



PLANNING COMMISSION REGULAR MEETING

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

May 28, 2024 - 6:00 PM

AGENDA

Email public comments to: planning@cityofsalida.com

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

CALL TO ORDER BY CHAIRMAN – 6:00 PM

ROLL CALL

APPROVAL OF THE MINUTES

1. Approval of February 26, 2024 Draft Minutes

UNSCHEDULED CITIZENS

AMENDMENT(S) TO AGENDA

PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- | | |
|---|--|
| A. Open Public Hearing | E. Public Input |
| B. Proof of Publication | F. Close Public Hearing |
| C. Staff Review of Application/Proposal | G. Commission Discussion |
| D. Applicant's Presentation (if applicable) | H. Commission Decision or Recommendation |

- 2. Proposed Amendment to Chapter 16, Article XIII of the Salida Municipal Code Regarding Inclusionary Housing** (request to continue public hearing to June 11, 2024.)

- 3. Winger Minor Subdivision - Limited Impact Review**

The request is for limited impact review approval to subdivide the lot known as Lot 1 of the 141 Annex Minor Subdivision into four (4) residential lots. Lot 1A includes an existing residence. The site was annexed and zoned Medium Density Residential (R-2) on March 1, 2022.

- 4. Major Impact Review for Amendments to the Green Heart Planned Development and Minor Subdivision**

The applicant is requesting a major impact review for an amendment to the Green Heart Planned Development and Minor Subdivision located at 535 W. 7th Street. The amendment to the planned development is regarding the assessment of inclusionary housing fees-in-lieu (FIL). The project is a 1.23 acre site of four lots with a PD overlay and the underlying zoning of Single Family (R-1).

UPDATES

COMMISSIONERS' COMMENTS

ADJOURN

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

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.



PLANNING COMMISSION REGULAR MEETING

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

February 26, 2024 - 6:00 PM

MINUTES

Email public comments to: planning@cityofsalida.com

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

CALL TO ORDER BY CHAIRMAN – 6:55 pm

ROLL CALL

PRESENT

Chairman Greg Follet
 Vice-Chair Francie Bomer
 Commissioner Giff Kriebel
 Commissioner Judith Dockery
 Commissioner Brian Colby
 Commissioner Aaron Derwingson
 Alternate Commissioner Dan Bush
 Alternate Commissioner Kenny Layton

ABSENT

Commissioner Michelle Walker

APPROVAL OF THE MINUTES

1. December 12, 2023- Draft Minutes

Motion made by Vice-Chair Bomer, Seconded by Commissioner Kriebel.
 Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Commissioner Derwingson, Alternate Commissioner Bush, Alternate Commissioner Layton

UNSCHEDULED CITIZENS

AMENDMENT(S) TO AGENDA

PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- | | |
|---|--|
| A. Open Public Hearing | E. Public Input |
| B. Proof of Publication | F. Close Public Hearing |
| C. Staff Review of Application/Proposal | G. Commission Discussion |
| D. Applicant's Presentation (if applicable) | H. Commission Decision or Recommendation |

2. **Major Impact Review - Angelview Planned Development and Major Subdivision** - The applicant, Walt Harder of Harder Diesslin Holdings, LLC, is requesting approval of a Major Impact Review for a Planned Development Overlay and Major Subdivision of the remaining lots within the Angelview Minor Subdivision along County Road 120. Below are the requests:

A. Major Impact Review approval of a Planned Development Overlay for the following deviations to the Dimensional Standards:

- **Minimum lot size:** In the R-3 zone district the minimum lot size is 5,625 square feet for detached units and 2,400 square feet for attached units. The applicant is requesting a minimum lot size of 5,063 square feet for the detached units and a minimum lot size of 2,160 square feet for the detached units.

• **Minimum setbacks:** The required front and rear setbacks for primary structures in the R-3 zone district are 20' from front property line and 20' from the rear property line and the required side lot line setbacks are 5'. The applicant is requesting the minimum front setback of 12'. No deviations from the side and rear lot line setbacks are requested.

• **Maximum Lot Coverage for structures:** The maximum lot coverage for structures in the R-3 zone district is 45% and the applicant is requesting a lot coverage for structures of 55%.

• **Minimum Landscape area:** The minimum landscape requirement is 30% in the R-3 zone district. The applicant is requesting a minimum landscape area of 25%.

It appears all other dimensional and parking requirements can be met by the proposed development.

- A. **Open Public hearing** – 6:57 pm
- B. **Proof of Publication** –
- C. **Staff Review**– Kristi Jefferson reviewed the application
- D. **Applicant's Presentation**- Ronnie Pelusio, Palona Architects, presented with Harder-Dieslin Holdings Present.
- E. **Public Input** – Brian and Anna Bishop, Holly Grady, Mary, Jim Sanders, Lisa Runkle, Jerry Raski (online)
- F. **Close Public Hearing** – 8:42pm
- G. **Commissioner Discussion** –
- H. **Commission Recommendation** –

A. Approval of a Major Subdivision to subdivide the above-described property into 42 residential lots, and several HOA maintained out-lots.

Motion made by Vice-Chair Bomer to recommend Council approve the Major Impact Review for the Angelview Planned Development with staff recommended changes to condition #2 and adding conditions 4 and 5:

1. The following plat notes to be updated on the Angelview Planned Development Plat prior to recording the subdivision:
 - a) 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 prior to issuance of a building permit for any new residence constructed.
 - b) All required signature blocks shall be added to the planned development plat prior to printing the mylars.
 - c) Update the dimensional standards to show existing (R-3) requirements and Angelview PD requests. (remove the existing inclusionary housing and comparisons within the table)
2. The applicant must meet the requirements of the Public Works Director (except for keeping the proposed mid-block connections) and City Engineering Consultants prior to approval of the Subdivision Improvement Agreement (SIA).

3. Prior to building permit submittal in Phase II the payment for partial fees in lieu of open space in the amount of \$276,000 shall be paid as recommended by the Parks and Recreation Director. This amount is calculated on the 1.11 acres of open space not provided within the development.
4. The applicant must update the traffic study and include the County Road 120 improvements.
5. The proposed 12' front setback includes the covered front porch.

Seconded by Commissioner Kriebel.

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

B. Approval of a Major Subdivision to subdivide the above-described property into 42 residential lots, and several HOA maintained out-lots.

Motion made by Vice-Chair Bomer to recommend Council approve the Angelview Major Subdivision with staff recommended changes to condition #2 and adding conditions 5 and 6:

1. The following plat notes to be updated on the Major Subdivision Plat prior to recording the subdivision:
 - a. 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 prior to issuance of a building permit for any new residence constructed.
 - b. All required signature blocks shall be added to the subdivision plat prior to printing the mylars.
 - c. **Streetscape Diversity:** To avoid uniformity and lack of variety in design among housing units within the subdivision, no single family's, duplex building's or townhouse building's residential façade elevation shall be repeated more than once every five (5) lots on the same side of the street (e.g., the first and fifth lots in a row may contain the same façade elevation, but the second, third, and fourth lots must contain some different façade elevations). No single family's, duplex building's or townhouse building's residential elevation shall be repeated directly across the street from the same façade elevation. At street corners where a side elevation faces the street that a neighboring unit's front elevation faces, the diversity requirements above shall not apply. Mirror images of the same residential façade shall not count as two (2) distinctly different façades. In unusual circumstances, an Administrative Review process may grant a petition seeking waiver of this requirement. Such an exception may be granted if the petitioner demonstrates that the proposed plan uses repetition for an architectural purpose, such as allusion to historical repetition that would not create a monotonous streetscape of the type this standard seeks to prevent.

Primary Roof Forms: A mix of gabled, monopitch and flat roof building forms are permitted in the neighborhood. While modern in character, the architectural precedent for the neighborhood relies on early 1900 pitched roof forms. To maintain consistency in the overall architectural style, no single family, duplex building or townhome building elevation may exhibit monopitch or flat roofs as their primary roof form more than once every five (5) lots on the same side of the street. At street corners where a side elevation faces the street that a neighboring unit's front elevation faces, the diversity requirements above shall not apply.

2. The applicant must meet the requirements of the Public Works Director (except for keeping the proposed mid-block connections) and City Engineering Consultants prior to approval of the Subdivision Improvement Agreement (SIA).
3. Prior to building permit submittal in Phase II the payment for partial fees in lieu of open space in the amount of \$276,000 shall be paid as recommended by the Parks and Recreation Director. This amount is calculated on the 1.11 acres of open space not provided within the development.
4. Prior to recordation of the subdivision plat, developer shall enter into a Subdivision Improvement that guarantees the construction of the public improvements that are required for the project.
5. The applicant must update the traffic study and include the County Road 120 improvements.
6. The proposed 12' front setback includes the covered front porch.
Seconded by Commissioner Kriebel.

