



# PLANNING COMMISSION REGULAR MEETING

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

Monday, March 22, 2021 - 6:00 PM

## AGENDA

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

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

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

### ROLL CALL

### APPROVAL OF THE MINUTES

1. January 25, 2021 - draft minutes
2. February 22, 2021 - draft minutes

### UNSCHEDULED CITIZENS - Three (3) Minute Time Limit

### AMENDMENT(S) TO AGENDA

### PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- |   |   |  |
|---|---|--|
| A. Open Public Hearing                  | D. Applicant's Presentation (if applicable) | G. Commission Discussion                 |
| B. Proof of Publication                 | E. Public Input (3 minute time limit)       | H. Commission Decision or Recommendation |
| C. Staff Review of Application/Proposal | F. Close Public Hearing                     |  |

3. **Rose - Sacketts Addition Overlay deviation** – The applicants, Kevin and Susan Rose, are requesting approval for deviation from the requirements of the Sackett Addition Overlay for the construction of an Accessory Dwelling Unit (“ADU”) at 334 E. Second Street, Salida, CO 81201
4. **Upchurch Annexation** – The applicants, Tory and Clee Upchurch, are requesting approval of their 5.32 acre parcel to be annexed into the City of Salida. The property proposed for annexation is located between County Roads 140 and 141, as well as a portion of CR 140 stretching from the existing City limits at the eastern terminus of CR 141 approximately 1,274 feet to the western terminus of CR 141, totaling approximately 2.58 acres.
5. **Upchurch Zoning** – The applicants, Tory and Clee Upchurch, are requesting a zoning designation of Medium-Density Residential (R-2) should the property be annexed.

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

**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.**

# PLANNING COMMISSION REGULAR MEETING

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

January 25, 2021 - 6:00 PM

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## MINUTES

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

Please register for the Planning Commission meeting:

<https://attendee.gotowebinar.com/rt/1909092342220683277>

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

#### ROLL CALL

##### PRESENT

- Chairman Greg Follet
- Vice-Chair Francie Bomer
- Commissioner Dori Denning
- Commissioner Judith Dockery
- Commissioner Giff Kriebel
- Commissioner Doug Mendelson
- Commissioner Michelle Walker
- Commissioner-Alternate Suzanne Copping
- Commissioner-Alternate Dave Haynes

### APPROVAL OF THE MINUTES

#### 1. NOVEMBER 23, 2020

Motion made by Vice-Chair Bomer, Seconded by Commissioner Denning.  
 Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Denning, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner Walker, Commissioner-Alternate Copping, Commissioner-Alternate Haynes

### 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 - Cherry Grove Major Subdivision** - The applicant is requesting the Planning Commission recommend the City Council approve the Cherry Grove

Major Subdivision, located at 825 Scott Street. The proposal is to subdivide the 1.2 acre parcel into 7 individual lots. The property is zoned Manufactured Housing Residential (R-4).

**A. Open Public hearing: 6:03 pm**

**B. Proof of Publication**

- C. Staff review of applications - Jefferson** gave an overview of the major impact review application for the Cherry Grove major subdivision. She stated that staff supports the request with four (4) recommended conditions and recommended adding a 5<sup>th</sup> condition for the Scott Street water main extension agreement. The condition should be: At the time of connection to the water main in Scott Street the applicant is required to pay \$8,167.93 to Arkansas River Living per the Scott Street water main extension agreement.

**Kriebel** voiced concerns regarding the inclusionary housing. **Mendelson** stated that his concern is that once the lots are created nobody will keep track of the required inclusionary housing. He said that the developer should be required to set a number of units allowed to be built on each lot.

**Follet** stated that he would like to hear from the applicant and continue the inclusionary housing discussion with Commissioners discussion.

- D. Applicant's presentation: Scott Street LLC representative Bill Smith** explained that this is a very straightforward subdivision of a small parcel. He stated that they have been confused with the Inclusionary Housing requirement and that their plan is to build the required affordable unit on one of the lots and allocate the number of "credits" to the remaining lots. **Follet** asked how they would allocate the credit and questioned if that could be added as a plat note. **Almquist** said that they could either allocate the number of units per lot on the plat or within the subdivision improvement agreement.

**Bomer** asked for clarification from the applicant regarding the inclusionary housing. She said that the way she is understanding Smith's proposal is that they would meet the inclusionary housing requirement by building one deed restricted affordable unit on one of the lots, then apply the inclusionary housing fee in lieu based on the number of homes that is anticipated being built on each of the remaining lots.

**Smith** stated that the way he understands it is that with this subdivision request they are required to provide one affordable unit or pay a fee in lieu so if they provide the required unit then seven (7) homes could be built without having to pay the fees. Additional units built above the initial eight units are required to pay the fee in lieu. **Smith** explained that they would allocate the remaining seven "credits" to the remaining lots so when sold the owner of each lot would know that if they build more than one unit they will be required to pay the fee in lieu. **Smith** stated that each lot would have at least one "credit" so a buyer would know if they built more than what is allocated they would be required to pay the fee in lieu.

**Kriebel** asked if a person built a duplex on a lot that was allocated one credit do they pay the fee in lieu for the smaller unit or the larger unit.

- E. Public Input: Arkansas River Living representative, Carrie Mesch,** said that she provided an email to staff and the Commission voicing her concerns. One of her concerns is the proposed extension of the alley between the proposed Cherry Grove Subdivision and the River Ridge Subdivision.

She explained that when they went through the major subdivision process for the River Ridge subdivision they provided a lot that was designated for 8 deed restricted affordable units and in the subdivision improvement agreement (SIA) they allocated the number of units allowed per lot that would not be required to pay the fee in lieu.

- F. Close Public Hearing: 6:44 p.m.**

- G. Commission Discussion: Follet** opened Commissioners discussion. **Denning** asked if the width of the proposed alley is 25' wide and **Jefferson** said yes. **Denning** questioned the need for a gate across the alley easement. **Smith** said that they wanted the gate because they didn't want an alley in the back yards of the lots. He said that it is actually a proposed public utility easement. **Denning** asked if it will also be used for access for garages on the lots and **Smith** stated that there will be an agreement among the lot owners to have access through the easement of each lot, it'll be a private ingress and egress easement.

**Follet** asked if they won't have an HOA will that agreement will be part of the contract. **Smith** said that nobody with the City asked for an alley and the Fire Department is fine with the proposed gate. **Bomer** asked if the adjoining River Ridge alley is maintained by the City and **Jefferson** said no it is maintained by their HOA.

**Denning** stated that in the email from Carrie Mesch, the River Ridge Subdivision owners are requesting to keep that 25' easement open without a gate. **Carrie Mesch** explained that when they went through the subdivision process the City asked them to set the alley up so that at the point when the adjoining parcel was developed the sewer main would come through there and the alley could extend all the way to Scott Street.

**Bomer** questioned if this is an easement and not a maintained city alley who will maintain the 25' easement if there is no HOA. **City Attorney, Nina Williams** stated that the Commission could add a condition that the applicant is required to have an HOA to maintain the access/easement.

**Haynes** asked if all of the departments were ok with the proposed gate as long as they have access and **Jefferson** said yes. **Copping** asked who would enforce the maintenance of the easement and **Jefferson** said that if an HOA is required then that agreement controls the maintenance of the easement and as access for the lots.

**Bomer** explained that an easement for utilities is not typically used for access. She said what's the point of the gate is if this is a utility easement and not an access easement. **Jefferson** said that the applicant is requesting the gate because they want to use the easement for access only for their subdivision. She explained that the applicant wants to call this a utility easement but be able to use it as access for the lots.

**Smith** stated that people are getting confused with the term easement. He said that an easement is granted to a person or entity for a purpose. A public utility easement is an easement to those who provide public utilities, to install and maintain public utilities. An access easement is meant to grant certain people to access or cross certain properties.

**Almquist** stated that if this is not an access easement then there will be questions about the maintenance of the area and access in general.

**Bomer** stated that she would like to talk about the inclusionary housing requirement again before a motion is made. **Almquist** explained that if the developer is planning on providing one affordable unit then they can assign a number of allowed units to each lot that would take care of any required fees in lieu. Any additional lots built will be required to pay the fee in lieu or provide a deed restricted unit. He suggested that the Commission add a condition that if more than the allocated units are built on a lot the owner will be required to pay the fee in lieu based on the largest of the units constructed.

**H. Commission Recommendation:** A motion was made by **Vice-Chair Bomer** to recommend the City Council approve the Major Impact review for the Cherry Grove Major Subdivision, subject to the conditions recommended by staff with changes #1 c. and the addition of #5 and #6:

1. The following plat notes must be added to 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 by prior to issuance of a building permit for any new residence constructed.
  - b. As required under Section 16-6-120(8), Parks, Trails and Open Space of the Salida Municipal Code, a fee in lieu shall be provided for open space prior to the issuance of a building permit for any new residence constructed.
  - c. As required under Section 16-13-40(b), Inclusionary Housing, The inclusionary housing requirement for this major subdivision application is one (1) affordable unit or pay a fee in lieu, the lesser of \$15,748 or \$7.87 per habitable square feet of each principal unit, collected at the time of building permit application. If more than eight (8) residential units are built on the lots, the proportional number of affordable units shall be built or the appropriate fee in lieu will be required for each unit.
 

The applicant shall assign the number of Inclusionary Housing “credits” to each lot. Any additional units constructed on the lots are required to pay the fee in lieu based on the larger of the units built.
  - d. As required under Section 16-6-120(11), No residential façade elevation shall be repeated more than once every five (5) lots on the same side of the street.
2. Prior to the recording of the subdivision plat, the applicant shall enter into a subdivision improvement agreement that guarantees the construction of the public improvements that are required for the project. The subdivision improvement agreement will allow the option to construct Scott Street adjacent to the project or have the 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 the Public Works Director.
3. The requirements of the Fire Department must be met.
4. The requirements of the Public Works Director must be met.

5. At the time of connection to the water main in Scott Street, the applicant is required to pay \$8,167.93 to Arkansas River Living per the Scott Street water main extension agreement.
6. The applicant is required to submit, for recordation, a Home Owners Association Agreement (HOA) to maintain the gate and motorized access/utility easement.

The motion was seconded by Commissioner Walker.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Denning, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner Walker

**UPDATES- Denning** stated that she is resigning from the Planning Commission effective the end of next month. **Follet** thanked Denning for her service and time on the Commission. **Almquist** said that we will be advertising for the open position on the Commission and the Alternates are welcome to apply for that regular seat.

**City Attorney Nina Williams** explained that she had a question from a Commissioner asking whether they can discuss an application after a quasi-judicial hearing is concluded with the Planning Commission and then going on to City Council. **Williams** said the best practice is to let the Planning Commission recommendation and minutes speak for themselves to go in front of Council for their decision.

**Almquist** stated that if the Commissioners have any questions to please direct those to staff first and staff can direct the questions to the City Attorneys.

**COMMISSIONERS' COMMENTS- Follet** announced that Bill Almquist has been promoted as the Community Development Director. **Almquist** was congratulated by staff and the Commission.

**ADJOURN: ADJOURN:** With no further business to come before the Commission, the meeting adjourned at 7:37 p.m.

# PLANNING COMMISSION REGULAR MEETING

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

February 22, 2021 - 6:00 PM

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## MINUTES

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

### ROLL CALL

#### PRESENT

- Chairman Greg Follet
- Vice-Chair Francie Bomer
- Commissioner Dori Denning
- Commissioner Judith Dockery
- Commissioner Giff Kriebel
- Commissioner Doug Mendelson
- Commissioner Michelle Walker
- Commissioner-Alternate Suzanne Copping
- Commissioner-Alternate Dave Haynes

### APPROVAL OF THE MINUTES

#### 1. January 12, 2021

Motion made by Commissioner Denning, Seconded by Commissioner Dockery.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Denning, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner Walker

### UNSCHEDULED CITIZENS

### AMENDMENT(S) TO AGENDA

### PUBLIC HEARINGS

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| A. Open Public Hearing                      | E. Public Input                          |
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| D. Applicant’s Presentation (if applicable) | H. Commission Decision or Recommendation |

#### 2. Mossman Conditional Use Application - The request is for conditional use approval to conduct a home business (skin care business) within a primary structure single-family dwelling located in the Medium Density Residential (R-2) zone district at 747 G Street.

**Bomer** recused herself from this public hearing and **Follet** designated Alternate **Copping** to vote on this public hearing.

- A. Open Public hearing: 6:05 pm**
- B. Proof of Publication**
- C. Staff review of applications – Almquist** gave an overview of the limited impact review application for the Mossman conditional use request and stated that staff supports the request with seven (7) recommended conditions. **Denning** asked if there are other conditional use permits located in the R-2 zone district and **Jefferson** said no not at this time. **Mendelson** voiced his concerns with signs advertising the business.
- D. Applicant’s presentation: Mr. Beauty Skin Care owner, Peter Mossman**, was present and available to answer questions. **Mossman** explained that he is requesting to have his business at his residence due to Covid because his business has dropped about 70% and it is difficult to meet the overhead at his downtown shop. He said that he is not proposing any signage at his residence for the business since he is not accepting new clients.
- E. Public Input:**
- F. Close Public Hearing: 6:31 p.m.**
- G. Commission Discussion: Follet** opened Commissioners discussion. Commissioners were all in support of the request since the applicant has operated the business from his residence in the past with no issues.
- H. Commission Recommendation:** A motion was made by **Commissioner Dockery** to recommend approval of the Mossman Conditional Use request subject to the conditions recommended by staff.

The Motion was seconded by Commissioner Kriebel.

Voting Yea: Chairman Follet, Commissioner Denning, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner Walker, Commissioner-Alternate Copping

- 3. Weeks Ranches Minor Subdivision** - The request is for limited impact review approval to subdivide the parcel located at 901, 903 and 905 F Street into three (3) townhome lots. The property is located in the Medium Density Residential (R-2) zone district.
  - A. Open Public hearing: 6:33 pm**
  - B. Proof of Publication**
  - C. Staff review of applications - Jefferson** gave an overview of the limited impact review application for the Weeks Minor Subdivision and stated that staff supports the request with four (4) recommended conditions. **Copping** asked why the subdivision request is made after the units were built. **Jefferson** explained that

the applicant could not create the subdivision and meet the dimensional standards without the attached units being built.

- D. Applicant’s presentation: Danny Stotler and Erik Young** were available to answer questions.
- E. Public Input:**
- F. Close Public Hearing: 6:46 p.m.**
- G. Commission Discussion: Follet** opened Commissioners discussion. Commissioners all agreed that the application met all of the review standards for a minor subdivision.
- H. Commission Recommendation:** A motion was made by **Vice-Chair Bomer** to approve the Limited Impact review for the Weeks Ranches Minor Subdivision, subject to the conditions recommended by staff.

The Motion was seconded by Commissioner **Kriebel**.  
 Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Denning, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner Walker

**UPDATES-** **Almquist** stated that we will be getting back into the review of the Land Use Code update soon.

**COMMISSIONERS' COMMENTS - Denning** expressed her concerns with the updated ADU code requirements and specifically that there is no requirement for how close an ADU can be built to the existing primary residence. **Follet** stated that we could have a work session on the ADU standards to see if they are working or if adjustments to the standards need to be made. That way staff can let the Commission know if there have been any issues with the standards at the time of building permit application.

