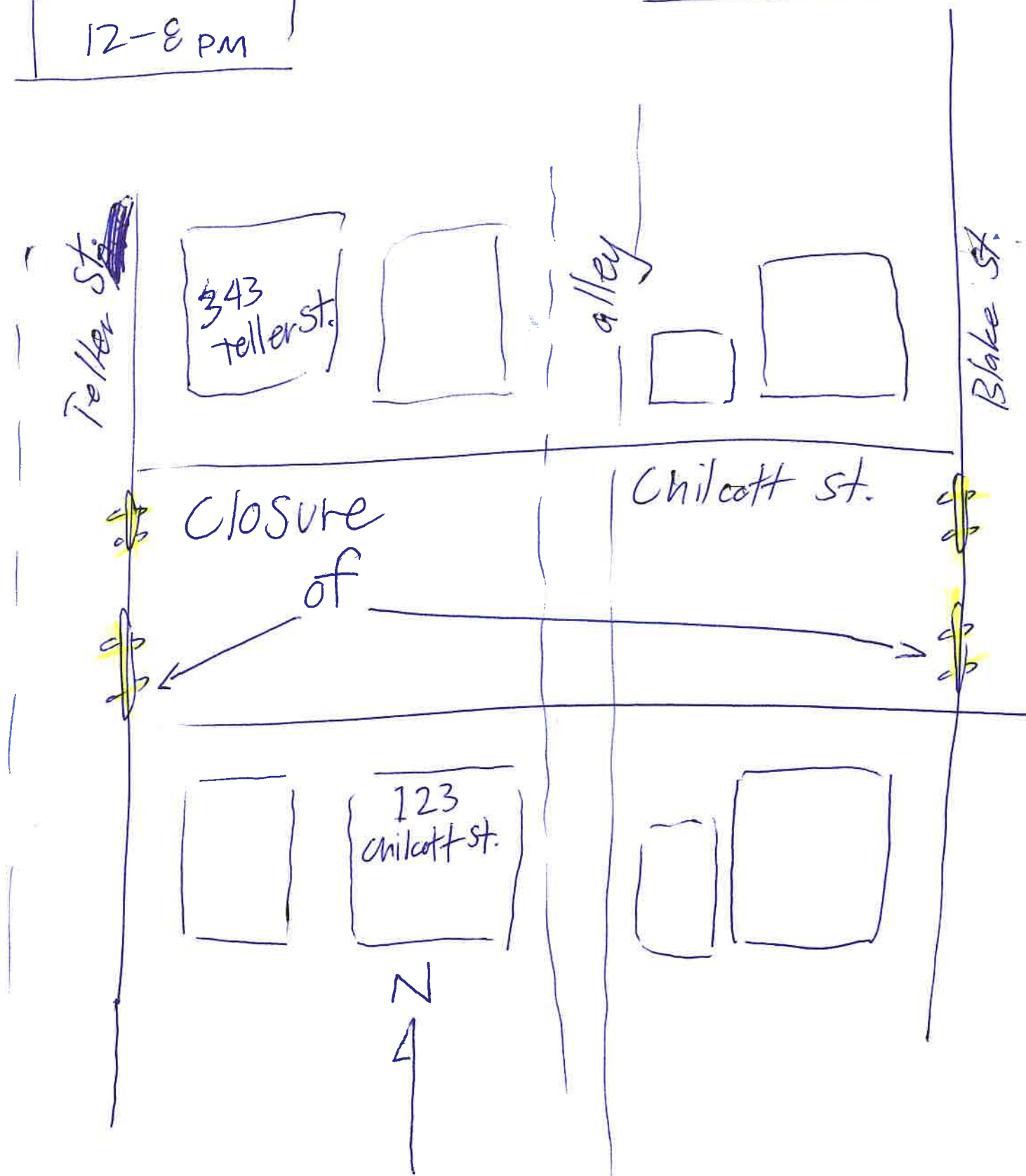
Small gathering of friends and family to socialize, give thanks, and remember our amazing neighbor!

-Street Closure on 100<sup>th</sup> block of Chilcott St. between Teller St. and Blake St. from 12-8PM on Nov. 24



Block Party  
Nov. 24  
12-8 pm

Closure  
of  
1st Block of  
Chilcott Street



Event location: 1st Block of Chilcott St. Date: 11.24  
Event time/ Start: 12 PM Finish: 8 PM  
Event coordinator: Jackson Bahn Phone: 719. 600. 9519  
Email address: jtbahn75@gmail.com Cell phone: \_\_\_\_\_

[illegible]



SALIDA ELKS LODGE NO. 808  
BENEVOLENT & PROTECTIVE ORDER OF ELKS  
148 E 2ND ST.  
P. O. BOX 967  
SALIDA, CO 81201-0967  
719-539-6976  
bpoe808@bresnan.net



October 13, 2022

RE: Salida Elks Lodge Charity Ball November 19<sup>th</sup>, 2022

Salida Elks Lodge #808 has traditionally held a Charity Ball / dance and dinner annually. This is to raise money for our Charity account, the funds from which help our community.

This year we plan to hold this on November 19<sup>th</sup>, 2022. This was voted on and approved at our lodge meeting on September 27<sup>th</sup>, 2022 by our board and members.

We are asking for a special event permit to be open to the public for this event.

All fees and documents have been provided.

The Event Manager is Sam Johnson.

Submitted by,

A handwritten signature in black ink, appearing to read "James DeLuca".

James DeLuca

PER/Lodge Secretary Salida Elks Lodge 808 B.P.O.E

## APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

Item 5.

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT  
AND ONE OF THE FOLLOWING (See back for details.)

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> SOCIAL               | <input type="checkbox"/> ATHLETIC                                      | <input type="checkbox"/> PHILANTHROPIC INSTITUTION           |
| <input checked="" type="checkbox"/> FRATERNAL | <input checked="" type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE                 |
| <input type="checkbox"/> PATRIOTIC            | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY         | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL            | <input type="checkbox"/> RELIGIOUS INSTITUTION                         |  |

**LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:**  
2110 ☐ MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY  
2170 ☐ FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

**DO NOT WRITE IN THIS SPACE**

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE

State Sales Tax Number (Required)

Salida Elks Lodge #808

00502443-0000

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE  
(include street, city/town and ZIP)

PO Box 967  
Salida, Co. 81201

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT  
(include street, city/town and ZIP)

Salida Elks Lodge  
148 E 2nd St.  
Salida, Co 81201

NAME

DATE OF BIRTH

HOME ADDRESS (Street, City, State, ZIP)

PHONE NUMBER

4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE

James DeLuca PER/Lodge Secretary

719-821-0915

5. EVENT MANAGER

Sam Johnson

719-221-2453

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN  
ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?

☐ NO ☒ YES HOW MANY DAYS? 2

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?

☐ NO ☒ YES TO WHOM? 10-73458-0000

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? ☒ Yes ☐ No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	From	To	Hours	From	To	Hours	From	To	Hours	From	To	Hours	From	To
November 19 2022			2:00 p .m.		midnight .m.									

### 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.

SIGNATURE

*James DeLuca*

TITLE

LODGE SECRETARY

DATE

10/13/2022

### REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR 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 provisions of Title 12, Article 48, C.R.S., as amended.

**THEREFORE, THIS APPLICATION IS APPROVED.**

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

☐ CITY  
☐ COUNTY

TELEPHONE NUMBER OF CITY/COUNTY CLERK

SIGNATURE

TITLE

DATE

**DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY**

### LIABILITY INFORMATION

License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$ .

(Instructions on Reverse Side)

## APPLICATION INFORMATION AND CHECKLIST

### THE FOLLOWING SUPPORTING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION FOR A PERMIT TO BE ISSUED:

- ☐ Appropriate fee.
- ☐ Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.  
**Note:** If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- ☐ Copy of deed, lease, or written permission of owner for use of the premises.
- ☐ Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; **or**
- ☐ If not incorporated, a NONPROFIT charter; **or**
- ☐ If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- ☐ APPLICATION MUST FIRST BE SUBMITTED TO THE LOCAL LICENSING AUTHORITY (CITY OR COUNTY) AT LEAST THIRTY (30) DAYS PRIOR TO THE EVENT.
- ☐ THE PREMISES TO BE LICENSED MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE A HEARING CAN BE HELD. (12-48-106 C.R.S.)
- ☐ AN APPROVED APPLICATION MUST BE RECEIVED BY THE LIQUOR ENFORCEMENT DIVISION AT LEAST TEN (10) DAYS PRIOR TO THE EVENT.
- ☐ CHECK PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE

(12-48-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 46 and 47 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.



OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,  
SALIDA LODGE NO. 808 OF THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE  
UNITED STATES OF AMERICA

is a

Nonprofit Corporation

formed or registered on 10/03/1991 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19911079196 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 10/10/2022 that have been posted, and by documents delivered to this office electronically through 10/13/2022 @ 09:19:12 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 10/13/2022 @ 09:19:12 in accordance with applicable law. This certificate is assigned Confirmation Number 14384311 .

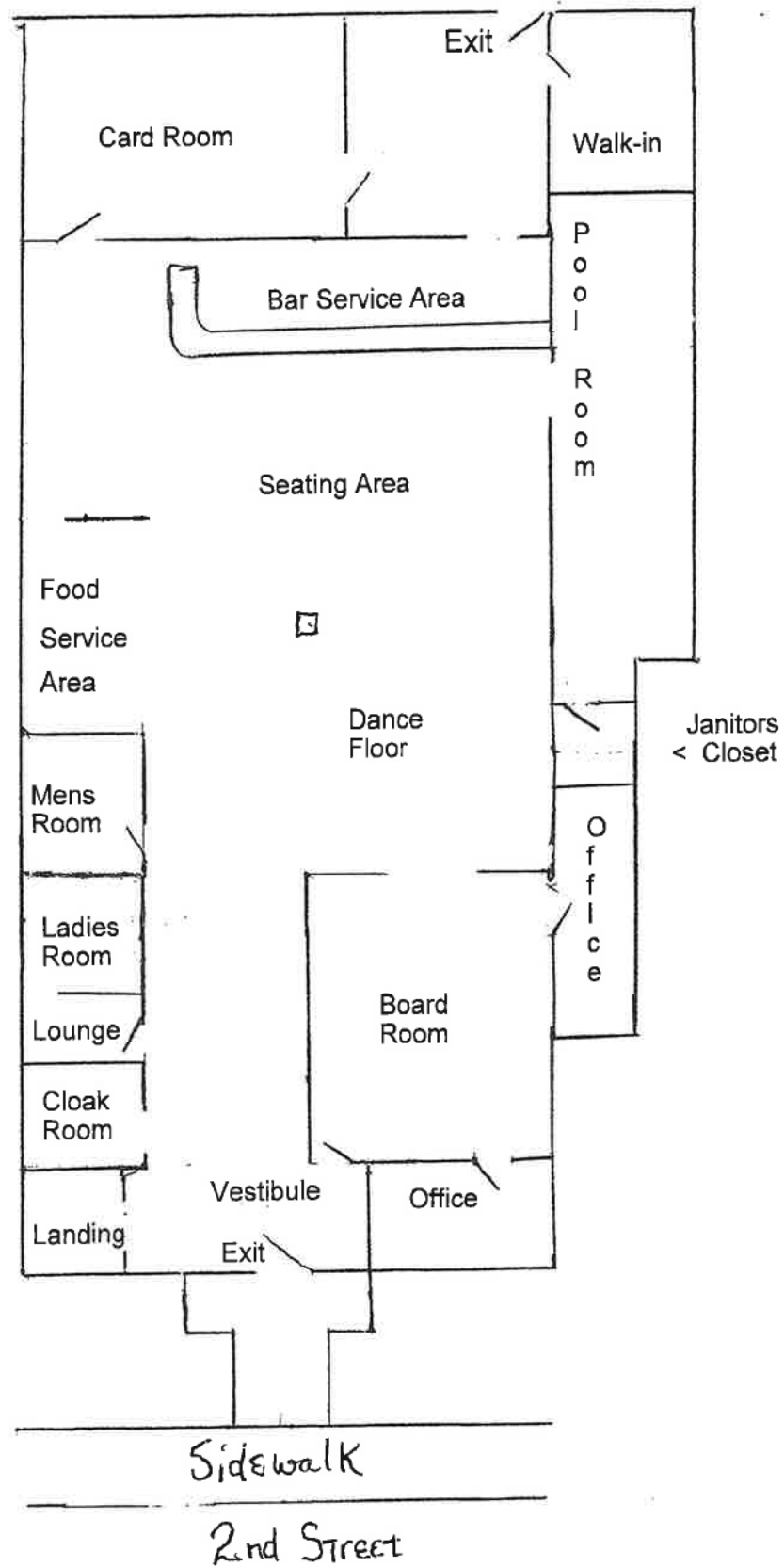


*Jena Griswold*

Secretary of State of the State of Colorado

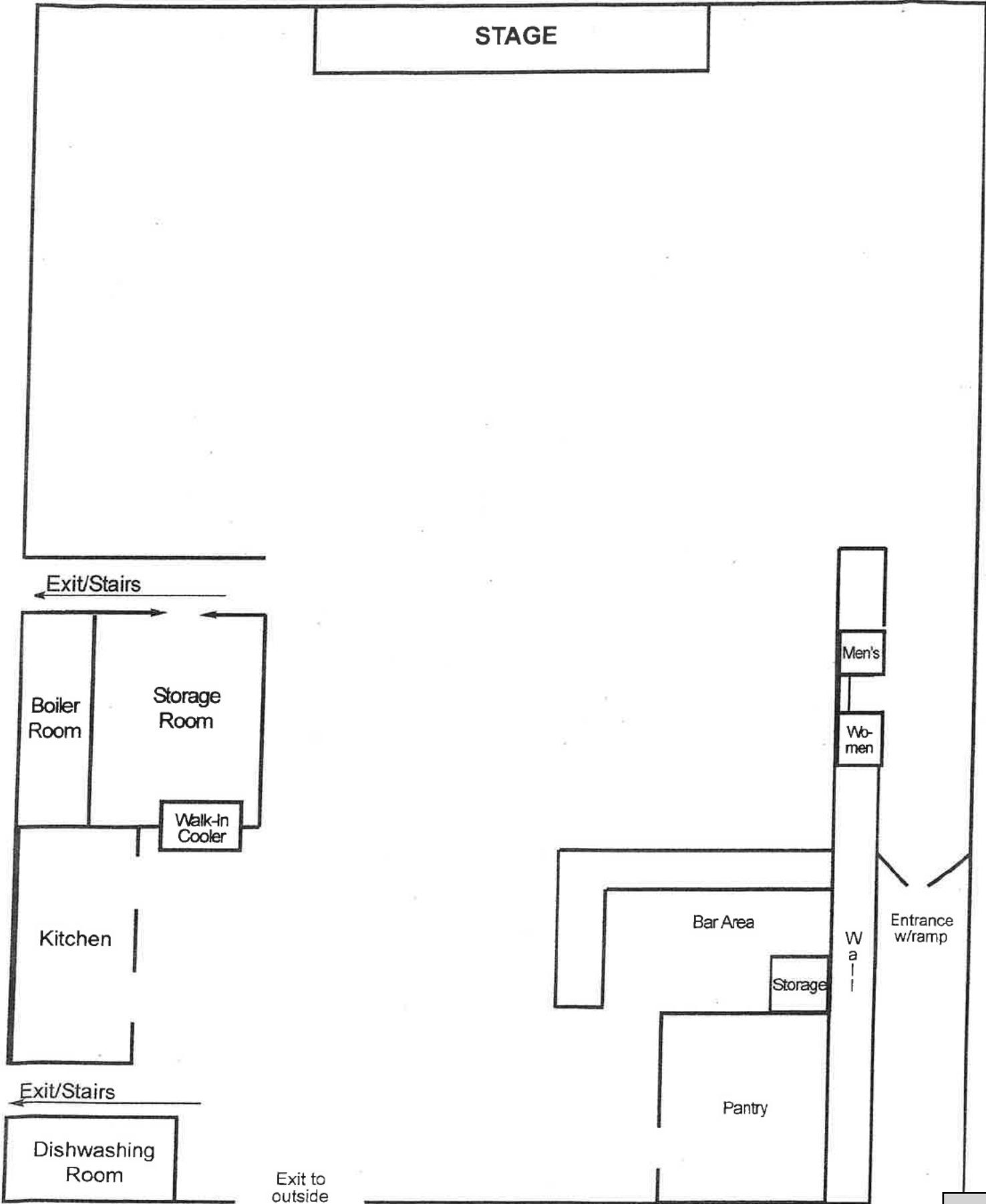
\*\*\*\*\*End of Certificate\*\*\*\*\*

*Notice: A certificate issued electronically from the Colorado Secretary of State's website is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's website, <https://www.coloradosos.gov/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our website, <https://www.coloradosos.gov> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."*



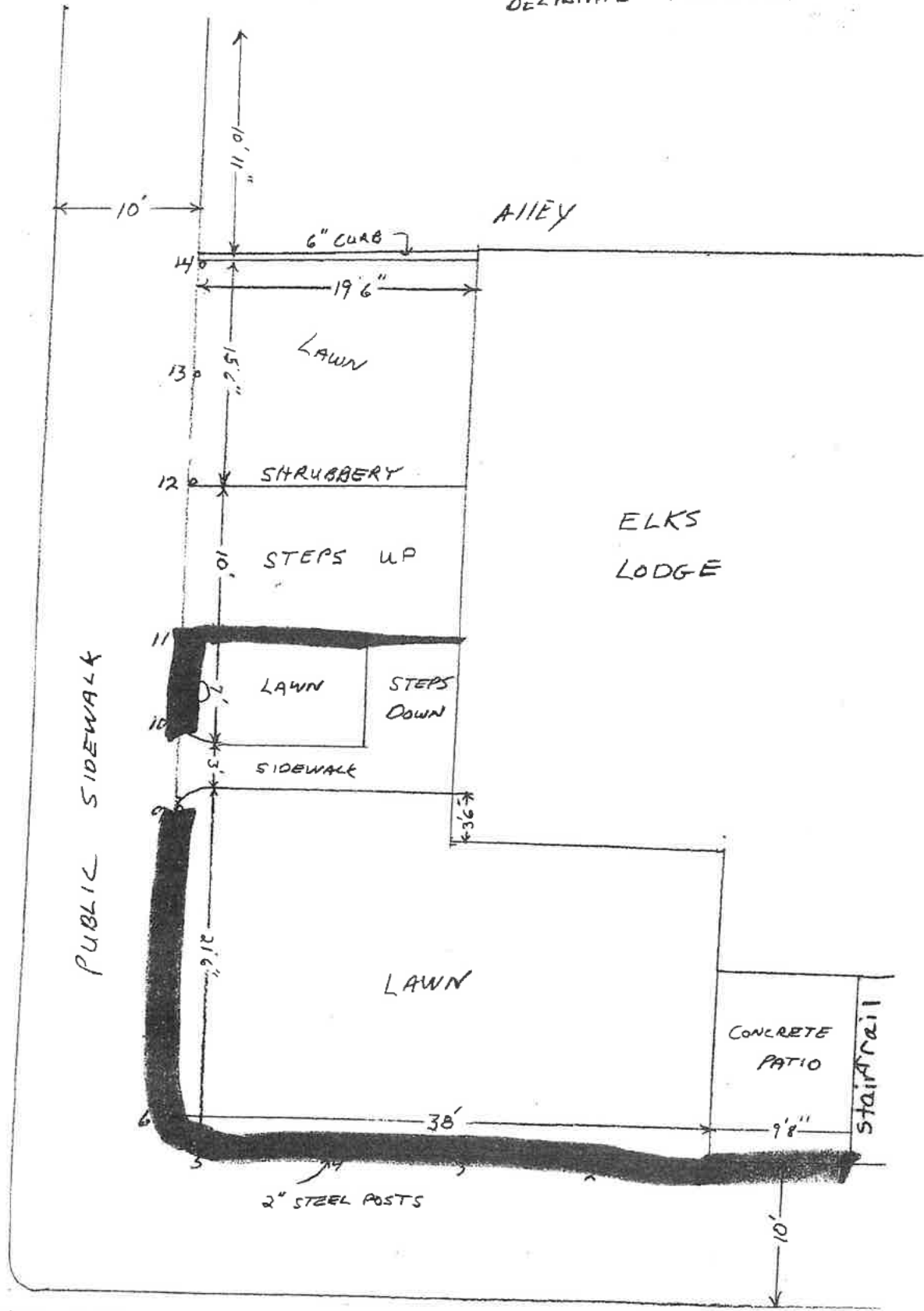
**SALIDA ELKS LODGE BPOE #808**  
**250 Maximum Capacity**

Item 5.



APPROXIMATELY 8' APART  
WITH STUDDY CHAIN  
ATTACHED BETWEEN TO  
DELIAIATE PROPERTY LINES.

Item 5.



REQUIRES  
14- 4'x2" STEEL POSTS  
80' CHAIN  
MARKED BY

E STREET

N



SALIDA ELKS LODGE NO. 808  
BENEVOLENT & PROTECTIVE ORDER OF ELKS  
148 E 2ND ST.  
P. O. BOX 967  
SALIDA, CO 81201-0967  
719-539-6976  
bpoe808@bresnan.net



October 13, 2022

RE: Special Events Permit November 25<sup>th</sup> -26<sup>th</sup> 2022, Christmas Mountain Celebration

Salida Elks Lodge #808 has shared in the celebration of the Lighting of Christmas Mountain for several years now. We again would like to participate in this which is traditionally a community affair.

This was voted on and approved at our lodge meeting on September 27<sup>th</sup>, 2022 by our board and lodge members.

We are asking for a special event permit to be open to the public on the two days after Thanksgiving to participate in the festivities. We will provide our red and green chili for a donation as we typically do on the night of the parade. This can be taken out in a disposable cup to enjoy at the parade or enjoyed inside our Club to get out of the cold.

All fees and documents have been provided.

The Event Manager for this is Roger Gaalaas Exalter Ruler of our Lodge.

Submitted by,

A handwritten signature in cursive script, appearing to read "James DeLuca".

James DeLuca

PER/Lodge Secretary Salida Elks Lodge 808 B.P.O.E

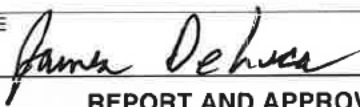
## APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

Item 6.

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT  
AND ONE OF THE FOLLOWING (See back for details.)

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> SOCIAL               | <input type="checkbox"/> ATHLETIC                                      | <input type="checkbox"/> PHILANTHROPIC INSTITUTION           |
| <input checked="" type="checkbox"/> FRATERNAL | <input checked="" type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE                 |
| <input type="checkbox"/> PATRIOTIC            | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY         | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL            | <input type="checkbox"/> RELIGIOUS INSTITUTION                         |  |

<b>LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:</b>		<b>DO NOT WRITE IN THIS SPACE</b>	
2110 <input type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY		LIQUOR PERMIT NUMBER	
2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY			
1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE Salida Elks Lodge #808		State Sales Tax Number (Required) 00502443-0000	
2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) PO Box 967 Salida, Co. 81201		3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) Salida Elks Lodge 148 E 2nd St. Salida, Co 81201	
NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE James DeLuca PER/Lodge Secretary			719-821-0915
5. EVENT MANAGER Roger Gaalaas ER			719-207-1198
6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES HOW MANY DAYS? 3		7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES TO WHOM? 10-73458-0000	
8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT			
Date November 25th Hours From 11:00 a.m. To midnight .m.	Date November 26th Hours From 11:00 a.m. To midnight .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.
<b>OATH OF APPLICANT</b> 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.			
SIGNATURE 		TITLE LODGE SECRETARY	DATE 10/13/2022
<b>REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)</b> 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 provisions of Title 12, Article 48, C.R.S., as amended. <b>THEREFORE, THIS APPLICATION IS APPROVED.</b>			
LOCAL LICENSING AUTHORITY (CITY OR COUNTY) <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY		TELEPHONE NUMBER OF CITY/COUNTY CLERK	
SIGNATURE		TITLE	DATE
<b>DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY</b>			
<b>LIABILITY INFORMATION</b>			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$

(Instructions on Reverse Side)

## APPLICATION INFORMATION AND CHECKLIST

### THE FOLLOWING SUPPORTING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION FOR A PERMIT TO BE ISSUED:

- ☐ Appropriate fee.
- ☐ Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.  
**Note:** If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- ☐ Copy of deed, lease, or written permission of owner for use of the premises.
- ☐ Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; **or**
- ☐ If not incorporated, a NONPROFIT charter; **or**
- ☐ If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- ☐ APPLICATION MUST FIRST BE SUBMITTED TO THE LOCAL LICENSING AUTHORITY (CITY OR COUNTY) AT LEAST THIRTY (30) DAYS PRIOR TO THE EVENT.
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- ☐ CHECK PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE

(12-48-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 46 and 47 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

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OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,  
SALIDA LODGE NO. 808 OF THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE  
UNITED STATES OF AMERICA

is a

Nonprofit Corporation

formed or registered on 10/03/1991 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19911079196 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 10/10/2022 that have been posted, and by documents delivered to this office electronically through 10/13/2022 @ 09:19:12 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 10/13/2022 @ 09:19:12 in accordance with applicable law. This certificate is assigned Confirmation Number 14384311 .