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

UPDATES

COMMISSIONERS' COMMENTS

ADJOURN The meeting was adjourned at 9:16pm



STAFF REPORT

MEETING DATE: May 28, 2024

AGENDA ITEM TITLE: Winger Minor Subdivision – Limited Impact Review

AGENDA SECTION: Public Hearing

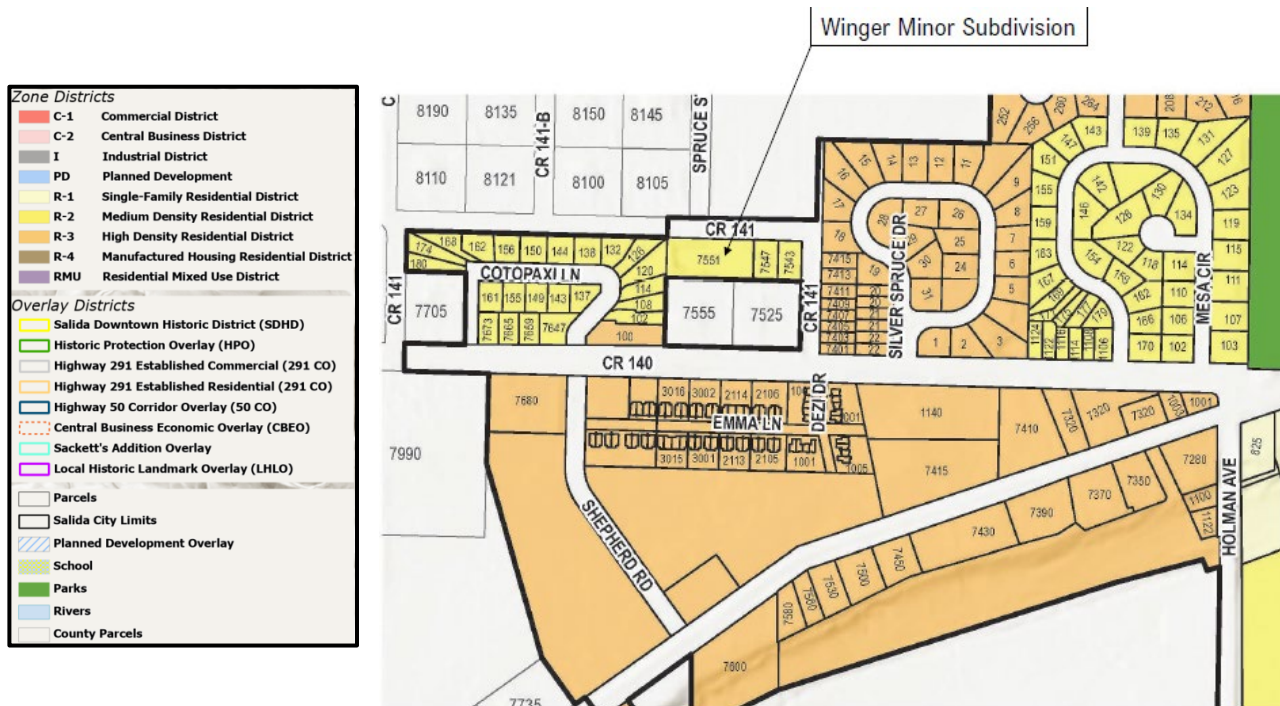
REQUEST:

The request is for limited impact review approval to subdivide the lot known as Lot 1 of the 141 Annex Minor Subdivision into four (4) residential lots. Lot 1A includes an existing residence. The site was annexed and zoned Medium Density Residential (R-2) on March 1, 2022.

APPLICANT:

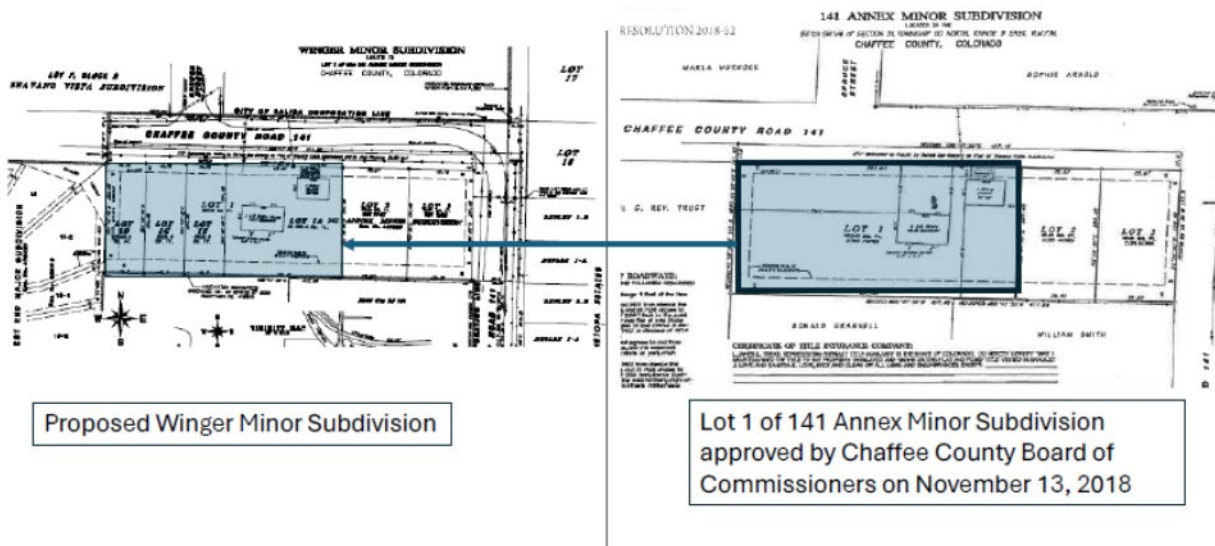
The applicant is Wendell D. Winger, who resides at 7551 County Road 141 which is Lot 1A of the proposed minor subdivision.

LOCATION:



BACKGROUND:

The proposed minor plat divides Lot 1 of 141 Annex minor subdivision into four lots. The City of Salida adopted a pre-annexation agreement with the owner on December 4, 2018 which required the developer to extend utilities and pay water and sewer system development fees; pay Fair Contribution to School Site fees; provide inclusionary housing and annex the site to Salida when possible. The 141 Annex Minor Subdivision was approved by Chaffee County subject to utilities being provided by Salida. The improvements were made, and the city adopted a reimbursement agreement in 2020 which allows the city to recoup for the developer the prorated amount of those costs if property owners to the north connect.



The area was annexed by Salida and zoned R-2 on March 1, 2022. A new annexation agreement was adopted then which required Salida to provide water and sewer services; Fire and Police protection and maintain the streets, roads and public utilities. The agreement requires to developer to provide current fees for Fair Contribution to school sites and meet the current Inclusionary Housing Requirements that are in effect when a building permit is submitted.

PROCESS:

A public hearing is conducted by the Planning Commission for the minor subdivision process, after public notice in a newspaper of general circulation, mailing letters to property owners within 175 feet and posting a sign on the property 15 days prior to the hearing. The Commission have the option to approve, approve with conditions, deny the application, or remand it back to the applicant with instructions for modification or additional information or action.

Approval of the minor subdivision shall constitute authorization to proceed with recording the plat and commencing with the Subdivision.

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

- 1) Through the pre-annexation agreement the site was allowed to develop prior to annexation at the standards that Salida had in effect at that time. The subsequent annexation requires today's requirements for development of the three vacant lots, which includes Lot 1 which is the subject of the proposed plat. Lot 1A has an existing residence.
- 2) The site is zoned R-2 which would allow single-family residences on the three new vacant lots (1B – 1C). Lot 1A could be redeveloped into five residences. This is consistent with development in the surrounding Salida neighborhoods.

Lot #	R-2 Requirements			Winger Minor Subdivision		
	Min Lot Area (SF)	Lot Area per Unit (SF)	Lot Frontage (detached)	Lot Area (SF)	Lot Frontage	Expected Units
1A	5,625	3,125	37.5 feet	16,365.5	131.47 feet	1*
1B	5,625	3,125	37.5 feet	5,626.5	45.2 feet	1
1C	5,625	3,125	37.5 feet	5,625.5	45.2 feet	1
1D	5,625	3,125	37.5 feet	5,625.5	45.2 feet	1

*The home at 7551 CR 141 was constructed in 1995. R-2 requirements would allow up to five units.

- 3) Per the annexation agreement, new development is to meet the current Inclusionary Housing requirements. If the fee-in-lieu option is chosen, today the fee is \$10.87 per square foot for each new unit.
- 4) Each lot will have separate connections to the City water and sewer services. Each unit will be metered individually.
- 5) Xcel Energy has commented on the utility easement on the south side of the subdivision, stating it could be reduced to 8-10 feet wide versus 16 feet that is proposed.

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

1. **Conformance with the Comprehensive Plan.** The proposed subdivision shall carry out the purpose and spirit of the Comprehensive Plan and conform to all of the Plan's applicable objectives, guiding principles and recommended actions. It shall be designed to be compatible with surrounding land uses and to protect neighbors from undesirable noise, glare and shadows, and shall not cause adverse effects on their privacy, solar access and views.

- The proposed subdivision is consistent with the Future Land Use Map adopted last August which designates the area as Variable Residential Neighborhoods. Infill, redevelopment and maximizing the density allowances are encouraged in Chapter 3, Land Use and Growth of the comprehensive plan. The proposed minor subdivision creates four (4) lots that are compatible in size with other lots in the area.
 - New development should complement the neighborhood's mass and scale. The allowed residential development is compatible with the surrounding land uses.
2. **Complies with the Zone District Standards.** The proposed subdivision shall comply with the use and dimensional standards of the underlying zone district and shall provide off-street parking as required for those uses.
- The newly created lots are zoned Medium Density Residential (R-2) and meet the zone district standards.
 - The off-street parking requirement that must be met is one space for each unit.
 - Lots 1B through 1D can only be developed as single-family homes. Lot 1A has an existing unit, but could be redeveloped in the future for up to five units. The redevelopment would have to be in accordance with the R-2 standards.
3. **Design Standards.** The proposed subdivision shall be provided with improvements which comply with Article VII and landscaping which complies with Section 16-8-90 of this Chapter.
- a. Streets. Existing and proposed streets shall be suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed subdivision.
 - The existing streets are suitable for the proposed subdivision. Public Works staff is recommending a sidewalk be added along the frontage, or the applicant pay a fee-in-lieu of constructing the sidewalk.
 - b. Utilities. Existing and proposed utility services shall be suitable and adequate to meet the needs of the proposed subdivision.
 - Adequate utilities are in place to serve the development. Each unit will have separate utilities. Final inspections are required with Public Works prior to Certificate of Occupancy.
 - Xcel Energy has commented on a possible reduction in the width of the southern utility easement.