**Bomer** said that she would also like to have the ghost sign murals as a topic of discussion at a future work session. **Almquist** explained that staff has been looking into regulations for protection of the ghost signs. When the protections are put in place they will be part of the Salida Downtown Design Guidelines and will be under the Historic Preservation Commissions purview.

**Follet** and Commissioners thanked Denning for her service and time on the Commission.

**ADJOURN** With no further business to come before the Commission, the meeting adjourned at 7:20 p.m.

## PLANNING COMMISSION STAFF REPORT

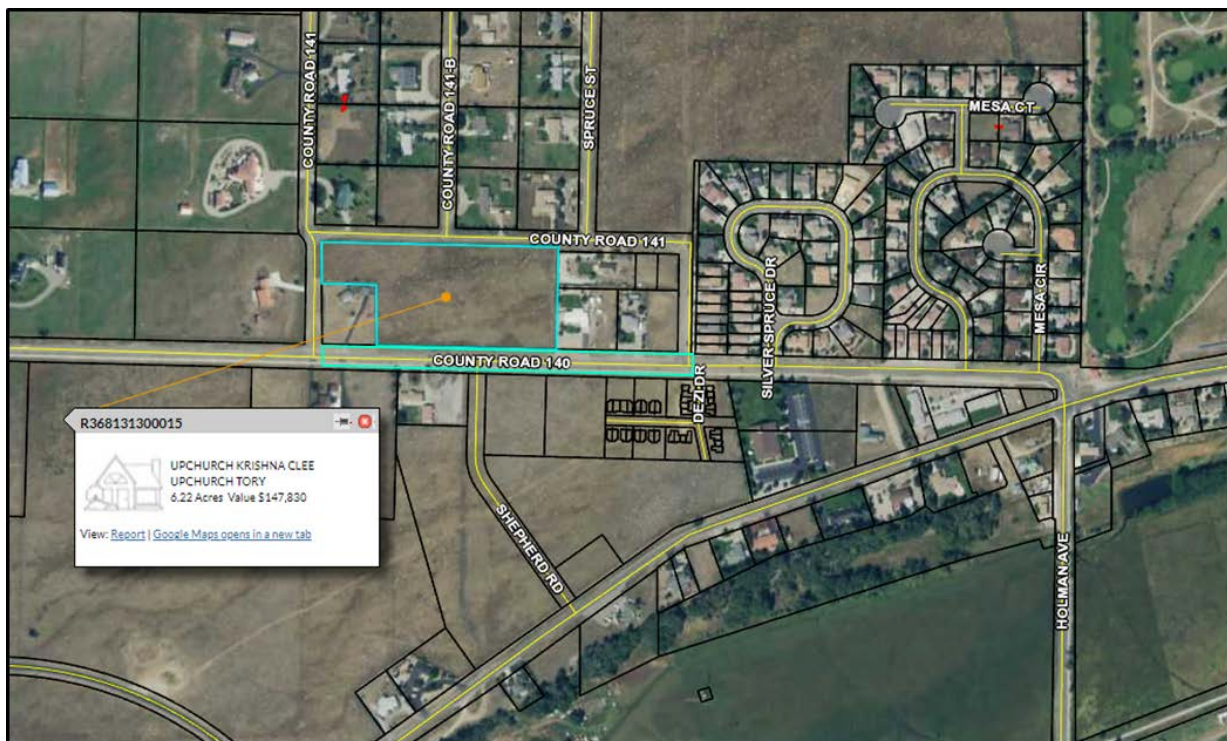
**MEETING DATE:** March 22, 2021

**AGENDA ITEM TITLE:** Recommendation on Proposed Annexation: Upchurch

**AGENDA SECTION:** Public Hearing

### REQUEST / BACKGROUND:

The applicants, Tory and Clee Upchurch, are requesting approval for their vacant 5.32 acre parcel to be annexed into the City of Salida. The property proposed for annexation is located between County Roads 140 and 141 (also known as Tract of Land Located in the Southeast Quarter of the Southwest Quarter of Section 31, Township 50 North, Range 9 East of the New Mexico Principal Meridian, Chaffee County, Colorado), plus a portion of CR 140 stretching from the existing City limits at the eastern terminus of CR 141 approximately 1,274 feet to the western terminus of CR 141, totaling approximately 2.58 acres, as shown in the vicinity map and attached annexation plat. The inclusion of this extent of roadway is based on the applicants' original request and a current understanding between the City, the County, and the applicants that all vehicular access to any future development will be via CR 140 and the development will be oriented away from CR 141. Should requested access or orientation of any future development change, the applicants may be required to request annexation of relevant roads and/or be responsible for all required improvements to said roads.



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

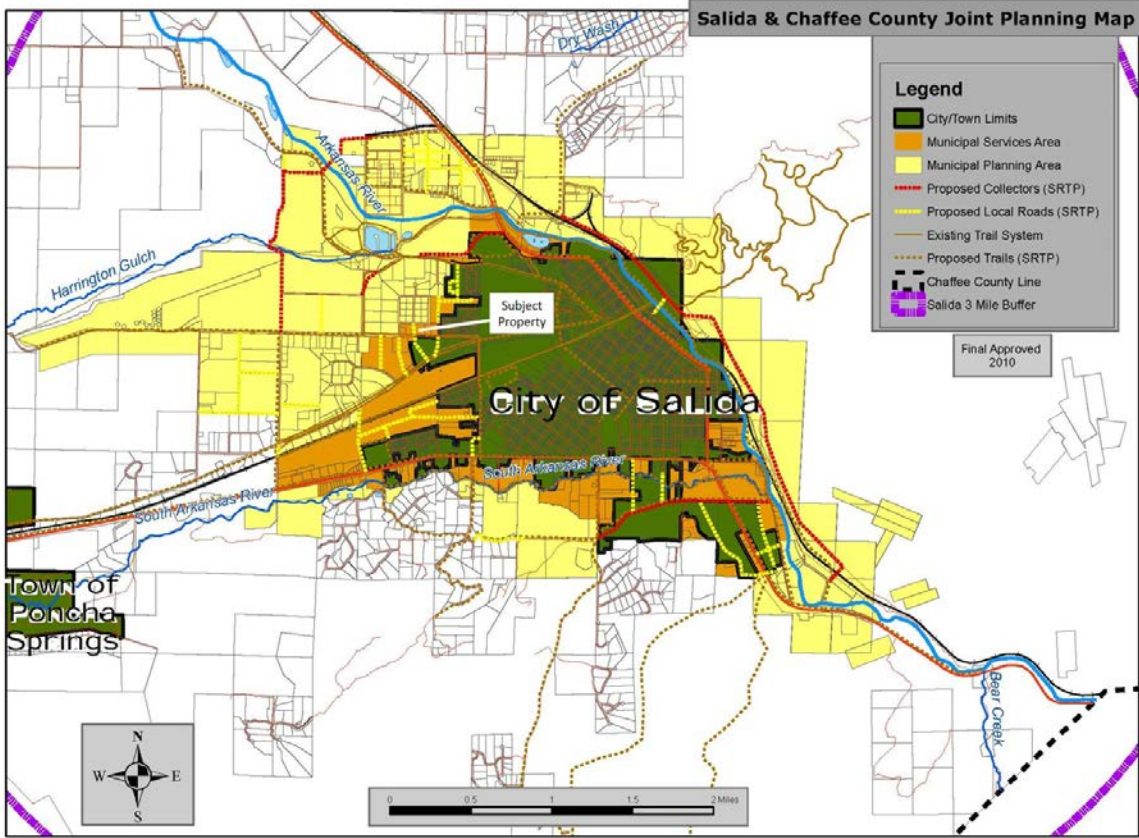
- 1/6th of the perimeter of a proposed annexation must be contiguous with the City of Salida;
- Staff reviews the petition for compliance with city and state statutes and Council adopts a resolution stating the petition is valid and sets a public hearing date that is no less than 30 days and no greater than 60 days from the resolution date;
- The (City Council) public hearing is advertised in the newspaper for four consecutive weeks;
- The Planning Commission holds a public hearing to review the annexation and recommend the zoning designation of the property;
- Council holds the public hearing on the annexation petition;
- Council reviews and possibly approves an annexation agreement; and
- Council holds a public hearing to review and possibly approves the proposed zoning.

The applicants submitted their application for Annexation (along with an application for Zoning to be considered during a separate hearing) on December 14, 2020. A conceptual review meeting was held with Planning Commission and Council on January 4, 2021. Following subsequent conversations with Chaffee County per the intergovernmental agreement regarding annexations, the City requested that the annexation plat include the additional portion of CR 140 that is not contiguous to the property but ends at the western extent of CR 141. This approximately 180 additional feet of roadway would simplify the boundaries of maintenance responsibilities for both the City and the County. The revised plat was then submitted to the City on February 8, 2021. City Council passed Resolution No. 2021-04 on March 2, 2021 finding the annexation petition to be in substantial compliance with state statutes and set a public hearing on the petition for April 20, 2021 or 49 days from the resolution date. The City Council public hearing has been and will be advertised in The Mountain Mail each week starting March 12, 2021 through April 2, 2021.

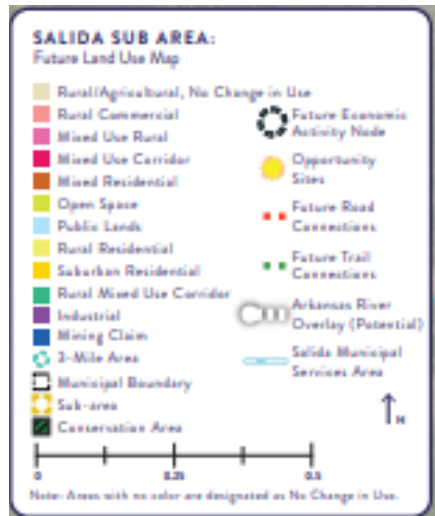
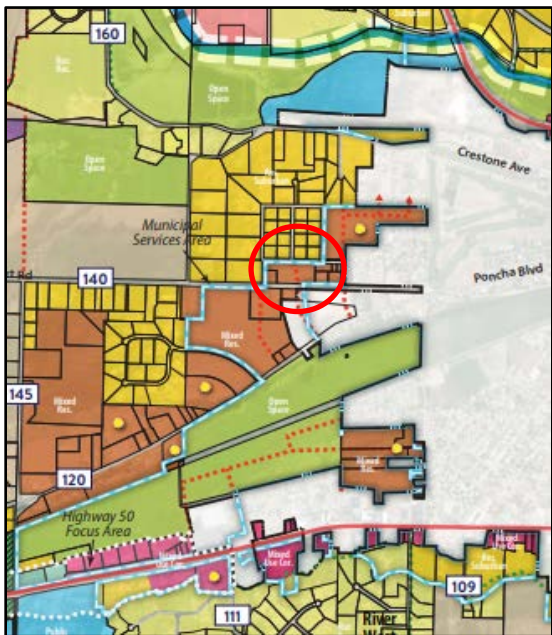
**FINDINGS OF FACT:**

As explained above, the annexation shall be considered by the Commission as a required step prior to the zoning of the property. The applicants do not have a defined development plan for the property at this time. The following findings of facts are required for annexation:

1. The proposed annexation has greater than 1/6<sup>th</sup> contiguity (16.7%) with the municipal boundary of the City of Salida. Staff confirms that 27% of the perimeter of the applicants’ property would be contiguous with City limits upon annexation. CRS § 31-12-104 provides that contiguity may be achieved via the simultaneous annexation of a contiguous public right of way—in this case, the included portion of CR 140.
2. All applicable owners of the property are party to the annexation.
3. The annexation property is within, and at the edge of, the Municipal Services Area (MSA) of the City of Salida, as defined in the City’s Comprehensive Plan and its intergovernmental agreement (IGA) with Chaffee County approved in 2010. According to the IGA, the MSA “encompasses properties **which are eligible for annexation** and extension of municipal utilities and infrastructure, within the parameters set forth in the Salida Municipal Code and Salida Comprehensive Plan, which may be amended from time to time.” See map below.



- The annexation property is currently zoned RES, Residential in Chaffee County. The property is also included in the “Mixed Residential” land use designation on Chaffee County’s adopted Future Land Use Map. This designation is defined in the County’s Comprehensive Plan as being *“Areas desired for annexation adjacent to existing incorporated or unincorporated communities or along major transportation corridors where higher densities may be appropriate and near existing water and/ or sanitation utilities. Envisioned to accommodate a mix of housing types and residential densities, affordable housing, institutional uses such as schools or public facilities, and appropriately-scaled commercial uses appropriate for walkable amenities...”* See map below.



5. The property is adjacent to a growing part of the city and therefore may be efficiently served by City fire and police departments.
6. The property to be annexed includes a portion of the CR 140 right-of-way, thereby ensuring the roadway that serves City residents will be completely within the City’s jurisdiction.
7. The annexation of the property is consistent with the vision and goals set forth in the Comprehensive Land Use Plan. Specifically, it is a strategic goal of the Plan to provide for new neighborhoods and opportunities for a variety of housing types and densities. In addition, the proposal will provide for a logical extension of the City boundary to support the demand for residentially-zoned land, which will provide housing opportunities. Though no specific development plan for the area has yet been proposed, the applicant has provided a conceptual subdivision plan indicating the ability to provide a variety of housing types. Any such future subdivision or similar land use will be required to go through applicable review processes prior to approval.
8. The property is a natural extension of the City’s municipal boundary and meets legal requirements for annexation.

The annexation of the property will be accompanied by an agreement which will address a variety of topics including:

- The street improvements required within the development, as well as along portions of County Road 140;
- Development restrictions on the west and north perimeters of the property;
- Provision of an extension of Shepherd Road into the development to align with the existing platted Shepherd Road to the south;
- Provision of a pedestrian connection to/from CR 141 to the north;
- Water and Sewer line extensions;
- Adequate Fire turnaround requirements and/or street connectivity as required by Public Works; and
- Other goals for the property, including the provision of affordable housing units.

**RESPONSES FROM REFERRAL DEPARTMENTS AND AGENCIES:**

- City of Salida Fire Department: Kathy Rohrich, Assistant Fire Chief, responded “Fire Department is good with the annexation. We would just need to see the changes in the subdivision design in the future.
- City of Salida Police Department: Chief Russ Johnson responded “No issues with PD.”
- City of Salida Finance Department: Aimee Tihonovich, Finance Director responded “No comments.”
- City of Salida Public Works Department: Public Works Director David Lady responded “The development is located within the municipal services area boundary for water and sewer. The portion of road shown to be annexed is based on feedback from the County with the presumption that lots within the development will not be fronting roads that are not being annexed. Annexed roads shall be improved to City Standards as previously discussed at time of development.
- Chaffee County Development Services Department: No comment received. However, City and County staff have discussed the request, per the intergovernmental agreement, and those discussions have led to some of the recommended conditions of the annexation agreement. The

Chaffee County Board of Commissioners has also provided a comment letter which is included in the hearing packet.