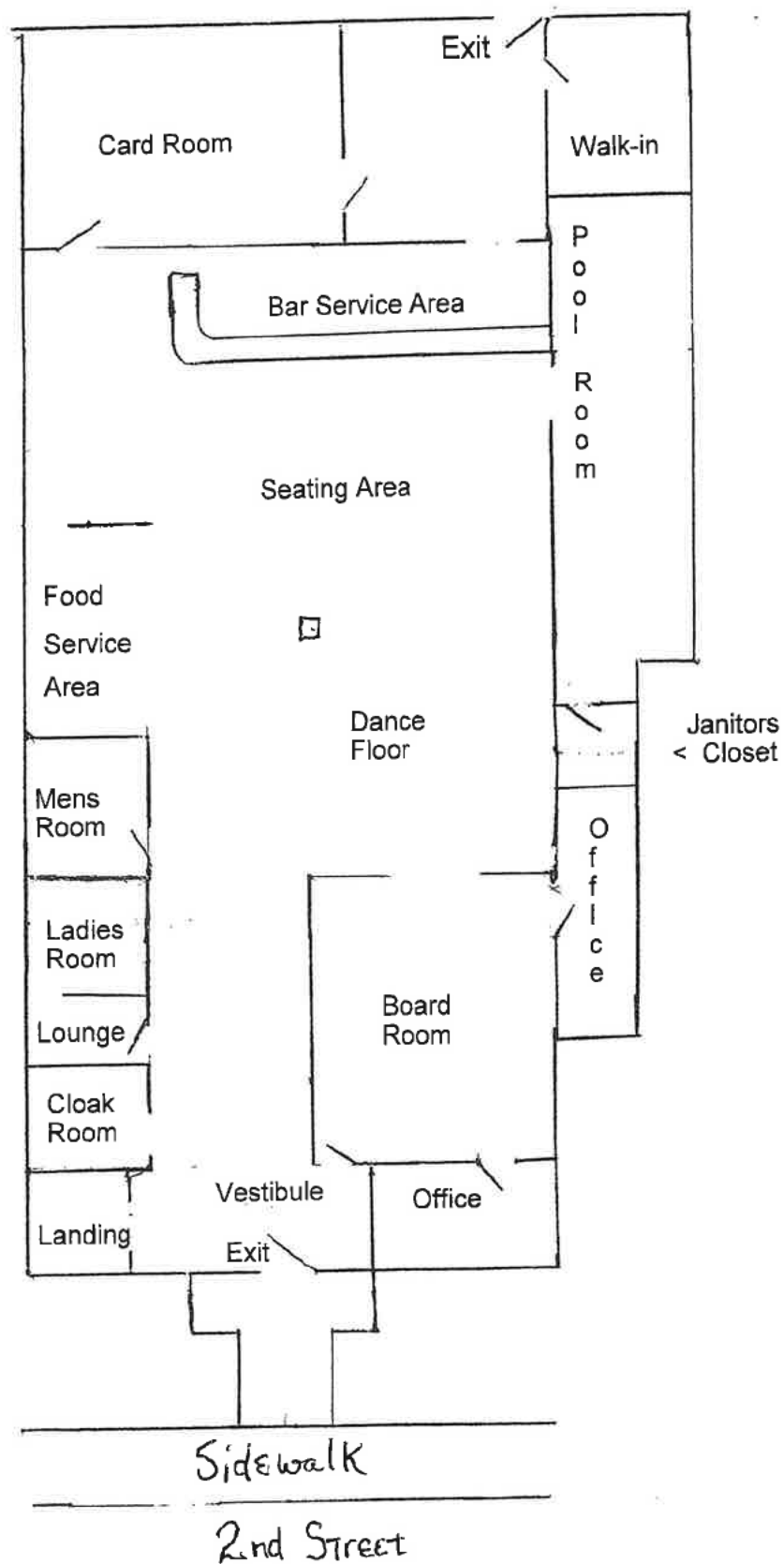
*Jena Griswold*

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*

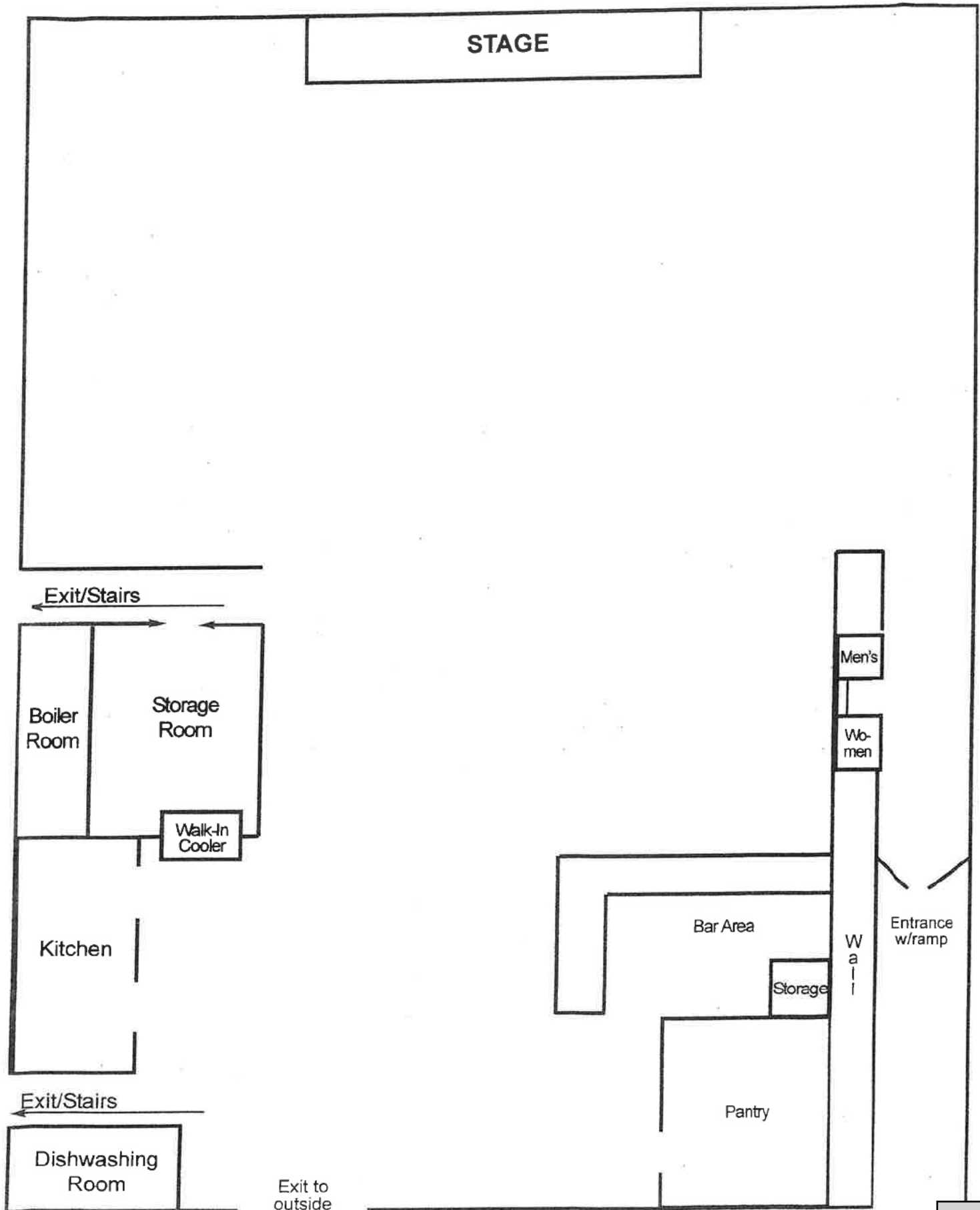
*Notice: A certificate issued electronically from the Colorado Secretary of State's website is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's website, <https://www.coloradosos.gov/hiz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our website, <https://www.coloradosos.gov> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."*





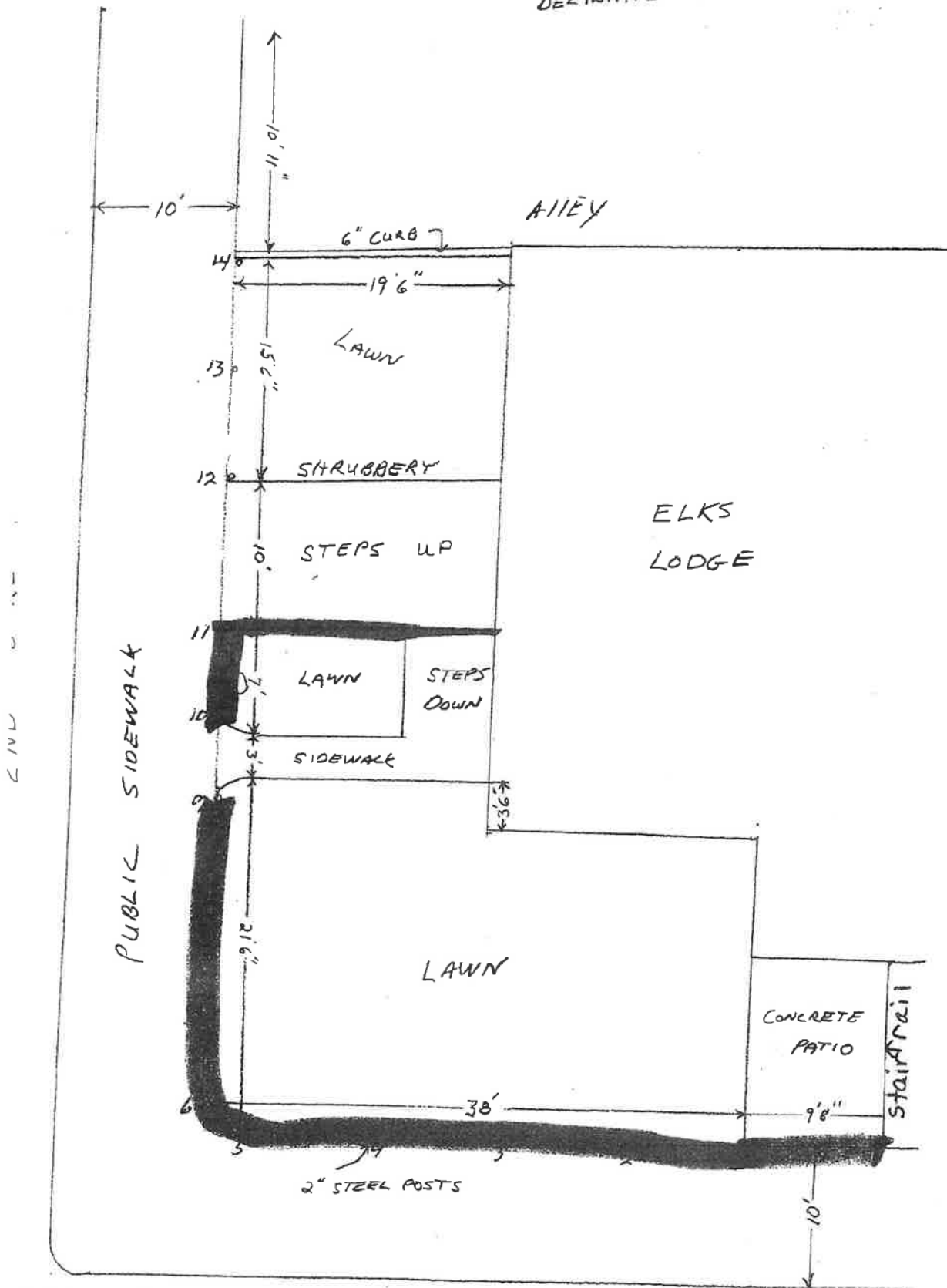
**SALIDA ELKS LODGE BPOE #808**  
**250 Maximum Capacity**

Item 6.



APPROXIMATELY 8' APART  
WITH STUDDY CHAIN  
ATTACHED BETWEEN TO  
DELINATE PROPERTY LINES.

Item 6.



REQUIRES  
14- 4'x2" STEEL POSTS  
80' CHAIN  
MARKED BY

E STREET

N



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Public Works	David Lady - Public Works Director	November 1, 2022

### ITEM

Council Action – Award 2022 Concrete Maintenance Project Change Order

Consent Agenda

### BACKGROUND

The original scope for the project included removal and replacement of defective concrete located in sidewalks, curb & gutter, and crosswalks. This year's work has been at a variety of locations with the majority being located along 1<sup>st</sup> Street (SH-291). Work has progressed efficiently with the contractor and additional deficiencies have been identified adjacent to the work activities. Staff recommends work continue at these locations since the contractor is mobilized and coordination with CDOT is in progress.

Competitive pricing for work was received when the project was bid on February 15, 2022.

### FISCAL NOTE

The 2022 budget for concrete maintenance is as follows:

\$40,000.00 (31-30-6002-3)	Crosswalks
\$100,000.00 (31-30-6009-3)	Sidewalks
\$50,000.00 (31-30-6014-3)	Curb and Gutter
\$190,000.00	Total

The revised project budget with the change order exceeds the total line items for concrete maintenance. However, the 2022 Street Reconstruction Project is approximately \$115,000 under budget. Therefore, a budget amendment for the Streets Fund is not anticipated at this time.

Current Contract Total	\$152,880.00
Proposed Change Order	\$77,120.00
<b>Contingency (5%)</b>	<b>\$11,500.00</b>
<b>Approved Budget with Change Order</b>	<b>\$241,500.00</b>



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Public Works	David Lady - Public Works Director	November 1, 2022

### **STAFF RECOMMENDATION**

Award a change order for the 2022 Concrete Maintenance Project and authorizing the City Administrator to execute a change order between the City and Jarcco Construction, Inc. in the amount of \$77,120.00 with a total project budget of \$241,500.00.

### **SUGGESTED MOTION**

A Council person should make a motion to “combine and approve the items on the consent agenda.”

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## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Parks and Recreation	Diesel Post - Parks and Recreation Director	11/1/22

### ITEM

Consent Agenda

Approval of Change Order – Scout wave engineering

### BACKGROUND

As the Scout wave project progressed, the team from Recreation Engineering and Planning (REP) spent more time (137 hours) trouble shooting and overseeing the construction of the river feature. They have submitted a change order to account for the additional work.

### STAFF RECOMMENDATION

To approve a change order to pay REP \$19,865.

### SUGGESTED MOTION

A City Councilperson should state, “I move to combine and approve the Consent Agenda”, followed by a second and a roll call vote.



## **Attachment A – Scope of Work**





## ***Scope of Work for Construction Engineering Services***

### ***Scout Wave Maintenance Project***

***Salida, Colorado, Arkansas River***

***By Recreation Engineering & Planning (REP)***

***October 3, 2022***

The following scope of work is for professional services for construction phase engineering service completed in September 2022 for the Scout Wave Maintenance Project, as well as expected construction engineering services to be completed in October 2022 on the project. The Scout Wave is the downstream-most feature at the existing Salida Whitewater Park. The project includes recreational, safety, river access, and fish passage improvements.

Final construction plans and specifications for the project were developed by REP (dated 9/1/2022). Construction of the Scout Wave enhancement project is currently underway. As of October 1, 2022, the majority of the structure including the concrete slab, concrete walls, and river right grouted wing are already in place. The cofferdam has been removed and flow testing is complete. The fish passage, river left wing and bank, temporary boat ramp, and site cleanup will be completed by November 1, 2022.

Due to the detailed and sensitive nature of this high-profile, high-performance instream project, additional REP hours during the September construction phase were required. This scope includes all completed, unbilled hours, as well as all anticipated remaining required professional services hours through the end of construction of the project.

Fees are estimated not to exceed, only actual hours and expenses will be billed. Hours will be billed at REP's standard engineer rate, \$145/hr. See attached fee estimate for hours and expense breakdown by task.

#### **Task 1 - Construction Engineering Services**

Field engineering, inspection/observation, review of materials, aid in quantity/pay request approval, attendance at pre-construction meeting, answering contractor questions (RFI's), etc. Includes site visits during construction by REP engineers to inspect work quality and conformance with design intent and specifications.

This does not include additional construction services that may be required based on differing site conditions, contractor error, or other unforeseen changes / challenges during construction.

***Total Fee: \$19,865***

	<b>Name</b>	Mike Harvey	Gary Lacy, PE	Mason Lacy, PE	Spencer Lacy		
	<b>Role</b>	Project Manager / Lead Designer	Senior Engineer	Project Engineer	Graduate Engineer		
	<b>Billing Rate</b>	\$ 145.00	\$ 145.00	\$ 145.00	\$ 145.00		
						Total Hrs	Total Fee
<b>Scout Wave Maintenance Project</b>							
<b>Task 1</b>	<b>Construction Engineering Services</b>						
	<i>Completed, Unbilled</i> Construction Engineering Services	34			48	82	\$ 11,890
	Expected Construction Engineering Services	25	20		10	55	\$ 7,975
	<b>TOTAL Task 5</b>	<b>59</b>	<b>20</b>	<b>0</b>	<b>58</b>	<b>137</b>	<b>\$ 19,865</b>
	<b>Total</b>	<b>59</b>	<b>20</b>	<b>0</b>	<b>58</b>	<b>137</b>	<b>\$ 19,865</b>
Note: The fees are estimated not to exceed. Each item will be billed at the hourly rates.							<b>TOTAL PROJECT COSTS: \$ 19,865</b>

# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Parks and Recreation	Diesel Post - Parks and Recreation Director	11/1/22

## ITEM

Consent Agenda

Approval of a contract with Monarch Mountain for ski bus services

## BACKGROUND

The Department of Parks and Recreation has offered a “ski bus” for the community on Fridays and Saturdays during the ski season that leaves the Aquatics Center in the morning and returns in the afternoon for many years. The Department tracks ridership and Monarch Mountain pays the City \$10 per rider of the bus. The ski bus is used by youth and adults, as well as locals and visitors.

## STAFF RECOMMENDATION

To approve entering into a contract with Monarch Mountain after legal team review.

## SUGGESTED MOTION

A City Councilperson should state, “I move to combine and approve the Consent Agenda”, followed by a second and a roll call vote.

## USE AGREEMENT

**THIS AGREEMENT** entered into this 16th day of December, 2022, by and between **THE CITY OF SALIDA, COLORADO**, a statutory city and municipal corporation, hereinafter referred to as “City”, and **PowderMonarch, LLC d/b/a Monarch Mountain Ski Resort**, hereinafter referred to as “User”.

**WHEREAS**, User is a community-based organization providing for the recreational benefits of the youth of the Salida community; and,

**NOW THEREFORE, BE IT HEREINAFTER AGREED BY THE PARTIES AS FOLLOWS:**

1. **Term:** The term of this agreement commences on December 16, 2022 and ends on April 7, 2023.
2. **Rate:** User will pay the City for every participant in the Salida Ski bus Program for a rate of \$10/participant.
3. **Special Conditions:** The parties have agreed to comply with the additional rules under this agreement as follows:

**A. Monarch Mountain Ski Resort will:**

- i. Make payments to the City at the end of the agreed upon time frame (April 7)
- ii. Contribute \$10 to the City for every Salida Ski Bus Program Participant between December 16, 2022 and April 7, 2023.
- iii. Advertise for the Salida Ski bus via social media, print and on skimonarch.com
- iv. Dec 16 - March 11 will be supported on Fridays and Saturdays and then March 17 - April 7 the program will be supported only on Fridays.

**B. The City will:**

- i. Coordinate and schedule a 15 passenger van to run on the agreed upon dates above, excluding holidays.
  - ii. Report monthly riderships numbers to the Organization before the 10th day of the following month.
  - iii. Provide registration and instructions for riders to be able to participate in the shuttle.
  - iv. Charge \$5 to each Ski bus participant to ride round trip on the bus.
  - v. Will not include “Monarch” in the name of the program.
  - vi. Advertise via social media and print outlets.
4. **Modification:** Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

5. **Compliance with Law:** Each party to this agreement shall comply with all laws of the United States and of the State of Colorado, all ordinances of the City of Salida, all rules and requirements of the Police and Fire Departments or other municipal authorities of the City of Salida. User will not do or suffer to be done anything on the designated Property during the term of this agreement in violation of any such laws, ordinances, rules, or requirements. If User's attention is called to any such violation on their part or of any person employed by or admitted to the designated Property by User, they will immediately desist from and correct or cause to be corrected such violation.
6. **Independent Contractor Status:** The City certifies that the transportation services to be provided under this agreement are those of an independent contractor, and that the City is solely responsible for the services performed under this agreement. City represents and warrants that its employees, agents, and representatives are not officers, agents, or employees of the User. Any personnel performing the services under this agreement on behalf of City shall at all times be under the City's exclusive direction and control.
7. **No Third Party Beneficiaries:** City and User are the only parties to this agreement and are the only parties entitled to enforce its terms. Nothing in this agreement provides any benefit or right, directly or indirectly, to third parties.
8. **No Partnership or Joint Venture:** The parties to this agreement are not partners or joint venturers with each other and nothing herein shall be construed to make them partners or joint venturers or impose any liability as such on either of them.

The undersigned hereby certifies that he/she is authorized to enter into and execute this Agreement on behalf of the User and the City, respectively, and that the User and the City acknowledge and accept the terms and conditions herein.

**CITY OF SALIDA ("City")**

By: \_\_\_\_\_  
Drew Nelson, City Administrator

**PowderMonarch LLC**  
**MONARCH MOUNTAIN SKI RESORT ("User")**

By: \_\_\_\_\_  
[Name of authorized signer]

Title: \_\_\_\_\_



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
City Attorney	Nina P. Williams - City Attorney	November 1, 2022

### **ITEM**

Ordinance 2022-19, Second reading and public hearing for proposed amendments to the Land Use Code Section 16-4-180 related to zoning variances. The public notice was not published in the newspaper at least fifteen (15) days in advance of the November 1, 2022 hearing. Therefore, the second reading and public hearing needs to be continued to November 15, 2022.

### **BACKGROUND**

Over the past couple of years, the Planning Commission has expressed their desire to update the Land Use Code Sec. 16-4-180, regarding Zoning variances. The Planning Commission, staff and City Attorney held a work session on August 9, 2022 to discuss amendments to the zoning variances section of the Code.

At the work session the Commission expressed the need to make current Section 16-4-180(e), "Required Showing for Variances," provide for more clarity for property owners and applicants. Additionally, there was a desire for the Board of Adjustment, as the quasi-judicial arbiter of variance applications, to have more direction and certainty regarding their decisions. Within the attached Ordinance are the proposed amendments to Chapter 16 of the Code, as it relates to zoning variances and the variance approval criteria.

### **FISCAL NOTE:**

There is no fiscal impact associated with Ordinance No. 2022-19.

### **PLANNING COMMISSION RECOMMENDATION**

A public hearing with the Planning Commission was held September 26, 2022 and the Commission recommended adoption of the proposed Amendments to Land Use Code Sec. 16-4-180 Zoning Variances.

**STAFF RECOMMENDATION** Staff recommends approval of Ordinance No. 2022-19.

### **SUGGESTED MOTION**

A City Councilmember should state, "I move to continue the public hearing and second reading of Ordinance 2022-19 to November 15, 2022.", followed by a roll call vote.

**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 19  
(Series of 2022)**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,  
COLORADO AMENDING CHAPTER 16, ARTICLE IV OF THE SALIDA MUNICIPAL  
CODE, REGARDING ZONING VARIANCES**

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

**WHEREAS**, pursuant to C.R.S. § 31-23-301 *et seq.*, the City, by and through its City Council, possesses the authority to adopt and enforce zoning regulations;

**WHEREAS**, under such authority, the City Council previously adopted regulations related to zoning variances, codified as Chapter 16, Article IV and Section 16-4-180 of the Salida Municipal Code (the “Code”);

**WHEREAS**, the Planning Commission, acting as the City’s Board of Adjustment, has expressed the desire and recommendation to update and amend Chapter 16 of the Code, as it relates to zoning variances, in order to ensure more substantive clarity to property owners as well as enhanced procedural certainty and direction to the Board of Adjustment;

**WHEREAS**, on September 26, 2022 the Planning Commission held a duly-noticed public hearing and recommended adoption of this proposed ordinance;

**WHEREAS**, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents, property owners, visitors and customers to amend Section 16-4-180 of the Code, as it relates to zoning variances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE  
CITY OF SALIDA, COLORADO AS FOLLOWS:**

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

**Section 2.** Section 16-4-180 of the Code, concerning zoning variances, is hereby amended to read as follows:

**Sec. 16-4-180. – Zoning variances**

- (a) Purpose. The variance procedure provides authorization to deviate from the literal terms of this Chapter where strict application and enforcement of this Chapter would result in exceptional practical difficulty or undue hardship preventing the use of the land as otherwise allowed by this Chapter. ~~Variances are authorization to deviate from the literal terms of this Land Use Code that would not be contrary to the public interest in~~

~~cases where the literal enforcement of the provisions of this Land Use Code would result in undue or unnecessary hardship.~~ A variance shall not be granted solely because of the presence of nonconformities in the zone district or adjoining districts.

- (b) Variances Authorized. Variances from the standards of the underlying zone district shall be authorized only for maximum height, minimum floor area, maximum lot coverage, ~~maximum~~ **minimum** lot size, minimum setbacks and parking requirements.
- (c) Administrative Variances. Because the development of much of historic Salida preceded zoning, subdivision and construction regulations, many buildings within the older neighborhoods of the City do not conform to contemporary zoning standards. In order to encourage restoration and rehabilitation activity that would contribute to the overall historic character of the community, variances from underlying zoning requirements for side and front setbacks may be granted by the Administrator under the following circumstances:
  - (1) Existing Primary Structure. The Administrator may grant a variance from a setback requirement for an addition to a primary structure if it continues the existing building line. The Administrator shall only consider allowing the encroachment into the setback if it can be shown that maintenance of the building addition can be provided on the subject property and that it is not injurious to adjacent neighbors.
  - (2) Traditional Neighborhood Setbacks. The Administrator may grant a variance from a front setback requirement for a primary structure if the neighboring properties encroach into the front setback. The variance shall not permit the structure to encroach further into the front setback than the neighboring primary structures. The Administrator shall only consider allowing the encroachment into the setback if it can be shown that such encroachments are the existing development pattern of the block on which the subject property is located and that the encroachment would not be injurious to adjacent neighbors.
- (d) Use Variances Not Authorized. Establishment or expansion of a use otherwise prohibited in a zone district shall not be allowed by variance.
- (e) ~~Required Showing for Variances. The applicant shall demonstrate the following to the Board of Adjustment before a variance may be authorized:~~

**Variance Approval Criteria. Variances from requirements of this Chapter shall be considered an extraordinary remedy. When considering, reviewing and deciding on whether to approve a variance application, the Board of Adjustment must find that all of the following criteria have been met:**

- (1) **Special circumstances exist such that strict application of the standards adopted in this Chapter would result in undue hardship or practical difficulties for the owner of such property. Special circumstances include, but are not limited to, exceptional or peculiar limitations to the dimension, shape or topography of the property, such as slope, standing or moving water, wetlands, floodplain, rock features, narrowness, shallowness or irregular shape of a lot.**
- (2) **The requested variance would not create a substantial detriment to the public good and would not substantially impair the intent and purpose of this Chapter, this Code or the City's Comprehensive Plan.**



**(3) The requested variance would not result in significantly adverse impacts to the natural environment or to the surrounding properties and neighborhoods.**

**(4) The granting of the request is the minimum variance necessary for reasonable use of the property or building and the least deviation required from the applicable zoning standard to afford relief.**

~~(1) Special Circumstances Exist. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood;~~

~~(2) Not Result of Applicant. The special circumstances and conditions have not resulted from any act of the applicant;~~

~~(3) Strict Application Deprives Reasonable Use. The special circumstances and conditions are such that the strict application of the provisions of this Chapter would deprive the applicant of reasonable use of the land or building;~~

~~(4) Variance Necessary to Provide Reasonable Use. The granting of the variance is necessary to provide the applicant a reasonable use of the land or building;~~

~~(5) Minimum Variance. The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building;~~

~~(6) No Injury to Neighborhood. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare or the environment; and~~

~~(7) Consistency With Code. The granting of the variance is consistent with the general purposes and intent of this Land Use Code.~~

(f) Authorization to Impose Conditions. The Administrator, in approving an administrative variance, or the Board, in approving the variance, may impose such restrictions and conditions on such approval, and the premises to be developed or used pursuant to such approval, as it determines are required to prevent or minimize adverse effects from the proposed variance on other land in the neighborhood and on the general health, safety and welfare of the City. All conditions imposed upon any variance shall be set forth in the granting of such variance.

**Section 3.** *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 this \_\_\_ day of \_\_\_\_\_, 2022, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this \_\_\_ day of \_\_\_\_\_, 2022, and set for second reading and public hearing on the \_\_\_ day of \_\_\_\_\_, 2022.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on this \_\_\_ day of \_\_\_\_\_, 2022.

City of Salida

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Mayor Dan Shore

ATTEST:

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City Clerk/Deputy City Clerk



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Drew Nelson - City Administrator	November 1, 2022

### **ITEM**

Amplified Noise Permit – Tres Litros Beer Company – Public Hearing

### **BACKGROUND**

Per City Council direction, certain amplified Noise Permits are subject to public hearings as they relate to dates, hours of operation, and decibel levels. The City has received an application from Tres Litros Beer Company, located at 118 North E Street, to host multiple live music events past the established administrative approval dates of October 31<sup>st</sup>; events are proposed on November 4<sup>th</sup>, 5<sup>th</sup>, 11<sup>th</sup>, 25<sup>th</sup>, and 29<sup>th</sup>. The venue was previously approved for 51 events throughout the regular event season. As the Council is aware, the City Administrator may review and approve permits until October 31; as the proposed events are after that date, a public hearing shall be held to receive feedback from the public.

Public notice was posted on the property, on the City's website, and at the public notice posting area at the Toubert Building (see attached). The permit applications are also attached for review.

### **FISCAL NOTE**

None.

### **STAFF RECOMMENDATION**

As of the preparation of this report, the City has received two (2) complaints regarding amplified sound events at Tres Litros; however, it should be noted that the complaints were due to indoor music that was broadcast through the neighborhood due to open doors during the summer months after 10:00 p.m. Staff has made the applicant aware of these issues, and they have indicated that doors and windows would be shut for any music occurring outside of the times noted on their permit. Staff recommends approval of the amplified Noise Permit for Tres Litros Beer Company for outdoor amplified sound events on November 4<sup>th</sup>, 5<sup>th</sup>, 11<sup>th</sup>, 25<sup>th</sup>, and 29<sup>th</sup>, with an added condition that indoor music shall not be broadcast outside of the venue through open doors or windows after the ending times noted in the attached application.

### **SUGGESTED MOTION**

Following a public hearing, a City Councilmember should state, "I move to approve an amplified Noise Permit for Tres Litros Beer Company, located at 118 North E Street, for amplified sound events on November 4<sup>th</sup>, 5<sup>th</sup>, 11<sup>th</sup>, 25<sup>th</sup>, and 29<sup>th</sup>, with the condition that indoor music shall not be broadcast outside of the venue through open doors or windows after the ending times noted in the applications", followed by a second and a roll call vote.



## CITY OF SALIDA

## NOISE PERMIT APPLICATION

Please fill out the form completely, including by signing and dating the application. Submitting an incomplete application is a basis for denial of a noise permit. Listing a particular type of audio amplification equipment, hours of operation, or any other information below does not guarantee the applicant's right to use such equipment or have an event at a particular time. Whether such application requests have been granted will be indicated in the issued permit.

Applicants may apply for events which are recurring (*i.e.*, live music every Thursday). Any such events should be clearly described as recurring in the event description and should identify all dates on which the event will occur.

Completed applications should be submitted via email to [deputyclerk@cityofsalida.com](mailto:deputyclerk@cityofsalida.com). If that is not possible, they can be submitted in-person to 448 E 1<sup>st</sup> Street Suite 112. Applications must be submitted at least five (5) working days prior to the date for which the permit is sought.

**I. Applicant Information.**

Applicant Name: Jason Maxwell

Applicant Business/Organization: Tres Litros Beer Company

Applicant Phone: 303-596-9138

Applicant Email: jmaxwell@treslitrosbeer.co

Applicant Address: 118 N. E St  
Salida, CO 81201

Sound Supervisor<sup>1</sup>: Jason Maxwell

Sound Supervisor Phone: 303-596-9138

**II. Event Information.**

Description of Event: Live Music

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

Estimated Attendance: 65-75 Persons

Date(s): 11/4/22

Hours of Event: 7-10pm

Location of Event: 118 N. E St  
Salida, CO 81201

<sup>1</sup> The sound supervisor will be responsible for responding to and immediately addressing noise or other complaints in the absence of the applicant/permittee.