- c. **Phases.** If the subdivision is to be developed in phases, each phase shall contain the required parking spaces, landscape areas, utilities and streets that are necessary for creating and sustaining a stable environment.’
 - There will not be phases with this development.
- 4. **Natural Features.** The layout of lots and blocks shall provide desirable settings for structures by making use of natural contours and maintaining existing views, affording privacy for residents and protecting them from adverse noise and vehicular traffic. The system of roadways and the lot layout shall be designed to take advantage of visual qualities of the area. Natural features and native vegetation shall be preserved whenever possible. Tree masses and individual trees of six-inch caliper or greater shall be preserved.
 - There are no major natural features located within this subdivision.
- 5. **Floodplains.** Tracts of land or portions thereof lying within the one-hundred-year floodplain may only be subdivided for open space until the subdivider has shown that compliance with the requirements of the City’s floodplain regulations can be met.
 - The property is not located within the 100-year floodplain.
- 6. **Noise Reduction.** Where a subdivision borders on or contains a highway right-of-way, the City shall require adequate provisions for reduction of noise. A parallel street, landscaping, screening, easement, greater lot depth, increased rear yard setbacks and fencing are potentially appropriate solutions, among others.
 - This subdivision does not border a highway right-of-way.
- 7. **Future Streets.** When a tract is subdivided into lots or parcels which are intended for future re-subdivision, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate re-subdivision, with provision for adequate utility easements and connectors for such re-subdivision.
 - This subdivision is not intended for future re-subdivision., though Lot 1A could be redeveloped.
- 8. **Parks, Trails and Open Space.** Each subdivision, minor or major, or condominium project with five (5) units or more, shall dedicate and develop land or pay a fee-in-lieu for the purpose of providing active parks, open space, passive recreation facilities and/or recreation trails or other public purposes as determined by the City for the benefit of those who occupy the property and be made accessible to the public. The intent of this regulation is to ensure that a comprehensive, integrated network of parks, trails and open spaces is developed and preserved as the community grows.

- This subdivision has only four infill lots.

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

- This development does not include any common recreation facilities.

10. **Lots and Blocks.**

- a. **Pattern.** The size, shape and orientation of lots shall be appropriate to the design and location of the proposed subdivision and to the type of development contemplated. Where appropriate, lots shall be laid out to respect the existing City pattern. Blocks generally shall not be less than three hundred (300) feet nor more than one thousand two hundred (1,200) feet in length.

- The proposed lots do follow the existing subdivision grid pattern and are appropriate for the type of development that will be constructed.

- b. **Frontage.** Residential lots should front only on local streets; however, when necessary, lots designated to face a collector street shall provide adequate means for automobile turnaround within the lot and should provide consolidated access points to the maximum extent feasible.

- The lots front on a local street.

- c. **Right angles.** Side lot lines shall be approximately at right angles or radial to street lines.

- This standard has been met.

- d. **Double frontage lots.** Double frontage lots are prohibited, except where they are necessary to provide for the separation of residential development from collector or arterial streets or to overcome specific limitations of topography or orientation. A planting and screening easement of at least ten (10) feet shall be provided along the portion of the lot which abuts such a collector or arterial street. There shall be no right of access across a planting and screening easement. The screening easement shall be maintained by the property owner.

- There are no double frontage lots proposed.

- e. **"T" intersections.** The building area of lots shall not face directly into the oncoming traffic of an intersecting street of a "T" intersection.

- There will not be any building areas facing a “T” intersection.
- f. Solar energy. For purposes of protecting and enhancing the potential of utilizing solar energy in the proposed subdivision, detached single-family lots are encouraged to be laid out in such a manner that the houses will be oriented so that their long axis will run east/west and so that the houses will not block the solar access of adjacent houses.
- The lots are laid out as allowed by the infill parcel with the long access oriented north/south. However, this layout does provide southern solar access for each of the lots within the proposed subdivision and does not block solar access from surrounding lands.

11. **Architecture.**

- The minimum standard is the same building front elevation cannot be repeated more than every fifth lot or directly across the street. There are no new lots across the street that are a part of this subdivision. This will be added as a note to the plat.

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

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

13. **Inclusionary Housing.**

- The inclusionary housing requirements, in this case most likely providing the fee-in-lieu option, will be assessed at the time of building permit submission. A note is recommended be added to the plat (Condition # 1d.).

REVIEW AGENCY COMMENTS: The Public Works Director, Fire Chief, Police Chief, Finance Department, Xcel Energy, Atmos Energy and Salida Public Schools were invited to comment on the subdivision plat application. The following comments were received in response to this request.

Finance Department: System development fees must be paid at the time of issuance of a building permit.

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

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

Public Works Director, David Lady: Provide a five foot wide sidewalk, or a fee-in-lieu equal to the construction cost of the sidewalk, at the discretion of the PW Director.

Xcel Energy: Their correspondence suggested adding proposed subdivision note #1a. and possibly reducing the 16-foot-wide utility easement along the south property line to eight or 10 feet. This will be partly determined if Atmos Energy (natural gas) needs within that space. Staff is suggesting condition #2 be added to the approval to figure this out prior to the plat being recorded.

Atmos Energy: No concerns at this time.

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

RECOMMENDED FINDINGS: The purpose of the limited impact review process for a minor subdivision is to determine the compliance of the application with the review standards contained in Section 16-6-120.

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

REQUIRED ACTIONS BY THE COMMISSION:

1. The Commission shall confirm that adequate notice was provided and a fee paid.
2. The Commission shall conduct a public hearing.
3. The Commission shall make findings regarding the proposed use in order to ensure the use is consistent with the Comprehensive Plan, conforms to the Land Use Code, is appropriate to its location and compatible with neighboring uses, is served by adequate public facilities and does not cause undue traffic congestion or significant deterioration of the environment.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve the minor subdivision application, subject to the following conditions:

1. Provide the following notes on the minor subdivision prior to recording:
 - a. Utility easements are dedicated to the City of Salida for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (Dry Utilities). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers,

as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.

- b. Pursuant to Section 16-6-140, Fair Contributions to School Sites as may be amended, at the time that residential dwelling units are constructed on any of the lots herein, a payment in lieu of land dedication for Fair Contributions to Public School Sites shall be paid by the owner of each lot within this subdivision prior to issuance of a building permit for any new residence on such lot.
 - c. Per Section 16-6-120 (11) of the Salida Municipal Code, no residential façade elevation shall be repeated more than once every five (5) lots on the same side of the street. Mirror images of the same residential façade shall not count as two distinctly different facades.
 - d. New residential units constructed within the subdivision shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the Salida Municipal Code. The applicants for building permits agree to provide an in-lieu fee at the rate in effect at the time of building permit application of any for any new residential units within the subdivision.
 - e. Per Section 16-8-20 (e)(13)(i) A detached sidewalk of at least five (5) feet wide, with a thickness of at least four (4) inches of concrete, shall be installed along local streets in a limited impact review, or as determined by The Public Works Director, a fee-in-lieu be paid at time of development.
- 2. The applicant should confirm with Xcel Energy and Atmos Energy the appropriate width of the utility easement along the south property line and amend the subdivision plat if necessary prior to recordation.
 - 3. Water and sewer system development fees are due at the time of issuance of a building permit.

RECOMMENDED MOTION: “I make a motion to approve the Winger Minor Subdivision as it meets the review standards for a subdivision, subject to the conditions recommended by staff.”

Attachments:

- 1. Proof of Publication
- 2. Application Materials

3. Winger Minor Subdivision Plat

PUBLIC NOTICE
NOTICE OF A PUBLIC HEARING BEFORE
THE PLANNING COMMISSION FOR
THE CITY OF SALIDA CONCERNING A
LIMITED IMPACT REVIEW APPLICATION
TO ALL MEMBERS OF THE PUBLIC
AND INTERESTED PERSONS: PLEASE
TAKE NOTICE that on Tuesday, May 28,
2024 at or about the hour of 6:00 p.m., a
public hearing will be conducted by the
City of Salida Planning Commission at
City Council Chambers, 448 E. 1st Street,
Salida, Colorado and online at the following
link: <https://attendee.gotowebinar.com/rt/1909092342220683277>

The hearing regarding a Limited Impact Review application submitted by Wendell D. Winger for approval of a minor subdivision to subdivide the parcel known as Lot 1, 141 Annex Subdivision, into four (4) lots. The property is located at 7551 County Road 141, Salida, CO 81201.

Interested individuals are encouraged to attend the public hearing or make comments during the public hearing via GoToWebinar at the above link.

Approval of the limited impact review application shall constitute authorization to proceed with recording the plat and commencing with the subdivision. Further information on the application may be obtained from the Community Development Department by calling (719) 530-2638.

*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.