- Chaffee County Housing Office: Becky Gray, Director of Housing responded “Within the word doc named ‘Salida Narrative,’ the applicant stated he has been in communication with the Chaffee Housing Authority, and named Read McCulloch as his point of contact. The applicant is confusing the Chaffee Housing Trust and the Chaffee Housing Authority, as I have had no direct conversation with the applicant. It would likely be beneficial to speak with both entities, as each can offer a different approach to permanent affordability of the inclusionary housing units.
- Chaffee County Assessor’s Office: No comments received.
- Atmos Energy: Dan Higgins responded “For your information, Atmos Energy has a main along CR 141 and may be able to serve this subdivision with it pending an executed main extension contract and engineering review of capacity needs. No other comments from Atmos Energy.”
- Xcel Energy: No comments received.
- Charter Communications: No comments received
- CenturyLink: No comments received
- Salida School District: No comments received
- Town of Poncha Springs: No comments received

**STAFF RECOMMENDATION:**

Staff recommends that Planning Commission recommend approval to the City Council for the proposed annexation, subject to the conditions listed below.

**RECOMMENDED MOTIONS:**

- A. “I make a motion to recommend the City Council approve the proposed Upchurch annexation as it meets the findings for annexation, subject to Council approval of an annexation agreement that addresses the following conditions:
1. No vehicle access to/from CR 141 shall be allowed in any future development on the site without approval of Chaffee County or annexation of relevant portions of CR 141 into the City of Salida and approval via the appropriate City review process.
  2. No units within any future development on the site shall have frontage on CR 141 without approval of Chaffee County or annexation of relevant portions of CR 141 into the City of Salida and approval via the appropriate City review process.
  3. Any future lots that are located along the western and northern perimeter of the site shall be intended for single-family dwellings only. Accessory dwelling units will be allowed on such lots per general City of Salida review standards, but will be subject to the same frontage restrictions of the primary dwellings.
  4. Pedestrian access between CR 140 and the northern portion of CR 141 shall be provided in any future development on the site. Details of improvements to such access will be determined via a subdivision improvement agreement or development agreement.
  5. Future development shall include a public street and utilities stubbed to the south property line in alignment with Shepherd Road.
  6. Any future development shall meet the City’s turnaround and/or street connectivity requirements for right of ways.

7. The applicant shall, at time of development, improve the annexed portion of CR 140 fronting the site to City Standards (including curb, gutter, sidewalk, street trees and parking on the north side); provide a crosswalk across CR 140 to the shared path on the south side in a location approved by staff; and provide a minimum 2-inch overlay over both drive lanes of CR 140 from the existing City limits to the west intersection with CR 141 (or reconstruct road if needed for grade).
8. Residential development of the site shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the Salida Municipal Code, as negotiated between parties and approved by Council.
9. In-lieu open space fees (currently \$3,000 per unit) shall be provided at the time of issuance of a building permit.
10. Provision of school impact fees in an amount then in effect (currently \$444.66 per unit) at the time of issuance of a building permit.”

Attachments:

Proof of Publication

Annexation Application and Petition

Annexation Plat

Conceptual Subdivision Designs from 01/04/21 & 03/02/21

Public Comments

Letter from Huckstep Law, LLC

Letter from CCBOC (and revision per Jon Roorda 3/19/21)

**PUBLIC NOTICE  
NOTICE OF PUBLIC HEARING BEFORE  
THE PLANNING COMMISSION FOR  
THE CITY OF SALIDA CONCERNING  
ANNEXATION AND ZONING  
APPLICATIONS**

**TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE** that on March 22, 2021 at or about the hour of 6:00 p.m., a public hearing will be conducted by the City of Salida Planning Commission remotely through the GoToWebinar application via the following direct link: <https://register.gotowebinar.com/rt/1909092342220683277>. Additionally, depending on which "Tier" of its COVID-19 Action Plan the City of Salida is in on March 22, 2021, based upon Public Health Department guidance, the hearing may also take place in the City Council Chambers, 448 East 1st Street, Salida, Colorado. The hearings concern applications for annexation and zoning of a 5.32 acre property located between County Road 140 and County Road 141, legally known as a Tract in the SE ¼ SW ¼ of Section 31 T50N R9E of the N.M.P.M., Chaffee County, Colorado. The applications have been submitted by the owners, Tory and Clee Upchurch.

The City is currently considering the petition to annex and zone the subject property into the City. The general purpose of the hearings is to review the annexation map and supportive information and to consider the applicant's request to zone the property Medium-Density Residential (R-2). Any recommendation by the Planning Commission for the Annexation and Zoning shall be forwarded to the City Council for review and a public hearing, currently scheduled for April 20, 2021.

Interested persons are encouraged to attend the public hearing. Further information on the application may be obtained from the Community Development Department, (719) 530-2634.

\*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. To review the City's social distancing policy and other regulations, please visit: <https://cityofsalida.com/administration/page/covid-19-information>  
Published in The Mountain Mail March 5, 2021



# 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)

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

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

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

### A. Applicant Information

Name of Applicant: Tory Upchurch

Mailing Address: 2112 Ann Arbor Ave Austin TX 78704

Telephone Number: 512-826-6152 FAX: \_\_\_\_\_

Email Address: toryup@gmail.com

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

### B. Site Data

Name of Development: Upchurch Development

Street Address: Between CR 140 and CR 141, north of Shepherd Rd

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_ (attach description)

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

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

Signature of applicant/agent:  Date: 12/14/20

Signature of property owner:  Date: 12/14/20

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

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

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

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

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

### ANNEXATION PETITION

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

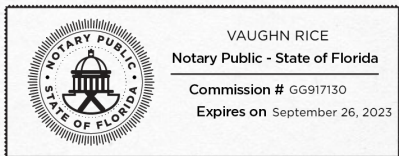
Signature of Petitioners Requesting Annexation to the City of Salida, Colorado	Date of Signature of Each Petitioner	Mailing Address of each Petitioner	Description of Property Included the Area Proposed for Annexation Owned by Each person Signing this Petition. (Attach separate sheet, if necessary)
<i>Tony Upchurch</i>			
<i>Tony Upchurch</i>	12/4/20	2112 ANN ARBOR AVE AUSTIN TX 78704	
<i>Clea Upchurch</i>	12/4/20	2112 ANN ARBOR AVE AUSTIN TX 78704	
<i>Clea Upchurch</i>			

ANNEXATION PETITION

CIRCULATOR'S AFFIDAVIT

STATE OF COLORADO )
) ss.
COUNTY OF CHAFFEE )

being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.



GG917130

09/26/2023

Florida

Hillsborough

Circulator

Subscribed and sworn to before me this 14 day of December, A. D. 2020.

Witness my hand and official seal. My commission expires: 09/26/2023.

Online Notary

[Handwritten signature of Vaughn Rice]

Vaughn Rice

Notary Public

Notarized online using audio-video communication

Acknowledged before me on this 14 day of December 2020, by Tory & Clee Upchurch who provided identification of:

Texas driver license

My name is Tory Upchurch and my wife (Clee and I) love Salida. We used to live in Colorado and have been trying for years to find a town that fits us. We bought this land with the goal of eventually building a house for permanent residency so our goal is not to “get in and get out”. Our goal is to build relationships as we work through the project. I will be partnering with a friend of mine Ravi Reddy who is a developer by trade and has a great deal of experience navigating large projects and working through permitting and city process. We will likely raise some money from friends and family for part of the financing of this project but will also be working with a bank (preferably local to Salida) for a majority of the financing.

In terms of location, we believe that the property is in a desirable area in terms of annexation. There are not many (if any) properties that would be available for annexation in the near future. Additionally, this property meets the City of Salida’s 1/6 contiguity rule and will be zoned consistently with other City properties in the vicinity. We will work with Public Works regarding utility extensions and public improvements.

In terms of costs and benefits, we plan to build 25+ units which will greatly relieve the housing availability stress that Salida is feeling right now and add to the tax base for the City of Salida. We will also work with the city and Chaffee County Housing Authority to provide affordable housing according the requirements set forth. I have already started a conversation with Read McCulloch at the Chaffee County Housing Authority to discuss options for working with them.

In terms of public facilities and services, we will be connecting to the water/sewer lines that already exist on CR 141 and CR 140 and extending them throughout the development. We also plan to build a public use city park in the center of the development that will be HOA maintained.

The current plan is to build a combination of single family and multi-family units that consist of mid-high end design and finishes. Our goal is to be a permanent resident in Salida at some point and we will ensure that our development adds a positive visual impact on the city for the long run.

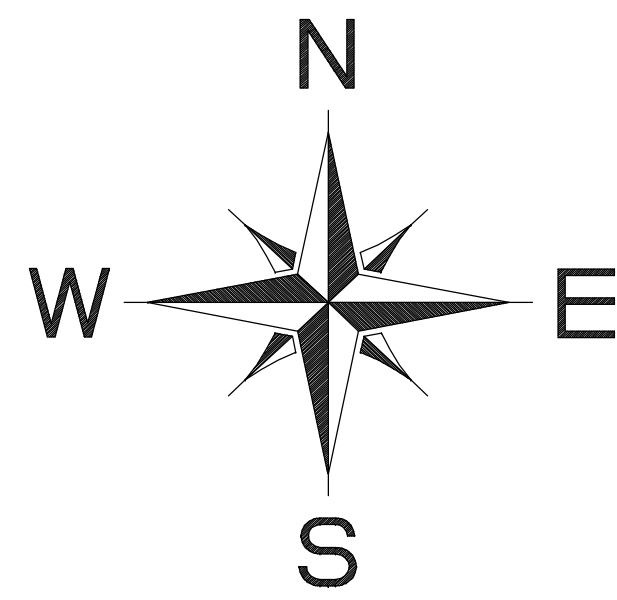
Additionally, we will request to rezone the property to R2 which is consistent with the comprehensive plan and compatible with surrounding districts and uses.

Tory Upchurch  
512.826.6152

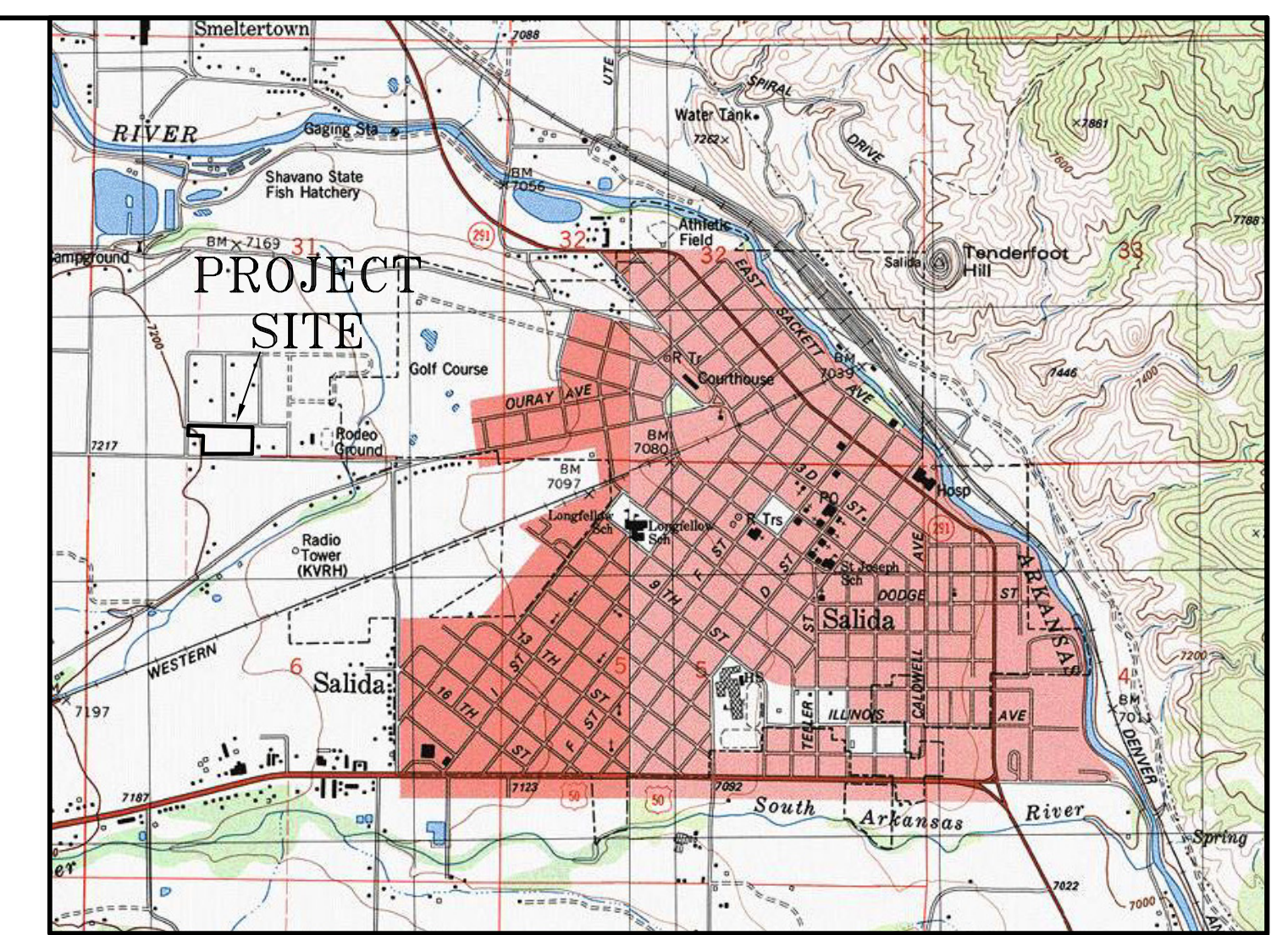


# UPCHURCH ANNEXATION TO THE CITY OF SALIDA

LOCATED IN THE SE¼ SW¼  
OF SECTION 31  
T50N R9E OF THE N.M.P.M.  
CHAFFEE COUNTY, COLORADO



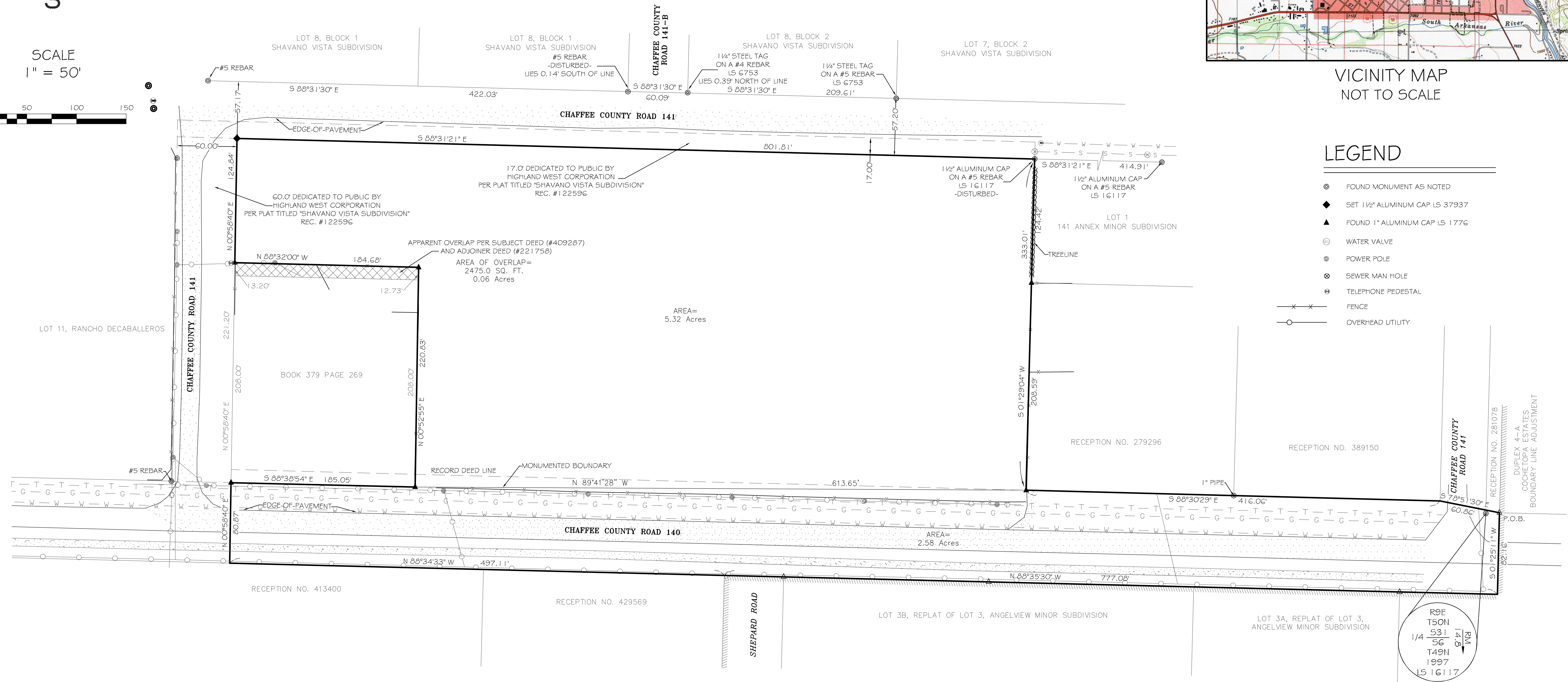
SCALE  
1" = 50'