### III. Noise Information.

Type of Noise (e.g., live music, parade):

Live Music

Type of Sound Amplification Equipment:

PA Sound System

### IV. Agreement.

As the applicant for this noise permit, I, Jason Maxwell, hereby agree and understand that it is my responsibility to ensure compliance with the conditions and limitations set forth in the permit and all laws, rules, and regulations of the City of Salida, the state, and the federal government. I further agree and understand that any violations of the permit or applicable laws may result in the immediate revocation of the permit. Violations of the conditions and limitations set forth in the permit or applicable laws shall also be grounds for denial of future permit applications. I further understand and agree that the permit and application fee are non-refundable and non-transferrable.

Signature:

Jason C. Maxwell

Date:

10/25/22

### For use by the City Clerk only:

Application fee received: ☐ Yes ☐ No ☐ N/A

Signature:

Date:





**CITY OF SALIDA  
NOISE PERMIT**

Signature by the City Administrator on this noise permit indicates that the noise permit has been deemed granted to the applicant and the requested noise has been so authorized, subject to the conditions and limitations set forth below. Where the conditions or limitations set forth below contradict or conflict with the information contained in the application, the conditions and limitations will control.

**I. Conditions and Limitations Applicable to All Permits.**

The following conditions and limitations are applicable to all noise permits:

- No noise is permitted after 10:00 PM, unless specifically authorized by the City Council following a public hearing. No noise is permitted after midnight on the Fridays and Saturdays of Memorial Day weekend, 4<sup>th</sup> of July weekend, and Labor Day weekend. No noise is permitted after midnight on the Thursday, Friday, and Saturday during the FIBArk festival.
- No noise is authorized in excess of the maximum limit of 85 dB(A), as measured from any point along the property line or within the property line of the receiving premises. Measuring devices shall be those specifically utilized by the City of Salida.
- All amplification equipment shall be arranged so as to minimize the disturbance to neighboring properties, and permittees shall take reasonable measures to baffle or reduce noise impacts to neighbors.
- No outdoor amplified sound shall be permitted between November 1 through May 1.
- A maximum of sixty (60) amplified sound permits may be granted to same location during a single calendar year, unless additional permits are specifically authorized by the City Council following a public hearing.

**II. Conditions and Limitations Applicable to this Permit.**

The following conditions and limitations are applicable to this noise permit:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**III. Expiration.**

This noise permit is issued for the following dates and expires on the following date:

Date(s): \_\_\_\_\_

Expiration: \_\_\_\_\_

**For use by the City Administrator only:**

Application granted: [ ] Yes [ ] No

Signature: \_\_\_\_\_

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





## CITY OF SALIDA

## NOISE PERMIT APPLICATION

Please fill out the form completely, including by signing and dating the application. Submitting an incomplete application is a basis for denial of a noise permit. Listing a particular type of audio amplification equipment, hours of operation, or any other information below does not guarantee the applicant's right to use such equipment or have an event at a particular time. Whether such application requests have been granted will be indicated in the issued permit.

Applicants may apply for events which are recurring (*i.e.*, live music every Thursday). Any such events should be clearly described as recurring in the event description and should identify all dates on which the event will occur.

Completed applications should be submitted via email to [deputyclerk@cityofsalida.com](mailto:deputyclerk@cityofsalida.com). If that is not possible, they can be submitted in-person to 448 E 1<sup>st</sup> Street Suite 112. Applications must be submitted at least five (5) working days prior to the date for which the permit is sought.

**I. Applicant Information.**

Applicant Name: Jason Maxwell

Applicant Business/Organization: Tres Litros Beer Company

Applicant Phone: 303-596-9138

Applicant Email: jmaxwell@treslitrosbeer.co

Applicant Address: 118 N. E St  
Salida, CO 81201

Sound Supervisor<sup>1</sup>: Jason Maxwell

Sound Supervisor Phone: 303-596-9138

**II. Event Information.**

Description of Event: Live Music

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Estimated Attendance: 65-75 Persons

Date(s): 11/5/22

Hours of Event: 7-10pm

Location of Event: 118 N. E St  
Salida, CO 81201

<sup>1</sup> The sound supervisor will be responsible for responding to and immediately addressing noise or other complaints in the absence of the applicant/permittee.



### III. Noise Information.

Type of Noise (e.g., live music, parade):

Live Music

Type of Sound Amplification Equipment:

PA Sound System

### IV. Agreement.

As the applicant for this noise permit, I, Jason Maxwell, hereby agree and understand that it is my responsibility to ensure compliance with the conditions and limitations set forth in the permit and all laws, rules, and regulations of the City of Salida, the state, and the federal government. I further agree and understand that any violations of the permit or applicable laws may result in the immediate revocation of the permit. Violations of the conditions and limitations set forth in the permit or applicable laws shall also be grounds for denial of future permit applications. I further understand and agree that the permit and application fee are non-refundable and non-transferrable.

Signature:

Jason C. Maxwell

Date:

10/25/22

### For use by the City Clerk only:

Application fee received: ☐ Yes ☐ No ☐ N/A

Signature:

Date:





## CITY OF SALIDA NOISE PERMIT

Signature by the City Administrator on this noise permit indicates that the noise permit has been deemed granted to the applicant and the requested noise has been so authorized, subject to the conditions and limitations set forth below. Where the conditions or limitations set forth below contradict or conflict with the information contained in the application, the conditions and limitations will control.

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- All amplification equipment shall be arranged so as to minimize the disturbance to neighboring properties, and permittees shall take reasonable measures to baffle or reduce noise impacts to neighbors.
- No outdoor amplified sound shall be permitted between November 1 through May 1.
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- \_\_\_\_\_

### III. Expiration.

This noise permit is issued for the following dates and expires on the following date:

Date(s): \_\_\_\_\_

Expiration: \_\_\_\_\_

### For use by the City Administrator only:

Application granted: [ ] Yes [ ] No

Signature: \_\_\_\_\_

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





## CITY OF SALIDA

## NOISE PERMIT APPLICATION

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Applicant Address: 118 N. E St  
Salida, CO 81201

Sound Supervisor<sup>1</sup>: Jason Maxwell

Sound Supervisor Phone: 303-596-9138

**II. Event Information.**

Description of Event: Live Music

Estimated Attendance: 65-75 Persons

Date(s): 11/11/22

Hours of Event: 7-10pm

Location of Event: 118 N. E St  
Salida, CO 81201

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Signature:

Jason C. Maxwell

Date:

10/25/22

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Application fee received: ☐ Yes ☐ No ☐ N/A

Signature:

Date:





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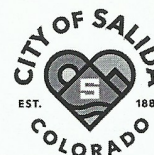
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Application granted: [ ] Yes [ ] No

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## CITY OF SALIDA

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Sound Supervisor<sup>1</sup>: Jason Maxwell

Sound Supervisor Phone: 303-596-9138

**II. Event Information.**

Description of Event: Live Music

Estimated Attendance: 65-75 Persons

Date(s): 11/25/22

Hours of Event: 7-10pm

Location of Event: 118 N. E St  
Salida, CO 81201

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Application fee received: ☐ Yes ☐ No ☐ N/A

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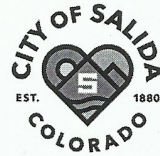
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Application granted: [ ] Yes [ ] No

Signature: \_\_\_\_\_

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## CITY OF SALIDA

## NOISE PERMIT APPLICATION

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Salida, CO 81201

Sound Supervisor<sup>1</sup>: Jason Maxwell

Sound Supervisor Phone: 303-596-9138

**II. Event Information.**

Description of Event: Live Music

Estimated Attendance: 65-75 Persons

Date(s): 11/29/22

Hours of Event: 7-10pm

Location of Event: 118 N. E St  
Salida, CO 81201

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Signature:

Jason C. Maxwell

Date:

10/25/22

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Application fee received: ☐ Yes ☐ No ☐ N/A

Signature:

Date:





**CITY OF SALIDA  
NOISE PERMIT**

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**For use by the City Administrator only:**

Application granted: [ ] Yes [ ] No

Signature: \_\_\_\_\_

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

**NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL FOR THE CITY OF  
SALIDA CONCERNING A NOISE PERMIT APPLICATION**

**TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS PLEASE TAKE**

**NOTICE:** that on November 1, 2022 at or about the hour of 6:00 p.m. a public hearing will be conducted by the City of Salida City Council at City Council Chambers, 448 East First Street, Suite 190, Salida, Colorado and online at the following link:

<https://attendee.gotowebinar.com/register/6382995264411204366>. The hearing concerns a Noise Permit Application filed by Jason Maxwell for events to be held at Tres Litros Beer Company, located at 118 North E Street in Salida, Colorado.

The applicant is requesting to provide amplified sound outdoors for events on the following dates:

- November 4, 2022, between the hours of 7:00 p.m. and 10:00 p.m.,
- November 5, 2022, between the hours of 7:00 p.m. and 10:00 p.m.,
- November 11, 2022, between the hours of 7:00 p.m. and 10:00 p.m.,
- November 25, 2022, between the hours of 7:00 p.m. and 10:00 p.m., and
- November 29, 2022, between the hours of 7:00 p.m. and 10:00 p.m.,

the dates of which are outside of the months in which amplified sound is typically permitted.

Interested persons are encouraged to attend the public hearings. Further information on the application may be obtained from the City Administrator, (719) 539-4555.

\*Please note that it is inappropriate to personally contact individual City Councilors or Planning Commissioners, outside of the public hearing, while an application is pending. Such contact is considered ex parte communication and will have to be disclosed as part of the public hearings on the matter. If you have any questions/comments, you should email or write a letter to staff, or present your concerns at the public meeting via the above GoToWebinar link so your comments can be made part of the record.



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Community Development	Bill Almquist - Community Development Director	November 1, 2022

### ITEM

First Reading and Setting of Public Hearing for Ordinance 2022-20: An Ordinance of the City Council for the City of Salida, Colorado Rezoning Nine (9) Lots Within the River Ridge and Dutch Run Subdivisions to R-3 (High-Density Residential).

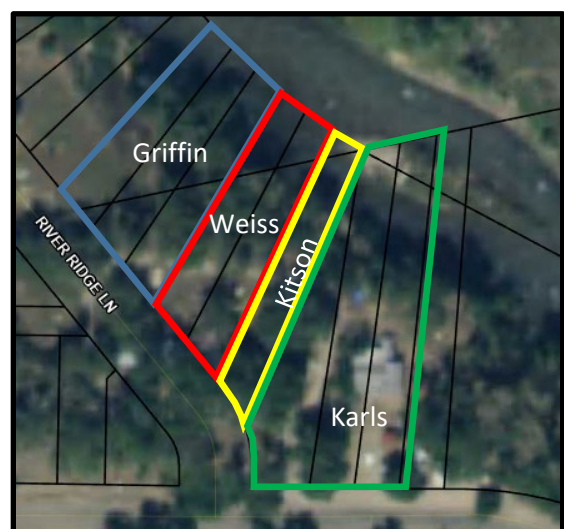
### SUMMARY

The initial request was to rezone 9 lots within the River Ridge and Dutch Run Subdivisions to R-2 (Medium-Density Residential). Currently, the lots in question are either split-zoned with a combination of R-3 (High-Density Residential) and R-4 (Manufactured Housing Residential) or are entirely R-3 or R-4. All lots are currently vacant.

Planning Commission reviewed the request at a public hearing on October 24<sup>th</sup> and unanimously recommended rezoning of the lots from their current mix of R-3 and R-4 to R-3 (not R-2). The applicants subsequently indicated (in writing) that they consent to rezoning of the subject lots to either R-2 or R-3.

The subject lots are located at the northeast corner of River Ridge Lane and Old Stage Road. The applicants are listed below:

- Ben Griffin (Lots 15-17 River Ridge Subdivision)
- Robert and Kyle Weiss (Lots 18-19 River Ridge Subdivision)
- Sage Kitson (Lot 20 River Ridge Subdivision)
- Robert and Charlotte Karls (Lot 21 River Ridge Subdivision, Lots 1 & 2 Dutch Run Subdivision)







## CITY COUNCIL ACTION FORM

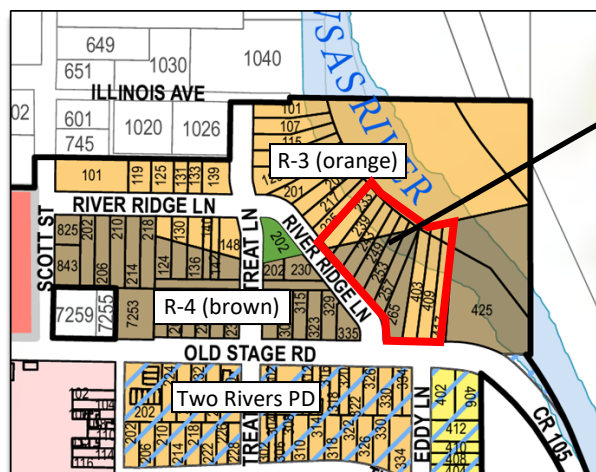
<b>DEPARTMENT</b> Community Development	<b>PRESENTED BY</b> Bill Almquist - Community Development Director	<b>DATE</b> November 1, 2022
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### PHOTOS OF SUBJECT AREA:

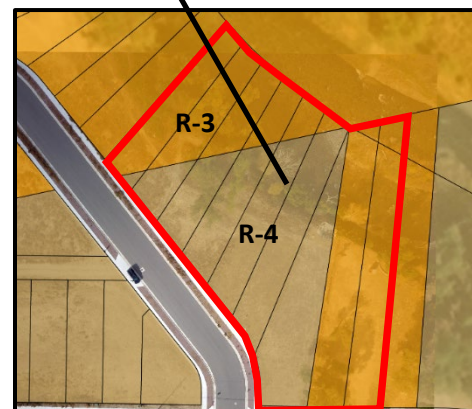


### BACKGROUND:

In 2019, Council approved Annexation and Rezoning (to R-3, High-Density Residential) for the northern portion/original lot of what is now the River Ridge Subdivision. The southern portion/original lot of that development was previously a mobile home park and was already in the City and zoned R-4, Manufactured Housing (all of the mobile homes were removed prior to the creation of the subdivision). Earlier, in 2018, three properties immediately to the east of the River Ridge Subdivision (now part of the Dutch Run Subdivision) were annexed into the City and zoned R-3, High-Density Residential. The result of these zoning and subdivision processes is a patchwork of R-3 and R-4 lots north of Old Stage Rd, some of which within River Ridge are actually split-zoned (part R-3 and part R-4), as shown below:



Subject Properties





## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Community Development	Bill Almquist - Community Development Director	November 1, 2022

### DISCUSSION:

Lots within both the River Ridge and Dutch Run Subdivision have been sold to a variety of property owners since they were platted. Many of the new owners were under the assumption that they could build detached single-family homes on one or more of the vacant lots. Both the original application and the City staff report for the River Ridge Subdivision specifically mentioned that uses within the subdivision would include a diversity of housing styles from duplexes, single-residences, triplexes, and multi-family. Split-zoned lots complicate the use question, however. Furthermore, detached single-family homes are not expressly permitted in the R-3 district, nor are non-manufactured/non-mobile homes expressly permitted in the R-4 district—Table 16-D of the Land Use Code lists single-family homes as Administrative Review (AR) under both R-3 and R-4. While there is reference in that table to an *existing* single-family dwelling being able to “be modified or rebuilt as a matter of right provided it is in conformance with the dimensional standards,” there are no other specific standards for such a review. This leads staff back to the purpose and intent language of the R-3 and R-4 districts, which are quoted verbatim from code below:

*“High-Density Residential (R-3). The purpose of the High-Density Residential (R-3) zone district is to provide for **relatively high density duplex and multi-family residential areas, including primarily triplex, townhouse and apartment uses**. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses.”* (emphasis added)

*“Manufactured Housing Residential (R-4). The purpose of the Manufactured Housing Residential (R-4) zone district is to provide for **relatively high density manufactured housing, mobile home residences and mobile home parks**. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses.”* (emphasis added)

It must be noted that single-family homes have been approved for construction in both the R-3 and R-4 zone districts in the past. Taking the clear and explicit language of the purpose statements above into account, however, makes future administrative approvals of detached single-family homes in the R-3 (especially on larger lots or across multiple lots), and non-manufactured/non-mobile homes in the R-4, potentially challenging decisions. And, in this day of high costs for land, housing, and infrastructure (as well as rapidly shrinking land availability), R-3 and R-4 zoning are powerful tools for creating additional needed density and for protecting and/or creating space for “naturally occurring affordable housing” such as manufactured or mobile homes. Inefficient use of R-3 land, such as detached single-family homes on large (or multiple) lots, and the ability to develop/redevelop R-4 zoned lots with stick-built housing, may not be the most wise and prudent community planning. That said, certain locations are not always the most appropriate areas for R-3 or R-4 zoning.

The owners of Lots 15-21 of the River Ridge Subdivision, plus Lots 1 & 2 of the Dutch Run Subdivision initially requested rezoning of those lots to Medium-Density Residential (R-2), in order to allow for the construction of detached (stick-built) single-family housing on one or more lots. The applicants stated in their application that



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Community Development	Bill Almquist - Community Development Director	November 1, 2022

some of them are interested in building a single-family residence over two of the platted lots in the near future. In contrast to both R-3 and R-4, detached single-family dwellings are explicitly called out as an intended use in the purpose language for the R-2 zone district and are permitted as a use-by-right in Table 16-D.

*“Medium-Density Residential (R-2). 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 lots than are permitted in the Single-Family Residential (R-1) zone district, allowing for slightly greater overall densities.** Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses.” (emphasis added)*

The applicants argued that the subject lots should be rezoned R-2 due for a variety of reasons, including:

- The existing split-zoning creates unnecessary confusion/challenges to development and taxation.
- Lower densities would be preferable adjacent to the Arkansas River.
- The HOA design guidelines favor single-family homes, at least in this particular location, and they forbid modular and mobile homes throughout the subdivision.
- The narrowness of the lots, limited developable space due to topography and floodplain, and the lack of alley parking access all make higher-density development considerably more challenging, and therefore the lots are more suited to single-family development.

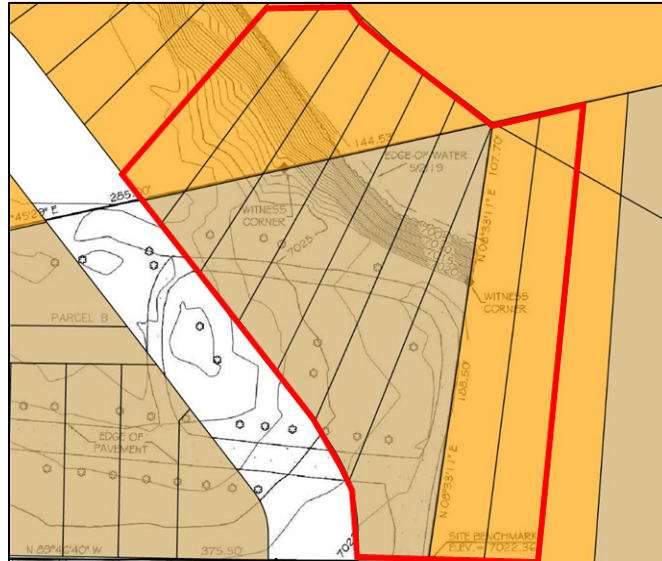
In the staff report for Planning Commission, staff concurred with the applicant that split-zoning creates considerable confusion, in numerous ways, and would support rezoning to a singular zone on each of the lots. Staff also agreed with the conclusion that high-density development may not be ideal right up along the Arkansas River and its associated riparian area—the impacts on the river from construction, overall lot coverage, increased use, required parking spaces and associated runoff, etc. could be highly consequential. Staff was not particularly concerned with the HOA guidelines, but did acknowledge that the original developer likely assumed that detached single-family homes would be allowed in the development (and did not envision mobile homes there, esp. since a mobile home park had been previously removed from the site). It is not clear whether or not they were told by staff (or anyone else) at time of subdivision that a future rezoning may be required in order to clean up the split-zoning or to expressly permit single-family dwellings. In regards to the applicants’ argument regarding the narrowness, developability, and access to the lots, staff concurs that the potential density of the individual lots are severely impacted, as shown by the following topographic maps and photos:



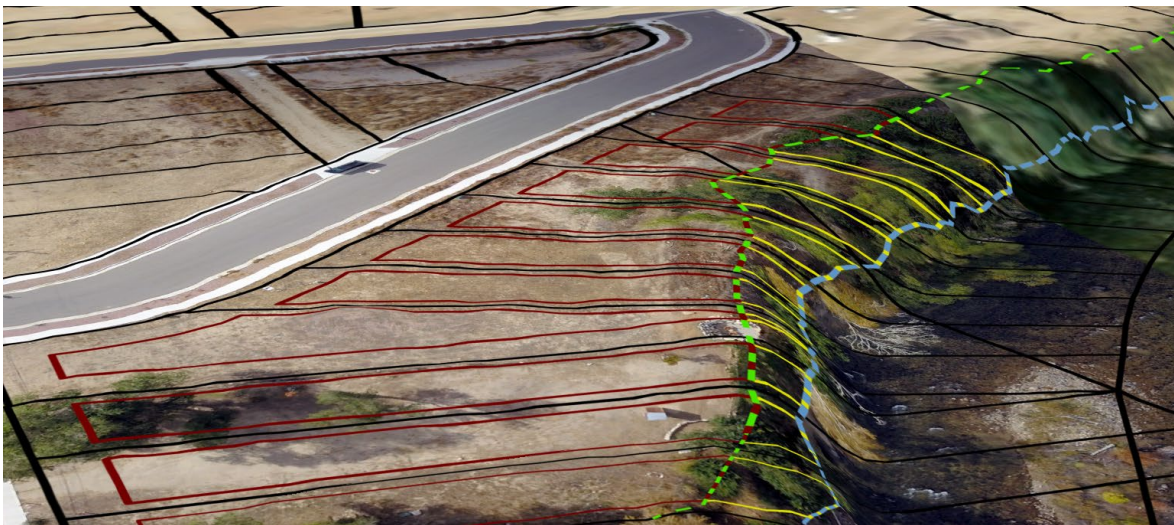


## CITY COUNCIL ACTION FORM

<b>DEPARTMENT</b> Community Development	<b>PRESENTED BY</b> Bill Almquist - Community Development Director	<b>DATE</b> November 1, 2022
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The above map shows how steep the drop-off is on each of the lots, approximately half to two-thirds of the way back. (No current topographic information was available at the time for the lots within the Dutch Run Subdivision, but the riverbank continues through them, as well).



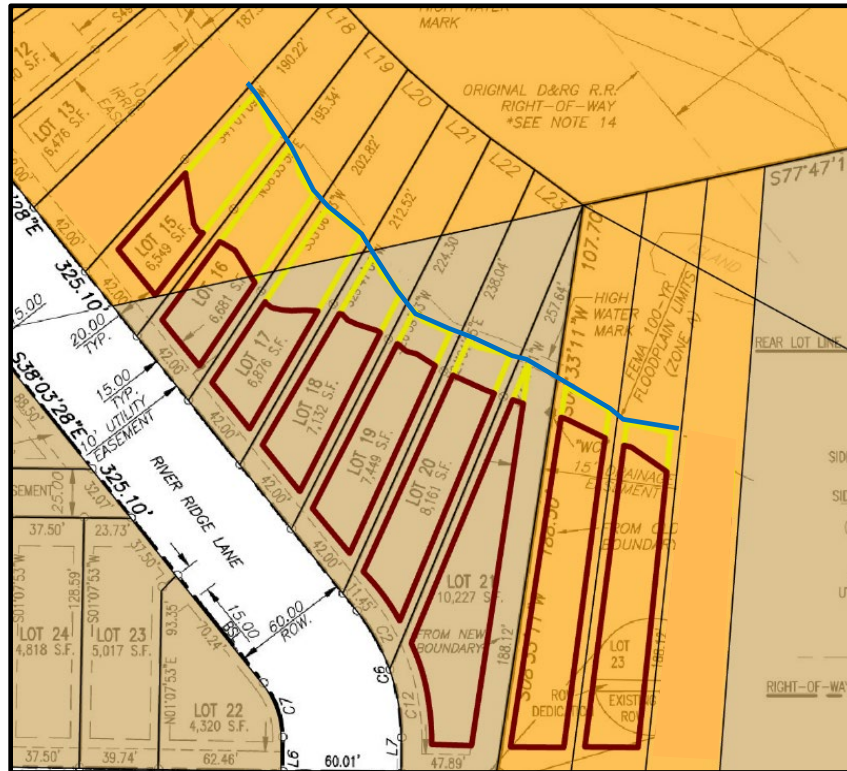
The oblique photo above shows significant drop-off towards the back of the lots. The dotted blue line represents the 100-year floodplain. The dotted green line represents the top of bank.





## CITY COUNCIL ACTION FORM

<b>DEPARTMENT</b> Community Development	<b>PRESENTED BY</b> Bill Almquist - Community Development Director	<b>DATE</b> November 1, 2022
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LOT #	Lot Size (SF)	Buildable Area to Floodplain (SF)	% of Lot Buildable to Floodplain	Buildable Area To Ridge (SF)	% of Lot Buildable to Ridge
Lot 15	6549	2667	40.7	1222	18.7
Lot 16	6681	2824	42.3	1440	21.5
Lot 17	6876	2803	40.8	1553	22.6
Lot 18	7132	2749	38.5	2128	29.8
Lot 19	7449	2836	38.1	2447	32.9
Lot 20	8161	3355	41.1	2909	35.6
Lot 21	10227	4207	41.1	4145	40.5
Lot 1	10185	4495	44.1	4142	40.7
Lot 2	10216	4062	39.8	3719	36.4



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Community Development	Bill Almquist - Community Development Director	November 1, 2022

The above map and spreadsheet show the amount of developable land on each lot, incorporating current allowable setbacks, the floodplain boundary (blue), and the steep drop below the top of bank (beginning at edge of red). The lots are significantly encumbered and leave relatively little buildable space, esp. for the construction of multiple units on any one lot. The practical density (i.e. what could feasibility be built) on the lots if they remained R-3 or R-4 would likely be no different than the allowed density if the lots were rezoned to R-2 (or all to R-3). No nonconformities would be created by such a rezone and the only change to allowed setbacks would be from a 15' front yard setback in R-4 to 20' in R-2 (or R-3). The only clear difference, however, is that detached (and non-manufactured/non-mobile home) single-family homes would be expressly permitted as a use-by-right.

### **PLANNING COMMISSION DISCUSSION AND RECOMMENDATION:**

Planning Commission heard the request at a public hearing on October 24<sup>th</sup>, 2022. They agreed with the applicants that the existing split-zoning is “messy” and it would be beneficial to make the lots all have singular zoning. However, they differed in their assessment of what zone district that should take. Commissioners primarily cited the original decision to zone the northern portion of the property R-3 at the bequest of the original developer, and the desire to retain the anticipated and desired density in the subdivision. They further stated that to rezone the subject lots to R-2, when surrounding lots are R-3 or R-4, would constitute “spot-zoning,” which is undesirable. Commissioners unanimously recommended that the request for R-2 be denied and that R-3 be applied to the subject lots, instead.

Additional conversation, per staff’s inquiry, revolved around justification for permitting single-family homes on the subject properties—which is an administrative review and decision. Commissioners indicated that they would theoretically support the approval of such homes on individual, smaller platted lots within the subdivision, or across two platted lots provided that there was evidence of the individual lots being significantly encumbered (by topography, floodplain, easements, and other features) such as in the case of the applicants’ lots. Staff concurs that such approvals would be sensible, based on those particular reasons, if the lots are rezoned to R-3, but notes that this may not apply to all such requests in that zone district. The applicants also agreed with the recommendation of Planning Commission, especially in light of the argument given for detached single-family homes on those lots, and have provided written consent to the lots being rezoned R-3.



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Community Development	Bill Almquist - Community Development Director	November 1, 2022

### REVIEW STANDARDS FOR MAP AMENDMENTS 16-4-210(c):

1. **Consistent with Comprehensive Plan.** The proposed amendment shall be consistent with the Comprehensive Plan.

The City of Salida Comprehensive Plan does not specifically speak to the intensity of uses in this area of the City (in fact, it is not even included in the Plan's Land Use Map). The most relevant issues to this particular request involve Infill/Redevelopment, Visual Resources, and Sensitive Lands. Though the Comp Plan encourages efficient use of lands and appropriate infill, it must be noted that the practical maximum density of the lots in question, esp. given the diverse ownership, would not be substantially affected by the rezone request (of R-3, esp. given the most likely use of single-family homes). Principle ES-1 Visual Resources Policy #1 states that "Development and/or expansion of existing development should not encroach on important visual resources." The Arkansas River is discussed as one of these visual resources in the text, and higher-density housing along this river bank could provide a significant visual barrier in this particular location (however, existing zoning is already high but likely density will likely be low in this location). Lastly, the Comp Plan discusses the importance principle of protecting sensitive lands such as the Arkansas River corridor. A rezone to R-3 (and AR approval of single-family homes in this particular location) would be consistent with this principle and its related policies.

Staff finds that the request is consistent with the Comprehensive Plan.

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.