Published in The Mountain Mail May 10, 2024



GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112

Salida, CO 81201

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

Email: planning@cityofsalida.com

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

- ☐ Annexation
- ☐ Pre-Annexation Agreement
- ☐ Appeal Application (Interpretation)
- ☐ Certificate of Approval
- ☐ Creative Sign Permit
- ☐ Historic Landmark/District
- ☐ License to Encroach
- ☐ Text Amendment to Land Use Code
- ☐ Watershed Protection Permit
- ☐ Conditional Use

☐ Administrative Review:
(Type) _____

☐ Limited Impact Review:
(Type) _____

☐ Major Impact Review:
(Type) _____

☒ Other: Minor Sub-division

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

A. Applicant Information

Name of Applicant: Wendell D. Winger

Mailing Address: 7551 County Road 141, Salida, CO 81201

Telephone Number: 719-207-2805 FAX: _____

Email Address: dwrightwinger@msn.com

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

B. Site Data

Name of Development: Winger Minor Subdivision

Street Address: _____

Legal Description: Lot 1 Block 141 Annex Minor Subdivision 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)

See attached deed. NONE

See electronically provided insurance policy.

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 Wendell D. Winger Date April 28, 2024

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

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

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

The property is zoned and the zoning is consistent with the Comprehensive Plan. The proposed subdivision is consistent with sub-division regulations and zoning code.

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

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

Proposed subdivision meets land development code requirements. Chapter 16 Solid Municipal Code.

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

Not applicable

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

Proposed use is in compliance with the comprehensive plan.

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

Not applicable.

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

City water and sewer are installed and operating on the street to the north of the subdivision - CR 141. There is a fire hydrant at the northwest corner of the proposed subdivision.

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

Not Applicable

CERTIFICATE OF DEDICATION AND OWNERSHIP:

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING ALL OF THE OWNERS, MORTGAGEES AND LIEN HOLDERS OF CERTAIN LAND IN THE CITY OF SALIDA, CHAFFEE COUNTY, COLORADO, DESCRIBED AS FOLLOWS:
Lot No. 1, 141 ANNEX MINOR SUBDIVISION per Plat recorded January 4, 2014 as Reception No. 447958, "City of Salida", Chaffee County, Colorado. *Property was annexed into the City of Salida by Ordinance No. 02, Series of 2022 (Reception No. 478945)*
DO HEREBY LAY-OUT, PLAT AND SUBDIVIDE THE ABOVE DESCRIBED PROPERTY, WITH BEARINGS, DISTANCES AND EASEMENTS AS SHOWN ON THIS PLAT, TO BE KNOWN AS:

LOTS 1A, 1B, 1C & 1D, WINGER MINOR SUBDIVISION
WITHIN LOT 1 OF THE 141 ANNEX MINOR SUBDIVISION

IN THE
CITY OF SALIDA
CHAFFEE COUNTY, COLORADO

AND THE LOTS REMAIN SUBJECT TO THE PUBLIC UTILITY EASEMENTS DEDICATED AND SHOWN ON THE FILED PLAT OF 141 ANNEX SUBDIVISION, EXCEPT THE PUBLIC UTILITY EASEMENT ADJACENT TO THE WEST BOUNDARY THEREOF IS HEREBY VACATED.

ACKNOWLEDGEMENTS:

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

WENDELL D. MINGER

STATE OF COLORADO } ss

COUNTY OF CHAFFEE }

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

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES ____

NOTARY PUBLIC: _____

ADDRESS: _____

CERTIFICATE OF TITLE INSURANCE COMPANY:

I, BRETT M. EAKINS, A LICENSED TITLE INSURANCE EXAMINER REPRESENTING FIRST AMERICAN TITLE INSURANCE COMPANY IN THE STATE OF COLORADO DO CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE REAL PROPERTY DEDICATED AND SHOWN ON THIS PLAT AND FOUND TITLE VESTED IN WENDELL D. MINGER FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, EXCEPT:

BRETT M. EAKINS

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 IS BASED ON A MONUMENTED LAND SURVEY OF THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAT, AS WELL AS THE NEW LOTS, THAT SAID SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT SAID SURVEY AND PLAT ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.
DATED THIS ____ DAY OF ____, 2024.

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

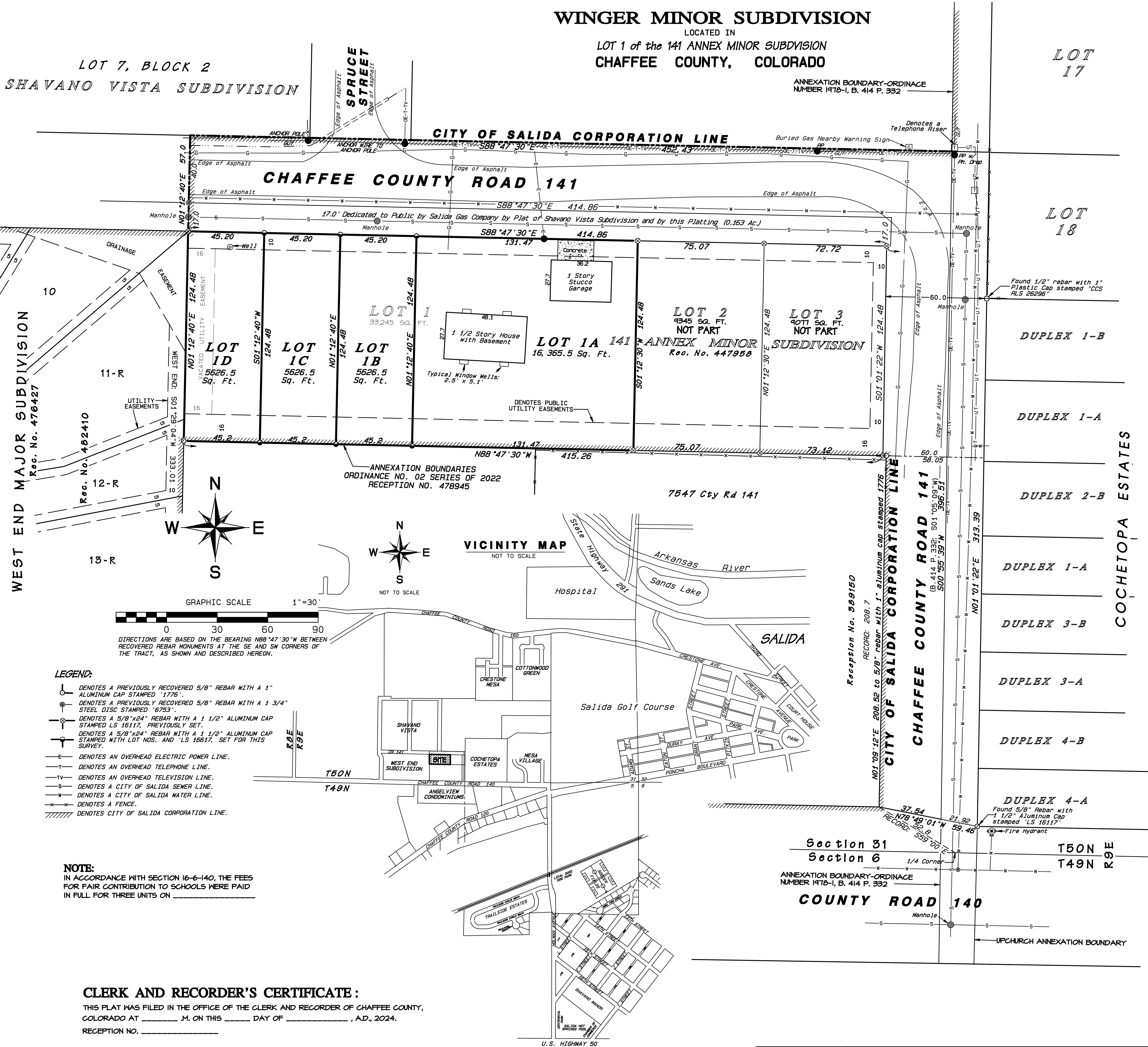
GENERAL LAND SURVEYOR'S NOTES:

- 1) PROPERTY DESCRIPTION AND RECORD EASEMENT RESEARCH BASED ON FIRST AMERICAN TITLE INSURANCE COMPANY TITLE POLICY NO. 5011408-00670620, ISSUED BY CENTRAL COLORADO TITLE AND ESCROW, EFFECTIVE AUGUST 31, 2020
- 2) DEED LINES ARE BASED ON AFOREMENTIONED PROPERTY DESCRIPTION, ON THE FILED PLAT OF 141 ANNEX MINOR SUBDIVISION, A CHAFFEE COUNTY SUBDIVISION WHICH HAS BEEN ANNEXED INTO THE CITY OF SALIDA AND ON THE LOCATIONS OF THE RECOVERED REBAR SURVEY MONUMENTS SHOWN AND DESCRIBED ON THIS PLAT.
- 3) THE 141 ANNEX MINOR SUBDIVISION WAS ANNEXED INTO THE CITY OF SALIDA BY CITY OF SALIDA, COLORADO ORDINANCE NO. 02, SERIES OF 2022 RECORDED AT RECEPTION NO. 478945. THE ANNEXATION PLAT WAS FILED ON MARCH 21, 2022 UNDER RECEPTION NO. 478947.
- 4) BUILDING DIMENSIONS ARE ALONG AND TO EXTERIOR BUILDING WALLS. ALL LINEAL MEASUREMENTS ARE U.S. SURVEY FEET.
- 5) ROTATE BEARINGS FOUND THE ANNEXATION ORDINANCE DESCRIBED IN BOOK 414 AT PAGE 392 COUNTERCLOCKWISE 00°04'30" TO MATCH THE BASIS OF BEARINGS STATED HEREON.
- 6) ROTATE BEARINGS FOUND ON THE UPCHURCH ANNEXATION PLAT COUNTERCLOCKWISE 00°16'24" TO MATCH THE BASIS OF BEARINGS STATED HEREON.