VICINITY MAP  
NOT TO SCALE

### LEGEND

- ⊙ FOUND MONUMENT AS NOTED
- ◆ SET 1½" ALUMINUM CAP LS 37937
- ▲ FOUND 1" ALUMINUM CAP LS 1776
- ⊙ WATER VALVE
- ⊙ POWER POLE
- ⊙ SEWER MAN HOLE
- ⊙ TELEPHONE PEDESTAL
- × × × FENCE
- OVERHEAD UTILITY

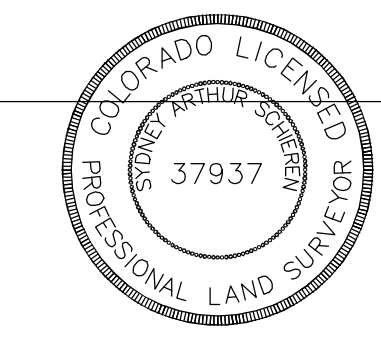


### LAND SURVEYOR'S CERTIFICATE

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

**PRELIMINARY DRAFT**  
INTENDED FOR REVIEW BY CLIENT

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



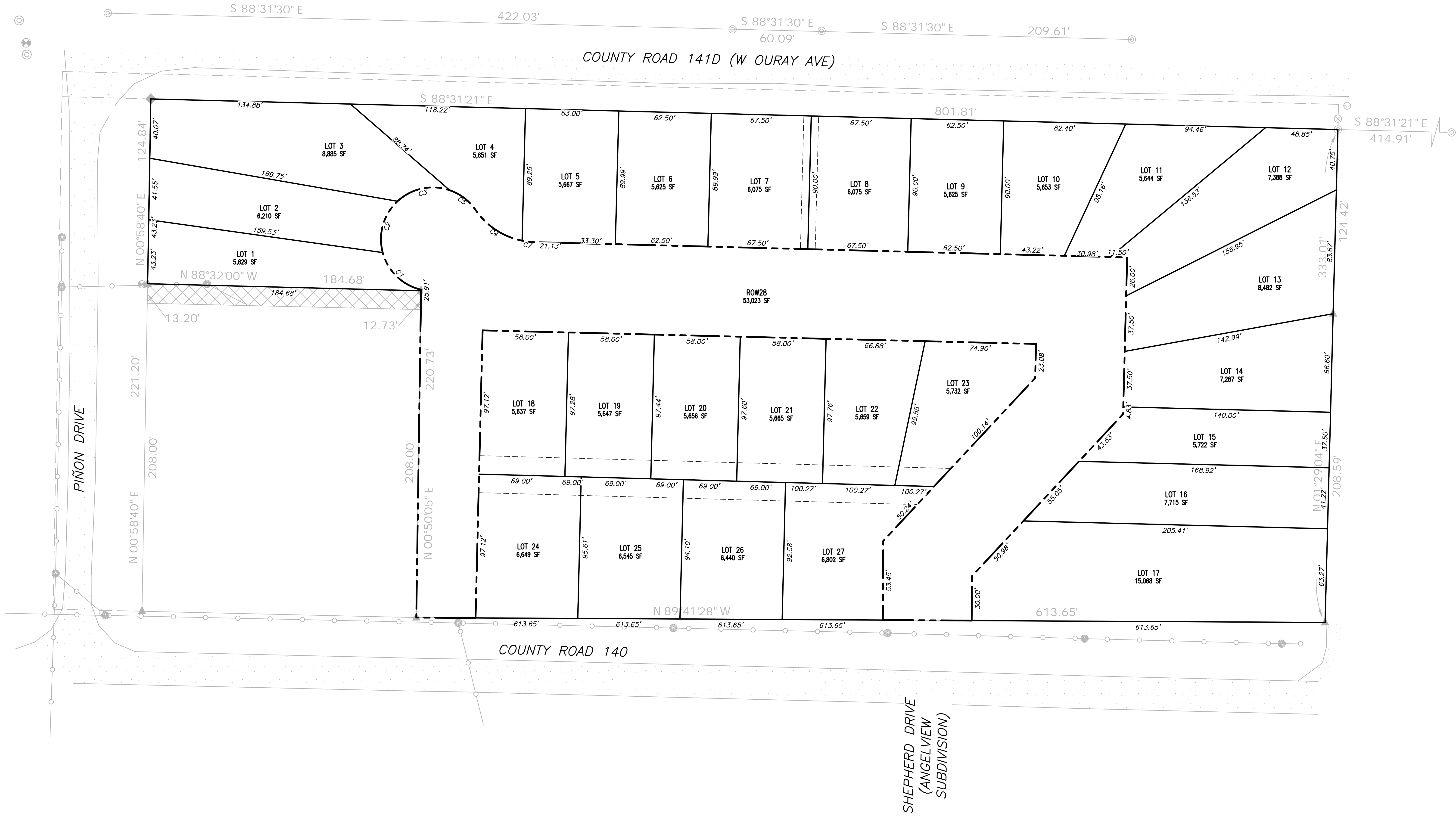
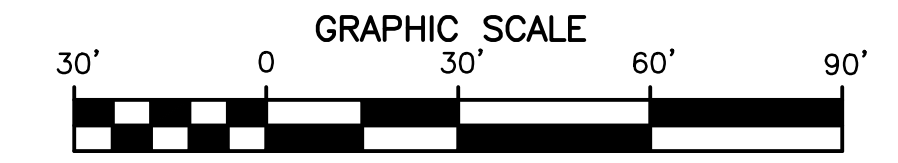
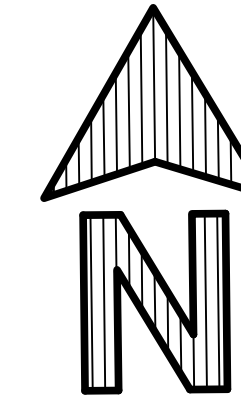
REVISED: FEBRUARY 11, 2021
JOB # 20165
DATE: NOVEMBER 19, 2020
SHEET 2 OF 2

**UPCHURCH ANNEXATION  
TO THE CITY OF SALIDA**  
  
LOCATED IN THE SE¼ SW¼  
OF SECTION 31  
T50N R9E OF THE N.M.P.M.  
CHAFFEE COUNTY, COLORADO



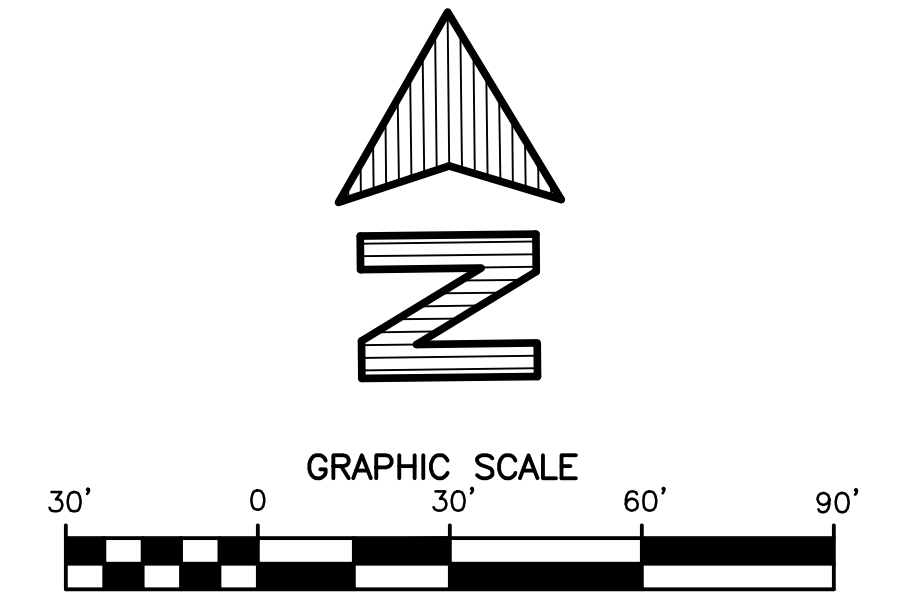
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT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

# UPCHURCH ANNEXATION SUBDIVISION SKETCH PLAN OPT. 4



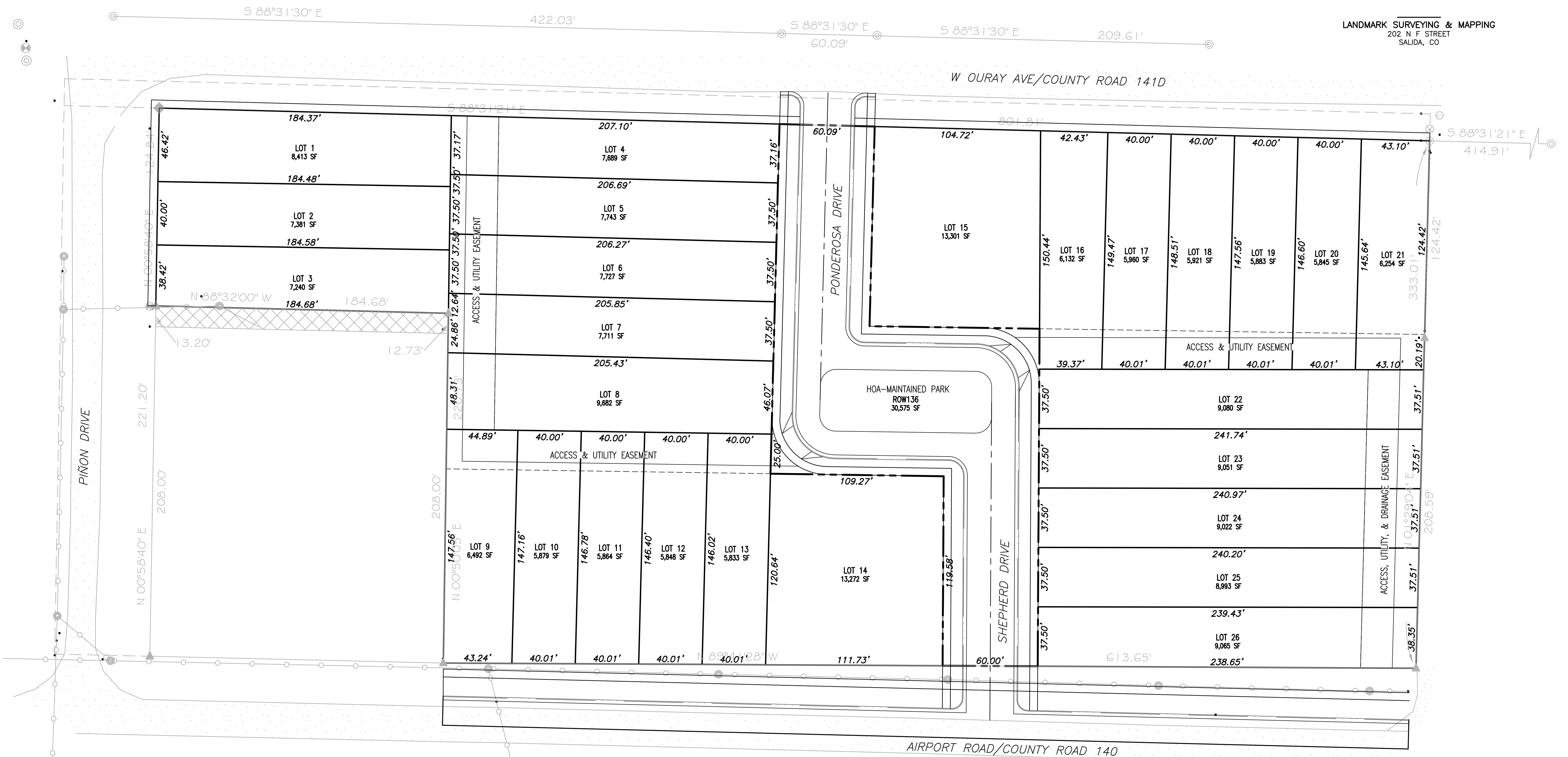
# UPCHURCH ANNEXATION PRELIMINARY CONCEPTUAL PLAN

11/25/20



PREPARED BY:  
**CRABTREE GROUP INC.**  
ENGINEERING SMART GROWTH™

LANDMARK SURVEYING & MAPPING  
202 N F STREET  
SALIDA, CO





Bill Almquist <bill.almquist@cityofsalida.com>

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## City of Salida, Upchurch Addition Comment

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Jeff Myers <jeff@landmen.com>

Mon, Mar 8, 2021 at 10:39 AM

To: "pt.wood@salidaelected.com" <pt.wood@salidaelected.com>, "dan.shore@salidaelected.com" <dan.shore@salidaelected.com>, "jane.templeton@salidaelected.com" <jane.templeton@salidaelected.com>, "Justin.critelli@salidaelected.com" <Justin.critelli@salidaelected.com>, "mike.pollock@salidaelected.com" <mike.pollock@salidaelected.com>, "harald.kasper@salidaelected.com" <harald.kasper@salidaelected.com>, "alisa.pappenfort@salidaelected.com" <alisa.pappenfort@salidaelected.com>  
Cc: "bill.almquist@cityofsalida.com" <bill.almquist@cityofsalida.com>, "kristi.jefferson@cityofsalida.com" <kristi.jefferson@cityofsalida.com>

We do not know each other but I have received notice in the mail from the City of Salida, Colorado, about a proposed new development adjacent to my home and since it says we can comment, I feel compelled to offer my input.