As discussed above, the intent and desire of the applicants are to be able to build detached single-family homes on their properties along this stretch of the Arkansas River. Whether such a use is allowed in the Code on R-3-zoned lots is dubious at best, however Planning Commission and staff concur that single-family homes would be appropriate on small, individually platted lots in this subdivision, or across two significantly encumbered lots in the R-3. The full R-3 designation would also allow for other types of residential development.

Staff finds that the request is consistent with the purpose of the R-3 zone district.

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

The in-City zone districts closest to the subject property are zoned either R-3 or R-4, or split-zoned with both. There is also a Planned Development (Two Rivers) with underlying zoning of both R-3 and R-2 directly across Old Stage Road from the subject properties. A mixture of primarily duplexes, detached single-family homes and triplexes have already been constructed (or are under construction) in those



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Community Development	Bill Almquist - Community Development Director	November 1, 2022

areas. As mentioned, the practical maximum density of the lots would remain relatively low due to various constraints. Therefore, R-3 zoning would be compatible with the surrounding zone districts and uses.

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

Though conditions on the subject parcels have not specifically changed, there very well may have been some incorrect assumptions or conclusions about the type of development allowed and/or feasible on the individual lots, especially due to the existence of split-zoning and the prevalence of R-4 across the subject area. However, such “cleaning up” of the differentiated zoning across the subdivision could not have been accomplished without platted lots that later undergo a rezone process. Staff recognizes that the mobile home park that once was located in the area zoned R-4 had already removed prior to the subdivision being approved, and there was no indication that this subdivision would include (or even allow) manufactured housing or mobile homes. This rezone request attempts to correct some of the conditions that were created through the original zoning of the northern portion of the subdivision by eliminating the split-zoning on the subject lots.

### **RECOMMENDED FINDINGS:**

The application for rezoning (to either R-2 or R-3) is in compliance with the review standards for map amendments because the practical density and uses are compatible with the ecologically sensitive location adjacent the river and at the same time compatible with other single-family, duplex, and triplex uses in the surrounding area.

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

Fire Department – Assistant Fire Chief, Kathy Rohrich – Fire Department has no concerns at this time.

Police Department – Chief Russ Johnson – No issues from PD.

Public Works Department – Director, David Lady – No issues from Public Works.

Finance Department - Renee Thonhoff, Staff Accountant – Salida Utilities is fine with the rezoning of these lots. Utilities will not be impacted.



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Community Development	Bill Almquist - Community Development Director	November 1, 2022

### **STAFF RECOMMENDATION:**

Staff concurs with Planning Commission and recommends approval of the proposed re-zoning request for Lots 15-21 of the River Ridge Subdivision and Lots 1 & 2 of the Dutch Run Subdivision to R-3, High-Density Residential, which will clean up the undesirable split-zoning in that area.

### **RECOMMENDED MOTION:**

"I move to approve, on first reading, the rezoning of the subject properties (Lots 15-21 of the River Ridge Subdivision and Lots 1 & 2 of the Dutch Run Subdivision) from a mixture of R-3, High-Density Residential and R-4, Manufactured Housing Residential to solely R-3, High-Density Residential and to set a public hearing for November 15<sup>th</sup>, 2022."

#### Attachments:

Ordinance 2022-20  
 Application materials for Re-zoning  
 Staff report from River Ridge Subdivision  
 Staff report from Dutch Run Subdivision  
 Public Comments  
 Applicants' consent to R-2 or R-3 rezoning

**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 20  
SERIES OF 2022**

**AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, REZONING CERTAIN REAL PROPERTY KNOWN AS LOTS 15-21 OF THE RIVER RIDGE SUBDIVISION AND LOTS 1 & 2 OF THE DUTCH RUN SUBDIVISION FROM A MIX OF HIGH-DENSITY RESIDENTIAL DISTRICT (R-3) AND MANUFACTURED HOUSING RESIDENTIAL DISTRICT (R-4) TO ENTIRELY HIGH-DENSITY RESIDENTIAL DISTRICT (R-3)**

**WHEREAS**, on October 5<sup>th</sup>, 2022, an application was filed to commence proceedings to rezone nine (9) lots of land comprising of approximately 73,400 square feet located at the northeast corner of River Ridge Lane and Old Stage and being more particularly described as Lots 15-21 of the River Ridge Major Subdivision and Lots 1 & 2 of the Dutch Run Minor Subdivision, Salida, County of Chaffee, State of Colorado (the “Property”); and

**WHEREAS**, the majority of the subject lots were split-zoned with a mix of High-Density Residential District (R-3) and Manufactured Housing Residential District (R-4) due to previous annexation and zoning procedures, which made allowed uses and required dimensional standards difficult to interpret; and

**WHEREAS**, Section 16-4-210 (a) of the Salida Municipal Code states an amendment to the Zoning Map may be initiated by the City Administrator or the owner of the Property; and

**WHEREAS**, as required by the Salida Municipal Code, a public hearing on the zoning application for the Property was held on October 24<sup>th</sup>, 2022 by the Planning Commission who found that the review standards for rezoning all lots to High-Density Residential (R-3) were met and forwarded such a recommendation to the City Council; and

**WHEREAS**, a public hearing was held by the Salida City Council on November 15, 2022.

**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 above is hereby zoned High-Density Residential District (R-3)
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 November 1<sup>st</sup>, 2022, 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 \_\_\_\_\_, 2022 and set for second reading and public hearing on the 15th day of November, 2022.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the 15th day of November, 2022.

CITY OF SALIDA, COLORADO

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Dan Shore, Mayor

[SEAL]

ATTEST:

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City Clerk/Deputy Clerk



## GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112

Salida, CO 81201

Phone: 719-530-2626 Fax: 719-539-5271

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

Item 12.

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

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

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

#### A. Applicant Information

Name of Applicant: see attached for names, addresses, and signatures of applicants/property owners

Mailing Address: see attached

Telephone Number: see attached FAX: \_\_\_\_\_

Email Address: see attached

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: River Ridge and Dutch Run Subdivisions

Street Address: River Ridge Lane and Old Stage Road

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 \_\_\_\_\_

Signature of property owner \_\_\_\_\_ Date \_\_\_\_\_



GENERAL DEVELOPMENT APPLICATION – APPLICANT’S SIGNATURE SHEET

  
\_\_\_\_\_  
**Benjamin Griffin**  
River Ridge Lots 15, 16, and 17  
233, 239, and 243 River Ridge Lane  
[Benjaming79@yahoo.com](mailto:Benjaming79@yahoo.com)  
303-859-0031  
924 E Street  
Salida, CO 81201

Date October 10, 2022

GENERAL DEVELOPMENT APPLICATION – APPLICANT’S SIGNATURE SHEET



Date 10/10/2022

**Kyle Weiss**

River Ridge Lots 18 and 19  
249 and 253 River Ridge Lane  
[k.weiss408@gmail.com](mailto:k.weiss408@gmail.com)  
408-781-0505  
637 E Street  
Salida, CO 81201

GENERAL DEVELOPMENT APPLICATION – APPLICANT'S SIGNATURE SHEET



Sage Kitson or Ray Kitson  
River Ridge Lot 20  
257 River Ridge Lane

Date 10/13/22

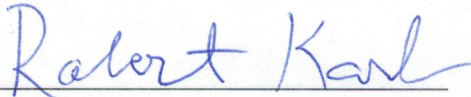
Email RAYKITSON@MAC.COM

Phone 719-557-0922

Address \_\_\_\_\_  
\_\_\_\_\_

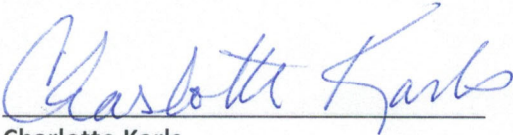
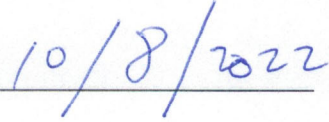


## GENERAL DEVELOPMENT APPLICATION – APPLICANT'S SIGNATURE SHEET

**Robert Karls**

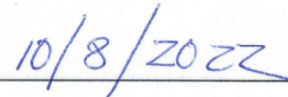
River Ridge Lot 21  
265 River Ridge Lane  
Dutch Run Lots 1 and 2  
403 and 409 Old Stage Road  
[bobkarlshome@gmail.com](mailto:bobkarlshome@gmail.com)  
719-539-2910  
348 Poncha Blvd.  
Salida, CO 81201

Date

**Charlotte Karls**

River Ridge Lot 21  
265 River Ridge Lane  
Dutch Run Lots 1 and 2  
403 and 409 Old Stage Road

Date



October 6, 2022

#### STATEMENT OF INTENDED DEVELOPMENT

River Ridge Subdivision: Lots 15, 16, 17, 18, 19, 20, and 21

Dutch Run Subdivision: Lots 1 and 2

The above noted lots are currently zoned R-3 or R-4, or are split-zoned R-3 and R-4. The Owners propose changing the zoning to R-2.

The Owners request a change in zoning for the following reasons:

1. The current split-zoning of several of the lots creates unnecessary confusion regarding tax payments and property development.
2. While the proposed R-2 zoning does not preclude R-3 densities, it seems natural that lower densities implied by R-2 zoning would be preferable adjacent to the riverfront ecosystem.
3. The HOA design guidelines appear to favor single-family homes, which was the assumption of the property owners.
4. The HOA design guidelines forbid modular homes, which effectively excludes R-4 development. Property owners were under the assumption no modular/mobile homes would be allowed in the development.
5. The riverfront lots require parking in front of the residence. Due to the narrowness of the lots, and the requirement for parking in front, it is unlikely that a high density development would occur on a single lot. Therefore, it is assumed that most (if not all) of these riverfront lots will have a single-family home which is in keeping with R-2 zoning.
6. The building footprint of the lots is extremely limited, despite the size of the lots. This is due both to the narrowness of the lots, the proximity to the river, and the steep slope which starts to occur approximately 45' into the lot. This further limits R-3 development.

Several of the petitioning Owners propose to build one single-family residence on two lots. It is intended that earliest construction start would be in December, 2022.

The change in zoning will not affect surrounding uses, as all zoning would still be residential in nature, and does not preclude higher density development. The planned development across the street (Two Rivers Subdivision) has a mix of single-family and duplex/townhouses, with riverfront lots allowing primarily for single-family.



## CODE OR MAP AMENDMENT APPLICATION

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

### A. TYPE OF AMENDMENT (City Code Section 16-2-40)

- ☐ Text Amendment to the Land Use Code
- ☒ Map Amendment to the Official Zoning Map (Rezoning)

### B. APPLICATION PROCEDURE (City Code Section 16-2-40)

1. Preapplication Conference (optional)
2. Submittal of Application
3. Staff Review. Schedule Hearing. Forward Report to Applicant and Planning Commission
4. Public Notice Provided for Hearing
5. Public Hearing Conducted by Planning Commission and Recommendation to City Council
6. Public Notice of City Council Hearing
7. Public Hearing Conducted by City Council and Action Taken.

### C. APPLICATION CONTENTS (City Code Section (text amendment 16-2-40))

#### Text Amendment:

- ☐ 1. **General Development Application.**
- ☐ 2. **Precise Wording.** Precise wording of the proposed text amendment. Ten copies of the text amendments shall be submitted. The copies shall only be accepted on 8.5x11 paper and shall be typed.
- ☐ 3. Application Fees.

#### Map Amendment:

- ☒ 1. **General Development Application.**
- ☒ 2. **Ten (10)** copies of the map amendment package shall be submitted. The copies shall only be accepted on 82" x 11", 11" x 17" or 24"x 36" paper. The copies shall include:
- a. **Zone Districts.** The present zone district designation(s) of the property and the zoning of all adjacent properties.
  - b. **Survey Map.** An accurate survey map of the property proposed for amendment, stating the area of the property proposed to be amended in square feet or acres.
  - c. **Existing Uses.** Current land use on the property and on all adjacent properties.
  - d. **Statement of Intended Development.** A written statement by the applicant identifying the intended use or development of the subject property and the timing of said development, describing the community need for the change in zoning, and explaining the effect the change of zoning would have on surrounding uses.
- ☒ 3. **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.

☒ 4. **Application Fees.** Cash or check made out to City of Salida - \$1,050 (**text amendment**) (\$350 application fee + \$700 deposit for outside professional services) **or** \$1500 (**rezoning**) (\$500 application fee + \$1000 deposit for outside professional services).

☒ 5. **Special Fee and Cost Reimbursement Agreement completed.**

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

##### **Text Amendments** (City Code Section 16-2-50).

**1. Consistency with Purposes.** The proposed amendment shall be consistent with the purposes of the Land Use Code.

N/A

**2. Not Conflict with Other Provisions.** The proposed amendment shall not conflict with any other applicable provisions of this Land Use Code, or shall repeal or amend provisions of this Land Use Code which are inconsistent, unreasonable or out-of-date.

N/A

**3. Consistency with Comprehensive Plan.** The proposed amendment shall be consistent with the Comprehensive Plan, or shall implement a new portion of the Comprehensive Plan, or shall implement portions of the Comprehensive Plan which have proven difficult to achieve under the existing provisions of this Land Use Code.

N/A

**4. Public Health, Safety and Welfare.** The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.

N/A

**Map Amendments (Rezoning)** (City Code Section 16-4-210).

- 1. Consistency with Comprehensive Plan.** The proposed amendment shall be consistent with the City of Salida Comprehensive Plan.

Change from R-3/R-4 split zoning to R-2 zoning is consistent with the City of Salida Comprehensive Plan. R-2 zoning does not exclude R-3 development, and eliminating the split zoning of the lots will alleviate administrative errors and confusion.

- 2. Consistent 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.

A change from R-3/R-4 split zoning to R-2 zoning will allow for more or less the same density as R-3, while also allowing for single family homes that most lot owners understood they could build based on the HOA design guidelines.

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

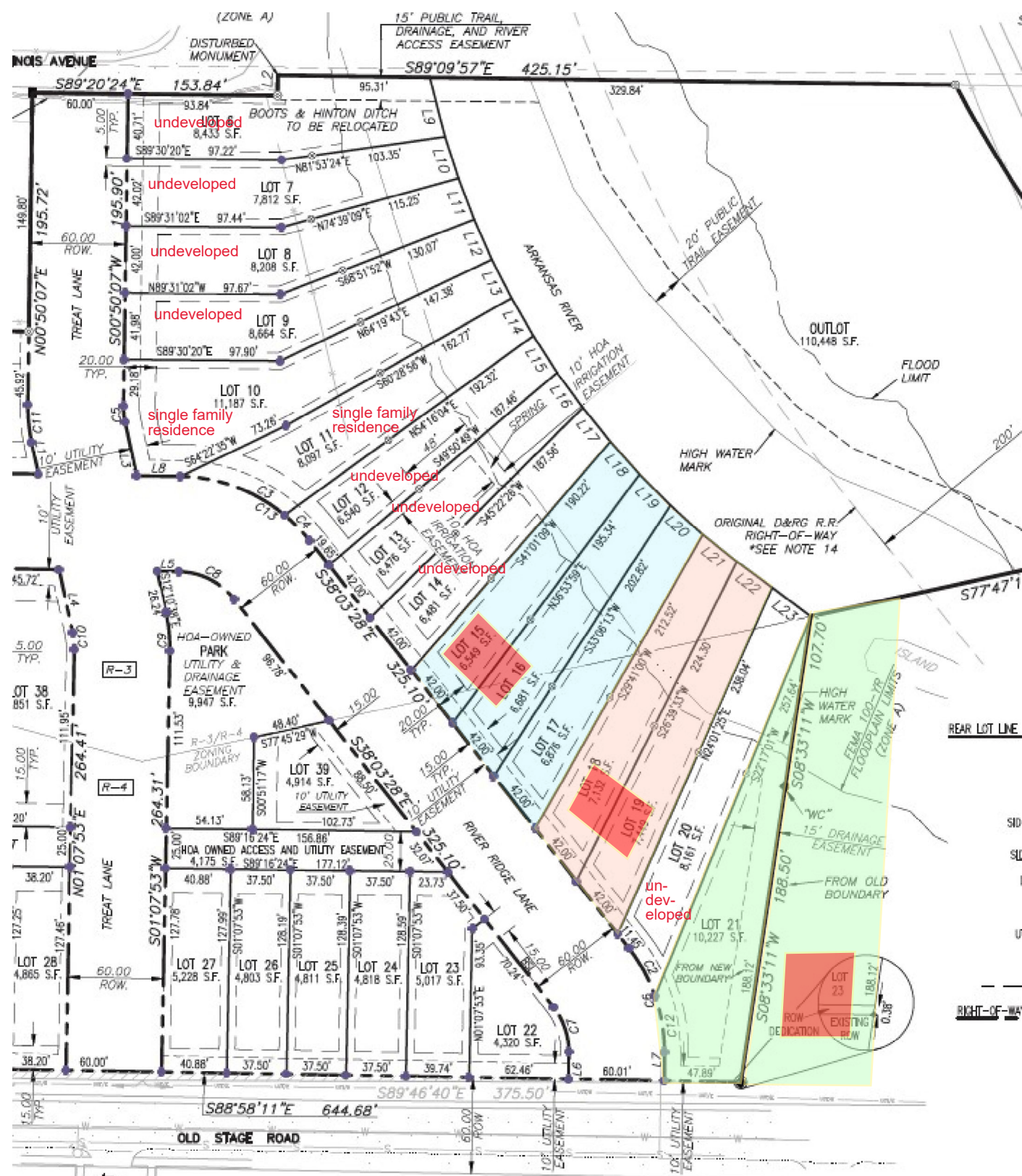
The proposed amendment will be compatible with the subdivision character and the surrounding zone districts. Based on current development, there is a mix of single-family, duplex, and town-homes in the subdivision. Changing a portion of these lots to R-2 will in no way change the character of the surrounding zone districts, land uses, or neighborhood.

- 4. Changed Conditions or Error.** 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 or more errors in the boundaries shown on the Official Zoning Map have occurred.

The split-zoned lots should have been single-zoned at the time of subdivision to eliminate issues with development. In addition, it should have been assumed that the river front lots would primarily be developed with single family homes due to the requirement for front parking, the narrowness of the lots, and the small building footprints.



LOT OWNERSHIP & DEVELOPMENT





## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: February 19, 2019

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
6.c	Community Development	Glen Van Nimwegen

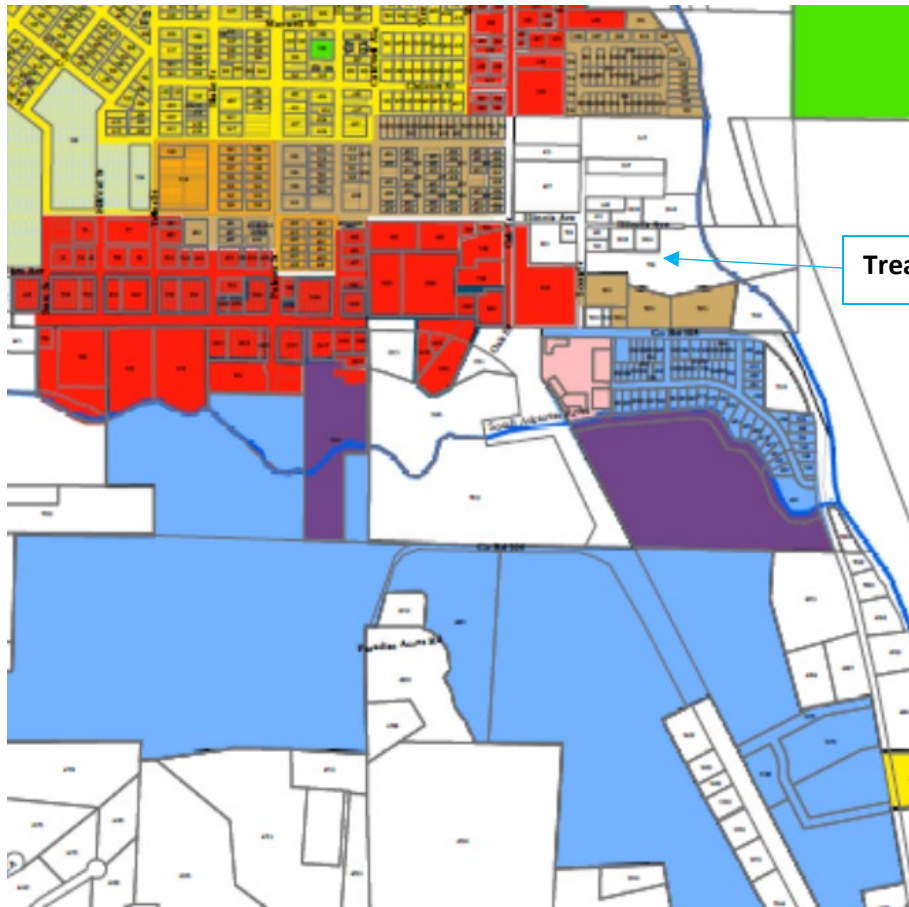
### ITEM:

Ordinance 2019-03 – Public Hearing and Second Reading on an Ordinance to Zone 7.5 Acres Located at 786 Scott Street to R-3, High Density Residential District.

### BACKGROUND:

The proposed rezoning is paired with the previous items regarding the annexation agreement (Resolution 2019-09); and annexation of the site (Ordinance 2019-02). City Council approved the zoning ordinance on first reading on February 5, 2019.

**Applicants:** Robert D. Treat as represented by Joe Deluca of Crabtree Group, Inc.



Treat-Mesch Annexation and Zoning

**Surrounding Land Use and Zoning:** The site to the west is zoned C-1, Commercial District and is being used as a mobile home park; South is zoned R-4 and includes residential uses and a former mobile home park. The property to the north remains in Chaffee County with the zoning





## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: February 19, 2019

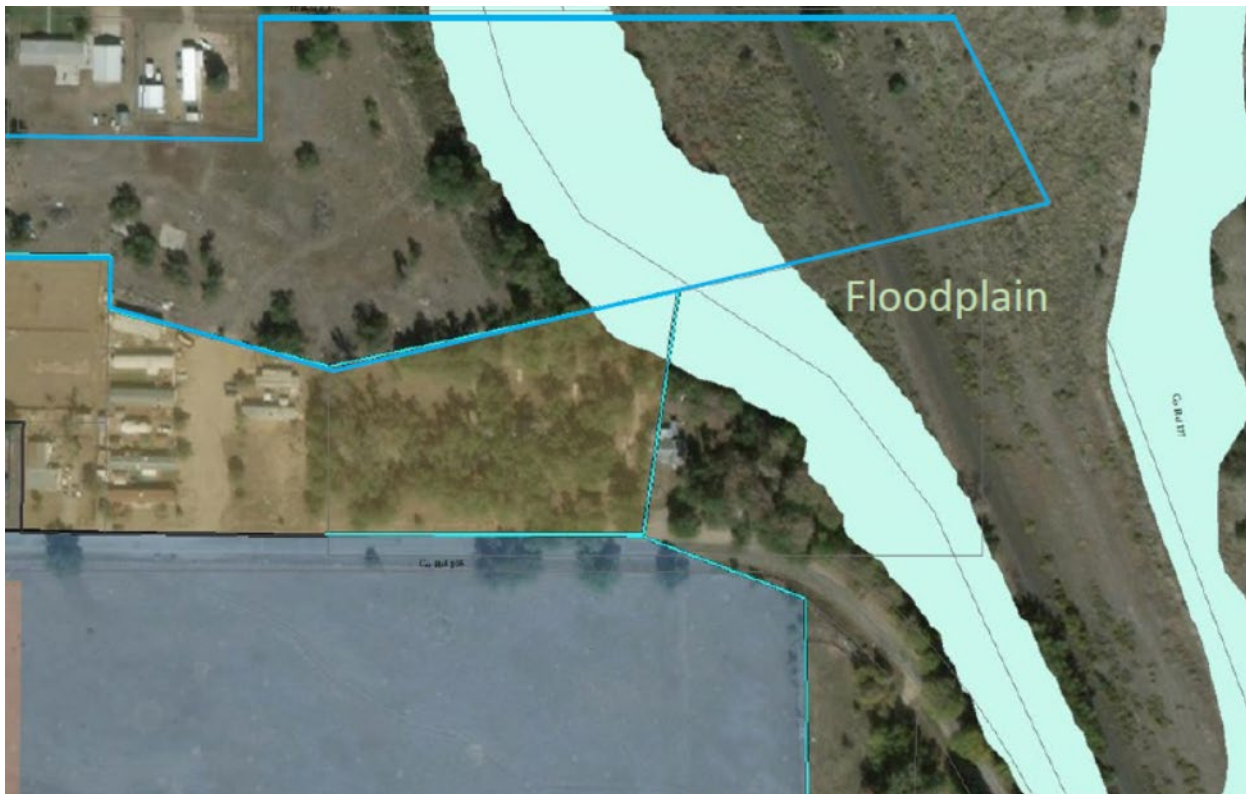
AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
6.c	Community Development	Glen Van Nimwegen

RES, Residential Zone District. The land east of the parcel is also in Chaffee County and is zoned REC, Recreational.

### **ZONING:**

The applicant is requesting R-3 zoning as it is consistent with the zoning in the neighborhood and meets their preliminary plans for a residential neighborhood with various housing types and densities.

Though the applicants did show a proposed subdivision of approximately 10 duplex and 10 single-family lots at the conceptual meeting on December 3, 2018, the allowed density could be as many as 96 units on the west 5.3 acres. However, the limited street frontage and floodplain will limit development of the site. Regardless, the R-3 district is consistent with the city zoning on the east and south.



The review standards for a rezoning include:

1. Consistency with the Comprehensive Plan: The Comprehensive Plan includes the goals that new projects should complement the neighborhood's mass and scale and be focused within the Municipal Services Area. The proposal supports these goals.



## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: February 19, 2019

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
6.c	Community Development	Glen Van Nimwegen

2. Consistency with the Purpose of the Zone District: The purpose of the R-3 district is to provide "...relatively high density duplex and multi-family residential areas, including primarily triplex, townhouse and apartment uses."
3. Compatibility with Surrounding Zone District and Uses: The R-4 district is the dominant zoning classification on the north side of Old Stage Road. Transitioning to R-3 on the subject parcel is compatible between the R-4 and C-1 zoning that exists in the neighborhood.
4. Changed Conditions or Errors: The proposed zoning is occurring because of the requirement to rezone property annexed to the City in accordance with Section 16-4-50 of the Land Use and Development Code.

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

- Salida Fire Department: Doug Bess, Fire Chief, responded "Fire Department does not have any concerns at this time."
- Salida Police Department: Chief Russ Johnson responded "Looks good to me."
- Chaffee County Development Services Department: Jon Roorda, Planning Manager stated "Chaffee County supports this annexation request."
- Salida Public Works Department: Public Works Director David Lady has requested improvements be made to Scott Street; and considerations be made when the site is developed regarding street and utility connections. These recommendations will be incorporated into an annexation agreement described in the annexation memo regarding Ordinance 2019-02.

### **STAFF RECOMMENDATION:**

Staff recommends the City Council approve the proposed zoning.

### **PLANNING COMMISSION RECOMMENDATION:**

On January 28, 2019 the Planning Commission held a public hearing and recommended the City Council approve the proposed zoning by a vote of 7-0.

### **SUGGESTED MOTIONS:**

A Council person should make a motion "to approve Ordinance 2019-03 on second reading."

#### Attachments

Ordinance 2019-03  
Conceptual Subdivision

**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 03  
SERIES OF 2019**

**AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE TREAT-MESCH ANNEXATION AS HIGH DENSITY RESIDENTIAL (R-3) ZONE DISTRICT**

**WHEREAS**, November 30, 2018, Robert D. Treat (“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 7.5 acres located at 786 Scott Street, 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. 02, Series of 2019 the City of Salida annexed the Treat-Mesch Annexation to the City; and

**WHEREAS**, Petitioner has filed an application to zone the Property within the High Density Residential District (R-3), and on January 28, 2019 the City of Salida Planning Commission considered the zoning application for the Property and recommended that the City Council zone it as High Density Residential District (R-3); and

**WHEREAS**, as required by the Salida Municipal Code, the public hearing on the zoning application for the Treat-Mesch Annexation was held on February 19, 2019 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 High Density Residential (R-3).
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 February 5, 2019, 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 \_\_\_\_\_, 2019 and set for second reading and public hearing on the 19th day of February, 2019.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on the 19th day of February, 2019.