CITY OF SALIDA PLANNING COMMISSION APPROVAL:

THIS PLAT IS APPROVED BY THE CITY OF SALIDA PLANNING COMMISSION ON THIS ____ DAY OF ____, 2024.

CHAIRMAN



CLERK AND RECORDER'S CERTIFICATE:

THIS PLAT WAS FILED IN THE OFFICE OF THE CLERK AND RECORDER OF CHAFFEE COUNTY, COLORADO AT ____ M. ON THIS ____ DAY OF ____, A.D., 2024.
RECEPTION NO. _____

CHAFFEE COUNTY CLERK & RECORDER

WINGER MINOR SUBDIVISION
WITHIN LOT 1 of the 141 ANNEX MINOR SUBDIVISION
CITY OF SALIDA, COLORADO

CHAFFEE COUNTY
Job Number: J-24-058
TPC FILE: J-18-130
M. K. H.
DRAWN BY: TMO CAD
B. S. H.

CHECKED: Fld. book: 5318, Pages 12 & 16-5125 Pages 43 & 44

DATE: 4/4/24

DRAWING NO. L-24-19



PLANNING COMMISSION STAFF REPORT

MEETING DATE: May 28, 2024

AGENDA ITEM TITLE: Major Impact Review for Amendments to the Green Heart Planned Development and Minor Subdivision

AGENDA SECTION: Public Hearing

REQUEST SUMMARY:

The applicant is requesting a major impact review for an amendment to the Green Heart Planned Development and Minor Subdivision located at 535 W. 7th Street. The amendment to the planned development is regarding the assessment of inclusionary housing fees-in-lieu (FIL). The project is a 1.23 acre site of four lots with a PD overlay and the underlying zoning of Single Family (R-1). The Planning Commission will forward a recommendation to City Council.

The Inclusionary Housing Fee-In-Lieu (FIL) is one option of meeting the requirement that 16.7% of homes within a subdivision must be “affordable” as defined by the ordinance. A formula is used to determine the fee which is based on the difference between an affordable home price versus the current market price. The Planned Development overlay allows changes to the underlying zoning standards. More details on the Green Heart PD are described under BACKGROUND below. Homes are under construction on Lots #2 and #4.

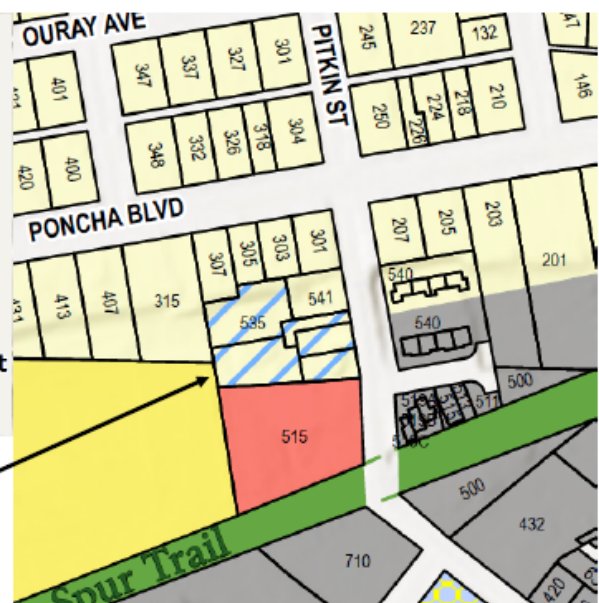
APPLICANT: The applicant is Robin NeJame of Green Heart LLC.

LOCATION:

Zone Districts

■	C-1	Commercial District
■	C-2	Central Business District
■	I	Industrial District
■	PD	Planned Development
■	R-1	Single-Family Residential District
■	R-2	Medium Density Residential District
■	R-3	High Density Residential District
■	R-4	Manufactured Housing Residential District
■	RMU	Residential Mixed Use District

Green Heart PD



PROCESS:

A substantial amendment to a Planned Development is a Major Impact Review which requires a hearing and recommendation by the Planning Commission; and adoption of an ordinance by City Council after a 1st Reading and 2nd Reading and Public Hearing. Conditions regarding the inclusionary housing FIL for the Green Heart project are addressed in Ordinance 2022-08 and are stated in Section Three under the Planned Development and Minor Subdivision (Exhibit 1).

Per Section 16-7-150 (c)(6), insubstantial modifications to a PD may be approved by the Administrator. However, one of the criteria for NOT being an administrative change states “Other significant changes which involve policy questions or issues of overriding importance to the community.” Staff believes, which has been confirmed by previous Council direction, the proposed change to the inclusionary housing requirements meets this criterion which forces the Major Impact review of the amendment.

Also, subparagraph (d) of the above section authorizes the Council to add new conditions “...as are necessary to ensure the new development will be compatible with the current community standards and regulations.” This gives the Commission discretion in crafting a recommendation to Council that may fall between the request and our current standard.

BACKGROUND:

Purpose of PD for Green Heart

A Planned Development is an overlay which allows flexibility in the underlying zoning district standards to “...permit the application of more innovative site planning and design concepts than may not be possible under the application of standard zone districts.” The Green Heart Planned Development allowed the use of a private road for required street frontage (instead of a public street as required by code) and reduced R-1 lot and site standards for the two lots (#3 and #4) fronting 7th Street. The result of the flexibility was the creation of additional housing on a complicated infill parcel.

As part of the PD approval process, the applicant agreed to the following condition as an additional public benefit to warrant the code deviations:

1. Applicant agrees to give a preference to current Chaffee County residents or workforce for Lots 3 and 4 on the Property, to the extent permitted by law. Such marketing and vetting shall be the Applicant’s responsibility, with guidance provided by City staff and the Chaffee Housing Authority. The applicant will need to show a good faith effort to find local residents to purchase the property.

Applicant’s Request and Justification

The applicant is requesting a reconsideration of the amount and assessment timing of the required Inclusionary Housing FIL as described in their submittal (Exhibit 2). Please read this carefully; staff is paraphrasing the applicant’s request and justification below:

- The current fees are excessive and not in line with what similar projects were required to pay prior to Green Heart being approved (Cherry Grove is the example cited and is

discussed below). This has the effect of making housing less affordable for local workers.

Staff: Cherry Grove is a major subdivision approved in 2021. The housing agreement set the FIL at the lessor of \$7.87 per square foot or \$15,748 for a period of five years. These amounts were consistent to the Inclusionary Housing ordinance at the time. At the time the Green Heart PD was submitted, the FIL was \$20.46 per square foot.

- They kept their project to a scale that fit the neighborhood. Therefore, they could not take advantage of the economies of scale a higher density project would afford.
- They were not aware of the ability to request a different fee-in-lieu as part of the Planned Development; so are making their arguments now.
- They have recently learned from bankers that the fee-in-lieu cannot be financed. This may be partly due to the housing fees and system development fees, put the loan to value above recommended levels.
- Does the potential of approval of a county-wide sales tax for affordable housing mean they will be charged twice?
- The result of increasing the rate of fees-in-lieu as the number of units increase in a project results in higher costs for smaller developers.

PROPOSED FEE-IN-LIEU: Keep the fee at the current rate (\$10.87 per square foot of each unit (for a 4 unit development, see calculation in next section below) but cap the fees at a max of \$15,748 per unit for three years. The cap is consistent with what was approved for the Cherry Grove subdivision.

PROPOSED APPLICATION FEE: The applicant is asking for consideration of a refund of the application fees for this amendment as they were not aware they could discuss alternatives to the FIL at the time the PD was approved. The fees break out as:

○ PD Substantial Modification	\$1,500
○ Cost Reimbursement Deposit	<u>3,000</u>
	\$4,500

Staff: Refunding application fees does not fit under the Planning Commission duties; but if the consensus of the Commission is to pass a recommendation to Council, a draft motion is provided below.

RECENT HISTORY OF FEE-IN-LIEU AMOUNTS:

On December 21, 2021 Council adopted Resolution 2021-43 which repeated the FIL from July 6, 2021 which required \$16.51 per square foot for every unit within a major subdivision, planned development, annexation or five or more condominiums. When Council adopted Resolution 2022-04 on February 1, 2022, the FIL increased to \$20.46 per square foot for these types of projects. Minor subdivisions costs were reduced to \$10.23 per square foot.

The Green Heart Planned Development team had their conceptual review by the Planning Commission and City Council on November 15, 2021. From this point they worked on development plans, including civil engineering documents, to make a formal submittal to the City. The applications were signed and submitted on February 1, 2022, the same date the FIL increased to \$20.46 per square foot. But the applications were not determined to be complete until February 14, 2022. There have been periodic updates since then.

On May 7, 2024 the City Council adopted Resolution 2024-32 to amend the schedule for the Inclusionary Housing Fee-in-Lieu amounts (Exhibit 3). The new schedule does two things:

- Reduces the overall cost per square foot of new principal homes from \$20.46 per square foot to \$13.59 per square foot.
- Instituted a graduated scale for FIL for smaller projects in response to Council's desire to level the field for project with five and fewer units. This further reduces the FIL in a 4-Lot subdivision to 80% of the above.