My name is Jeff Myers. My wife and I are property owners of a 5 acre parcel at [8155 CR 141](#), in Salida, CO, which is directly adjacent and contiguous on the corners to the newly proposed above referenced addition.

Since we own an adjacent property and one of the largest homes in the affected area , which would, therefore, normally be one of the most valuable pieces of property and one of the most affected in value by this proposed development, I would like to make a comment.

While we all know about the need for more affordable housing in our area, I would like to ask each of you to take a journey outside of your present positions and imagine for a moment that you have been placed in our shoes.

If you can go there, you will find yourself as being retired and living in a 4,000+ square foot home directly caddy-corner to the subject property, that you have invested over seven figures and a substantial portion of your hard earned net worth into.

Now imagine if you can that you have been asked to approve something to be built right next to you that will certainly affect one of your largest investments in such a manner that literally overnight will no doubt reduce the value of your property over \$200,000.

Since you are an elected official or city employee, it is apparent that you are at or above the normal intelligence level of the populace. I would submit to you that committing "economic suicide" to your estate by approving something that would create such an impact on you would not be wise.

Assuming that you are not Warren Buffet's or Bill Gate's child, which we are not, you would admit that approving something like this is not in your best interest.

If you have been successful in visualizing the situation that we find ourselves in, I believe that you can now appreciate our position on this proposal and can much better understand its overall impact on us and other adjoining property owners.

For any thinking, reasonably intelligent person to believe for even a moment that this proposed development will not have a substantial negative impact on people in our position is not utilizing critical thinking and would not be something we would knowingly inflict on ourselves.

I will point out that even the developer is well aware of the fact that properties like ours being adjacent to his is one of the positive economic factors in his overall plan to invest in this property and leverage it into a much more favorable light for him to his potential future buyers.

When you can say to a potential buyer that if you buy into this lot in my addition, you will be right next to some million-plus dollar properties, I am sure you would agree it certainly works in your favor.

If this development goes through as proposed, and if you can still see yourselves in our shoes, I would suggest that you would deem it prudent, upon getting your annual County Property Tax bill, to venture down to the Assessor's office to "fight" the valuation that had previously been used for your property as being now fairly useless and needing to be lowered substantially due to the economic impact of the new addition.

Now, not that any of the above needs verification of the validity, if the analogy of being in our shoes is not a journey that works for you, I have another technical approach on this proposal that I will offer.

In my own past work as a state licensed real estate appraiser working on contracts for many municipalities, state government entities, industrial entities, etc., often involving land acquisition through negotiation, eminent domain and such, I have been called on many times as an expert witness in many courts in the country being both Federal District Bankruptcy Courts, Local District courts and State Regulatory agencies and I have an economic understanding of the impact events such as this proposal on neighboring properties.

If I was not personally involved in this situation, and had kept my license current, I could legally testify from an appraisal standpoint and verify the information as just illustrated with the "being in our shoes" scenario.

Thank you for your time and allowing me the ability to comment.

Jeff Myers

[8155 CR 141](#)

[Salida, CO 81201](#)

918-809-4684 cell.



Bill Almquist <bill.almquist@cityofsalida.com>

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## Upchurch Annexation and Rezoning

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Ann Daniels <asdaniels@comcast.net>  
To: bill.almquist@cityofsalida.com

Wed, Mar 17, 2021 at 1:18 PM

Mr. Almquist: Would you please forward this letter to all of the City Planning Commission members for me? I have not been able to locate their email addresses and was advised you might be able to help.

Thank you, in advance, for doing so.

Dear City of Salida Planning Commission Members:

We are here to ask the City of Salida Planning Commission for the lowest level of density possible on the Upchurch property. If the property is annexed, which we object to, we request R-1, low density, so this development blends in with its rural county surroundings.

So far, we are aware, due to the signs posted on the property addressed to the public, and also through the Mountain Mail, that Mr. Upchurch has committed to developing his parcel of land at R-2 density. However, if his property is annexed, we, his neighbors, request R-1, single family dwellings with the lowest density possible. What would be wrong with having five, one acre lots with five beautifully built homes on them? Mr. Upchurch could profit from this and the surrounding community would not be as detrimentally impacted as it would be otherwise. Because he has now publically committed to R-2, this should prohibit him from building high density duplexes and multifamily residences, including tri-plexes, townhomes and apartments. We feel strongly that a high density, multifamily development is not compatible with this parcel of land due to the county lots surrounding it on every side, including two houses to the south and three houses to the east.

The bottom line is that we, in the County, are feeling Salida sprawl sneak up on us and we don't like it. We purposefully bought our properties here for the rural, country feel, and instead are about to be enveloped by city overflow. We believe there is a way to integrate the City into the County, but it is not by squeezing 27 lots onto 5.32 acres and over-building them, in an area where the surrounding County houses are detached single family dwellings on bigger parcels of rural land. The Upchurch property could be the perfect opportunity to create a transitional smaller development that would gradually blend the higher density of the City into the lower density, rural character of the surrounding subdivisions and county houses.

In closing, we would like you to commit to assuring us that a high quality, low density development will be built that reflects our rural County environment and community.

Thank you for your time and consideration in this matter.

Please include this communication in your packet material for the public hearings related to this issue.

3/17/2021

City of Salida Mail - Upchurch Annexation and Rezoning

30

Ann S. Daniels and David C. Ross

7700 County Road 141 D

Salida, CO 81201

asdaniels@comcast.net

303/870-7914

March 17, 2021

Salida City Council  
Salida Planning Commission

My name is Deanna Myers, and I reside at 8155 CR 141. My husband and I moved to this area 8 years ago after traversing the country for a year or more looking at communities from California to Florida where we might like to hang our hats. We fell in love with this place, likely for the same reasons you live here. 360 degree views, outdoor recreation opportunities, quaint, artsy town with good music and dining, and out of the noise and traffic of the big city, reminding one of Breckenridge of yore. These reasons are also discussed extensively in the Chaffee County Comprehensive Plan, which I will refer to later. I have also included in this written material references for some of my comments which may be helpful.

**REPRESENTATION**

Those of us who oppose the annexation of the Upchurch property are not your constituents. We do not have the ability to vote for those who sit on this body nor to serve on this council or commission. As county residents, we find that under state law and the Salida IGA (Intergovernmental Agreement), adopted March 2, 2010, all decision making regarding annexation and zoning within the Municipal Planning Area (MPA), of which we are a part, has been abdicated to the Salida Council. We are thus in a position where our only recourse is to beg for your mercy and consideration of our interests. Please try to think how you would feel in our situation.

**UPCHURCH ANNEXATION, REZONING AND MAJOR SUBDIVISION PROPOSAL**

The Upchurch Annexation, Rezoning and Major Subdivision proposal requests annexation into the city of Salida, rezoning of the property to R-2 and R-3, and conceptual approval of a 27 lot subdivision development, as revised. I object to all three proposals. I will address only a couple of issues that may not be addressed by others.

**Rezoning** - The Upchurch proposal is correct in stating that the closest in-City properties are zoned R-3, and other nearby in-city properties are zoned R-2. These properties are on the East and South of the property to be annexed. The proposal fails to note that the remaining adjacent properties, are outside of the city, and are comprised of one acre lots to the North and five acre lots to the West. I live on one of the five acre lots in Ranchos de Caballeros, a subdivision of 5 acre horse ranches where up to 4 horses are allowed per lot.

The Upchurch Annexation area is within the Municipal Service Area (MSA), therefore, were it to be developed under the Chaffee County Land Use Code, the maximum density for the area would be 4 units per acre with connection to central water and sewer.

The purpose of the High-Density Residential (R-3) zone district is to provide for relatively high density duplex and multi-family residential areas, including primarily triplex, townhouse, and apartment uses. In fact, under the Salida Code, **single family residences are permitted in an R-3 zone only with Administrative Review.** Sec. 16-4-150 (emphasis added).

Therefore, adopting R-3 zoning for the tract and approving a subdivision of 26-27 lots would result in at least 52 dwellings (duplexes only), and likely many more on this tract, and up to 19 unit apartments would be allowed under the same Administrative Review. While we do not know how many dwelling units will be placed on this property if approved, the development would likely result in a density of 8 to 15 or more units per acre, as opposed to the 4 units per acre allowed if developed under the Chaffee County rules.

It simply does not make sense to place such a dense development adjacent to 5 acre tracts. Good planning would place a buffer or transition area between such properties.

**Annexation and Subdivision –**

If annexed, the property would be developed under the city code, which would require one street light per 300 feet of street length.<sup>1</sup> Artificial exterior lighting has a deleterious effect on dark skies, impacts wildlife, creates potentially harmful health effects<sup>2</sup>, and generally interferes with neighboring owners enjoyment of their property. For example, outdoor artificial nighttime lighting interferes with the migratory patterns of the miller moth, which created an extreme nuisance around our property last year. Furthermore, it is a fallacy that exterior lighting prevents crime. In fact, a review of one of the few studies on this subject, The Chicago Alley Lighting Project<sup>3</sup>, shows that incidences of crime actually increase with the addition of lighting.

Annexation is unnecessary because the property can be adequately developed under county standards without annexation. As stated above, with connection to central water and sewer, the property could be developed into ¼ acre single family dwellings. Additional nighttime lighting would not be required, and one quarter acre lots would be more in keeping with the surrounding properties to the North and West.

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<sup>1</sup> Sec. 16-8-20. - Road, driveway and sidewalk standards (12) Street Lights. In new subdivisions and for development along arterial streets street lights shall be provided at a minimum of one (1) light every three hundred (300) feet of street length.

<sup>2</sup> American Medical Association, REPORT 4 OF THE COUNCIL ON SCIENCE AND PUBLIC HEALTH (A-12) Light Pollution: Adverse Health Effects of Nighttime Lighting, David Blask, PhD, MD (Tulane University School of Medicine); George Brainard, PhD (Jefferson Medical College); Ronald Gibbons, PhD (Virginia Tech); Steven Lockley, PhD (Brigham and Women’s Hospital, Harvard Medical School); Richard Stevens, PhD (University Connecticut Health Center); and Mario Motta, MD (CSAPH, Tufts Medical School) <https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/public/about-ama/councils/Council Reports/council-on-science-public-health/a12-csaph4-lightpollution-summary.pdf>.

<sup>3</sup> The Chicago Alley Lighting Project: Final Evaluation Report, April 2000, Prepared by Erica N. Morrow, Shawn A. Hutton, Research and Analysis Unit, Illinois Criminal Justice Information Authority <https://www.darksky.org/wp-content/uploads/2014/09/Chicago-Alley-Lighting-Project.pdf>

In closing, please deny this request. The City may decline to annex if “the City does not desire to annex the property for reasons defined by the ... City Council.”<sup>4</sup> Denial would be in keeping with the purpose of the Chaffee Salida IGA to “ensure that development...will not unintentionally encroach into areas designated as having rural densities and land use types by the county<sup>5</sup>” and of the Salida Comprehensive Plan, which is intended to guide city decision-making on issues regarding growth and land use, and which calls for encouraging “agriculture and low density residential development in the open lands within the Municipal Planning area around the city”.<sup>6</sup>

And please keep in mind one of the findings made in hearings on the Chaffee County Comprehensive Plan, “While the concentration of residential development around existing towns may be a good idea generally, overly dense development and creation of unattractive urban projects not in keeping with the small town character of each community should be avoided.”

Respectfully submitted,



Deanna Myers  
8155 Co. Rd. 141  
Salida, CO 81201  
918-636-5292

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<sup>4</sup> Amended Intergovernmental Agreement between the City of Salida, Colorado and Chaffee County, Colorado, dated March 2, 2010, Resolution 2010-23. Article IV, Section 4.3.a (4).

<sup>5</sup> Amended Intergovernmental Agreement between the City of Salida, Colorado and Chaffee County, Colorado, dated March 2, 2010, Resolution 2010-23. Article I. Section 1.1(4).

<sup>6</sup> City of Salida 2013 Comprehensive Plan, Action CC-III.2.a



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

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**Fwd: Proposed Upchurch Annexation along Co Rds 140 and 141**

2 messages

**James And Sharon Jacobson** <jskjacob@q.com>

Wed, Mar 17, 2021 at 6:03 PM

To: pt.wood@salidaelected.com, dan.shore@salidaelected.com, jane.templeton@salidaelected.com, Justin.critelli@salidaelected.com, mike.pollock@salidaelected.com, harald.kasper@salidaelected.com, alisa.pappenfort@salidaelected.com, clerk@cityofsalida.com, bill.almquist@cityofsalida.com, gfelt@chaffecounty.org, kbaker@chaffecounty.org, rgranzella@chaffecounty.org, publiccomment@cityofsalida.org, drew.nelson@cityofsalida.com  
Cc: Upchurch-Annexation@googlegroups.com

Forwarded is our attached email to the county commissioners dated January 12, 2021 opposing the Upchurch annexation along Co Rd 140 and 141.

Please include this communication in your packet of materials for the Public Hearings related to this matter.

James Jacobson PE  
Sharon Jacobson

Sent from my iPad

Begin forwarded message:

**From:** James And Sharon Jacobson <jskjacob@q.com>

**Date:** January 12, 2021 at 6:27:08 PM EST

**To:** gfelt@chaffecounty.org, kbaker@chaffecounty.org, rgranzella@chaffecounty.org

**Cc:** upchurch-annexation@googlegroups.com

**Subject:** Proposed Upchurch Annexation along Co Rds 140 and 141

Hello,

Our names are James and Sharon Jacobson. We live at 8175 Co Rd 141B in Shavano Vista subdivision. We are writing this letter to object to the Upchurch Annexation that is being proposed along Co Rd 140 and 141. This annexation is being proposed as a high density development in an area that has homes on acreages varying from approximately 1 acre to 5 acres. Shavano Vista was one of the first early developments west of Salida, platted in 1966 and it was approved and planned only for homes on acreages in a rural environment.

Now we believe the county has a duty to adhere and uphold to the land use plans that were developed and approved in those earlier years and to also adhere to the current provisions and guidelines spelled out in their own current land use code guidelines particularly the provisions on **incompatibility** and **visual impact**.

Concerning the Upchurch annexation, which has proposed building single family and multi family dwellings with 26 lots on 5.32 acres of land, that in its self, is certainly going to be **incompatible** with the existing rural adjacent neighborhood. Paragraph 6.4.1B in the county Land Use code cites as part of the following General Review Criteria for applicant review:

**“Relationship to Surrounding Area.** The PD is not incompatible with the III

**“Visual Impacts.** Construction on ridge lines that are visible from major roadways or residential development shall be compatible with the surrounding natural environment.”

It certainly appears that the Upchurch annexation and development as proposed definitely does not comply to the above county land code review guidelines.