CITY OF SALIDA, COLORADO

\_\_\_\_\_  
P.T. Wood, Mayor

[SEAL]

ATTEST:

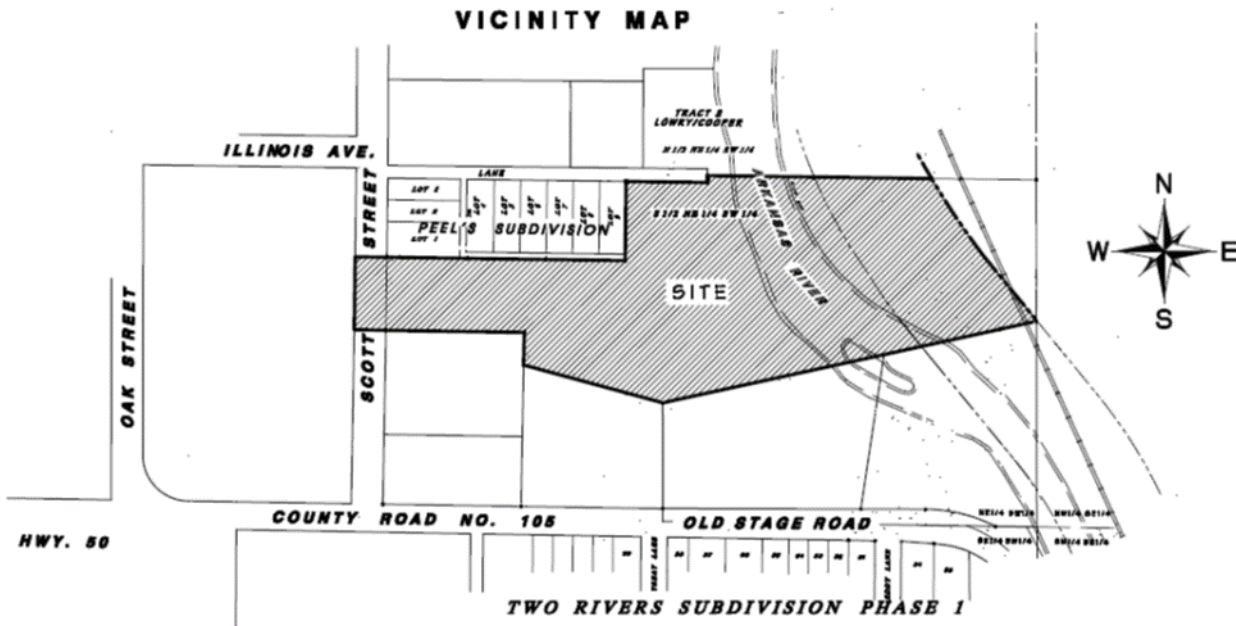
\_\_\_\_\_  
City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the \_\_\_\_ day of \_\_\_\_\_, 2019, and BY TITLE ONLY, after final adoption on the \_\_\_\_ day of \_\_\_\_\_, 2019.

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



## EXHIBIT A



NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE TREAT-MESCH ANNEXATION DESCRIBED HEREIN; TO WIT, THE TERRITORY COMPRISING 7.7 ACRES, MORE OR LESS (INCLUSIVE OF PUBLIC RIGHT OF WAY, AND BEING DESCRIBED AS FOLLOWS:

Part of the South Half of the Northeast Quarter of the Southwest Quarter (S1/2 NE1/4 SW1/4) of Section 4, Township 49 North, Range 9 East of the New Mexico Principal Meridian, Chaffee County, Colorado, described as follows, to-wit: Beginning at a point on the East side line of a lane or street known as Scott Street, from whence the Northwest corner of said subdivision bears first North 163 feet; thence West 37 feet; thence proceeding around the tract herein described East 452 feet; thence North 150 feet; thence East 154 feet; thence North 13 feet to a point on the North line of said S1/2 NE1/4 SW1/4; thence East 677 feet, more or less, to the East line of said subdivision; thence South, along said East line, 261.2 feet; thence South 77°30' West 806.4 feet; thence North 75° West 277 feet; thence North 54 feet; thence West 227 feet, more or less, to the said East line of said lane or street known as Scott Street; thence along the East side line of said street 167 feet to the point of beginning

EXCEPTING THEREFROM those tracts of land granted to the Denver and Rio Grande Western Railroad Company in deeds recorded at Book 73 at Page 309, in Book 147 at Page 268 and in Book 147 at Page 279 of the Chaffee County records.

TOGETHER WITH that portion of Scott Street adjoining the westerly-most boundary of the above described tract

ALL BEING COLLECTIVELY AND MORE ACCURATELY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

A tract of land located in the South Half of the Northeast Quarter of the Southwest Quarter (S1/2 NE1/4 SW1/4) of Section 4, Township 49 North, Range 9 East of the New Mexico Principal Meridian and a portion of Scott Street, all in Chaffee County, Colorado, and being more particularly described as follows:

Beginning at a point on the East side line of a lane or street known as Scott Street, from whence the Northwest corner of said subdivision bears first North 163 feet; thence West 37 feet; thence proceeding around the tract herein described, South 89°24'06" East along the south boundary of Peel's Subdivision a distance of 452 feet to the southeast corner thereof; thence North 00°31'36" East along the east boundary of said subdivision a distance of 150.0 feet to the south boundary of a lane; thence South 89°31'00" East along the south boundary of said lane 154.0 feet to the southeast corner of said lane; thence North 00°29'00" East along the east boundary of said lane 13.0 feet to a point on the north boundary of the said S1/2 NE1/4 SW1/4; thence South 89°25'50" East along said north boundary 425.2 feet, more or less, to the westerly boundary of the tract of land granted to the Denver and Rio Grande Railroad Company in Book 73 at Page 309 of the Chaffee County records; thence along the westerly boundary of said railroad tract, first along the arc of a curve a distance of 173.91 feet, said curve having a radius of 900.0 feet and a chord which bears South 34°00'47" East 173.64 feet, and thence South 39°32'54" East 161.36 feet to the east boundary of the said S1/2 NE1/4 SW1/4; thence South 00°18'00" East along said east boundary 1.57 feet; thence South 77°30' West 725.59 feet; thence North 75°00'00" West 273.35 feet; thence North 00°52'00" East 61.82 feet; thence North 89°18'00" West 262.30 feet to the east boundary of Scott Street; thence continuing North 89°18'00" West 51.41 feet to the west boundary of Scott Street; thence North 00°23'00" West along the west boundary of Scott Street 138.38 feet; thence South 89°24'06" East 54.05 feet to the point of beginning.

## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: October 15, 2019

<b>AGENDA ITEM NO.</b> 6.a	<b>ORIGINATING DEPARTMENT:</b> Community Development	<b>PRESENTED BY:</b> Glen Van Nimwegen
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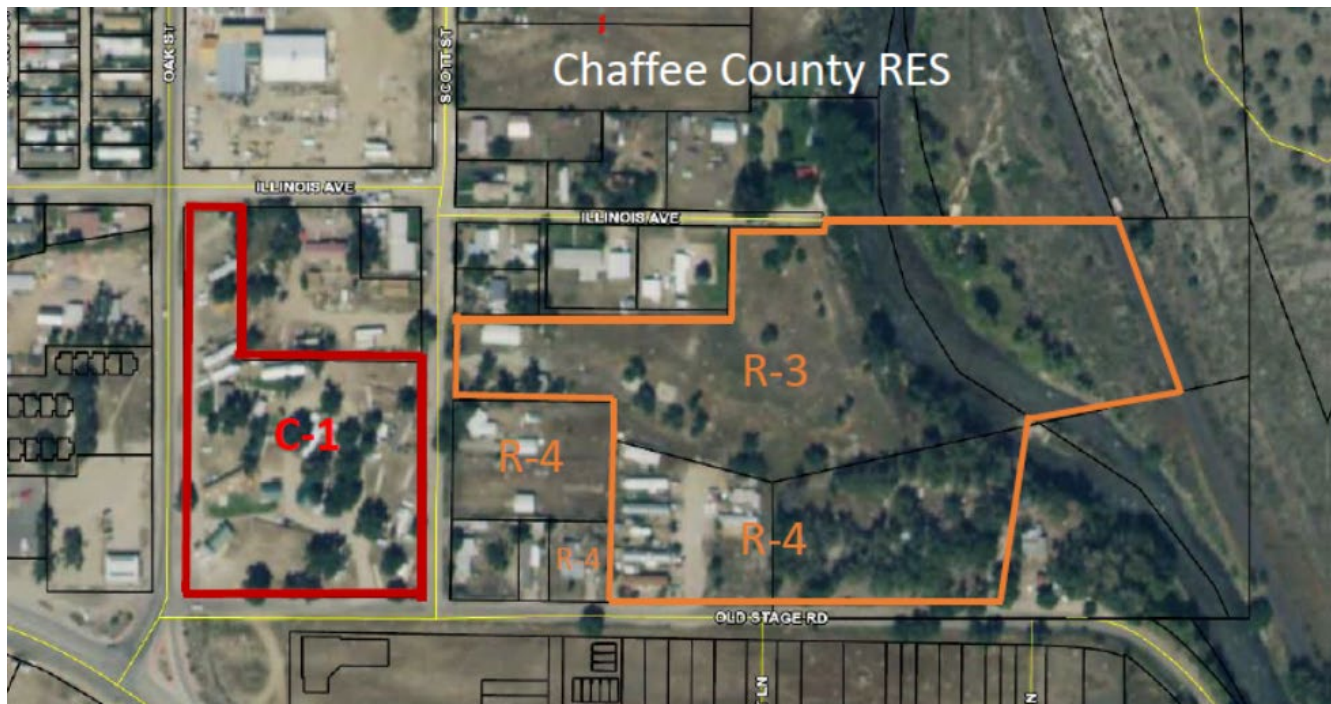
### ITEM:

Resolution 2019-50: Public Hearing for Consideration of River Ridge Major Subdivision

### REQUEST / BACKGROUND:

The applicant is requesting the City Council approve the River Ridge Major Subdivision for an 11.17 acre parcel generally located between Old Stage Road (CR 105) north to Illinois Avenue; and the Arkansas River west to Scott Street. The address is 786 Scott Street. The proposed subdivision consists of 41 lots. The site is zoned High Density Residential (R-3) and Manufactured Housing Residential District (R-4).

**Applicants:** Arkansas Living, LLC as represented by Joe Deluca of Crabtree Group.



The north half of the site was the subject of recent annexation and zoning actions. The applicant recently acquired two parcels south of the original site which are zoned R-4. A Conceptual Review Meeting with the Planning Commission and City Council occurred on June 3, 2019.

The 41 lots range in size from 11,000 square feet to 4,570. There should be a diversity of housing styles from duplexes, single-residences and possibly triplexes. Key aspects of the neighborhood now include a private park in the center, public access to the river and many of the lots are now accessed by alleys. .

## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: October 15, 2019

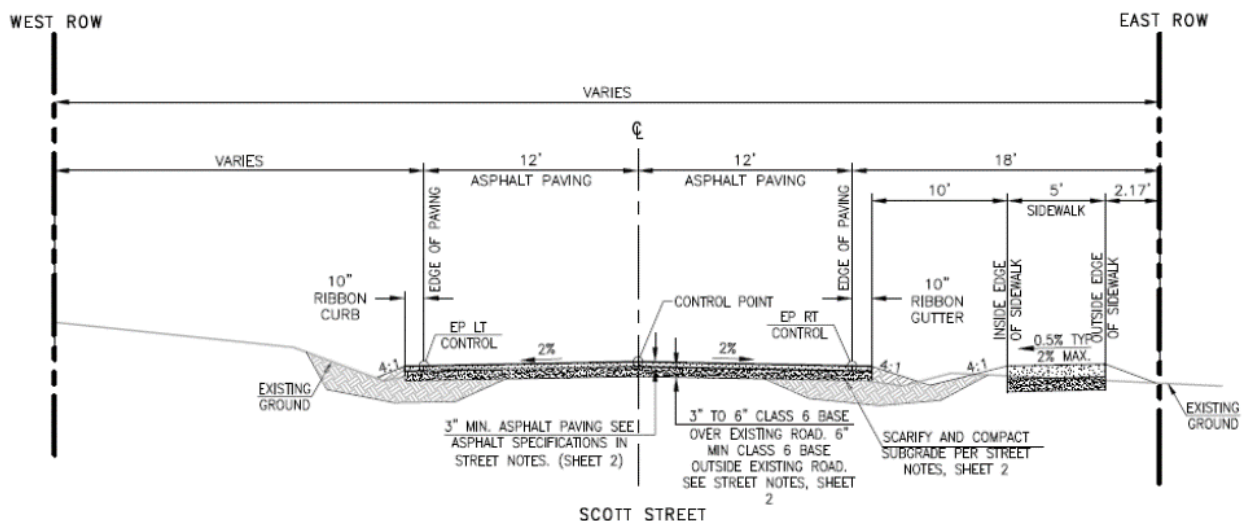
<b>AGENDA ITEM NO.</b> 6.a	<b>ORIGINATING DEPARTMENT:</b> Community Development	<b>PRESENTED BY:</b> Glen Van Nimwegen
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The applicant is intending to develop the site with a diversity of housing types and densities, with the possibility of light commercial uses. The lot sizes range from 5,985 square feet to 2.7 acres. The latter parcel will probably be developed as multi-family development. Most of the lots will be accessed by an alley from the rear. An eight foot wide bike/pedestrian path and six feet of landscaping will be constructed adjacent to Highway 50. The subdivision will also have access to the public trail on the north side of the site that was constructed by the developer in phase one.

### **MAJOR SUBDIVISION REVIEW:**

A major subdivision requires a recommendation from the Planning Commission and final approval by the City Council. The proposed subdivision must comply with the following standards:

1. Comprehensive Plan. The proposed subdivision is consistent with the Comprehensive Plan that promotes diverse residential housing styles and access to trails and open space.
2. Zone District Standards. The proposed subdivision and ultimate development of the lots will comply with the R-3 and R-4 zoning and other applicable standards of the Land Use and Development Code.
3. Improvements. Besides the new interior streets, the applicant will be improving the north side of Old Stage Road. The annexation agreement for the project allows the option of providing funds for the construction of Scott Street adjacent to the subdivision, versus construction this small segment. Staff is recommending this decision be made to staff after seeing how the existing roadway holds up to heavy construction equipment traffic that will occur why the project is being constructed.



4. Natural Features. The site is relatively flat except for the area directly adjacent to the Arkansas River. The buildable area of the subdivision is approximately 25 feet above the water level



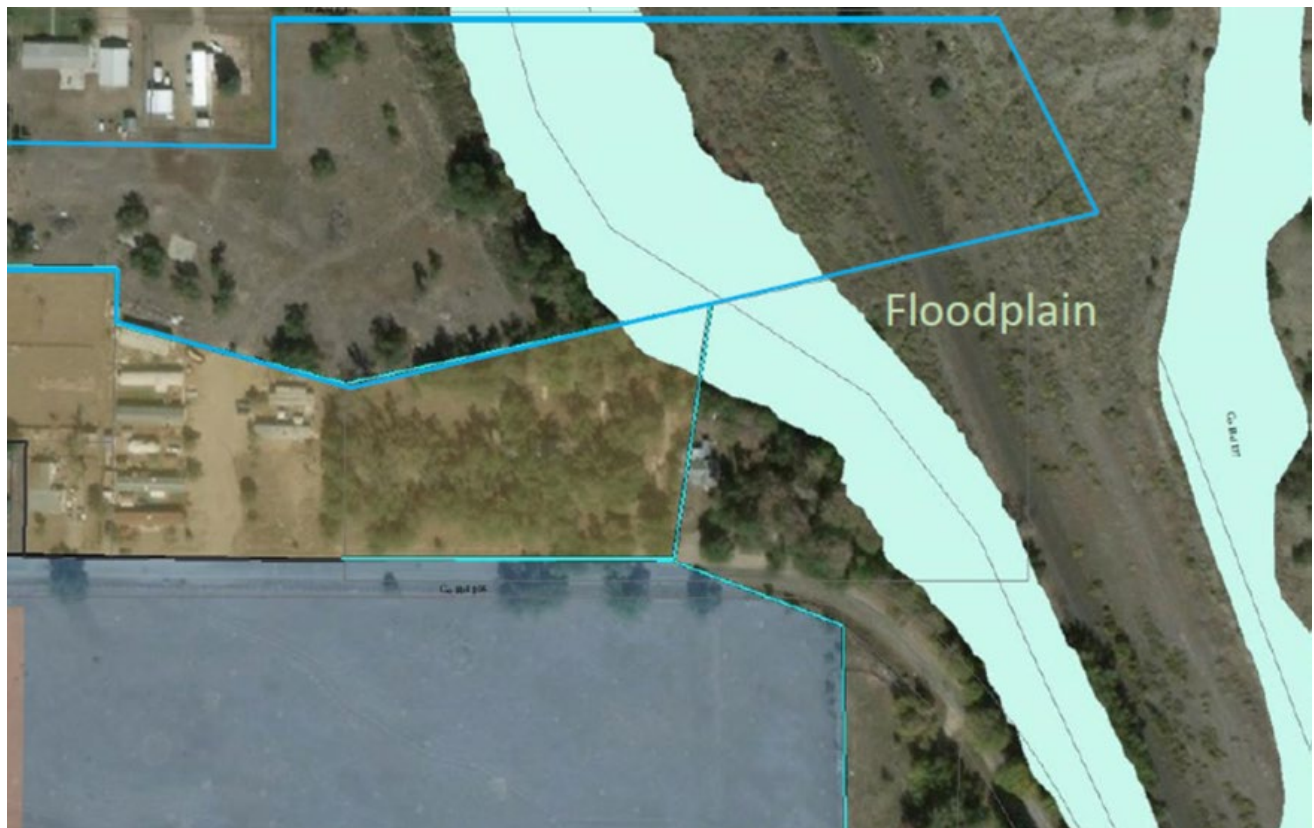
**REQUEST FOR CITY COUNCIL ACTION**

Meeting Date: October 15, 2019

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
6.a	Community Development	Glen Van Nimwegen

the Arkansas River. “Natural features and native vegetation shall be preserved whenever possible. Tree masses and individual trees of six-inch caliper or greater shall be preserved.”

5. Floodplains. A portion of the east side of the site adjacent to the Arkansas River is within the 100 year floodplain. The Floodplain Administrator is recommending conditions on any development activities that may occur within the Special Flood Hazard Area (Attachment 6).



6. Noise Reduction. “Where a subdivision borders on or contains a highway right-of-way, the City shall require adequate provisions for reduction of noise. A parallel street, landscaping, screening, easement, greater lot depth, increased rear yard setbacks and fencing are potentially appropriate solutions, among others.” River Ridge is not adjacent to a highway.
7. Future Streets. The applicant is proposing local streets within the development with 34 feet of roadway versus our standard of a 38 foot roadway. Section 16-8-20 (f) of the Land Use Code allows an applicant to make their case for a different road standard. The applicant has presented their case for the roadway reduction (Attachment 5). Attachment 6 shows the differences between the two roadways. After giving the applicant’s request consideration, we recommend the roadway be reduced to 36 feet wide, a reduction of two feet from the standard.

## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: October 15, 2019

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
6.a	Community Development	Glen Van Nimwegen

8. Parks, Trails and Open Space. The developer has provided public access to the west side of the Arkansas River and a trail easement along the east side of the river. This was deemed “extraordinary” by the Planning Commission and therefore the open space requirements have been met. A private quarter acre park is provided in the center of the project.
9. Common Recreation Facilities. “Where a development is proposed to contain common recreation facilities, such facilities shall be located within the development so as to be easily accessible to the residents and to least interfere with neighboring developments.” The private park will not impact adjoining properties.
10. Lots and Blocks. “The size, shape and orientation of lots shall be appropriate to the design and location of the proposed subdivision and the type of development contemplated. Where appropriate, lots shall be laid out to respect the existing City pattern. Blocks generally shall not be less than three hundred (300) feet nor more than one thousand two hundred (1,200) feet in length.” The applicant has created the best layout holding to the above standard considering the angle of the adjacent river and desire to connect with existing Treat Lane.
11. Architecture. The design of the residential buildings will have to meet the design standards stated in the code to prevent monotonous streetscapes. The minimum standard is the same building front elevation cannot be repeated more than every fifth lot or directly across the street. The intent is the homes will be sold individually for custom homes so monotony should not be an issue.
12. Codes. The subdivision will comply with all applicable City building, fire and safety codes for the proposed development.
13. Inclusionary Housing. The developer has indicated they will meet the requirements through the collection of a fee in lieu with each building permit. For a major subdivision the fee is the lessor of \$15,748 or \$7.87 per habitable square feet of every principal unit.

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

- Salida Fire Department: Kathy Rohrich, Fire Inspector, reviewed the subdivision and is requiring a total of four hydrants. They are to be located at the intersections of River Ridge and Treat Lane at CR105; River Ridge and Scott Street and Treat Lane and Illinois Avenue.
- Salida Police Department: Lieutenant Russ Johnson stated we should consider yield signs be placed at the intersection of River Ridge Lane and Treat Lane. His concern will be mitigated by a four way stop at the center intersection.
- Chaffee County Development Services Department: No response.

## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: October 15, 2019

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
6.a	Community Development	Glen Van Nimwegen

- Salida Public Works Department: Public Works Director David Lady has been involved in the development of the plans for the subdivision. He is recommending a number of changes to the plat and plans as outlined in his September 17, 2019 memo (Attachment 8).
- Salida Finance Department: According to Renee Thonhoff, Senior Accountant, there are a number of existing sewer and water taps devoted to the property and additional taps will be required.
- Xcel Energy: Sterling Waugh, Energy Planner stated a 10 foot wide utility easement is required, however 15 feet is preferred if the easement includes other utilities, including natural gas.
- Floodplain Administrator: Mark Rocheleau, PE is employed by JVA Consulting Engineers and is the city's Flood Plain Administrator. He has reviewed the River Ridge and provided a memo stating all of the requirements for development within the flood plain (Attachment 7).
- Salida School District R32J: Shelia Moore, Business Manager for the District stated that fees in lieu of school dedications should be collected with this subdivision. Per our agreement with Chaffee County and the District, the fees have recently been increased to \$444.66 per unit.

### **STAFF RECOMMENDATION:**

Staff recommends the City Council approve the application, subject to the changes recommended by the Planning Commission to conditions #8 and the addition of #9. Since the Planning Commission meeting the applicant has resubmitted the plat addressing changes recommended in #3 and #4 as shown below.

### **PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission reviewed the major subdivision and held a public hearing on September 23, 2019. They recommended approval subject to the following conditions with changes to #8 and #9 as shown:

1. Make corrections to the improvement plans as outlined by the Public Works Director (Attachment 8) and Floodplain Administrator (Attachment 6); and provide landscape plans for approval prior to recording of the subdivision plat.
2. Floodplain Development Permit is required for any development/grading within the 100 year flood plain and meet the specific standards outlined by the Floodplain Administrator (Attachment 7).
3. Make the following corrections and clarifications to the plat prior to recording:
  - a. The Park site and Alleys shall be owned and maintained by the homeowners association.
  - b. ~~Designate the 15 foot wide trail and river access easement as a "15 foot Public Trail, Drainage and River Access Easement."~~ The 25 foot wide trail easement along the east side of the Arkansas River shall be "public" as well.
  - c. ~~Clarify the differences between the building setbacks for R-3 and R-4 on the subdivision layout. Add a note to the Typical Lot Layout that states detached accessory structures and dwelling units have different setbacks per the Salida Land Use and Development Code.~~



## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: October 15, 2019

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
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- d. ~~Alleys shall be designated as "Access and Utility Easements."~~
- e. Provide a storm water drainage easement to the east side of Lot 23 to allow storm water to be conveyed to the river.
- f. ~~Delineate 100-year flood zone.~~
- g. Include 10 foot wide public utility easements as recommended by Xcel Energy.
4. ~~The design of the project's residences shall meet the requirements of Section 16-6-120 (11) which requires spacing of repetitive building facades.~~
5. The Fair Contribution for Public School sites will be \$444.66 per unit.
6. Developer shall enter into a subdivision improvement agreement that guarantees the construction of the public improvements that are required for the project, prior to the recording of the subdivision plat.
7. The annexation agreement for the north half of the property allows the option to construct Scott Street adjacent to the project or have applicant provide a fee equal to the estimated cost of the street segment for construction at a later date. This determination shall be made by staff prior to completion of roadway construction within the subdivision and be based on the general condition of Scott Street.
8. The variance proposed to the street cross section is approved, with the modification that the roadway width within the 60 right of way be ~~36~~ **34** feet.
9. **The Homeowner Association documents shall place a priority on installing street trees prior to completion of each home.**

### **RECOMMENDED MOTION:**

A Council person should make the motion to "Approve Resolution 2019-50 approving the River Ridge Major Subdivision."

### **Attachments:**

1. Resolution 2019-50
2. River Ridge Major Subdivision
3. Narrative
4. Application
5. Request for Street Cross Section Variance
6. Street Cross Sections
7. Floodplain Administrator Review (September 13, 2019)
8. Public Works Director Review (September 17, 2019)
9. Proof of Publication

**CITY OF SALIDA, COLORADO  
RESOLUTION NO. 50  
(Series 2019)**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO  
APPROVING THE SUBDIVISION PLAT FOR RIVER RIDGE MAJOR SUBDIVISION.**

**WHEREAS**, the property owners, Arkansas Living, LLC (“Developer”) made application for approval of a Major Impact Review for River Ridge Major Subdivision; and

**WHEREAS**, the property (“Property”) that is subject to the proposed subdivision consists of 11.17 acres located at 786 Scott Street more particularly described in Exhibit A; and

**WHEREAS**, the property is zoned R-3, High Density Residential and R-4, Manufactured Housing Residential District; and

**WHEREAS**, the Planning Commission and City Council held a conceptual meeting on the proposed Southside Major Subdivision on June 3, 2019; and

**WHEREAS**, on September 23, 2019 the Salida Planning Commission held a public hearing and recommended approval of the River Ridge Major Subdivision, consisting of 41 lots; and

**WHEREAS**, the Salida City Council held a duly noticed public hearing on October 15, 2019.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Salida that:

The River Ridge Major Subdivision is hereby approved, subject to the following conditions:

1. Make corrections to the improvement plans as outlined by the Public Works Director (September 17, 2019) and Floodplain Administrator (September 13, 2019); and provide landscape plans for approval prior to recording of the subdivision plat.
2. Floodplain Development Permit is required for any development/grading within the 100 year flood plain and meet the specific standards outlined by the Floodplain Administrator (September 13, 2019).
3. Make the following corrections and clarifications to the plat prior to recording:
  - a. The Park site and Alleys shall be owned and maintained by the homeowners association.
  - b. Provide a storm water drainage easement to the east side of Lot 23 to allow storm water to be conveyed to the river.

- c. Include 10 foot wide public utility easements as recommended by Xcel Energy.
4. The Fair Contribution for Public School sites will be \$444.66 per unit.
5. Developer shall enter into a subdivision improvement agreement that guarantees the construction of the public improvements that are required for the project, prior to the recording of the subdivision plat.
6. The annexation agreement for the north half of the property allows the option to construct Scott Street adjacent to the project or have applicant provide a fee equal to the estimated cost of the street segment for construction at a later date. This determination shall be made by staff prior to completion of roadway construction within the subdivision and be based on the general condition of Scott Street.
7. The variance proposed to the street cross section is approved, with the modification that the roadway width within the 60 right of way be 34 feet.
8. The Homeowner Association documents shall place a priority on installing street trees prior to completion of each home.

**RESOLVED, APPROVED AND ADOPTED on this 15th day of October, 2019.**

CITY OF SALIDA, COLORADO

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Mayor P.T. Wood

(SEAL)

ATTEST:

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City Clerk



EXHIBIT A

RIVER RIDGE  
LOCATED WITHIN THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE  
SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 9 EAST  
OF THE NEW MEXICO PRINCIPAL MERIDIAN  
CITY OF SALIDA  
CHAFFEE COUNTY, COLORADO

CERTIFICATION OF TITLE

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

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

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

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

ACKNOWLEDGMENT OF LIEN HOLDER

ROBERT D. TREAT, AS LIEN HOLDER, HEREBY ACKNOWLEDGES AND APPROVES THE TERMS, CONDITIONS AND DEDICATION AS DISCLOSED UPON THIS PLAT.

\_\_\_\_\_  
ROBERT D. TREAT

\_\_\_\_\_  
DATE

ACKNOWLEDGMENT OF LIEN HOLDER

ANDREW JAMES PETERNELL & JAMIE VICTORIA PETERNELL, AS LIEN HOLDERS, HEREBY ACKNOWLEDGES AND APPROVES THE TERMS, CONDITIONS AND DEDICATION AS DISCLOSED UPON THIS PLAT.