These two changes reduced the FIL for Green Heart from \$20.46 per square foot to \$10.87 per square foot.

REQUIRED FINDINGS FOR APPROVAL OF SUBSTANTIAL MODIFICATION OF PD:

Per Section 16-7-150 (2) no substantial amendment to a PD maybe granted unless the City Council determines the following findings have been met for the proposed change:

1. It is consistent with the efficient development and preservation of the entire PD;
2. Does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the PD or the public interest; and
3. Is not granted solely for a special benefit upon any person.

STAFF EVALUATION:

The proposed cap would freeze the fee-in-lieu for any proposed principal residence above 1,449 square feet. Currently there are only two of the four lots under construction.

Lot #	Lot Size (square feet)	Principal Home Size (square feet)	Current FIL Total	Proposed FIL Total	Difference
1	19,117				
2	16,268	2,274	\$24,718	\$15,748	\$8,970
3	6,589				
4	7,088	1,400	\$15,218	\$15,218	0

Staff recommends the Planning Commission focus on the unique benefits provided and constraints that were solved by the Green Heart Planned Development. For instance, it was a difficult site that required extensive infrastructure. They have agreed to give preference to local homebuyers that are a part of the community's workforce who make their home on Lots 3 and 4. The Commission may consider other language that may potentially help make that happen.

The arguments about the FIL making housing less affordable and more challenging for smaller projects/developers are best made as part of a larger discussion. Staff committed to evaluate the fees for Council adoption on a bi-annual basis.

POTENTIAL MOTIONS:

Green Heart PD Amendment re: FIL

- A. "I make a motion to recommend Council find the criteria for the substantial amendment to the Green Heart PD and Minor Subdivision have been met and Ordinance 2022-08 should be revised by amending the conditions regarding inclusionary housing FIL to generally state:
1. The owner shall pay a fee-in-lieu for each principal residential unit constructed equal to the lessor of \$10.87 per habitable square feet; \$15,748; or an amount established by a subsequently adopted fee schedule; and
 2. The fee-in-lieu amounts shall remain at the above for three (3) years from the date of this ordinance. After the three (3) year period the fee-in-lieu shall be the amount that is in effect at the time of issuance of a building permit for a principal residence.
 3. The minor subdivision shall be amended to note the temporary FIL reduction.
- B. "I make a motion to recommend Council deny the application as it does not meet the findings for approval of a substantial amendment to the Green Heart PD and Minor Subdivision."
- C. "I make a motion to continue the application to (next available Planning Commission meeting) to allow the applicant to provide more information regarding_____."

Application Fees for Green Heart PD and Minor Plat Amendment

"I make a motion to recommend the City Council reduce the application fees for this request to _____."

Attachments:

Proof of Publication

Exhibit 1: Ordinance 2022-08

Exhibit 2: Application materials

Exhibit 3: IH FIL Fee Schedule May 7, 2024

**PUBLIC NOTICE
NOTICE OF A PUBLIC HEARING BEFORE
THE PLANNING COMMISSION FOR
THE CITY OF SALIDA CONCERNING A
MAJOR IMPACT REVIEW APPLICATION
FOR A PLANNED DEVELOPMENT
AMENDMENT AND MINOR SUBDIVISION
TO ALL MEMBERS OF THE PUBLIC
AND INTERESTED PERSONS: PLEASE**

TAKE NOTICE that on Tuesday, May 28, 2024 at or about the hour of 6:00 p.m., a public hearing will be conducted by the City of Salida Planning Commission at City Council Chambers, 448 E. 1st Street, Salida, Colorado and online at the following link: <https://attendee.gotowebinar.com/rt/1909092342220683277>

The hearing is regarding a major impact review application submitted by Green Heart LLC (represented by Robin Nejame) for an amendment to the Green Heart Planned Area Development and Minor Subdivision located at 535 W. 7th Street. The applicants are requesting amendments to the planned development and minor subdivision regarding the assessment of inclusionary housing fees-in-lieu. The project consists of a 1.23 acre site of four lots with the underlying zoning of Single Family (R-1) and is located on the west side of 7th Street, south of Poncha Boulevard. The Planning Commission will forward a recommendation to City Council.

Interested individuals may make comments during the public hearing via GoToWebinar at the above link. Comments may also be submitted via email ahead of time to glen.vannimwegen@cityofsalida.com by 12:00pm on May 28th. Further information on the application may be obtained from the Community Development Department by calling (719) 530-2634.

Published in The Mountain Mail May 10, 2024

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 08
SERIES OF 2022**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
COLORADO APPROVING THE GREEN HEART LLC MAJOR IMPACT REVIEW
FOR A PLANNED DEVELOPMENT OVERLAY AND MINOR SUBDIVISION OF THE
1.23 ACRE PARCEL LOCATED AT 535 WEST SEVENTH STREET**

WHEREAS, the City of Salida Planning Commission conducted a public hearing on the Major Impact Review Application request for a Planned Development Overlay and Minor Subdivision for the property located at 535 West Seventh Street on March 28, 2022 and forwarded to the City Council its recommendation that the subject property be approved, with conditions, as a Planned Development Overlay pursuant to the attached Green Heart Planned Development Plat (Exhibit A); and

WHEREAS, the City of Salida Planning Commission reviewed and recommended approval, with conditions, the Green Heart Minor Subdivision a four-lot subdivision within the planned development overlay, illustrated on Exhibit B; and

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

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

WHEREAS, after the positive recommendation was forwarded to the City Council, a public hearing was held by the Salida City Council on May 17, 2022.

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

Section One

That the entirety of the property comprising the Green Heart Planned Development, to wit, the 1.23 acres is hereby zoned Single-Family Residential (R-1) with a Planned Development Overlay as shown on the Green Heart LLC Planned Development plat and Minor Subdivision attached to this ordinance as Exhibit A and Exhibit B.

Section Two

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

Section Three

Upon this approval by the City Council, the applicant shall submit a final Mylar of Exhibit A and Exhibit B; and incorporating the following conditions of approval for the Mayor's signature and recordation.

Conditions for the Planned Development:

1. Applicant agrees to give a preference to current Chaffee County residents or workforce for Lots 3 and 4 on the Property, to the extent permitted by law. Such marketing and vetting shall be the Applicant's responsibility, with guidance provided by City staff and the Chaffee Housing Authority. The applicant will need to show a good faith effort to find local residents to purchase the property.
2. Access to all of the lots must be off of the private road. No access will be allowed off of Seventh Street for any of the lots.

Conditions for the Minor Subdivision:

1. A name for the private road be added to the plat and "out-lot" removed.
2. The applicant must meet the requirements of the Public Works Director and City Engineering Consultants
3. A plat note shall be added that states that "Fees-in-lieu for Open Space shall be paid at the time of building permit submittal of any residential units."
4. The following plat note must be added: "New residential dwelling units constructed on the Property shall meet the inclusionary housing requirements of Chapter 16, Article XIII of the Salida Municipal Code. The applicants volunteer and agree to provide an in-lieu fee at the rate in effect prior to issuance of certificate of occupancy of any new residential dwelling units on any of the lots, unless an IH unit is provided".
5. That the applicant meet the requirements of Atmos Energy.

Section Four

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

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

Section Five

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

Section Six

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

INTRODUCED ON FIRST READING, on May 3, 2022, ADOPTED and set for second reading and public hearing on the 17th day of May, 2022.