The other issue we have, is why is the county going ahead with annexing additional Co Rd 140 right of way to the city without consulting with all the residents living along that section of the road? It appears to us that this is only being done to meet the 1/6 contiguity requirement by aiding annexation of this land to the city.

We ask the county for cooperation and to advocate for maintaining our existing rural environment.

Thank you for your consideration.

James Jacobson, PE  
Sharon Jacobson



Bill Almquist <bill.almquist@cityofsalida.com>

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## Upchurch Annexation

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**Ann Daniels** <asdaniels@comcast.net>

Sun, Mar 7, 2021 at 7:06 PM

To: pt.wood@salidaelected.com, dan.shore@salidaelected.com, jane.templeton@salidaelected.com, justin.critelli@salidaelected.com, mike.pollock@salidaelected.com, harald.kasper@salidaelected.com, alisa.pappenfort@salidaelected.com, bill.almquist@cityofsalida.com, kristi.jefferson@cityofsalida.com, clerk@cityofsalida.com

From: Judith Kinzie [mailto:[judithkinzie@gmail.com](mailto:judithkinzie@gmail.com)]

Subject: Upchurch annexation

Dear City Council and others who may be involved,

We live at 8015 County Road 141 in Ranchos de Caballeros on 5 acres, 1 home. We object to the proposed increased density across the street from us. Our surrounding community to the west and north is rural, with those on the north having one acre per home. There are 2 homes to the east on 1 acre each that abut, are directly contiguous, to the Upchurch land. We prefer less density to better blend in with its surroundings.

Please include this communication in your packet material for the public hearings related to this matter.

Sincerely, Ed and Judith Kinzie

Sent from my iPad



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

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## City of Salida, Upchurch Addition

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Jeff Myers &lt;jeff@landmen.com&gt;

Mon, Mar 15, 2021 at 2:18 PM

To: "Drew.nelson@cityofsalida.com" &lt;Drew.nelson@cityofsalida.com&gt;

Cc: "pt.wood@salidaelected.com" &lt;pt.wood@salidaelected.com&gt;, "dan.shore@salidaelected.com" &lt;dan.shore@salidaelected.com&gt;, "jane.templeton@salidaelected.com" &lt;jane.templeton@salidaelected.com&gt;, "Justin.critelli@salidaelected.com" &lt;Justin.critelli@salidaelected.com&gt;, "mike.pollock@salidaelected.com" &lt;mike.pollock@salidaelected.com&gt;, "harald.kasper@salidaelected.com" &lt;harald.kasper@salidaelected.com&gt;, "alisa.pappenfort@salidaelected.com" &lt;alisa.pappenfort@salidaelected.com&gt;, "Cc:" &lt;bill.almquist@cityofsalida.com&gt;, "kristi.jefferson@cityofsalida.com" &lt;kristi.jefferson@cityofsalida.com&gt;

Mr. Nelson:

We do not know each other but in light of an email of yours that is at the bottom of this email string and below mine here (which I sent to many of the city of Salida city people last week, but did not know who you were and neglected to include you in on and I apologize so it is here now for you too) it appears that I (and others similarly affected) may be one or more of the "angry neighbors" that you refer to in your email about the subject that you sent last week to others.

In light of how some of us who are negatively economically impacted by this cause may now be referred to by folks like you, I would request that if you have not seen my email about the subject before now, that you take time to read it and ask that you put yourself in our shoes as well and see what your attitude then might be about the residents impacted by this issue!

I believe that if you can see this in how it affects us, that perhaps you may see why we are not looking at this endeavor as favorable on our parts and may in fact appear angry. I am willing to bet a large sum of money that if your assets in the world were reduced overnight by over a quarter of a million dollars in value by something that someone in authority did to you, you could in fact be classified and referred to as "angry" as well.

I understand that the Texas developer behind this proposal has said to some of my neighbors that he is looking at "making some money" off of this endeavor so that he can "afford to move here himself".

While I don't mind anyone making money, I am not in favor of them doing so by extracting it out of my pocket. I doubt you would favor that if it were to happen to you either?

Why the City thinks it is OK to place multi-family housing into a rural area and reducing our current resident property values so that an Out-of-State developer can "make some money" somehow escapes my logic. Maybe you can explain to me why it is important to you, please?

If we are that hard up for places to put affordable housing that we have to do so by negatively impacting many residents who have put a lot of hard-earned money into their property, we are a little more left-leaning liberal here in Salida than even an "open-minded" democratically-oriented person like myself can stand.

Thanks for your time and I hope that perhaps you can understand why those of us in our position we may feel as we do. I am saddened by that fact that we are now referred to by those in authority such as you as "angry neighbors".

I would like to ask a favor of you however and that is in the future that you not refer to us by that name on this project but just call us the "**negatively economically impacted residents**" as I believe that it more accurately will describe us and be more factual and less mean.

Also, my apologies to all the previous folks that I sent this to whom I am copying in here again on this email, but for sake of avoiding a conflict-of-interest on any ex-parte communication, I felt it necessary to include you again, sorry!

Jeff Myers

8155 CR 141

Salida, CO 81201

918-809-4684 cell

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**From:** Jeff Myers

**Sent:** Monday, March 8, 2021 10:40 AM

**To:** [pt.wood@salidaelected.com](mailto:pt.wood@salidaelected.com); [dan.shore@salidaelected.com](mailto:dan.shore@salidaelected.com); [jane.templeton@salidaelected.com](mailto:jane.templeton@salidaelected.com); [Justin.critelli@salidaelected.com](mailto:Justin.critelli@salidaelected.com); [mike.pollock@salidaelected.com](mailto:mike.pollock@salidaelected.com); [harald.kasper@salidaelected.com](mailto:harald.kasper@salidaelected.com); [alisa.pappenfort@salidaelected.com](mailto:alisa.pappenfort@salidaelected.com)

**Cc:** [bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com); [kristi.jefferson@cityofsalida.com](mailto:kristi.jefferson@cityofsalida.com)

**Subject:** City of Salida, Upchurch Addition Comment

We do not know each other but I have received notice in the mail from the City of Salida, Colorado, about a proposed new development adjacent to my home and since it says we can comment, I feel compelled to offer my input.

My name is Jeff Myers. My wife and I are property owners of a 5 acre parcel at [8155 CR 141](#), in Salida, CO, which is directly adjacent and contiguous on the corners to the newly proposed above referenced addition.

Since we own an adjacent property and one of the largest homes in the affected area, which would, therefore, normally be one of the most valuable pieces of property and one of the most affected in value by this proposed development, I would like to make a comment.

While we all know about the need for more affordable housing in our area, I would like to ask each of you to take a journey outside of your present positions and imagine for a moment that you have been placed in our shoes.

If you can go there, you will find yourself as being retired and living in a 4,000+ square foot home directly caddy-corner to the subject property, that you have invested over seven figures and a substantial portion of your hard earned net worth into.

Now imagine if you can that you have been asked to approve something to be built right next to you that will certainly affect one of your largest investments in such a manner that literally overnight will no doubt reduce the value of your property over \$200,000.

Since you are an elected official or city employee, it is apparent that you are at or above the normal intelligence level of the populace. I would submit to you that committing "economic suicide" to your estate by approving something that would create such an impact on you would not be wise.

Assuming that you are not Warren Buffet's or Bill Gate's child, which we are not, you would admit that approving something like this is not in your best interest.

If you have been successful in visualizing the situation that we find ourselves in, I believe that you can now appreciate our position on this proposal and can much better understand its overall impact on us and other adjoining property owners.

For any thinking, reasonably intelligent person to believe for even a moment that this proposed development will not have a substantial negative impact on people in our position is not utilizing critical thinking and would not be something we would knowingly inflict on ourselves.

I will point out that even the developer is well aware of the fact that properties like ours being adjacent to his is one of the positive economic factors in his overall plan to invest in this property and leverage it into a much more favorable light for him to his potential future buyers.

When you can say to a potential buyer that if you buy into this lot in my addition, you will be right next to some million-plus dollar properties, I am sure you would agree it certainly works in your favor.

If this development goes through as proposed, and if you can still see yourselves in our shoes, I would suggest that you would deem it prudent, upon getting your annual County Property Tax bill, to venture down to the Assessor's office to "fight" the valuation that had previously been used for your property as being now fairly useless and needing to be lowered substantially due to the economic impact of the new addition.

Now, not that any of the above needs verification of the validity, if the analogy of being in our shoes is not a journey that works for you, I have another technical approach on this proposal that I will offer.

In my own past work as a state licensed real estate appraiser working on contracts for many municipalities, state government entities, industrial entities, etc., often involving land acquisition through negotiation, eminent domain and such, I have been called on many times as an expert witness in many courts in the country being both Federal District Bankruptcy Courts, Local District courts and State Regulatory agencies and I have an economic understanding of the impact events such as this proposal on neighboring properties.

If I was not personally involved in this situation, and had kept my license current, I could legally testify from an appraisal standpoint and verify the information as just illustrated with the "being in our shoes" scenario.

Thank you for your time and allowing me the ability to comment.

Jeff Myers

[8155 CR 141](#)

[Salida, CO 81201](#)

918-809-4684 cell.

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**Marcella Bradford**

**From:** Drew Nelson <[Drew.nelson@cityofsalida.com](mailto:Drew.nelson@cityofsalida.com)>

**Sent:** Friday, January 15, 2021 1:29 PM

**To:** Bob Christiansen

**Cc:** [bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com); Nina Williams

**Subject:** Upchurch Annexation

Bob – It appears that following the public comments from neighbors out on CR 140 regarding the proposed Upchurch Annexation, County planning staff (Jon Roorda) may have been working on some suggestions for public road dedication that will be requested by Chaffee County as part of the upcoming annexation hearing on this item. In addition, we are

under the impression that Chaffee County will be requesting an Annexation Impact Report; however, it is our belief that the IGA only requires these reports with annexation is in excess of 10 acres, which this property is less than.

We believe it might be appropriate to schedule a meeting between the City and County (no applicants, elected officials, or angry neighbors) to discuss these ROW dedication and annexation report requirements. Attendees should include administrators, planners, and attorneys working on this application. I look forward to figuring out a good time to meet.

Sincerely,

Drew Nelson

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Drew Nelson, City Administrator

City of Salida

448 East 1<sup>st</sup> Street, Suite #112

Salida, Colorado 81201

719.530.2629



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

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**please forward to Planning Committee - Upchurch annexation**

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Lee James &lt;jamlee36@yahoo.com&gt;

Fri, Mar 19, 2021 at 11:11 AM

To: "bill.almquist@cityofsalida.com" &lt;bill.almquist@cityofsalida.com&gt;

Dear Committee members,

I am writing to you to express my concern with the Upchurch annexation. I am not naïve enough to believe Salida was going to stay quaint and small forever. And I know our community has been struggling with enough housing and affordable housing. But I believe we can be reasonable. It seems to me that this proposal is just too many homes for that plot of land. Do people move here to live on top of each other with little green space? Don't even people who require assistance with housing have a right to green space and trees? Let's not forget our latest Recreation Master Plan that addressed the importance of including green space and trees in new housing developments.

I am not opposed to a new subdivision. I am opposed to the number of units proposed on that lot. I don't think it is unreasonable to increase the lot sizes. Most of the lots in the conceptual plan are too narrow to build any decent home. The "HOA Maintained Park" looks more like a traffic circle than a park.

Thank you for your time.

Respectfully,

Lee James

Sent from [Mail](#) for Windows 10



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

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## Upchurch Development

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Mark Harrold <mark.harrold3@gmail.com>  
To: bill.almquist@cityofsalida.com

Thu, Mar 18, 2021 at 12:26 PM

Mr. Almquist and members of The City of Salida Planning Commission,

The purpose of this letter is to express my concerns about some aspects of the proposed Upchurch Development on CR 140.

After this parcel is annexed it will still be bordered on 3 sides by County residential properties ranging from 1 to 5 acres, and will be the last property developed on the north side of CR 140 until the eventual development of the Richardson Ranch 1/3 mile west of this parcel. The south side of CR 140 is already being developed as high density residential condos but the existing properties on the north side of CR 140 are low density semi rural residential lots.

Allowing a high density development on a parcel bordered on 3 sides by low density semi-rural residential lots is totally inappropriate and inconsistent with the concept of development being required to be compatible with the surrounding neighborhoods. Allowing a high density development on this parcel will have a serious negative impact on our adjacent neighborhoods. An R1 zoning designation would provide that this development would be much more compatible with the adjacent subdivisions and would create a transitional development between the higher density development south of CR 140 and more rural nature of the properties north of CR 140. My understanding is that this transitional aspect is an important part of the current planning for Salida's expansion into more rural areas. R1 is the appropriate zoning designation for this parcel.

Another aspect of this development that needs to be addressed is providing a means of safe passage for the pedestrian and bicyclists, particularly children, who will be commuting from the subdivision into town for school, recreation, etc. As someone who uses CR 140 daily I can attest that the volume of traffic and speeds travelled have increased noticeably the last few years. As a result of the traffic plan for this development combined with the increased traffic from the Angelview Condos, it is an absolute certainty that conflicts between pedestrians/bicyclists commuting to and from this development, and motorized vehicles on CR 140 will increase dramatically with potentially serious consequences. The plan as it exists now provides no way for pedestrians or bicyclists to safely travel between Salida and the proposed subdivision.

The final issue for me is that the original annexation proposal included a statement by the developer, Tory Upchurch, on 1/4/21 that if annexed, the development would include a "public use park in the center of the development". His revised proposal submitted to City Council on 3/2/21 though, not only increased the number of lots but eliminated the park. The developer should not be allowed to use these bait and switch tactics to advance his proposal and then modify it solely for his benefit. If the City of Salida allowed his annexation request to proceed in any part due to his assurances of a park then the park should be part of any proposal you approve.

Please make this correspondence part of the packet submitted to The Planning Commission.

Sincerely,  
Mark Harrold  
8179 CR 141B  
[mark@harrold.us](mailto:mark@harrold.us)  
970-217=6215



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**Upchurch Annexation and Rezoning**

2 messages

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**Mary Grannell** <mgrann57@gmail.com>  
To: bill.almquist@cityofsalida.com

Thu, Mar 18, 2021 at 8:52 AM

Mr. Almquist: Would you please see that this letter gets to the City Planning Commission? I went to the website and am unable to find the email addresses for those individuals.

Dear City Planning Commission:

I am Mary Grannell. I own and am living at 7555 CR140. I am the house directly to the east of the Upchurch property so am very concerned about what will be built there.

We moved here in 1994 from the city to a 1970's house on 1 acre in the county. There were beautiful views, little traffic, and a nearby small quaint friendly town. The same reason most people say they move here. We had vacant acreage to the south and to the west. No, I did not expect it to be vacant forever and I'm not opposed to growth or progress but since I live in the county, I envisioned single family homes with a little space around them like the rest of the county feeling. The Angelview subdivision which is being built to the south of my property does not fit in with the rural environmental feel.

If the Upchurch property is annexed, my 2 closest neighbors and I will be on an island in the county surrounded by the city on 3 sides. I am requesting R-1 zoning to maintain a more rural setting.

I hope in the process of planning for revenue for the city or the money made by developers, you don't lose sight of why people are moving here in the first place. There needs to be long term planning, not just money in the short term.