\_\_\_\_\_  
ANDREW JAMES PETERNELL

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JAMIE VICTORIA PETERNELL

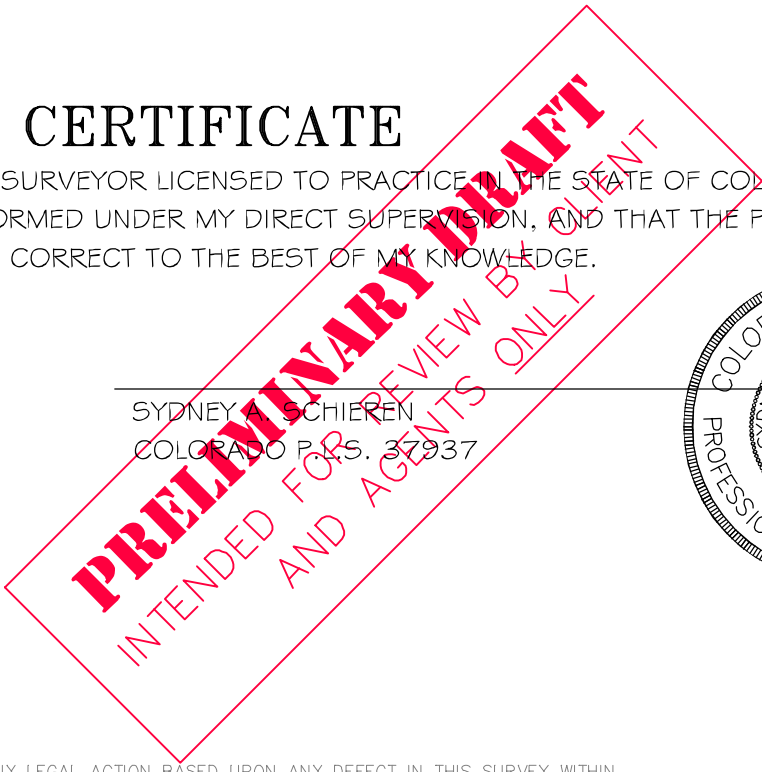
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GENERAL NOTES

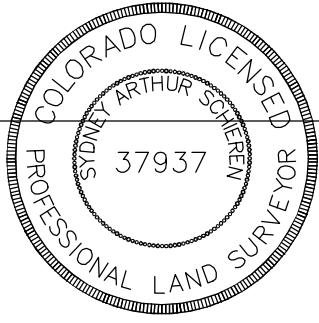
- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTHERLY LINE OF SUBJECT PROPERTY, BETWEEN TWO 1 1/2" ALUMINUM CAPS STAMPED LS 16117, HAVING A BEARING OF SOUTH 89°07'49" EAST.
- 2) OWNER: ARKANSAS RIVER LIVING LLC, 770 CRESCENT LANE, LAKEWOOD, CO 80214
- 3) SUBDIVIDER: ARKANSAS RIVER LIVING LLC, 770 CRESCENT LANE, LAKEWOOD, CO 80214
- 4) AS REQUIRED UNDER SECTION 16-6-140 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) PER SECTION 16-6-120(1) OF THE SALIDA MUNICIPAL CODE, NO RESIDENTIAL FACADE ELEVATION SHALL BE REPEATED MORE THAN ONCE EVERY FIVE (5) LOTS ON THE SAME SIDE OF THE STREET, NOR SHALL AN ELEVATION BE REPEATED DIRECTLY ACROSS THE STREET FROM THE SAME FACADE ELEVATION. MIRROR IMAGES OF THE SAME RESIDENTIAL FACADE SHALL NOT COUNT AS TWO DISTINCTLY DIFFERENT FACADES.
- 6) THIS PLAT SUBJECT TO THE TERMS & CONDITIONS AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED AT RECEPTION NO. \_\_\_\_\_.
- 7) THE 15' ACCESS & DRAINAGE EASEMENT AND THE 20' TRAIL EASEMENT ARE INTENDED TO FULFILL THE "PARKS, TRAILS & OPEN SPACE DEDICATION REQUIREMENTS" PER SECTION 16-6-120 (8) OF THE SALIDA MUNICIPAL CODE. THESE DEDICATIONS SHALL BE CONSIDERED AN EXTRAORDINARY CONTRIBUTION TO TRAIL AND WATERWAY ACCESS AND THEREFORE THE OPEN SPACE REQUIREMENTS OF SECTION 16-6-120 (8) HAVE BEEN MET.
- 8) RESIDENTIAL DENSITY OF THAT PORTION OF THE PROPERTY LYING NORTHEAST OF THE CENTERLINE OF THE ARKANSAS RIVER MAY NOT BE TRANSFERRED TO THE PORTION OF THE PROPERTY LYING SOUTHWEST OF THE CENTERLINE OF THE ARKANSAS RIVER.
- 9) ANY BUILDING TO BE PERMITTED IN THE 100 YEAR FLOOD PLAIN SHALL COMPLY WITH ARTICLE XI, FLOOD CONTROL, OF THE SALIDA MUNICIPAL CODE.
- 10) ALL OPEN SPACE AREAS, INTERNAL TRAILS, PARKS AND STREET PARKWAYS TO BE IMPROVED BY THE DEVELOPER AND MAINTAINED BY THE H.O.A. OR OTHER DESIGNATED PARTY.
- 11) RIVER RIDGE IS SUBJECT TO THE SUBDIVISION IMPROVEMENT AGREEMENT AS RECORDED AT RECEPTION NO. \_\_\_\_\_.
- 12) RIVER RIDGE IS SUBJECT TO ARTICLE XIII, INCLUSIONARY HOUSING, OF CHAPTER 16 OF THE SALIDA MUNICIPAL CODE.

LAND SURVEYOR'S CERTIFICATE

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



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



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.

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL PERSONS BY THESE PRESENTS THAT ARKANSAS RIVER LIVING LLC, THE FEE OWNER OF THE FOLLOWING DESCRIBED PROPERTY:

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (S 1/2 NE 1/4 SW 1/4) OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CITY OF SALIDA, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST SIDE LINE OF A LANE OR STREET KNOWN AS SCOTT STREET, FROM WHENCE THE NORTHWEST CORNER OF SAID SUBDIVISION BEARS FIRST NORTH 1.63 FEET; THENCE WEST 37 FEET; THENCE PROCEEDING AROUND THE TRACT HEREIN DESCRIBED, SOUTH 89°24'06" EAST ALONG THE SOUTH BOUNDARY OF PEELS SUBDIVISION A DISTANCE OF 452 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 00°31'36" EAST ALONG THE EAST BOUNDARY OF SAID SUBDIVISION A DISTANCE OF 150.0 FEET TO THE SOUTH BOUNDARY OF A LANE; THENCE SOUTH 89°31'00" EAST ALONG THE SOUTH BOUNDARY OF SAID LANE, 154.0 FEET TO THE SOUTHEAST CORNER OF SAID LANE; THENCE NORTH 00°29'00" EAST ALONG THE EAST BOUNDARY OF SAID LANE 13.0 FEET TO A POINT ON THE NORTH BOUNDARY OF THE SAID S 1/2 NE 1/4 SW 1/4; THENCE SOUTH 89°25'50" EAST ALONG SAID NORTH BOUNDARY 425.2 FEET, MORE OR LESS, TO THE WESTERLY BOUNDARY OF THE TRACT OF LAND GRANTED TO THE DENVER AND RIO GRANDE RAILROAD COMPANY IN BOOK 73 AT PAGE 309 OF THE CHAFFEE COUNTY RECORDS; THENCE ALONG THE WESTERLY BOUNDARY OF SAID RAILROAD TRACT, FIRST ALONG THE ARC OF A CURVE A DISTANCE OF 173.91 FEET, SAID CURVE HAVING A RADIUS OF 900.0 FEET AND A CHORD WHICH BEARS SOUTH 34°00'47" EAST 173.64 FEET, AND THENCE SOUTH 39°32'54" EAST 161.36 FEET TO THE EAST BOUNDARY OF THE SAID S 1/2 NE 1/4 SW 1/4; THENCE SOUTH 00°18'00" EAST ALONG SAID EAST BOUNDARY 1.57 FEET; THENCE SOUTH 77°30' WEST 725.59 FEET; THENCE NORTH 75°00'00" WEST 273.35 FEET; THENCE NORTH 00°52'00" EAST 61.82 FEET; THENCE NORTH 89°18'00" WEST 262.30 FEET TO THE EAST BOUNDARY OF SCOTT STREET; THENCE NORTH 00°30'11" EAST 138.45 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (S 1/2 NE 1/4 SW 1/4) OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH SIDE OF CHAFFEE COUNTY ROAD NO. 105, FROM WHENCE THE SOUTHEAST CORNER (BRASS CAP) OF SAID SECTION 4 BEARS SOUTH 69°56' EAST 4,117.5 FEET, AND ALSO FROM WHENCE THE HIGHWAY RIGHT-OF-WAY MARKER (BRASS CAP IN CONCRETE) AT STATION 2304+26 OF THE CENTERLINE SURVEY OF U.S. HIGHWAY NO. 50 BEARS NORTH 89°35' WEST 217.9 FEET; THENCE SOUTH 85°01' EAST 44.9 FEET TO A REBAR WITH A 1 1/2-INCH ALUMINUM CAP ON THE NORTH SIDE OF SAID COUNTY ROAD; THENCE SOUTH 89°18' EAST ALONG THE SAID NORTH SIDE OF SAID COUNTY ROAD A DISTANCE OF 262.3 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN BOOK 502 AT PAGE 186 OF THE RECORDS OF SAID CHAFFEE COUNTY, BEING THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE PROCEEDING AROUND SAID TRACT NORTH 00°52' EAST ALONG THE EAST BOUNDARY OF SAID TRACT AS DESCRIBED IN BOOK 502 AT PAGE 186 AND A PROJECTION NORTHERLY OF SAID EAST BOUNDARY A TOTAL DISTANCE OF 268.18 FEET;

THENCE SOUTH 75°00' EAST 273.30 FEET TO A REBAR WITH A 1 1/2-INCH ALUMINUM CAP AT THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN BOOK 414 AT PAGE 518 OF SAID COUNTY RECORDS, AS SAID PARCEL IS MONUMENTED;

THENCE SOUTH 00°19'14" EAST ALONG THE WEST BOUNDARY OF SAID PARCEL AS MONUMENTED 200.43 FEET TO A REBAR WITH A 1 1/2-INCH ALUMINUM CAP AT THE SOUTHWEST CORNER OF SAID PARCEL AS DESCRIBED IN BOOK 414 AT PAGE 518, SAID POINT BEING ON THE NORTHERLY BOUNDARY OF SAID CHAFFEE COUNTY ROAD NO. 105;

THENCE NORTH 89°21'34" WEST ALONG SAID NORTHERLY COUNTY ROAD BOUNDARY 269.18 FEET TO THE POINT OF BEGINNING.

CITY OF SALIDA, CHAFFEE COUNTY, COLORADO

TOGETHER WITH

A TRACT OF LAND LOCATED IN THE NE 1/4 OF THE SW 1/4 OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT AT A FENCE CORNER ON THE NORTH SIDE OF A CHAFFEE COUNTY ROAD FROM WHENCE THE SE COR (BRASS CAP) OF SECTION 4 BEARS SOUTH 66°55.4' EAST 3580.6 FEET, SAID BEGINNING POINT, TWO REMAINING TRACT CORNERS, AND TWO WITNESS CORNERS ARE MARKED BY 5/8 INCH REBARS WITH 1 1/2 INCH ALUMINUM CAPS;

THENCE PROCEEDING AROUND THE TRACT NORTH 200.0 FEET;

THENCE NORTH 77°30' EAST 285.0 FEET TO A WITNESS CORNER;

THENCE CONTINUING NORTH 77°30' EAST 144.5 FEET TO A POINT WHICH IS NORTH 8°30.3' WEST OF ANOTHER WITNESS CORNER;

THENCE SOUTH 8°30.3' WEST 107.7 FEET TO THE WITNESS CORNER;

THENCE CONTINUING SOUTH 8°30.3' WEST 188.5 FEET TO A POINT ON THE NORTH SIDE OF THE SAID CHAFFEE COUNTY ROAD;

THENCE WEST ALONG SAID NORTH SIDE AS FENCED 375.5 FEET TO THE POINT OF BEGINNING.

CITY OF SALIDA, CHAFFEE COUNTY, COLORADO

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

RIVER RIDGE  
IN THE  
CITY OF SALIDA  
CHAFFEE COUNTY, COLORADO

AND DO HEREBY DEDICATE TO THE CITY OF SALIDA AS PUBLIC ROADS, THE STREETS AS SHOWN ON SAID PLAT, AND HEREBY DEDICATES TO THE PUBLIC THE 15' PUBLIC TRAIL, DRAINAGE AND RIVER ACCESS EASEMENT AND THE 20' PUBLIC TRAIL EASEMENT AS SHOWN HEREON. THE UNDERSIGNED HEREBY FURTHER DEDICATE TO THE PUBLIC UTILITIES THE RIGHT TO INSTALL, MAINTAIN AND OPERATE MAINS, TRANSMISSION LINES, SERVICE LINES AND APPURTENANCES TO PROVIDE SUCH UTILITY SERVICE WITHIN THIS SUBDIVISION OR PROPERTY CONTIGUOUS THERETO, UNDER, ALONG AND ACROSS PUBLIC ROADS AND UTILITY EASEMENTS AS SHOWN ON THIS PLAT.

EXECUTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2019

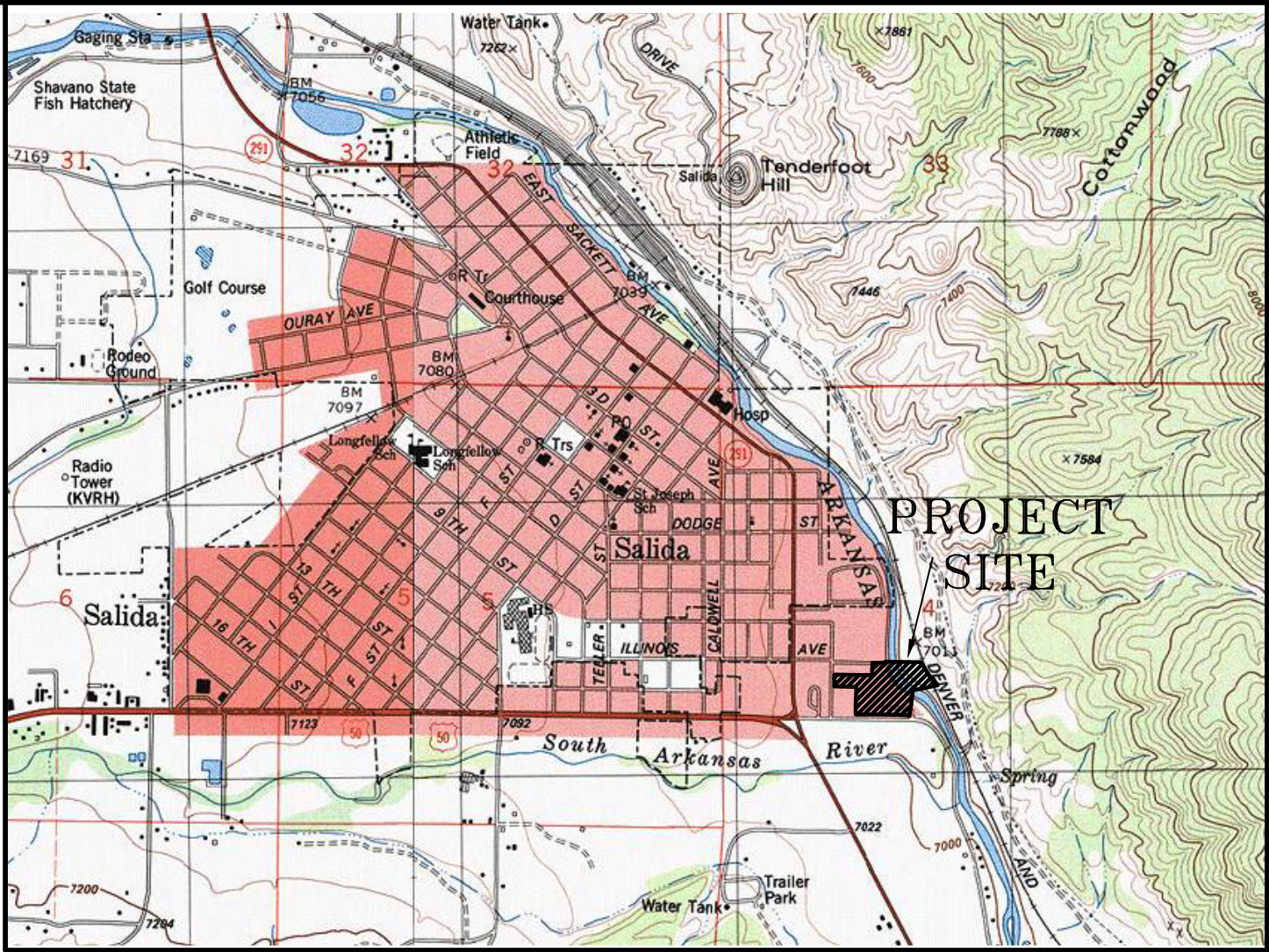
\_\_\_\_\_  
BY: TOM MESCH, AS MANAGING MEMBER

COUNTY OF CHAFFEE )  
                                  ) SS.  
STATE OF COLORADO )

THE FORGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2019, BY TOM MESCH, AS SALIDA RIVER LIVING LLC MANAGING MEMBER, WITNESS MY HAND AND SEAL.

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

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



VICINITY MAP  
NOT TO SCALE

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 ABOVE, AND FURTHER ACCEPTS THE DEDICATION OF THE PARK AND EASEMENTS SHOWN HEREON.

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.  
CITY OF SALIDA

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

PLANNING COMMISSION APPROVAL

THIS PLAT IS APPROVED BY THE CITY OF SALIDA PLANNING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
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.

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 \_\_\_\_\_, 2019 UNDER RECEPTION NUMBER \_\_\_\_\_.

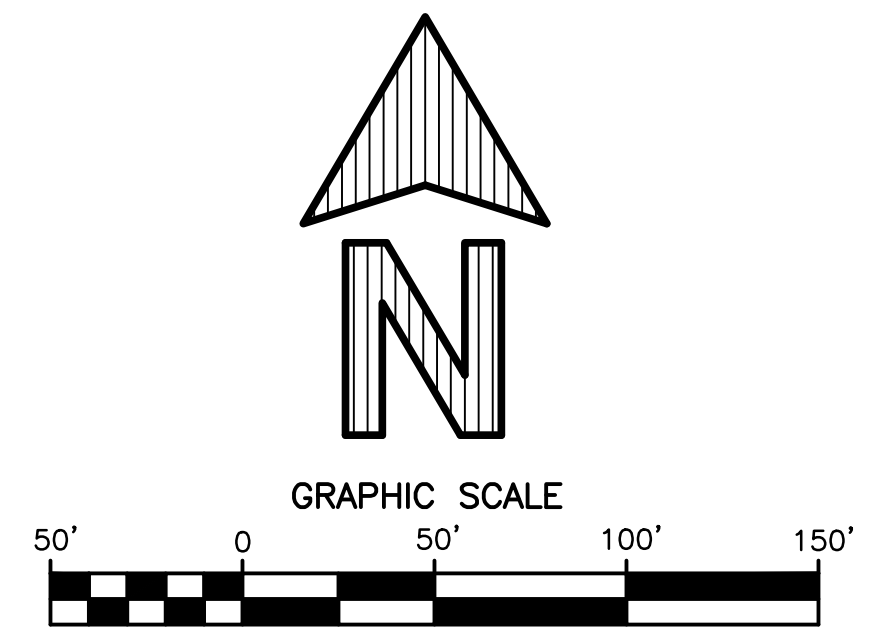
\_\_\_\_\_  
CHAFFEE COUNTY CLERK AND RECORDER

REVISED:SEPTEMBER 23, 2019	<b>RIVER RIDGE</b>  LOCATED WITHIN THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN CITY OF SALIDA CHAFFEE COUNTY, COLORADO
JOB # 1974	<b>LANDMARK</b> SURVEYING & MAPPING P.O. BOX 668    SALIDA, CO 81201 PH 719.539.4021    FAX 719.539.4031
DATE: AUGUST 21, 2019	
SHEET 1 OF 2	



# RIVER RIDGE

LOCATED WITHIN THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE  
SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 9 EAST  
OF THE NEW MEXICO PRINCIPAL MERIDIAN  
CITY OF SALIDA  
CHAFFEE COUNTY, COLORADO

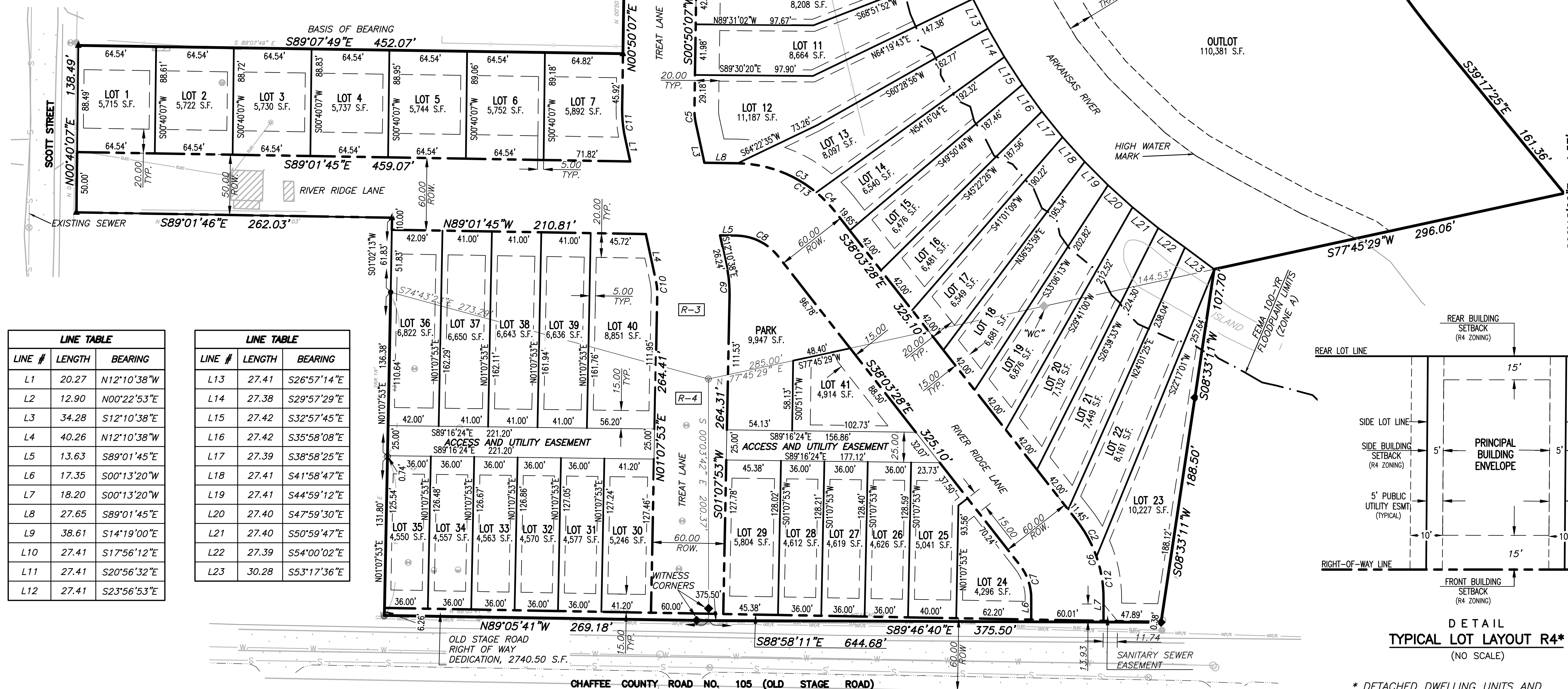


CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHORD	CHORD BRNG
C1	900.00	011°04'13"	173.89	173.62	S33°45'19"E
C2	105.00	018°46'44"	34.41	34.26	S28°40'06"E
C3	105.00	038°41'55"	70.92	69.58	S69°40'48"E
C4	105.00	012°16'23"	22.49	22.45	S44°11'39"E
C5	45.00	013°00'45"	10.22	10.20	S05°40'15"E
C6	105.00	038°16'47"	70.15	68.85	S18°55'04"E
C7	45.00	038°16'47"	30.06	29.51	N18°55'04"W
C8	45.00	050°58'18"	40.03	38.73	N63°32'37"W
C9	107.22	013°01'55"	24.39	24.33	S05°31'23"E
C10	45.95	013°01'55"	10.45	10.43	N05°31'23"W
C11	105.00	013°00'45"	23.85	23.80	N05°40'15"W
C12	105.00	019°30'03"	35.74	35.56	S09°31'42"E
C13	105.00	050°58'18"	93.41	90.36	S63°32'37"E

## LEGEND

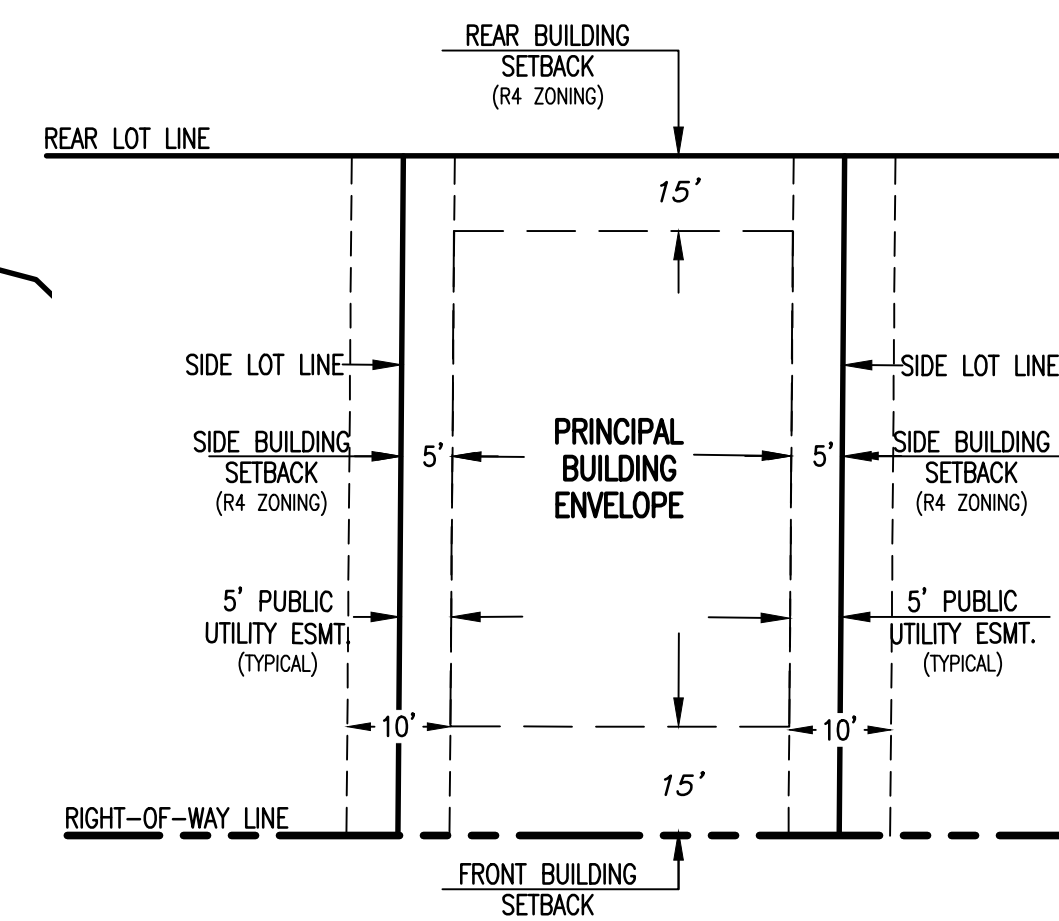
	PROJECT BOUNDARY
	EXISTING/ADJACENT RIGHT-OF-WAY
	NEW ROAD RIGHT-OF-WAY
	TOWN BOUNDARY
	NEW LOT LINE
	NEW EASEMENT LINE
	BUILDING SETBACK LINE
	WATER MAIN
	SEWER MAIN
	UTILITY POLE
	UNDERGROUND PHONE
	OVERHEAD ELECTRIC AND PHONE
	GAS MAIN
	FENCE
	WATER VALVE
	SEWER MANHOLE
	COMMUNICATION PEDESTAL
	ELECTRICAL PEDESTAL
	1 1/2" ALUMINUM CAP STAMPED "LS 17117"
	1 1/2" ALUMINUM CAP STAMPED "LS 37937"
	1" ALUMINUM CAP STAMPED "LS 1776"
	CHAIN LINK FENCE POST

	Area (Acres)
Lots	5.92
Outlot	2.53
Park	0.23
Right of Way	2.49
Total	11.17

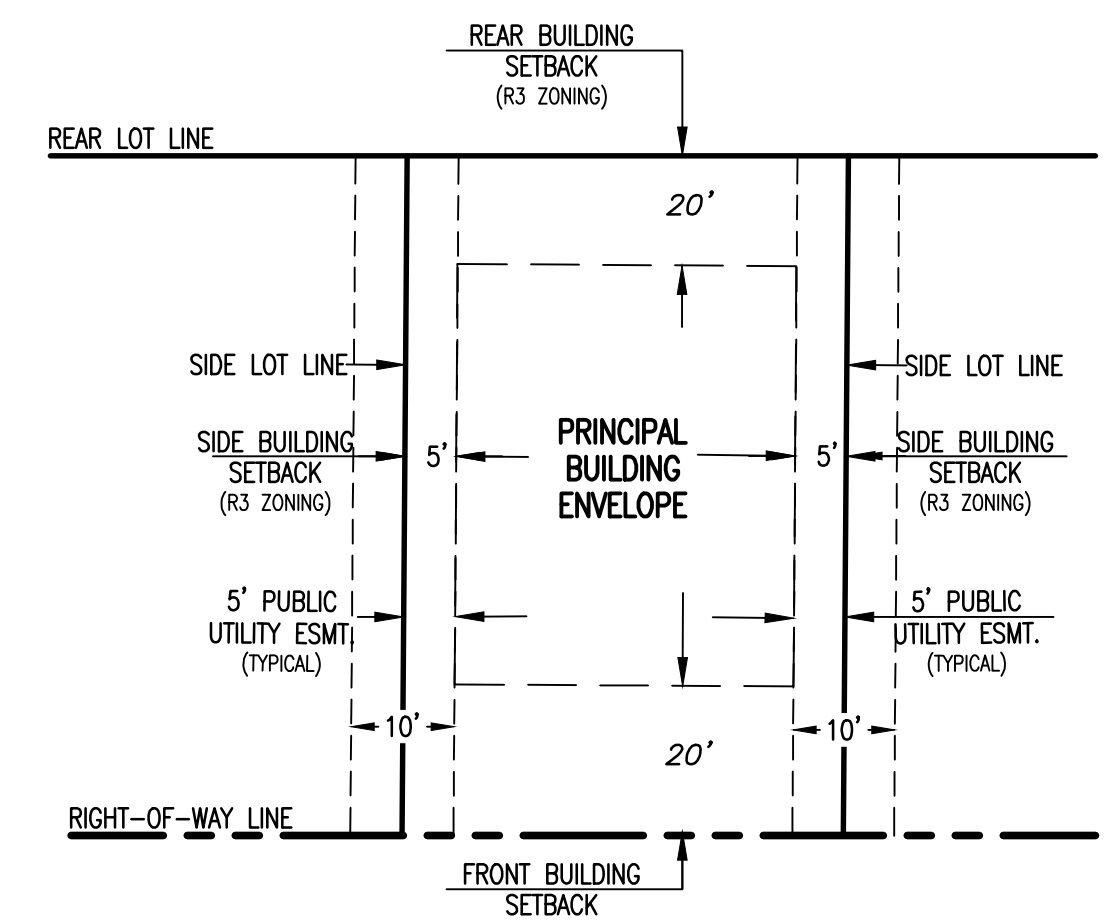


LINE #	LENGTH	BEARING
L1	20.27	N12°10'38"W
L2	12.90	N00°22'53"E
L3	34.28	S12°10'38"E
L4	40.26	N12°10'38"W
L5	13.63	S89°01'45"E
L6	17.35	S00°13'20"W
L7	18.20	S00°13'20"W
L8	27.65	S89°01'45"E
L9	38.61	S14°19'00"E
L10	27.41	S17°56'12"E
L11	27.41	S20°56'32"E
L12	27.41	S23°56'53"E

LINE #	LENGTH	BEARING
L13	27.41	S26°57'14"E
L14	27.38	S29°57'29"E
L15	27.42	S32°57'45"E
L16	27.42	S35°58'08"E
L17	27.39	S38°58'25"E
L18	27.41	S41°58'47"E
L19	27.41	S44°59'12"E
L20	27.40	S47°59'30"E
L21	27.40	S50°59'47"E
L22	27.39	S54°00'02"E
L23	30.28	S53°17'36"E



DETAIL  
TYPICAL LOT LAYOUT R4\*  
(NO SCALE)



DETAIL  
TYPICAL LOT LAYOUT R3\*  
(NO SCALE)

\* DETACHED DWELLING UNITS AND STRUCTURES MAY HAVE LESSER SETBACKS THAN SHOWN. REFER TO SALIDA LAND USE AND DEVELOPMENT CODE.