CITY OF SALIDA, COLORADO

Dan Shore, Mayor

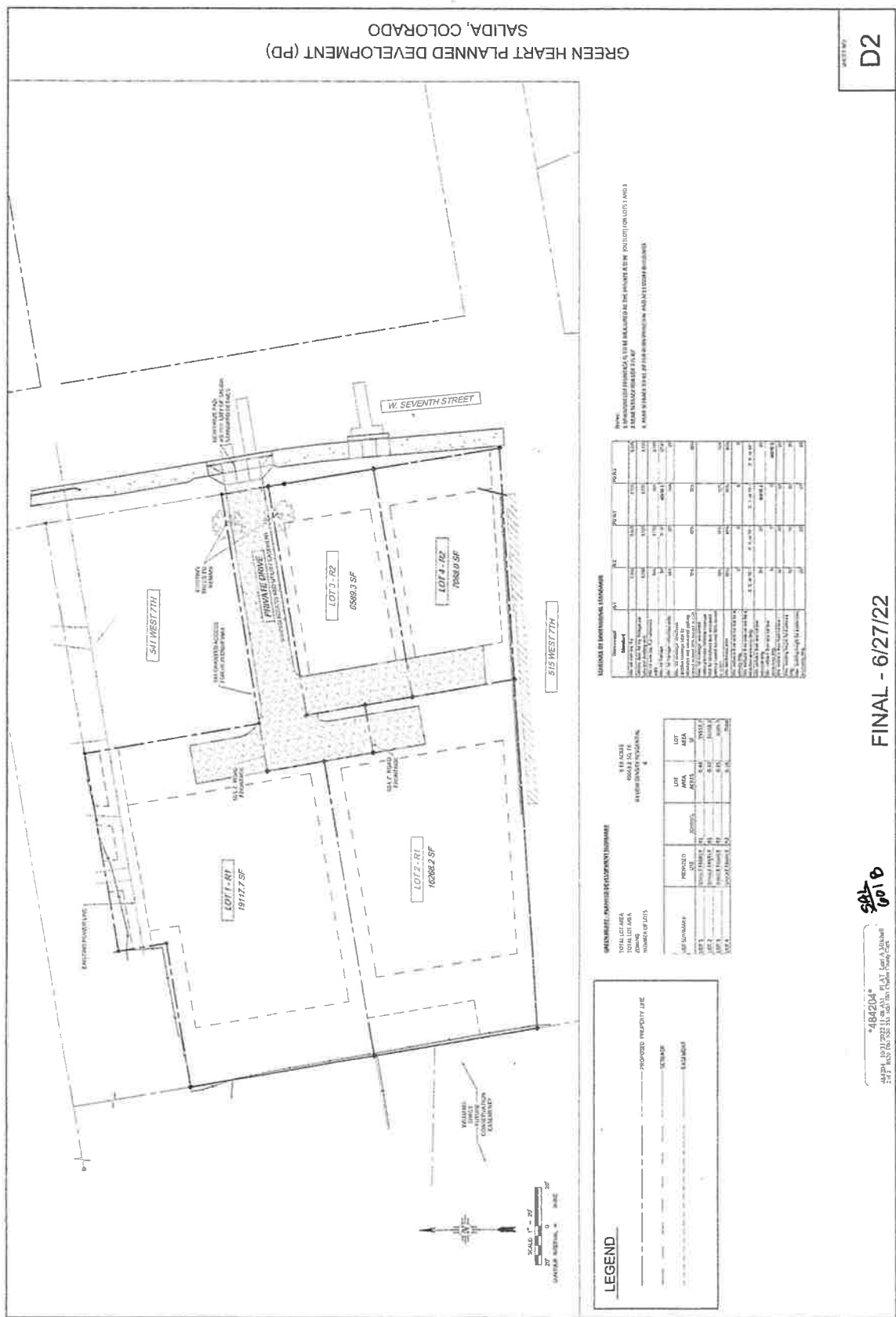
[SEAL]

ATTEST:

City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the ____ day of _____, 2022, and **BY TITLE ONLY**, after final adoption on the ____ day of _____, 2022.

City Clerk/Deputy City Clerk



GREEN HEART

PLANNED DEVELOPMENT (PD)

SALIDA, COLORADO

CERTIFICATE OF DEDICATION AND OWNERSHIP

APPROVAL PROCEEDING IN THESE BY STATE OF COLORADO, COUNTY OF GARFIELD, CITY OF SALIDA, COLORADO, HAS SUBMITTED THE MAP WITH FOUR LOTS, BEING LOTS 1, 2, 3, AND 4, BEING THE PLANNED DEVELOPMENT OF THE GREEN HEART PLANNED DEVELOPMENT (PD) IN THE CITY OF SALIDA, COLORADO.

THE CITY OF SALIDA, COLORADO, HAS REVIEWED THE MAP AND HAS DETERMINED THAT THE MAP IS IN ACCORDANCE WITH THE CITY OF SALIDA, COLORADO, ORDINANCES AND THE CITY OF SALIDA, COLORADO, ZONING MAP.

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GREEN HEART PLANNED DEVELOPMENT (PD)

CONDITIONS OF APPROVAL FOR THE GREEN HEART PD:

1. THE APPLICANT SHALL SUBMIT A FINAL MAP TO THE CITY OF SALIDA, COLORADO, FOR REVIEW AND APPROVAL.
2. THE APPLICANT SHALL SUBMIT A FINAL MAP TO THE CITY OF SALIDA, COLORADO, FOR REVIEW AND APPROVAL.
3. THE APPLICANT SHALL SUBMIT A FINAL MAP TO THE CITY OF SALIDA, COLORADO, FOR REVIEW AND APPROVAL.
4. THE APPLICANT SHALL SUBMIT A FINAL MAP TO THE CITY OF SALIDA, COLORADO, FOR REVIEW AND APPROVAL.

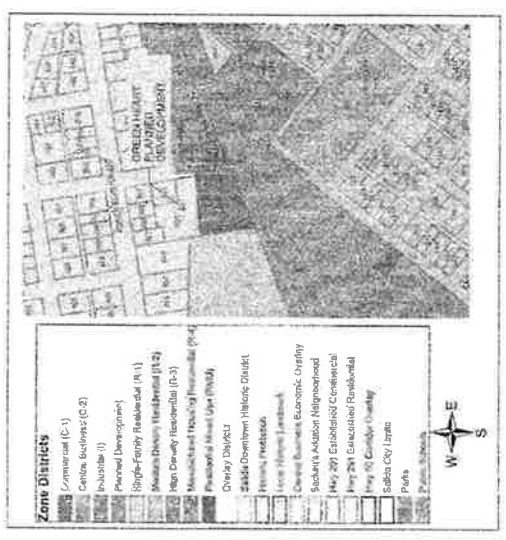
GENERAL NOTES

1. THE CITY OF SALIDA, COLORADO, HAS REVIEWED THE MAP AND HAS DETERMINED THAT THE MAP IS IN ACCORDANCE WITH THE CITY OF SALIDA, COLORADO, ORDINANCES AND THE CITY OF SALIDA, COLORADO, ZONING MAP.

2. THE CITY OF SALIDA, COLORADO, HAS REVIEWED THE MAP AND HAS DETERMINED THAT THE MAP IS IN ACCORDANCE WITH THE CITY OF SALIDA, COLORADO, ORDINANCES AND THE CITY OF SALIDA, COLORADO, ZONING MAP.

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4. THE CITY OF SALIDA, COLORADO, HAS REVIEWED THE MAP AND HAS DETERMINED THAT THE MAP IS IN ACCORDANCE WITH THE CITY OF SALIDA, COLORADO, ORDINANCES AND THE CITY OF SALIDA, COLORADO, ZONING MAP.



LAND SURVEYOR
LANDMARK SURVEYING
1000 E. 10th St., Suite 100
Salida, CO 81061
719-259-0001

CONSULTANT
Lund Water Consulting
1000 E. 10th St., Suite 100
Salida, CO 81061
719-259-0001

ENGINEER
Weller Engineering
1000 E. 10th St., Suite 100
Salida, CO 81061
719-259-0001

FINAL - 6/27/22

CITY COUNCIL APPROVAL

APPROVED BY THE CITY OF SALIDA, COLORADO, ON 6/27/22.

CLERK AND RECORDER'S CERTIFICATE

RECEIVED BY THE CITY OF SALIDA, COLORADO, ON 6/27/22.

RECEIVED BY THE CITY OF SALIDA, COLORADO, ON 6/27/22.

RECEIVED BY THE CITY OF SALIDA, COLORADO, ON 6/27/22.

EXHIBIT 2

As an introduction, Green Heart LLC, the applicant, consists of Andy Riemenschneider, Zack Zeiset, Annie Ruiter, and myself, Robin NeJame. We are a partnership of two families who joined forces to purchase the parcel of land at 535/541 7th Street. We are all long-time residents of Salida, each with over 20 years of residency. Zack even grew up here and attended the old LES just a half block away. With families of our own, we are excited to live on this property and grow old with our community.

We would like to formally request a renegotiation of our planned development and minor subdivision agreement. We feel the fees in lieu for Inclusionary Housing we are required to pay are excessive and not in line with what other developers have been asked to pay. These additional fees only hurt locals' ability to purchase local lots and are limiting the affordable housing opportunities in our subdivision.

Throughout the Planned Development process, simplicity had been our guiding principle. We never aspired to be developers of large condo complexes; rather, our aim has always been to foster a community of families and neighbors.

The Green Heart Planned Development doubled the number of lots compared to the Use by Right and provides access to 541 7th Street to allow for an Accessory Dwelling Unit (ADU). Including the lot at 541 7th Street, the number of additional units for these two lots can be 10 if you count the ADUs. All four new lots are accessed from Two Wheel Drive.

As per our original Planned Development we requested the following deviations from the Dimensional Standards:

- Lots 1 and 2: The minimum lot frontage to be measured from the new private road.
- Lots 3 and 4: The minimum lot frontage, lot area, lot coverage, landscape area, and setbacks to match R2. Because of the rear access across the lot, the rear setback will be 20'. Lot 2, the rear setback, was increased to 40' to allow Lot 1 to have a less obstructed view corridor.

Presently, Zack and I are building on Lot 2, while Annie and Andy are planning to build on Lot 1 soon. We recently sold Lot 3 to a couple from Chaffee County, affording their children the opportunity to walk to school and the park, starting in May. You heard from Bethany the other day. She and her partner are a family of four and make approximately \$50k per year. She works for an orthodontist and Dustin works from home. He has built their family home, working tirelessly. This family qualifies for affordable housing, but chose not to enter into the program. It made more sense for them to save, skipping birthdays and holidays, to own their house and not be limited by any deed restrictions. On our end, we waited over 440 days for a Bethany, Dustin and their family to purchase a lot. We have yet to sell Lot 3. We have been told time and time again that people have interest, but they are unable to pay the fee in lieu. Those that have shown serious interest include a non-certified school district employee, a teacher that wants to relocate here. Note, there are two positions open in the school district which she could potentially fill, two local kids who I used to teach along with their families, an emergency room doctor that considered relocating, and one of your employees, someone that works for the City of Salida.

We would like to formally request a renegotiation of our planned development and minor subdivision agreement. As we have learned very few people are willing to purchase a deed-restricted home, and with the cost of these deed-restricted units right now, it is sometimes a better investment for locals to go in a different direction.