Thank you for your consideration of my request for R-1 zoning. I feel that your decision and that of Salida will greatly impact my property and my life here.

Sincerely,

Mary Grannell

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**Bill Almquist** <bill.almquist@cityofsalida.com>  
To: Mary Grannell <mgrann57@gmail.com>

Thu, Mar 18, 2021 at 10:04 AM

Thank you for your comments, Mary. I will include them in the packet for the Planning Commission hearing.

[Quoted text hidden]

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Bill Almquist  
Community Development Director



(719) 530-2634  
[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)

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



P: 970-349-2009 • F: 970-797-1023  
 www.hucksteplaw.com • info@hucksteplaw.com  
 P.O. Box 2958 • 426 Belleview Avenue, Unit 303 • Crested Butte, CO 81224

March 18, 2021

**VIA ELECTRONIC MAIL ONLY: [bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)**

City of Salida Planning Commission  
 c/o Bill Almquist, City Planner  
 448 E. First Street, Suite 112  
 Salida, CO 81201

**RE: UPCHURCH PARCEL/CONCERNING ISSUES WITH THE APPLICATION**

Dear Planning Commissioners:

This letter and its Exhibits relate to the City of Salida (the “City”) Planning Commission packet for Resolution 2021-04 on the Commission’s March 22, 2021 regular meeting agenda. Resolution 2021-04 seeks a recommendation of the annexation application from Tory and Clee Upchurch (the “Application”). The Application relates to real property consisting of approximately 5.58 acres of undeveloped land in unincorporated Chaffee County, Colorado, identified by the Chaffee County Assessor as Parcel No. 368131300015 (the “Upchurch Property”).

On behalf of many local citizens informally organized as the Alliance for Responsible Rural Growth, including Mr. Charlie Farrell, owner of 8255 County Road 141, Salida, Colorado 81201, I submit to you the following comments advocating for the Planning Commission to recommend denial of Resolution 2021-04. Members of the Alliance for Responsible Rural Growth own real property in close vicinity to the Upchurch Property and will be impacted by any action on the Application. Mr. Farrell’s property, for example, is located less than ¼ mile away from the Upchurch Property.

As an initial matter, our clients acknowledge that the City of Salida is grappling with a shortage of affordable housing. The Application is not intended to address that shortage. In fact, it is expected to only exacerbate the affordable housing challenges facing the City.

The Application comes to you under unusual circumstances that are worth reviewing here. The Applicants have portrayed themselves as good-intentioned newcomers, with promises to “greatly relieve the housing availability stress that Salida is feeling right now.” **Exhibit 1**. This approach appears to have convinced the City of Salida staff, whose lead planner, Mr. Almquist, has determined Mr. Upchurch to be a “good guy” with good intentions. **Exhibit 2**.

Unfortunately, the facts leading to this Application tell a different story. The Upchurch Property was put under contract by the Applicant sometime during or before August, 2020. **Exhibit 3**. In October 2020, the Upchurch Property purchase closed, at a price of just under \$100,000 per acre. **Exhibit 4**. The Applicant always had an intention to develop this land. **Exhibit 3**.

The Application materials include already-broken promises from the developer. For instance, the Applicant indicated it would build a public park within the development. **Exhibit 1**. In the latest

development site plan, there is no park, nor is there room for a park. This new revision demonstrates the Applicant's lack of sincerity and lack of commitment to any public benefits beyond those required by the City's Municipal Code.

The Application materials also include a description of what City leaders and neighbors should expect to see on this parcel after annexation, subdivision and possible rezoning: "a combination of single family and multi-family units that consist of mid [to] high end designs and finishes." **Exhibit 1**. Does this describe the type of housing that the City's elected officials believe is needed now?

In truth, the Applicant has proposed to do nothing more than provide the required 12.5% of affordable housing units. Based on 25 total units (an approximation of the density requested by the Applicant), this means Salida will gain just three whole affordable housing units. No reasonable person could claim that providing 3 units of affordable housing and 22 mid- to high-end units constitutes "great relief" for the City of Salida's housing concerns.

Aside from a list of already-broken promises from the Applicant, this letter identifies procedural problems and substantive issues with the Upchurch Annexation. This letter is lengthy; these issues are serious and deserve your attention.

#### **PROCEDURAL DEFECTS AND CONCERNING ANOMALIES:**

The Application was received by the City in late 2020. Since that time, the City's approach and decision-making has called into question the legitimacy of the review process, as well as the independence of the City's staff and elected officials. The Application has serious implications for the City of Salida that should be discussed by the Planning Commission.

- a. The Apparently Disputed Area. Before the Application should even have been deemed complete, the City should have required the Applicant to resolve any and all boundary disputes as to the Upchurch Property. Taking any other approach represents a dangerous path that invites conflict (and possibly expensive litigation) with the City and between future neighbors after annexation. Until all boundary disputes are resolved in documents of record in Chaffee County, the Planning Commission should only recommend denial of the Application.

In this instance, the Upchurch Property's proposed Annexation Map (**Exhibit 5**) shows a nearly 2,500 square foot area of "apparent overlap" on the southwest side of the Upchurch Property that is obviously in dispute. An initial investigation tends to suggest that the neighbor, who was born and raised in Chaffee County, has been using the disputed lands for quite some time.

Rather than demand that the Applicant resolve this obvious issue before accepting the Application as complete, the City of Salida simply ignored the issue, without explanation.

Prior to taking action on the Application, the Planning Commission should require that the disputed area be surveyed, that its ownership and possession be resolved, and that any required boundary adjustment to the Upchurch Property be addressed (and new Plat Maps provided). Doing otherwise only invites expensive conflicts in the future.

- b. Waiver of the Annexation Report. Pursuant to Colorado law, an annexation impact report is required prior to any public hearing on a proposed application. *See* C.R.S. § 31-12-108.5. If a

proposed annexation is less than 10 acres in size, the impact report can be waived. *Id.* Waiver of the report means that the City, its citizens, its neighbors, and the County may avoid investigating the individual or cumulative impacts of an annexation.

In this instance, it appears the City's staff have determined - before consulting with elected officials in any public meeting - that the impact report is to be waived. **Exhibit 6.** There is no clear explanation for the City staff's decision. Since any cost of such an impact report should be borne by the Applicant<sup>1</sup>, there is no cost savings to the City of waiving this report. Time cannot be a factor, as we know of no publicly-disclosed reason for needing to accelerate consideration or approval of the Application. Moreover, given the City's apparent intention to continue annexing lands along CR 140 and towards the airport, it is not clear why the City would avoid review of long-term, cumulative impacts of this development. An impact report could, for instance, be supplemented as the City considers new properties west of the Upchurch Parcel for annexation in the future.

The right approach is to require an annexation impact report for this Application, giving consideration to the City's demonstrated intention to continue annexation westward. In this instance, the impacts to CR 140 from the Application itself justify the need for an annexation impact report. Adding approximately 25 new residential units, served by two entrances onto CR 140 (one of which is narrower than the other), and placing approximately four new driveways in a 300-foot stretch of CR 140, where Shepherd Road and at least three driveways already exist on its southern side, is justification enough to research and understand the Application's impacts. To do otherwise represents poor planning, poor fiscal management, and a lack of serious consideration for the safety of Salida's citizens and their neighbors in Chaffee County.

Prior to taking action on the Application, the Planning Commission should require that an annexation impact report be prepared and considered. If any significant specific or cumulative impacts are identified in the report, the Applicant should be given time to respond before the Planning Commission takes action on the Application. Doing otherwise ignores the potential impacts of the Application, sets a precedent for ignoring the cumulative impacts of small annexations along the CR 140 corridor, and lends an appearance that the City is only working to please the Applicant, at the expense of the City's citizens and neighbors.

- c. Failure to Comply with Purposes and Obligations Under the IGA with Chaffee County. The City and Chaffee County are bound by the 2010 Amended Intergovernmental Agreement recorded as Reception No. 386888 in Chaffee County's official records (the "IGA"). The IGA's purpose is, in part, to "advise, consult, and involve in the planning activities the owners of private property affected by these agreements[.]" Importantly, this purpose does not limit involvement to owners of private property *within the existing City limits*.

Based on written communications already referenced above and characterizations of County residents by the City staff, it appears the City is not interested in giving much consideration to the concerns of our clients, who undoubtedly fit the description of owners in the IGA. Instead, the City staff have taken to name-calling, describing our clients as "angry neighbors" (*see Exhibit 6*) and leveling dismissive accusations of NIMBY-ism.

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<sup>1</sup> As the sole owner of the property proposed for annexation, these costs should be shifted to the Applicant.

City staff may claim that they are, in fact, meeting these IGA obligations by conducting public hearings. This begs a simple question: if public hearings are required by law (a fact that both the City and the County would have known in 2010), why does the IGA include the more detailed purpose to “advise, consult and involve” the neighbors? Said differently, if conducting a public hearing would satisfy the purposes referenced in the IGA, why include this specific language in the document? Much like legislation, we believe the IGA must be interpreted to render none of its provisions superfluous. Applying this principle to the IGA should lead the Planning Commission to one conclusion: that conducting a public hearing is not sufficient to satisfy the purposes set forth in the IGA.

Additionally, paragraph 4.3 of the IGA requires an annexation agreement prior to the City’s consideration of the Application. To our knowledge, no such annexation agreement exists related to the Upchurch Property.<sup>2</sup> There has been no explanation as to the absence of an annexation agreement, either. Similarly, there is no indication that the annexation agreement requirement has been waived by the City or County.

Finally, paragraph 3.3 of the IGA requires the City and County to “consult and cooperate” to assess and require new developments to mitigate “impacts from roads, utility services and other impacts.” To our knowledge, there has been no assessment of impacts of any kind associated with the Application. This is further supported by the County’s March 18, 2021 letter to the City.

Prior to taking action on the Application, the Planning Commission should direct the City staff to comply with the IGA. Specifically, the City staff should “advise, consult, and involve” nearby property owners (beyond just conducting public hearings); should prepare, deliver, and have executed an annexation agreement with the Applicant; and should consult and cooperate with the County to assess impacts associated with the Application. Doing otherwise ignores the City’s obligations under the IGA and disenfranchises the specific property owners described in the IGA.

- d. Not Considering and Addressing Comments from Staff. When considering the Application, the City’s role is not to advocate for such an application. Instead, the City must assess, as an objective and neutral decisionmaker, whether the Application meets the statutory requirements for annexation and the City’s own strategic plans and goals for the carefully-directed growth of the Salida area. It is improper for the City to informally approve of any application before public review and testimony. Doing so can establish the appearance of impropriety. “[T]he appearance of impropriety undermines the integrity of the governing body itself.” Gerald E. Dahl, Advising Quasi-Judges: Bias, Conflicts of Interest, Prejudgment, at Ex Parte Contacts, *The Colorado Lawyer*, Vol. 33, No. 3 [Page 69], March 2004.

Based on the language used by City representatives in public meetings and written documents concerning the Application, it appears that the City has already made a decision to approve the Application and to rezone the Upchurch Property. This tends to heighten the concern that the City, rather than acting as an independent decisionmaker, has instead unlawfully undertaken the

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<sup>2</sup> To the extent that an annexation agreement does exist, please note that it was not disclosed pursuant to the City’s CORA response to this office.

role of advocating for the Application and rezoning without properly considering (or even taking) public comments on the matter.

For example, on January 4, 2021, the City Council held a joint Work Session with the City of Salida Planning Commission. A recording of that Work Session is available at the following link: <https://www.youtube.com/watch?v=zpWth-2lyV0&feature=youtu.be>.

Mayor Wood's comments at the Work Session tend to indicate that the City, rather than maintaining an impartial stance towards the Application, has assumed the role of advocating for the approval of both the Application and the proposed rezoning and subdivision. At [0:41:32](#): The Mayor states that the Application, rezoning, and major subdivision is a "fairly cut and dry, fairly simple ask," without considering the role that public comment must play in the City's decision.

Similarly, the City's lead planner, Bill Almquist, has determined that the Applicant is a "good guy." **Exhibit 2**. In support of this "good guy," Mr. Almquist has already admittedly engaged in an effort of withholding information to prevent your community from getting "more worked up than necessary." **Exhibit 2**. These comments lead reasonable people to question whether Mr. Almquist has improperly become an advocate for the Application, in violation of the Colorado Constitution. Given his role in review of the Application, it is also reasonable to wonder whether his bias – and his apparent desire to stifle transparency related to the Application – is reflected in the staff report related to the Application.

Other informed parties, who are also subject matter experts in housing and development, have raised serious questions regarding the Application. Chaffee County Housing Director Becky Gray has questioned the lack of services in the area near the Upchurch Property – an impact and uncontested need that is conspicuously ignored in the City staff's review. **Exhibit 7**. Read McCulloch, Executive Director of the Chaffee Housing Trust, has opined that the growth pattern doesn't make sense. **Exhibit 8**.<sup>3</sup> Similarly, his opinions have not been given consideration by the City staff.

Prior to taking action on the Application, the Planning Commission should request that an outside third party review the Application. Given the apparent bias of City officials, this is the only manner to obtain a transparent and complete review process for the Application. Doing otherwise ignores the clear evidence of bias, lends an appearance that the City has already – improperly - made a decision on the Application and rezoning, and suggests that this Public Hearing is meaningless.

- e. Failure of City to Completely Respond to CORA Request. On February 23, 2021, this office provided a Colorado Open Records Act ("CORA") request to the City of Salida for all communications and documents related to the Application. On March 8, 2021, the City responded with 15 documents, allegedly all of the materials to be disclosed. A response from Chaffee County to a near-exact replica CORA request produced more than 135 documents, many

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<sup>3</sup> Specifically, he notes that "[g]rowth should naturally proceed in concentric circles from the heart of town with highest density in the center and lessening as you move outwards." In this case, the City appears to be on a mission to establish very high zoning densities at the very outer ring of the City's boundary.

of which include City staff – but were not disclosed in the City’s CORA response to this office. Documents and communications excluded from the City’s CORA response include:

1	Email from M. Davidson, 1/23/21 @ 9:18 pm	Sent to several City of Salida Employees and elected Official PT Wood, M. Pollock, B. Almquist, K. Jefferson, E. Kelley
2	Email to County email, 01/15/21 @ 1:29 pm	Email from D. Nelson to B. Christianson, cc'd to B. Almquist, N. Williams
3	Upchurch Annexation Petition with Upchurch Signatures, notarized 12/14/20	Addressed to the City Council of the City of Salida
4	Letter from Tony Upchurch (references location, costs and benefits, public facilities and services, plan to build single family and multi-family units)	Part of annexation/zoning application
5	City of Salida General Development Application	Received by City of Salida
6	City to County email, dated 1/7/21 @ 1:49 pm	Sent from B. Almquist to C. Barton
7	City to County email, dated 1/7/21 @ 11:36 am	Sent from B. Almquist
8	City to County email, dated 1/7/21 @10:44 am	Sent from B. Almquist to C. Barton
9	City to County email, dated 1/7/21 @ 8:13 am	Sent from B. Almquist to J. Roorda
10	City to County email, dated 1/21/21 @ 12:17 pm	Sent from D. Nelson to B. Christianson
11	City to County email, dated 1/20/21 @ 3:29 pm	Sent from D. Nelson to B. Christianson, B. Almquist, N. Williams
12	City to County email, dated 1/15/21 @ 1:29 PM	Sent from D. Nelson to B. Christianson, B. Almquist, N. Williams
13	City to County email, dated, 1/21/21 @ 11:48 pm	Sent from D. Nelson to B. Christianson
14	County to City email, dated 1/7/21 @ 11:15 am	Sent to B. Almquist from C. Barton
15	Petition from ARRG	Submitted to the City and County by ARRG

Given all of the concerns expressed above related to the Application review process, the failure of the City to fully and adequately respond to the CORA request has (intentionally or unintentionally) suppressed transparency related to the Application. Prior to taking action on the Application, the Planning Commission should request that an outside third party review the Application to address the appearance of impropriety related to the Application.