ASSISTED BY:



REVISED:
JOB # 1974
DATE: AUGUST 26, 2019
SHEET 2 OF 2

**RIVER RIDGE**

LOCATED WITHIN THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN CITY OF SALIDA CHAFFEE COUNTY, COLORADO

**LANDMARK**  
SURVEYING & MAPPING

P.O. BOX 668 SALIDA, CO 81201  
PH 719.539.4021 FAX 719.539.4031





## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: August 7, 2018

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
VI. - 5.	Community Development	Glen Van Nimwegen

### **ITEM:**

Ordinance No. 2018-12; Second reading and public hearing on proposed zoning for Buckley Meadows Annexation.

### **BACKGROUND:**

The applicant made an application to rezone the 2.55 acre site located at 7221 County Road 105 that is subject to annexation to Manufactured Housing Residential District (R-4). The request was heard by the Planning Commission on June 25, 2018 and the Commission recommends the site be zoned to High Density Residential (R-3). On July 3<sup>rd</sup>, the City Council suggested Lot 4 be R-4 and Lots 1-3 be zoned R-3.

**Property Owners and Applicants:** Michael Buckley and Kathryn Meadows.



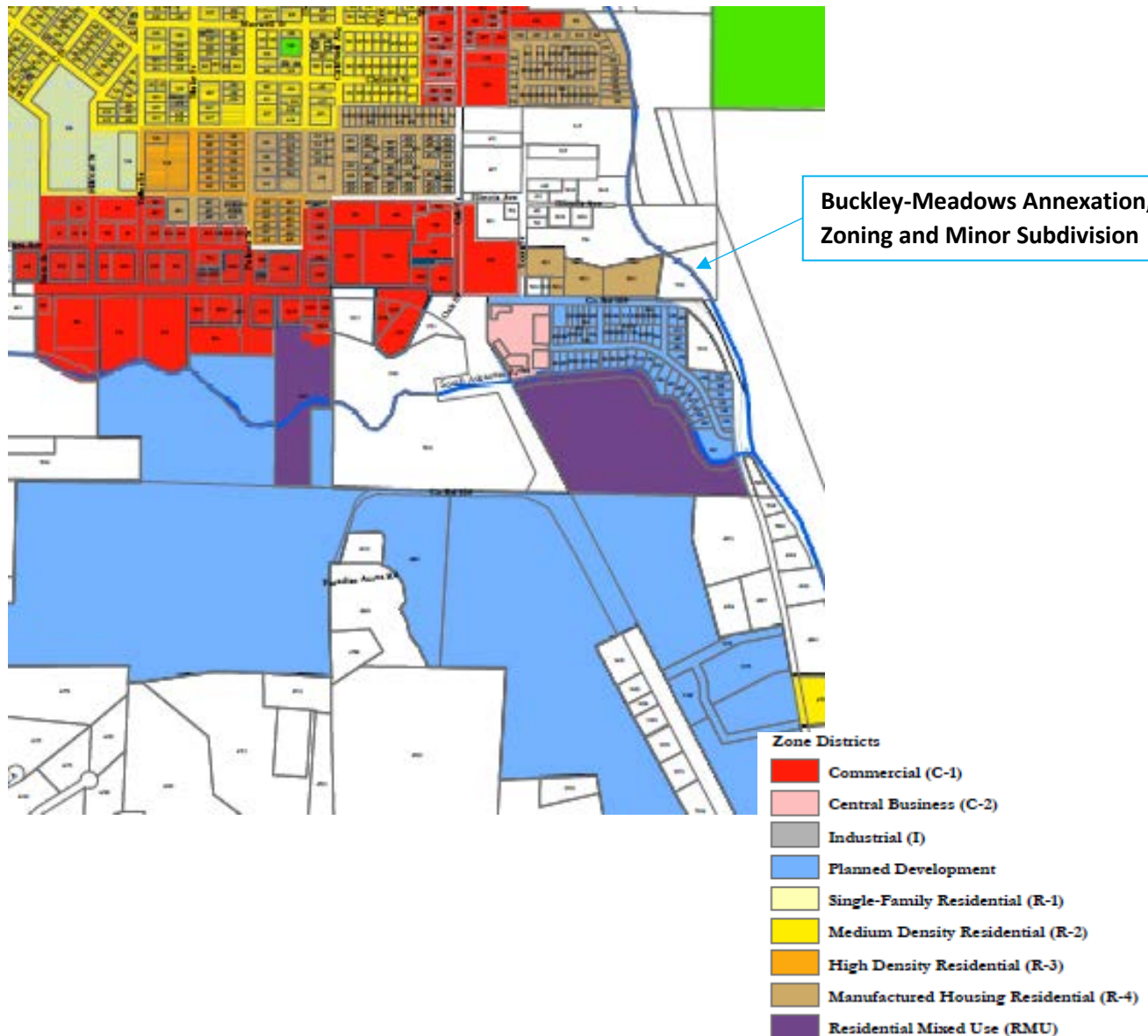


## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: August 7, 2018

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
VI. - 5.	Community Development	Glen Van Nimwegen

**Surrounding Land Use and Zoning:** The site to the west is zoned R-4, Manufactured Housing Residential District; South is Planned Development with the underlying districts of R-2, Medium Density Residential and R-3, High Density Residential District. The property adjacent to the site on the north remains in Chaffee County and is zoned RES, Residential Zone District. The land east of the parcel is also in Chaffee County and is zoned REC, Recreational.





## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: August 7, 2018

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
VI. - 5.	Community Development	Glen Van Nimwegen

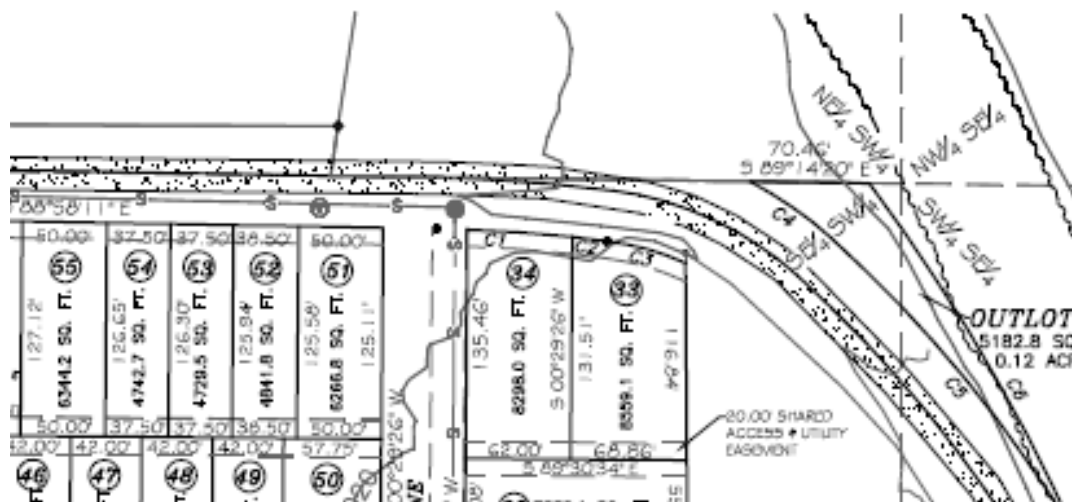
### Proposed Zoning:

The applicant is requesting R-4 zoning, primarily to take advantage of the five foot reduction in the front and rear setbacks the district affords over the R-3 or R-2 districts. The setbacks are important to the owners as they intend to build a riverfront home on Lot 4, which is over an acre and a half, but three-quarters of the lot is cut-off from road access by the Arkansas River. The other three lots are considerably over the size required by the requested zoning, but the buildable area is reduced by the river. On July 3 the Council suggest Lot 4 be R-4 and Lots 1-3 be zoned R-3.

Though the application and minor subdivision indicates a desire to build four principal homes on the site, the Council should be aware that the allowed density could be as many as 42 homes. However, the physical constraints caused by the river bifurcating the property limits the capacity of the site. Regardless, the R-4 district is consistent with the city zoning on the east and south.

The review standards for a rezoning include:

1. Consistency with the Comprehensive Plan: The Comprehensive Plan includes the goals that new projects should complement the neighborhood's mass and scale and be focused within the Municipal Services Area. The proposal supports these goals.
2. Consistency with the Purpose of the Zone District: The purpose of the R-4 district is to provide "...relatively high density manufactured housing, mobile home residences and mobile home parks." Though this is not the intent of the owners, historically this has been the primary use in the area.
3. Compatibility with Surrounding Zone District and Uses: The R-4 district is the dominant zoning classification on the north side of Old Stage Road. On the south side, lots 33 and 34 of the Two Rivers PD are zoned R-2, however the planned development allowed the front setback be reduced to 10 feet, five feet less than the R-4 district. Lot 51 of Two Rivers is also across the street from the subject site, has the underlying zoning of R-3 and also has a reduced front setback of 10 feet.





## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: August 7, 2018

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
VI. - 5.	Community Development	Glen Van Nimwegen

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

- Salida Fire Department: Doug Bess, Fire Chief, responded "If water line is extended to the east property line, a fire hydrant shall be installed."
- Salida Police Department: Lieutenant Russ Johnson responded "I have reviewed the plans that have been submitted and have no concerns at this time. However, I would request that the property on the east side of the river be marked because we have an issue with homeless camps in the area. This would allow us to determine venue for enforcing any issues that may arise."
- Chaffee County Planning Department: Jon Roorda, Planning Manager stated "CR 105 should be dedicated 30 feet from center of road. City to assume road maintenance."
- Salida Public Works Department: Public Works Director David Lady stated: "Complete road improvements adjacent to the site to match cross section on the south side of the road, including paving, curb, gutter and sidewalk to a point even with the east property line of Lot 33 in Two Rivers Subdivision Phase 1."

### **STAFF RECOMMENDATION:**

Staff recommends approval to rezone Lots 1-3 of the site to High Density Residential (R-3) and Lot 4 to Manufactured Housing Residential District.

### **PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission held a public hearing on June 25, 2018 to take public testimony and make a recommendation to the City Council. The Commission voted 7-0 to recommend that Council approve the rezoning to High Density Residential (R-3).

### **SUGGESTED MOTION:**

A council person should make the motion to "approve Ordinance 2018-12."

### **Attachments:**

Ordinance No. 2018-12

Application



**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 12  
SERIES OF 2018**

**AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, ZONING CERTAIN REAL  
PROPERTY KNOWN AS THE BUCKLEY-MEADOWS ANNEXATION AS HIGH  
DENSITY RESIDENTIAL (R-3) ZONE AND MANUFACTURED HOUSING  
RESIDENTIAL (R-4) ZONE DISTRICTS**

WHEREAS, April 16, 2018, Michael Buckley and Kathryn Meadows (“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 2.55 acres located at 7221 County Road 105, 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. 11, Series of 2018 the City of Salida annexed the Buckley-Meadows Annexation to the City; and

WHEREAS, Petitioner has filed an application to zone the Property within the Manufactured Housing Residential District (R-4), and on June 25, 2018 the City of Salida Planning Commission considered the zoning application for the Property and recommended that the City Council zone it as High Density Residential District (R-3); and

WHEREAS, at the first reading of Ordinance No 2018-12 held on July 3, 2018, the City Council recommended the site be zoned as a combination of R-3 and R-4; and

WHEREAS, as required by the Salida Municipal Code, the public hearing on the zoning application for the Buckley-Meadows Annexation was held on August 7, 2018 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 as Lots 1-3 on Exhibit A is hereby zoned High Density Residential (R-3); and the Property described as Lot 4 on Exhibit A is hereby zoned Manufactured Housing Residential District (R-4).
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 July 3, 2018, 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 \_\_\_\_\_, 2018 and set for second reading and public hearing on the 7th day of August, 2018.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on the 7th day of August, 2018.

CITY OF SALIDA, COLORADO

\_\_\_\_\_  
P.T. Wood, Mayor

[SEAL]

ATTEST:

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

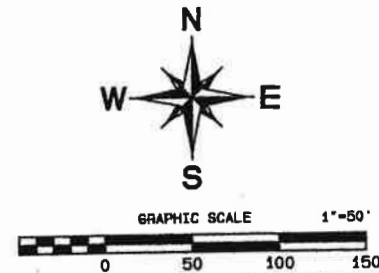
PUBLISHED IN FULL in the Mountain Mail after First Reading on the \_\_\_\_ day of \_\_\_\_\_, 2018, and BY TITLE ONLY, after final adoption on the \_\_\_\_ day of \_\_\_\_\_, 2018.

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

## EXHIBIT A

## GEODESIA MINOR SUBDIVISION

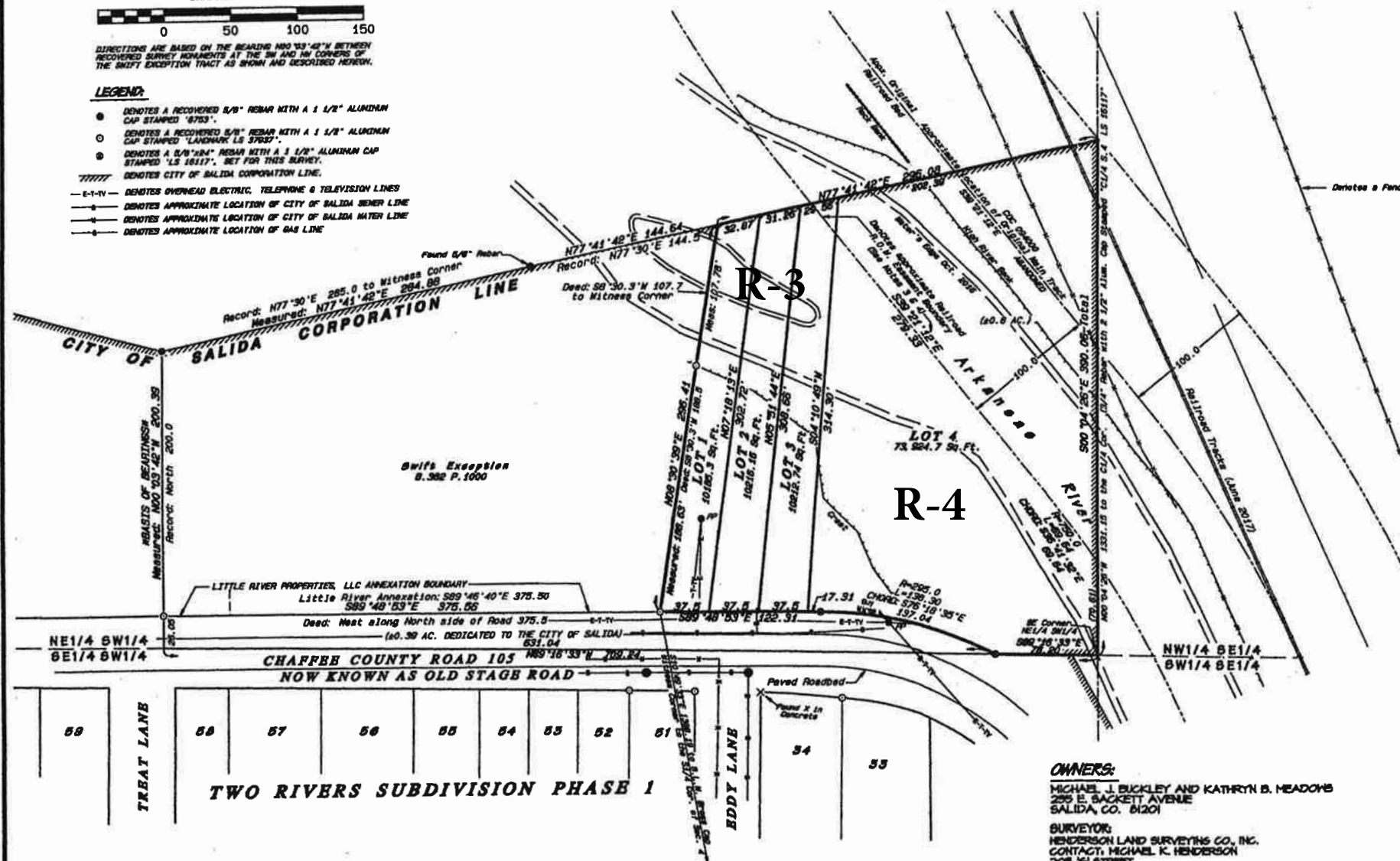
FOR A TRACT IN THE  
NE1/4 SW1/4 OF SEC. 4, T.49 N, R.9 E, N.M.P.M.  
CHAFFEE COUNTY, COLORADO



DIRECTIONS ARE BASED ON THE BEARING AND DISTANCE BETWEEN RECOVERED SURVEY MONUMENTS AT THE SW AND NW CORNERS OF THE SWIFT EXEMPTION TRACT AS SHOWN AND DESCRIBED HEREON.

## LEGEND:

- DENOTES A RECOVERED 5/8" REBAR WITH A 1 1/2" ALUMINUM CAP STAMPED "8753".
- DENOTES A RECOVERED 5/8" REBAR WITH A 1 1/2" ALUMINUM CAP STAMPED "LANDMARK LS 37857".
- DENOTES A 5/8" REBAR WITH A 1 1/2" ALUMINUM CAP STAMPED "LS 18117", SET FOR THIS SURVEY.
- TTTTT DENOTES CITY OF SALIDA CORPORATION LINE.
- E-T-V- DENOTES OVERHEAD ELECTRIC, TELEPHONE & TELEVISION LINES.
- DENOTES APPROXIMATE LOCATION OF CITY OF SALIDA BODER LINE.
- DENOTES APPROXIMATE LOCATION OF CITY OF SALIDA WATER LINE.
- DENOTES APPROXIMATE LOCATION OF GAS LINE.



## CERTIFICATE OF DEDICATION AND OWNERSHIP:

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

Part of the South Half of the Northeast Quarter of the Southwest Quarter (SW1/4 NE1/4 SW1/4) of Section 4, Township 49 North, Range 9 East of the New Mexico Principal Meridian, Chaffee County, Colorado, within the following described boundary lines:

Beginning at a point in the south line of said subdivision 535 feet East of the southwest corner of the NE1/2, SW1/4, of Section 4, Township 49 North, Range 9 East of the New Mexico Principal Meridian thence North 22.43 feet; thence North 71°50' East 806.4 feet to the east line of said subdivision; thence South 248.2 feet to the southeast corner of said subdivision; thence West 767 feet along the south line of said subdivision to the point of beginning.

TOGETHER WITH all water rights granted or may have in and to said above described property, and the rights they have by virtue of that Warranty Deed recorded in Book 252 at Page 446 and in Correction Deed recorded in Book 266 at Page 151 of the Chaffee County Records.

SUBJECT TO all easements of record.

LESS THE FOLLOWING DESCRIBED PARCEL which was conveyed to Kevin Swift on or about January 18, 1973: Beginning at a point at a fence corner on the north side of a Chaffee County Road from whence the southeast corner (brass cap) of Section 4 bears South 66°35.4' East 850.6 feet, said beginning point, two remaining tract corners, and two witness corners are marked by 5/8 inch rebar with 1 1/2" aluminum caps; thence proceeding around the tract North 200.0 feet; thence North 71°50' East 285.0 feet to a witness corner; thence continuing North 71°50' East 144.5 feet to a point which is North 8°50.9' West of another witness corner; thence South 8°50.9' West 107.1 feet to the witness corner; thence continuing South 8°50.9' West 166.5 feet to a point on the north side of the said Chaffee County Road; thence West along said north road side as fenced 575.5 feet to the point of beginning.

BEING MORE ACCURATELY DESCRIBED AS:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4 SW1/4) OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" REBAR WITH A 1 1/2" ALUMINUM CAP AT THE SOUTHWEST CORNER OF THE TRACT CONVEYED TO KEVIN SWIFT IN BOOK 302 AT PAGE 1000, FROM WHENCE THE WITNESS CORNER (B.L.M. BRASS CAP) TO THE SOUTH 1/4 CORNER OF SAID SECTION 4 BEARS SOUTH 10°41'35" EAST 1866.14 FEET; THENCE PROCEEDING AROUND SAID TRACT, NORTH 06°50'34" EAST ALONG THE EAST BOUNDARY OF SAID SWIFT TRACT 100.00 FEET TO A 5/8" REBAR WITH A 1 1/2" ALUMINUM CAP WITNESS CORNER; THENCE CONTINUING NORTH 06°50'34" EAST 107.18 TO THE NORTHEAST CORNER OF SAID SWIFT TRACT, FROM WHENCE A 5/8" REBAR WITNESS CORNER ON THE NORTH BOUNDARY OF SAID SWIFT TRACT BEARS SOUTH 71°41'42" WEST 144.84 FEET; THENCE NORTH 71°41'42" EAST 246.06 FEET TO THE EAST BOUNDARY OF THE SAID NE1/4 SW1/4; THENCE SOUTH 00°04'26" EAST ALONG SAID EAST BOUNDARY 240.06 FEET TO THE SOUTHWEST CORNER OF THE SAID NE1/4 SW1/4;

THENCE NORTH 04°16'55" WEST ALONG THE SOUTH BOUNDARY OF SAID NE1/4 SW1/4 A DISTANCE OF 104.24 FEET TO A POINT WHICH IS SOUTH 00°05'42" EAST FROM A 5/8" REBAR WITH A 1 1/2" ALUMINUM CAP AT THE SOUTHWEST CORNER OF SAID SWIFT TRACT; THENCE NORTH 00°05'42" WEST 26.05 FEET TO SAID REBAR AND CAP; THENCE SOUTH 04°40'59" EAST ALONG THE SOUTH BOUNDARY OF SAID SWIFT TRACT, BEING DESCRIBED AS THE NORTH BOUNDARY OF A ROAD, A DISTANCE OF 575.56 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE RIGHT-OF-WAY FOR CHAFFEE COUNTY ROAD NO. 105, NOW KNOWN AS OLD STAGE ROAD.

DO HEREBY LAY-OUT, PLAT AND SUBDIVIDE THE ABOVE DESCRIBED PROPERTY INTO FOUR (4) LOTS, WITH DISTANCES AND DIRECTIONS, AS SHOWN ON THIS PLAT, TO BE KNOWN AS:

LOT 1, LOT 2, LOT 3 AND LOT 4  
GEODESIA MINOR SUBDIVISION  
IN THE CITY OF SALIDA  
CHAFFEE COUNTY, COLORADO

AND THAT PORTION (10.291 ACRES) OF THE PROPERTY LOCATED WITHIN THE RIGHT-OF-WAY FOR CHAFFEE COUNTY ROAD NO. 105, NOW KNOWN AS OLD STAGE ROAD IS HEREBY DEDICATED TO THE CITY OF SALIDA AND TO THE PUBLIC FOR PUBLIC ROAD RIGHT-OF-WAY.

AND LOT 4 IS SUBJECT TO THE RIGHTS OF THE UNION PACIFIC RAILROAD TO OPERATE, MAINTAIN, INSPECT AND REPAIR ITS RAILROAD TRACKS LOCATED WITHIN THE ORIGINAL 200.0 FOOT WIDE RAILROAD EASEMENT.

## ACKNOWLEDGEMENT:

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE CAUSED THESE PRESENTS TO BE EXECUTED ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2018.

\_\_\_\_\_  
MICHAEL J. BUCKLEY

STATE OF COLORADO

COUNTY OF CHAFFEE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2018.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES \_\_\_\_

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

## CERTIFICATE OF TITLE INSURANCE COMPANY:

I, JAMES L. TREAT, A LICENSED TITLE INSURANCE AGENT REPRESENTING STEWART TITLE GUARANTY COMPANY IN THE STATE OF COLORADO DO CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE REAL PROPERTY SHOWN AND DESCRIBED ON THIS PLAT AND FOUND TITLE VESTED IN MICHAEL J. BUCKLEY AND KATHRYN B. MEADOWS FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, EXCEPT:

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

## LAND SURVEYOR'S STATEMENT:

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

DATED THIS \_\_\_\_ DAY OF \_\_\_\_, 2018.

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

## GENERAL LAND SURVEYOR'S NOTES:

- 1) RECORD PROPERTY DESCRIPTION AND RECORD EASEMENT RESEARCH BASED ON STEWART TITLE GUARANTY COMPANY TITLE POLICY 0-0000-652041790 ISSUED BY CHAFFEE TITLE & ESCROW AS FILE NO. 20784 DATED DECEMBER 8, 2011. MORE ACCURATELY DESCRIBED AS PROPERTY DESCRIPTION WAS PREPARED BY MICHAEL K. HENDERSON, 209 S. STREET, SALIDA, CO 81201 AND IS BASED ON THE RESULTS OF THIS SURVEY.
- 2) DEED LINES ARE BASED ON AFORESAID PROPERTY DESCRIPTIONS, AND ON THE LOCATIONS OF THE RECOVERED SURVEY MONUMENTS SHOWN AND/OR DESCRIBED HEREON.
- 3) THE 200 FOOT WIDE RAILROAD RIGHT-OF-WAY EASEMENT WAS GRANTED BY THE RAILROAD ACT OF 1875, IN BRADY TRUST V. UNITED STATES, U.S. 154 S. Ct. 1251, 100 L.Ed.2d 272 (2014). THE U.S. SUPREME COURT HELD THAT RIGHTS-OF-WAY GRANTED BY THE U.S. GOVERNMENT UNDER THE GENERAL RAILROAD ACT OF 1875 CONSTITUTE EASEMENTS, AND NOT REVERSIONARY INTERESTS HELD BY THE U.S. GOVERNMENT. THE ORIGINAL NARROW GAUGE LINE CENTERED IN THE 200 FOOT RIGHT-OF-WAY WAS ABANDONED AND THE RAILROAD BED AND TRACKS WERE MOVED TO THE LOCATION AS SHOWN HEREON.
- 4) RAILROAD RIGHT-OF-WAY AND TRACK MAPS SHOW THE WESTERLY BOUNDARY OF THE 200 FOOT RIGHT-OF-WAY TO BE LOCATED WITHIN THE ARKANSAS RIVER.