The biggest hindrances to our situation are as follows:

1) We did not fully understand what the term negotiating meant. It wasn't until last month's meeting that we learned of the possibilities. We learned that each PD is unique, and we should have considered negotiating the Inclusionary Housing fees.

2) The banks will not loan given your terms. Assuming a lot price of \$250k, and building costs at \$375 per sq foot, a 1500 sq foot home costs \$812,500. This does not include the fee in lieu, permit fees, and tap fees. This person cannot see this potential residence at 120 percent AMI (or even 140 percent AMI). This would be a loss for anyone that did this, and the bank will not offer a loan. The math doesn't work.

We greatly care about affordable housing. For 20 years, Zack and I have had affordable housing units at 60% AMI. We just raised them to 80 % AMI with the latest property tax increase. We are now being asked to provide nearly \$40,000 in fees to build our home, our neighbors will be asked something similar. I will add that if the Chaffee Housing Authority tax initiative passes, we will not only be giving back to affordable housing through our rentals and through the fee in lieu, but also through every taxable dollar we spend in Chaffee County. It almost feels like being triple taxed. There are zero rewards to keep affordable rentals just that, and it is not something that I ever thought of considering until this fee in lieu and these tax measures kept coming up. But when those who are trying to be part of the solution, continue to be burdened, unintended consequences are inevitable. For example, I sold one of my affordable units. We have one less affordable rental in Salida because of that. We are in a financial pickle because of these unintended consequences and can no longer take on all these financial burdens.

After talking to Bill Almquist on April 19, 2024, he mentioned that he thought the fee in lieu cost could potentially be going down to \$13.76. He also let me know that there was talk of changing ordinances in the future, one of which might include lowering this fee for minor subdivisions based on how many lots are made. He said that this fee could go up based on how many lots are made, and since we created four lots, that possibly that \$13.76 could be cut by about twenty percent. His rationale for more lots costing more, I hear, but I don't necessarily agree with.

1) He claims that more lots could actually hurt the affordable housing issue because of formulas and averaging.

2) The city still has a policy that hurts locals from purchasing in Salida city limits. Tacking any more fees on to these lots does not help in any way put the working class in our community, especially since we have proven to the city that our intent is to get working class families on these lots with the sale of Lot four to the Dustin and Bethany. I also think that if you create more lots in city limits that penalizing these small developers is unfair. If we were trying to make this a business, it would be one thing, but we were actually just trying to create space for neighbors. Every time we sell a lot we

are also penalized with significant capital gains, even though we prove losses. Ask our accountant about this.

I was asked at the last P and Z meeting why we did not negotiate, and I felt like I was staring at everyone like a deer in the headlights. The concept was foreign to us. We would like to negotiate now:

Under the previous Inclusionary Housing Ordinance, the Cherry Grove subdivision had a fee in lieu of \$7.87 per sq. ft., this was for seven lots. It also reads that there is a max, not to exceed \$15,748 per unit. Furthermore, the fee at this time was \$16.51.

We are aware that the City needs funding for affordable housing, so our request is that we receive a cap equal to Cherry Grove's at \$15,748 per unit under the existing inclusionary housing fee of 80 percent of 13.56. Should this go down, this rate would also go down. And this would be for a three-year period at time that the new ordinance is effective to issuance of CO. Per current standards if an affordable unit is built the fee does not apply and all fees paid to date are returnable to payees if they are the current owner.

I am including \$4500 and would like to request one more thing...that you consider a reimbursement of this fee as we did not know when we first entered into an agreement with the City of Salida that "negotiating" was an option and that each project that came before you was "unique". Again, this could have been dealt with had we known that negotiating was an option

We encourage you to consider what we have contributed to housing in Salida and will continue to contribute through rentals and maybe even a potential sales tax increase. We honestly cannot contribute in three different ways, and it really does not feel equitable to be hit in three different ways.

In conclusion, we urge the City to reconsider the terms of the planned development and minor subdivision, recognizing the tangible benefits our project offers to the community. We are open to constructive dialogue and eager to find mutually beneficial solutions that address both the City's needs and our goals. Thank you!

Robin NeJame on behalf of Green Heart LLC

719-221-4726



LIMITED IMPACT & MAJOR IMPACT SUBMITTAL REQUIREMENTS

448 East First Street, Suite 112

Salida, CO 81201

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

Email: planning@cityofsalida.com

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

1. PROCEDURE (Section 16-3-80)

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

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

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

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

☒ 7. Developments involving construction shall provide the following information:

(i) A development plan map, at a scale of one (1) inch equals fifty (50) feet or larger with title, date, north arrow and scale on a minimum sheet size of eight and one-half (8½) inches by eleven (11) inches, which depicts the area within the boundaries of the subject lot, including:

- a. The locations of existing and proposed land uses, the number of dwelling units and the square footage of building space devoted to each use;
- b. The location and dimensions, including building heights, of all existing and proposed Buildings or structures and setbacks from lot lines or building envelopes where exact dimensions are not available;
- c. Parking spaces;
- d. Utility distribution systems, utility lines, and utility easements;
- e. Drainage improvements and drainage easements;
- f. Roads, alleys, curbs, curb cuts and other access improvements;
- g. Any other improvements;
- h. Any proposed reservations or dedications of public right-of-way, easements or other public lands, and
- i. Existing topography and any proposed changes in topography, using five-foot contour intervals or ten-foot contour intervals in rugged topography.

(ii) 24" x 36" paper prints certified by a licensed engineer and drawn to meet City specifications to depict the following:

- a. Utility plans for water, sanitary sewer, storm sewer, electric, gas and telephone lines;
- b. Plans and profiles for sanitary and storm sewers; and
- c. Profiles for municipal water lines; and
- d. Street plans and profiles.

(iii) Developments in the major impact review procedure shall provide a development plan map on paper prints of twenty-four (24) inches by thirty-six (36) inches, with north arrow and scale, and with title and date in lower right corner, at a scale of one (1) inch equals fifty (50) feet or larger which depicts the area within the boundaries of the subject lots and including those items in Section 16-3-40(a) (3).

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

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

☐ 10. Any other information which the Administrator determines is necessary to determine whether the proposed development complies with this Code, including but not limited to the following:

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

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

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

(iv) Engineering specifications for any improvements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The property is located within the Single-Family (R-1) zone district. This parcel is surrounded by Single-family Residential (R-1), Medium Density Residential (R-2), Industrial (I) and Commercial (C-1) zone districts. The Green Heart Minor Subdivision includes two lots along 7th Street to be zoned R2 and the two larger back lots to be zoned R1. This is a good fit for this lot as a transition lot between all of the adjacent zonings.

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

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

The Green Heart Planned Development conforms to all applicable provisions of the Land Use code except for the street frontage requirements for Lots 1 and 2 and the rear setback for Lots 2 and 3 have been increased to 20'. In addition the rear setback of Lot 2 has been increased to 40'. This is summarized on Sheet D2 of the development plan.

- b. **Site Development Standards.** The parking, landscaping, sign and improvements standards. The Green Heart Planned Development conforms to all parking, landscaping and sign improvement standards

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

The Green Heart Planned Development is an infill project and balances the character of neighboring uses. The front half of the lot is currently unused. Four new homes will be an improvement to the street scape and will enhance the activities in the immediate vicinity.

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

The Green Heart Planned Development will include four single family lots. There are no anticipated nuisances with this development.

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

The Green Heart Planned Development fronts 7th Street. As an infill project all public facilities are in place.

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

There will be no significant deterioration of the environmental resources associated with the Green Heart Planned Development.



Inclusionary Housing In-Lieu Fees:

Inclusionary housing requirements apply to Annexations, Planned Developments, Minor and Major Subdivisions, Condominium Plats, Duplex Conversion Subdivisions, and Multi-Family rental projects of five (5) or more units. The in-lieu fee option is only available for the fractional portion above the number of inclusionary housing units required to be built and deed-restricted in a development, and where the total number of proposed units or lots in a development is five (5) or fewer.

If an applicant opts to pay an in-lieu fee to satisfy the inclusionary housing requirement as permitted by Sec. 16-13-30 of the Salida Municipal Code, the fees shall be calculated as described here, and based upon the date of building permit application submittal.

- (a) The in-lieu fee for each for-sale unit within the applicable development shall be:

\$13.59 per square foot of the principal unit (excluding garages), which equates to the following amounts applicable to projects or to the fractional remainder based on unit/lot count:

5 new units/lots created, or remainder of 5 = .9 FIL/SF = \$12.23 / SF for each unit
 4 new units/lots created, or remainder of 4 = .8 FIL/SF = \$10.87 / SF for each unit
 3 new units/lots created, or remainder of 3 = .7 FIL/SF = \$9.51 / SF for each unit
 2 new units/lots created, or remainder of 2 = .6 FIL/SF = \$8.15 / SF for each unit
 1 new unit/lot created, or remainder of 1 = .5 FIL/SF = \$6.80 / SF for each unit

- (b) The in-lieu fee for each unit within a multi-family RENTAL project of five (5) or more units under single ownership and on the same lot (whether attached or not) shall be:

\$3.00 per square foot of the rental unit (excluding garages)*

*Should such a unit be converted to a saleable unit (via subdivision, condominiumization, etc.), the applicant shall be responsible for paying the difference between the rental unit in-lieu fee originally paid and the for-sale unit in-lieu fee applicable at the time of such conversion, unless the requisite number of inclusionary housing units are then deed-restricted.