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COUNTERSIGN ANY INSTRUMENT BASED ON THIS PLAT AND SURVEY. IF YOU DO NOT COUNTERSIGN, YOUR SIGNATURE WILL BE VOID. IF YOU DO COUNTERSIGN, YOU WILL BE RESPONSIBLE FOR THE ACCURACY OF THE PLAT AND SURVEY. IF YOU DO NOT COUNTERSIGN, YOU WILL BE RESPONSIBLE FOR THE ACCURACY OF THE PLAT AND SURVEY. IF YOU DO NOT COUNTERSIGN, YOU WILL BE RESPONSIBLE FOR THE ACCURACY OF THE PLAT AND SURVEY.

## CITY OF SALIDA PLANNING COMMISSION APPROVAL:

THIS PLAT IS APPROVED BY THE CITY OF SALIDA PLANNING COMMISSION ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2018.

\_\_\_\_\_  
CHAIRMAN

## CITY ADMINISTRATOR APPROVAL:

THIS PLAT IS APPROVED BY THE SALIDA CITY ADMINISTRATOR ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2018.

\_\_\_\_\_  
CITY ADMINISTRATOR, CITY OF SALIDA

## CLERK AND RECORDER'S CERTIFICATE:

THIS PLAT WAS FILED IN THE OFFICE OF THE CLERK AND RECORDER OF CHAFFEE COUNTY, COLORADO, AT \_\_\_\_ M., ON THIS \_\_\_\_ DAY OF \_\_\_\_, A.D., 2018.

RECEPTION NO. \_\_\_\_

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

GEODESIA MINOR SUBDIVISION FOR TRACT IN NE1/4 SW1/4 OF SECTION 4, T.49 N, R.9 E, N.M.P.M. CHAFFEE COUNTY, COLORADO	
LAND NUMBER: J-18-049 TFC FILE: J-18-203 DRAWN BY: TROY GARD CHECKED: [Signature] DATE: 3/21/18	HENDERSON LAND SURVEYING CO., INC. 209 S. STREET SALIDA, COLORADO 81201 DATE: 3/21/18 DRAWING NO. L-18-19

## PLANNING COMMISSION STAFF REPORT

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**MEETING DATE:** June 25, 2018

**AGENDA ITEM TITLE:** 2. Recommendation on Proposed Annexation and Zoning; Approval of Minor Subdivision – Buckley-Meadows

**AGENDA SECTION:** Public Hearing

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**REQUEST / BACKGROUND:**

The applicant is requesting the following actions regarding 2.55 acres located at 7221 County Road 105:

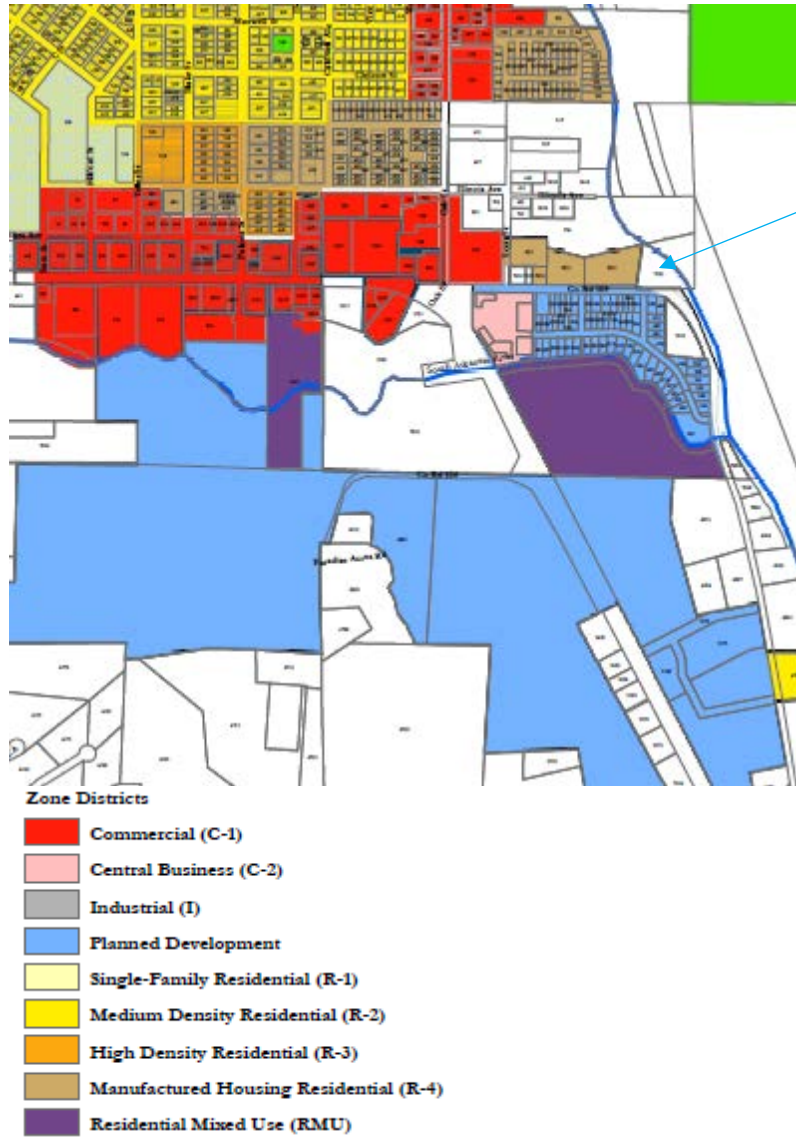
- A. Recommendation of approval for the proposed annexation and rezoning of the site to R-4, Manufactured Housing Residential District; and
- B. Approval of the Geodesia Minor Subdivision.

**Applicants:** Michael Buckley and Kathryn Meadows.





**Surrounding Land Use and Zoning:** The site to the west is zoned R-4, Manufactured Housing Residential District; South is Planned Development with the underlying districts of R-2, Medium Density Residential and R-3, High Density Residential District. The property adjacent to the site on the north remains in Chaffee County and is zoned RES, Residential Zone District. The land east of the parcel is also in Chaffee County and is zoned REC, Recreational.



**Buckley-Meadows Annexation,  
Zoning and Minor Subdivision**

### **ANNEXATION AND ZONING:**

An application for annexation is a multi-step process. The application has been accepted by the City Council and scheduled for a public hearing on July 3, 2018. The annexation shall be considered by the Commission as a required step prior to the zoning and subdivision of the property. The following findings of facts are required for annexation:

1. The proposed annexation has greater than 1/6<sup>th</sup> contiguity with the municipal boundary of the City of Salida.
2. The annexation property is under single ownership and the owners are a party to the annexation.
3. The annexation property is currently zoned RES, Residential and REC, Recreational in Chaffee County.
4. The annexation property is within the Municipal Services Area of the City of Salida as defined in the Comprehensive Plan and intergovernmental agreement with Chaffee County and therefore can be served by City sewer and water utilities.
5. The property is adjacent to a burgeoning part of the city and therefore may be efficiently served by City fire and police departments.
6. The property is a natural extension of the City's municipal boundary and meets the legal requirements for annexation.
7. The property to be annexed includes a portion of County Road 105 right-of-way, now known as Old Stage Road, thereby ensuring the roadway that serves city residents is completely within the city's jurisdiction.
8. 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 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 both housing and job opportunities.

The annexation of the property will be accompanied by an agreement which will address the street improvements required with the development; and other goals for the property including the provision of affordable housing.

The applicant is requesting R-4 zoning, primarily to take advantage of the five foot reduction in the front and rear setbacks the district affords over the R-3 or R-2 districts. The setbacks are important to the owners as they intend to build a riverfront home on Lot 4, which is over an acre and a half, but three-quarters of the lot is cut-off from road access by the Arkansas River. The other three lots are considerably over the size required by the requested zoning, but the buildable area is reduced by the river.

Though the application and minor subdivision indicates a desire to build four principal homes on the site, the Commission should be aware that the allowed density could be as many as 42 homes. However, the physical constraints caused by the river bifurcating the property limits the capacity of the site. Regardless, the R-4 district is consistent with the city zoning on the east and south.

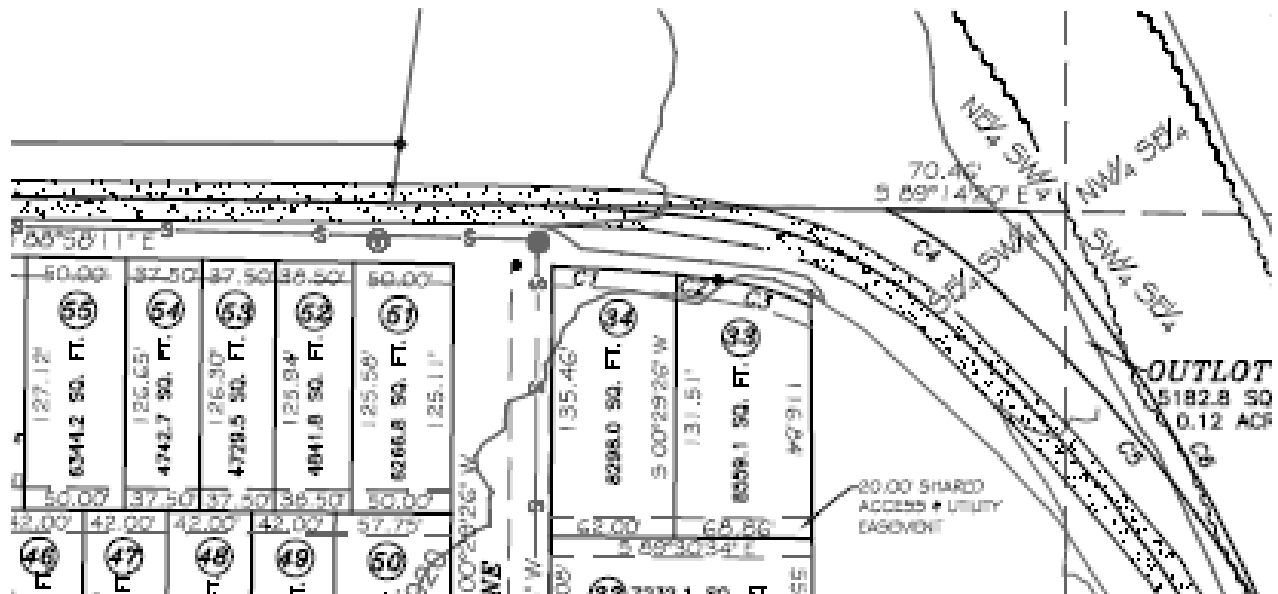
The review standards for a rezoning include:

1. Consistency with the Comprehensive Plan: The Comprehensive Plan includes the goals that new projects should complement the neighborhood's mass and scale and be focused within the Municipal Services Area. The proposal supports these goals.
2. Consistency with the Purpose of the Zone District: The purpose of the R-4 district is to provide "...relatively high density manufactured housing, mobile home residences and mobile home

parks.” Though this is not the intent of the owners, historically this has been the primary use in the area.

Item 12.

3. **Compatibility with Surrounding Zone District and Uses:** The R-4 district is the dominant zoning classification on the north side of Old Stage Road. On the south side, lots 33 and 34 of the Two Rivers PD are zoned R-2, however the planned development allowed the front setback be reduced to 10 feet, five feet less than the R-4 district. Lot 51 of Two Rivers is also across the street from the subject site, has the underlying zoning of R-3 and also has a reduced front setback of 10 feet.



4. **Changed Conditions or Errors:** The proposed zoning is occurring because of the requirement to rezone property annexed to the City in accordance with Section 16-4-50 of the Land Use and Development Code.

#### **MINOR SUBDIVISION:**

The proposed subdivision must comply with the following standards:

1. **Comprehensive Plan.** The proposed subdivision is consistent with the Comprehensive Plan.
2. **Zone District Standards.** The proposed subdivision complies with the dimensional standards of the R-4 district.
3. **Improvements.** The developer of the proposed subdivision will be required to extend street improvements for Old Stage Road to a point past the Two Rivers Subdivision. From there the roadway will have to transition back to the county standard. Water and sewer lines will also be extended.
4. **Natural Features.** The layout of lots were done to take advantage of the Arkansas River frontage. Natural features and native vegetation shall be preserved whenever possible. Tree masses and individual trees of six-inch caliper or greater should be preserved.
5. **Floodplains.** A large portion of the parcel is impacted by the 100 year floodplain. Tracts of land or portions thereof lying within the 100-year floodplain may only be subdivided for open space until the subdivider has shown that compliance with the requirements of the City's floodplain regulations can be met.



6. Noise Reduction. The site is not adjacent to a highway.
7. Future Streets. The owner/developer will be improving CR 105 (Old Stage Road).
8. Parks, Trails and Open Space. An open space fee in-lieu of \$3,000 per lot shall be required at the time of building permit issuance. The applicant may consider a dedication of open space to the City, such as the property on the northeast of the river. This may be an Extraordinary Contribution, and the Commission may recommend reducing or waiving the open space fee. Staff is recommending a 20 foot wide trail easement be dedicated on the northeast edge of the river for a future trail to be constructed by the City.
9. Lots and Blocks. The lots front on a local, public street; and the side lot lines are radial to the street frontage.
10. Architecture. The standards that require diversity in architectural design only apply of subdivisions of five lots or greater.
11. Codes. The subdivision will comply with all applicable City building, fire and safety codes for the proposed development.

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

- Salida Fire Department: Doug Bess, Fire Chief, responded “If water line is extended to the east property line, a fire hydrant shall be installed.”
- Salida Police Department: Lieutenant Russ Johnson responded “I have reviewed the plans that have been submitted and have no concerns at this time. However, I would request that the property on the east side of the river be marked because we have an issue with homeless camps in the area. This would allow us to determine venue for enforcing any issues that may arise.”



- Chaffee County Development Services Department: Jon Roorda, Planning Manager stated “CR 105 should be dedicated 30 feet from center of road. City to assume road maintenance.”
- Salida Public Works Department: Public Works Director David Lady stated “Complete road improvements adjacent to the site to match cross section on the south side of the road, including paving, curb gutter and sidewalk to a point even with the east property line of Lot 33 in Two Rivers Subdivision Phase 1.”
- Salida Finance Department: Jodi McClurkin stated “Owners should be aware of the system development fees, and when payment is due.”

### **STAFF RECOMMENDATION:**

Staff recommends the Planning Commission recommend the Council approve the proposed annexation and zoning; and approval of the Geodesia Minor Subdivision, subject to the conditions listed below.

### **RECOMMENDED MOTIONS:**

- A. “I make a motion to recommend the City Council approve the proposed Buckley-Meadows annexation as it meets the findings for annexation, subject to Council approval of an annexation agreement that addresses:
- Provision of one residential unit, or accessory dwelling units (ADU), that is affordable to a household earning 80% or less of the Area Median Income for Chaffee County; or
  - Provision of an in-lieu fee equal to the lesser of \$7,874 or \$3.94 (livable square feet of home), per unit at the time of issuance of a building permit.
  - If an affordable unit is provided on-site, the water and sewer system development fees for the unit will be reduced by 60% of the fees in effect at the time of issuance of a building permit, unless the effective fee structure accounts for cost reductions for affordable housing.
  - Provision of in-lieu open space fees (currently \$3,000 per unit) in an amount then in effect at the time of issuance of a building permit; or dedication of open space that the City Council finds to be an Extraordinary Contribution per Section 16-6-120 (8) (v).
  - Provision of a 20 foot wide pedestrian trail easement along the northeast side of the river within Lot 4 for the construction of a trail by the City of Salida at a future date.
  - Provision of school impact fees (currently \$354 per unit) in an amount then in effect at the time of issuance of a building permit.
  - Dedication of right-of-way and completion of street improvements as required by the approval of the Geodesia Minor Subdivision.
  - This agreement is for development of the Geodesia Minor Subdivision for four principal residences and associated ADU’s. Any increase to the density of the property will require Council approval of an amendment to this agreement.”
- B. “I make a motion to recommend the City Council approve the rezoning of the subject site to R-4, Manufactured Housing Residential District as it meets the review standards for a rezoning.”
- C. “I make a motion to approve the Geodesia Minor Subdivision as it meets the review standards for a subdivision, subject to the following conditions:

1. Approval of the subdivision is contingent upon the annexation and rezoning becoming effective.
2. The plat shall delineate the 100 year floodplain.
3. Owner shall dedicate up to 30 feet of right-of-way from centerline of CR 105 (Old Stage Road) so the total right-of-way for the road equals 60 feet.
4. Developer shall enter into a subdivision improvement agreement that guarantees the construction of street improvements to the half of CR 105 (Old Stage Road) adjacent to the subdivision to include additional paving, curb, gutter and sidewalk from the west edge of Lot 1 to the east edge of Lot 33 in Two Rivers Subdivision Phase 1. Improvements are also to include the extension of sewer and water lines within this frontage. The waterline shall terminate at a fire hydrant.
5. Provide 20 foot wide pedestrian trail easement along the northeast side of the river within Lot 4.
6. Provide a note on the plat: "Pursuant to section 16-6-120(8), Parks Trails and Open Space of the Salida Municipal Code, as may be amended, neither land dedication nor fees-in-lieu have been paid for this subdivision. At the time that residential dwelling units are constructed on any of the lots herein, either by further subdivision or building permit approval, land dedication and/or fees in lieu for parks, trails and open space in the amount then in effect shall be payable to the City prior to issuance of building permits."
7. Provide note on plat: "Pursuant to section 16-6-140, Fair Contributions for Public School Sites, as may be amended, 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.

Attachments:

Application for Annexation  
 Application for Zoning  
 Application for Minor Subdivision  
 Proof of publication



Bill Almquist <bill.almquist@cityofsalida.com>

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## River Ridge / Dutch Run Minor Subdivision Rezoning

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Keith Kolar <kkolar2016@gmail.com>

Mon, Oct 10, 2022 at 11:39 AM

To: Bill Almquist <bill.almquist@cityofsalida.com>

Dear Mr. Almquist,

Walking from my home at 425 Two Rivers Rd. into town this weekend, I read the rezoning application notice for River Ridge lots 15-21 and Dutch Run lots 1-2.

I wholeheartedly support this change from R-3 / R-4 to R-2. It represents the best use of land and fits well into the character of the Two Rivers and surrounding neighborhoods.

Thank you and the City of Salida Planning Commission in advance for considering my opinion.

Keith Kolar



Bill Almquist &lt;bill.almquist@cityofsalida.com&gt;

## R3 and R4 single family

**Bill Hussey** <bhussey@crabtreegroupinc.com>

To: Bill Almquist <bill.almquist@cityofsalida.com>

Cc: "kathryn.dunleavy@cityofsalida.com" <kathryn.dunleavy@cityofsalida.com>, Gianfranco Palumbo <franco.palumbo@cityofsalida.com>

Thank you for the info.

I think your intentions are good, and I think it makes sense to consider minimum densities and maximum lot sizes going forward in the code re-write. But currently the city code doesn't allow r because the clear language of table 16-D must supersede the vague language of 16-4-70.

Is it too late to include this email thread in the packet? I see it hasn't hit the website yet.

**From:** Bill Almquist <bill.almquist@cityofsalida.com>

**Sent:** Thursday, October 20, 2022 12:29 PM

**To:** Bill Hussey <bhussey@crabtreegroupinc.com>

**Cc:** kathryn.dunleavy@cityofsalida.com; Gianfranco Palumbo <franco.palumbo@cityofsalida.com>

**Subject:** Re: R3 and R4 single family

Hey Bill,

The potential implications for Angelview have not been lost on me. I intend to bring this up (both for other lots within River Ridge/Dutch Run, as well as Angelview and others) and get Plannin built) single-family homes in the R-3 and R-4. The purpose statement for R-3 seems to exclude unattached single-family (i.e. non-townhouse) uses, while the same for R-4 seems to exclude or mobile homes. This is why we need to get things cleared up. I will dive deeper into it on Monday night.

On Thu, Oct 20, 2022 at 11:49 AM Bill Hussey <bhussey@crabtreegroupinc.com> wrote:

Hi Bill,

Could you please clarify where in the code disallows single family homes in R3 and R4? I just got a call from Carrie Mesch about River Ridge which got me thinking about this issue again.

(3) High-Density Residential (R-3). The purpose of the High-Density Residential (R-3) zone district is to provide for relatively high density duplex and multi-family triplex, townhouse and apartment uses. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupation

(4) Manufactured Housing Residential (R-4). The purpose of the Manufactured Housing Residential (R-4) zone district is to provide for relatively high density man residences and mobile home parks. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or

The key words are "amongst other uses." The other uses in this case being single family homes. At best, the language in 16-4-70 is vague. So I would default to where the language is clear R3 and R4 are allowed under administrative review.

How will your interpretation apply to Angelview?

Thanks in advance for the clarification.

Bill Hussey

Crabtree Group, Inc.

Office: 719-539-1675

Mobile: 920-875-0015

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Bill Almquist &lt;bill.almquist@cityofsalida.com&gt;

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**Fw: Rezone Consent**

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**Ben Griffin** <benjaming79@yahoo.com>

Fri, Oct 28, 2022 at 6:52 PM

To: Bill Almquist &lt;bill.almquist@cityofsalida.com&gt;, Franco Palumbo &lt;franco.palumbo@cityofsalida.com&gt;, Liz Hedrick &lt;lizzie@lizziehedrick.com&gt;

Bill and Franco - Please find below the rezone consent from Ray Kitson.

Thanks,

Ben

----- Forwarded Message -----

**From:** Ray Kitson <raykitson@me.com>**To:** Ben Griffin <benjaming79@yahoo.com>**Sent:** Friday, October 28, 2022 at 06:15:12 PM MDT**Subject:** Re: Rezone Consent

I consent

Sent from my iPhone

On Oct 28, 2022, at 5:38 PM, Ben Griffin <benjaming79@yahoo.com> wrote:

Can you change to I consent? You wrotbl concentrate....

On Oct 28, 2022, at 5:15 PM, Ray Kitson <raykitson@mac.com> wrote:

I concentrate

Sent from my iPhone

On Oct 28, 2022, at 5:12 PM, Ben Griffin <benjaming79@yahoo.com> wrote:

Hi, Ray - Can you please reply with "I consent" to this email expressing your consent for the following action?:

I consent to the rezoning of my property(ies) as either entirely R-2 or R-3, especially given the Planning Commission's expressed opinion (and staff's concurrence) that single-family homes should be approved on the property(ies) via administrative review, specifically across two lots due to the existing encumbrances on the properties.

The request for your consent was made by staff to facilitate the approval of the rezoning application.

Thanks again,

**Bill Almquist** <bill.almquist@cityofsalida.com>

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## Fw: Rezone Consent Request

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**Ben Griffin** <benjaming79@yahoo.com>

Fri, Oct 28, 2022 at 6:51 PM

To: Bill Almquist <bill.almquist@cityofsalida.com>, Franco Palumbo <franco.palumbo@cityofsalida.com>, Liz Hedrick <lizzie@lizziehedrick.com>

Bill and Franco - Please find below the rezone consent from Bob and Charlotte Karls.

Thanks,

Ben

----- Forwarded Message -----

**From:** Bob Karls <bobkarlshome@gmail.com>

**To:** Ben Griffin <benjaming79@yahoo.com>

**Sent:** Friday, October 28, 2022 at 05:06:28 PM MDT

**Subject:** Re: Rezone Consent Request

Ben -- this approval is coming back from both Bob and Charlotte Karls.

On Fri, Oct 28, 2022 at 4:52 PM Ben Griffin <benjaming79@yahoo.com> wrote:

Hi, Bob – Can you please reply with “I consent” to this email expressing your consent for the following action?:

I consent to the rezoning of my property(ies) as either entirely R-2 or R-3, especially given the Planning Commission's expressed opinion (and staff's concurrence) that single-family homes should be approved on the property(ies) via administrative review, specifically across two lots due to the existing encumbrances on the properties.

The request for your consent was made by staff to facilitate the approval of the rezoning application.

Thanks again,

Ben



Bill Almquist &lt;bill.almquist@cityofsalida.com&gt;

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**Fw: Rezone Consent Request**

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**Ben Griffin** <benjaming79@yahoo.com>

Fri, Oct 28, 2022 at 6:50 PM

To: Bill Almquist &lt;bill.almquist@cityofsalida.com&gt;, Franco Palumbo &lt;franco.palumbo@cityofsalida.com&gt;, Liz Hedrick &lt;lizzie@lizziehedrick.com&gt;

Bill and Franco - Please find below the rezone consent from Kyle Weiss.

Thanks,

Ben

----- Forwarded Message -----

**From:** Kyle A. Weiss <k.weiss408@gmail.com>**To:** Ben Griffin <benjaming79@yahoo.com>**Cc:** Robert Weiss <r4weiss@gmail.com>**Sent:** Friday, October 28, 2022 at 05:25:22 PM MDT**Subject:** Re: Rezone Consent Request

I consent.

Thank you,  
Kyle A. Weiss

On Fri, Oct 28, 2022 at 4:53 PM Ben Griffin &lt;benjaming79@yahoo.com&gt; wrote:

Hi, Kyle and Robert - Can you each please reply with "I consent" to this email expressing your consent for the following action?:

I consent to the rezoning of my property(ies) as either entirely R-2 or R-3, especially given the Planning Commission's expressed opinion (and staff's concurrence) that single-family homes should be approved on the property(ies) via administrative review, specifically across two lots due to the existing encumbrances on the properties.

The request for your consent was made by staff to facilitate the approval of the rezoning application.

Thanks again,

Ben



Bill Almquist &lt;bill.almquist@cityofsalida.com&gt;

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**Fwd: Rezone Consent Request**

1 message

**Ben Griffin** <benjaming79@yahoo.com>

Sat, Oct 29, 2022 at 10:35 AM

To: Bill Almquist &lt;bill.almquist@cityofsalida.com&gt;, Franco Palumbo &lt;franco.palumbo@cityofsalida.com&gt;, Liz Hedrick &lt;lizzie@lizziehedrick.com&gt;

Hey, Bill - See below consent from Robert Weiss (co-owner with Kyle) just to really round it all out.

Thanks,

Ben

Begin forwarded message:

**From:** Robert Weiss <r4weiss@gmail.com>**Date:** October 29, 2022 at 8:34:45 AM MDT**To:** Kyle Weiss <k.weiss408@gmail.com>**Cc:** Bob Weiss <r4weiss@gmail.com>, Ben Griffin <Benjaming79@yahoo.com>**Subject: Re: Rezone Consent Request**

Hi Ben,

" I consent "

Thank You,

Robert Weiss

On Oct 28, 2022, at 4:25 PM, Kyle A. Weiss <k.weiss408@gmail.com> wrote:

I consent.

Thank you,  
Kyle A. Weiss

On Fri, Oct 28, 2022 at 4:53 PM Ben Griffin <benjaming79@yahoo.com> wrote:

Hi, Kyle and Robert - Can you each please reply with "I consent" to this email expressing your consent for the following action?:

I consent to the rezoning of my property(ies) as either entirely R-2 or R-3, especially given the Planning Commission's expressed opinion (and staff's concurrence) that single-family homes should be approved on the property(ies) via administrative review, specifically across two lots due to the existing encumbrances on the properties.

The request for your consent was made by staff to facilitate the approval of the rezoning application.

Thanks again,

Ben





Bill Almquist <bill.almquist@cityofsalida.com>

## Griffin consent

1 message

**Bill Almquist** <bill.almquist@cityofsalida.com>  
To: Erin Kelley <erin.kelley@cityofsalida.com>

Fri, Oct 28, 2022 at 7:45 PM

----- Forwarded message -----

From: **Ben Griffin** <benjaming79@yahoo.com>  
Date: Friday, October 28, 2022  
Subject: Okay on R-3?  
To: Bill Almquist <bill.almquist@cityofsalida.com>  
Cc: Lizzie Hedrick <lizzie@lizziehedrick.com>, Franco Palumbo <franco.palumbo@cityofsalida.com>

Doh!! Sorry. That makes sense. Please let this email serve as my consent to the rezoning of my property(ies) as either entirely R-2 or R-3, especially given the Planning Commission's expressed opinion (and staff's concurrence) that single-family homes should be approved on the property(ies) via administrative review, specifically across two lots due to the existing encumbrances on the properties.

Thanks again!

Ben

On Friday, October 28, 2022 at 07:03:06 PM MDT, Bill Almquist <bill.almquist@cityofsalida.com> wrote:

Thanks, Ben. Can you send one from yourselves, too, just to round it out? :)

On Fri, Oct 28, 2022 at 6:53 PM Ben Griffin <benjaming79@yahoo.com> wrote:

Hey, Bill - No problem. I just sent the consents from each landowner to you/Franco in separate emails. Let me know if you didn't get them or if you need anything else.

Thanks again!

Ben



**Bill Almquist**  
Community Development Director,  
Community Development Department

bill.almquist@cityofsalida.com  
P: 719-530-2634  
448 E First Street, Suite 112, Salida, CO 81201  
cityofsalida.com

"M.S.H.G.S.D"