**SUBSTANTIVE MATTERS CHALLENGING THE LEGITIMACY OF ANNEXATION:**

In addition to the procedural defects and concerns noted above, the Application also suffers from a number of substantive problems and concerns that are simply not addressed by the City staff.

- a. CR 140 Access Has Not Been Thoroughly Reviewed. The Annexation proposes to add two new intersections with CR 140, serving approximately 25 lots and at least three new driveways, to a 300-foot span of CR 140. That same 300-foot span already includes the intersection of Shepherd Road (which will apparently not be aligned with the two new entrances to the Upchurch Property) and at least three driveways. The Applicant has not performed a traffic study to determine whether the number and location of proposed entrances is appropriate, whether CR 140 is wide enough to handle this new traffic, whether CR 140 will remain safe with all of this increased use, and whether this new use – when considering the City’s apparent expansion intentions in the future – will require further infrastructure improvements to CR 140.

These issues might be addressed in an annexation impact report, but the City staff have apparently determined such a report is not necessary. By ignoring these impacts to CR 140, the City is setting a poor precedent, acting solely in the Applicant's best interest, and shifting the cost of future infrastructure improvements to the City's residents – when the Applicant is the one who should be paying these costs.<sup>4</sup>

Prior to taking action on the Application, the Planning Commission should request, at a minimum, that a traffic study be performed to understand the Application's impact on CR 140. If infrastructure improvements are required, the Planning Commission should recommend that those improvements be funded by the Applicant. Doing otherwise ignores the impacts of this specific development, may lead to unwelcome surprises in the future, and may create dangers to life and safety on the City's roadways.

- b. The Application Should be Denied Because it Contributes to Sprawl. The Application should be denied because it is only contributing to sprawl. Colorado law allows for annexations to factor in the perimeter of adjacent public roadways for purposes of calculating the required 1/6 contiguity. In this instance, the Upchurch Property, standing on its own, would not achieve the necessary contiguity with the City's existing boundaries. The Application achieves contiguity only by including the perimeter of CR 140.

While the use of CR 140's perimeter to achieve contiguity may be legal, it also serves as a proxy for identifying sprawl. City Councilor Justin Critelli astutely identified this issue at the City Council's March 2, 2021 regular meeting.

The Upchurch Property is separated from the existing City boundary by CR 140, which runs along the southern border of the Upchurch Property. The Chaffee County Legal Department has explicitly recognized that CR 140 is a "County right-of-way." **Exhibit 9.**

The Draft Annexation Plat attached hereto as **Exhibit 5** identifies the total perimeter of land to be annexed as 3,764.36 feet. Notably, the Draft Annexation Plat indicates that a 2.58 acre section of Chaffee County Road 140 (the "Adjacent Road Section") is part of the parcel to be annexed. The Draft Annexation Plat identifies the "Contiguous Boundary with City of Salida" as 859.24 feet, consisting of a 777.08 foot section of CR 140 extending east beyond the Upchurch Property boundary and an 82.16 foot section extending north across the right-of-way for CR 140. These beginning and end points are depicted on **Exhibit 10**, a marked-up copy of the Draft Annexation Plat.

The actual linear perimeter of the Upchurch Parcel (standing alone) is 2,278.82 feet. Approximately 301.14 feet of the southern boundary of the Upchurch Property is contiguous with the Angelview Minor Subdivision, as depicted on **Exhibit 10**. Therefore, only 13.215% of the Upchurch Property's actual total perimeter is contiguous with the existing City boundary. This is well below the minimum contiguity requirements provided by C.R.S. § 31-12-104(1).

Colorado Revised Statute § 31-12-104(1) is intended to encourage thoughtful growth throughout Colorado, minimize sprawl and strip (or "leapfrog") patterns of development, and to establish an

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<sup>4</sup> See paragraph 3.3 of the IGA, which notes that the City and County can require "new developments . . . to mitigate impacts resulting from developments[.]"

objective standard for parcels appropriate for annexation. The City's approach ignores these principles, instead opting for an approach that only promotes unplanned and disorderly expansion that will primarily benefit the Applicant, while forcing detrimental impacts upon neighbors in the area, including our clients. Chaffee County Housing Director Becky Gray recognized this issue, noting that the "flagpole annexation" represents an "anomaly" which should be carefully reviewed by the Planning Commission. *See Exhibit 8.*

Without the City's inclusion of the Adjacent Road Section, contiguity cannot be met. All of these manipulations should tell the Planning Commission what is patently obvious to our clients: annexation of the Upchurch Property at this time will only result in sprawl. The City Council should reject this action by recommending denial of the Application.

- c. The Application Should be Denied Because it Ignores the JPM. The Application depicts only one internal circle drive serving the Upchurch Property. As noted above, this circle drive's two entrances on CR 140 have not been reviewed in any detail and do not line up with Shepherd Road. Additionally, the proposed transportation scheme is inconsistent with the Joint Planning Map ("JPM") from 2010.

The JPM depicts Shepherd Road continuing through the Upchurch Property and connecting with CR 141-B. Instead of following the guidance of the JPM, the Applicant has chosen a disruptive new circulatory system, doubling the number of intersections with CR 140, failing to align the circulatory system's proposed new road, and failing to follow the JPM.

Until the Applicant presents a plan that complies with the JPM, provides a traffic study demonstrating that the new design will be safe and efficient, and explains the basis for varying from the JPM, the Planning Commission should recommend denial of the Application.

#### **SPECIFIC FAILURES TO MEET STATUTORY REQUIREMENTS FOR ANNEXATION:**

Both the Planning Commission and the City Council must make certain findings related to the Application in order to satisfy the requirements of C.R.S. § 31-12-104(1). For all of the reasons set forth above, I urge the Planning Commission to recommend denial of the Application on the following bases:

1. There is no community of interest between the Upchurch Property and the City of Salida;
2. The Upchurch Property is surrounded by low-density, rural properties, and cannot be considered urban;
3. The Upchurch Property is not expected to be urbanized in the near future; and
4. The Upchurch Property is not integrated with the City of Salida, nor is it capable of being integrated with the City.

On behalf of our clients, please recommend denial of Resolution 2021-04. Until the issues identified above are resolved, the Application should not proceed forward.

Sincerely yours,

HUCKSTEP LAW, LLC



Aaron J. Huckstep

cc: Charlie Farrell

My name is Tory Upchurch and my wife (Clee and I) love Salida. We used to live in Colorado and have been trying for years to find a town that fits us. We bought this land with the goal of eventually building a house for permanent residency so our goal is not to “get in and get out”. Our goal is to build relationships as we work through the project. I will be partnering with a friend of mine Ravi Reddy who is a developer by trade and has a great deal of experience navigating large projects and working through permitting and city process. We will like raise some money for friends and family for part of the financing of this project but will also be working with a bank (preferably local to Salida) for a majority of the financing.

In terms of location, we believe that the property is in a desirable area in terms of annexation. There are not many (if any) properties that would be available for annexation in the near future. Additionally, this property meets the City of Salida’s 1/6 contiguity rule and will be zoned consistently with other City properties in the vicinity. We will work with Public Works regarding utility extensions and public improvements.

In terms of costs and benefits, we plan to build 25+ units which will **greatly relieve the housing availability stress that Salida is feeling right now** and add to the tax base for the City of Salida. We will also work with the city and Chaffee County Housing Authority to provide affordable housing according the requirements set forth. I have already started a conversation with Read McCulloch at the Chaffee County Housing Authority to discuss options for working with them.

In terms of public facilities and services, we will be connecting to the water/sewer lines that already exist on CR 141 and CR 140 and extending them throughout the development. **We also plan to build a public use city park in the center of the development that will be HOA maintained.**

**The current plan is to build a combination of single family and multi-family units that consist of mid-high end design and finishes.** Our goal is to be a permanent resident in Salida at some point and we will ensure that our development adds a positive visual impact on the city for the long run.

Additionally, we will request to rezone the property to R3 which is consistent with the comprehensive plan and compatible with surrounding districts and uses.

Tory Upchurch  
512.826.6152

**Marcella Bradford**

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**From:** Christie Barton <cbarton@chaffeecounty.org>  
**Sent:** Friday, January 08, 2021 9:11 AM  
**To:** 'Greg Felt'; 'Keith Baker'; rgranzella@chaffeecounty.org; dtom@chaffeecounty.org; 'Bob Christiansen'; 'Dan Short'; 'Jennifer Davis'  
**Cc:** Jon Roorda; dswallow@chaffeecounty.org  
**Subject:** FW: Upchurch annexation  
**Attachments:** 20165-LEGAL DESCRIPTION-ANNEX (1).pdf; Salida\_narrative\_123020.docx; upchurch\_GDA.pdf; NOTARIZE-annexation\_petition (1).pdf

FYI.

Christie Barton, AICP  
Chaffee County Planner  
PO Box 699, Salida, CO 81201  
(719) 530-5572

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**From:** Bill Almquist <bill.almquist@cityofsalida.com>  
**Sent:** Thursday, January 7, 2021 1:49 PM  
**To:** Christie Barton <cbarton@chaffeecounty.org>  
**Subject:** Re: Upchurch annexation

Hi Christie,

Here are the rest of the relevant annexation materials that we've received, FYI. For what it's worth, I've talked to him a few times now, and **he seems like a good guy** who wants to make use of the property and make a little money, but who is also open to working with the neighbors to have his development fit in to a reasonable extent. Although they originally asked for R-3 (probably at the urging of Crabtree...), he sounds amenable to possibly revising that request based on some City feedback--**we're going to have some more internal discussions about that before making those materials any more public. No need to get people more worked up than necessary.** Let me know what you hear.

Thanks,  
Bill

On Thu, Jan 7, 2021 at 11:36 AM Bill Almquist <[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)> wrote:

We do have the full paperwork for the annexation (and rezone) request, however we haven't established a hearing date yet so I haven't put together the agency review packets. I was waiting to chat with Jon about CR 140 (which I did yesterday) and get his feedback before moving ahead. He was in support of the City taking CR 140 to the west extent of the Upchurch property and also mentioned that the County would want to see dedication to 30 ft from the centerline along CR 141, adjacent the subject property. He mentioned that he would chat with Mark Stacy about it, to let him know, as well.

Sounds like the County is getting a **bunch of noise in its ear from neighbors. I assume they don't quite understand how annexations work, however, esp. with an IGA in place.** Let me know if you guys absolutely need the rest of the application materials now, or if it can wait until I send out the referrals. What is being requested to be annexed is called out clearly on the map, though.

Thanks,  
Bill

On Thu, Jan 7, 2021 at 11:15 AM Christie Barton <[cbarton@chaffeecounty.org](mailto:cbarton@chaffeecounty.org)> wrote:

Thanks, Bill. Is there any paperwork that goes with it or is it premature?

Christie Barton, AICP

Chaffee County Planner

PO Box 699, Salida, CO 81201

(719) 530-5572

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**From:** Bill Almquist <[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)>

**Sent:** Thursday, January 7, 2021 10:44 AM

**To:** Christie Barton <[cbarton@chaffeecounty.org](mailto:cbarton@chaffeecounty.org)>

**Subject:** Fwd: Upchurch annexation

Hi Christie,

I understand you wanted the annexation plat for Upchurch. Here's what I sent over to Jon yesterday.

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

**From:** Bill Almquist <[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)>

**Date:** Thu, Jan 7, 2021 at 8:13 AM

**Subject:** Upchurch annexation

**To:** Jon Roorda <[jroorda@chaffeecounty.org](mailto:jroorda@chaffeecounty.org)>

Hi Jon,

FYI, I am attaching the draft annexation plat that Tory Upchurch had prepared, which includes the portion of CR 140 that we discussed. We gave Planning Commission and City Council an initial overview of their annexation and rezone request the other night and plan to move forward with the start of hearings sometime in February.

Let me know if you have any questions or additional comments. We will of course send you the full application as part of agency review. Thanks!

--

Bill Almquist  
Planner



(719) 530-2634  
[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)

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

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Bill Almquist  
Planner



(719) 530-2634  
[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)

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

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Bill Almquist  
Planner



(719) 530-2634  
[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)

**Marcella Bradford**

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**From:** Tory Upchurch >  
**Sent:** Thursday, August 27, 2020 11:51 AM  
**To:** cbarton@chaffeeconomy.org  
**Subject:** parcel #368131300015

Christie --

We have a 6 acre lot on CR140, parcel #368131300015 under contract to buy right now and I am in the process of doing some due diligence to understand more about development options in the county. Would you have some time to talk this afternoon or tomorrow?

Thanks.

Tory Upchurch

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This message has been scanned for viruses and dangerous content by [MailScanner](#), and is believed to be clean.



**Summary**

Parcel Number 368131300015  
 Account Number R368131300015  
 Property Address UNINCORPORATED CHAFFEE COUNTY, CO  
 Brief Tax Description TRACT IN SE4SW4 31-50-9 REC 464241  
(Note: Not to be used on legal documents)  
 Class Vacant Land  
 Subdivision  
 Neighborhood N/A  
 Tax District District 06  
 Millage Rate 53.46  
 Acres 5.581428

**Owner Name & Mailing Address**

Disclaimer: Mailing address is used for Chaffee County ad-valorem taxation purposes.

Upchurch Krishna Clee  
 Upchurch Tory  
 2112 Ann Arbor Ave  
 Austin, TX 78704

**Land**

Description	Acres	Square Footage	Value
Vacant Land - 5-9 Acres	6.22	270,943.19	\$147,830

**Valuation**

	2020	2019	2018	2017
Land Value	\$147,830	\$147,830	\$151,666	\$151,666
Building Value				
Total Value	\$147,830	\$147,830	\$151,666	\$151,666
Assessed Land Value	\$42,870	\$42,870	\$43,980	\$43,980
Assessed Building Value				
Total Assessed Value	\$42,870	\$42,870	\$43,980	\$43,980
Estimated Total Taxes	\$2,291.83	\$2,295.47	\$2,310.01	\$2,252.39

**Recent Sales**

Sale date range:

From:  To:

**Sales**

Sale Date	Sale Price	Instrument	Reception Number	Vacant or Improved	Grantor	Grantee
10/28/2020	\$499,900	Warranty Deed for Joint Tenants	464241	Vacant	HEWITT PAUL G REV TRUST	UPCHURCH KRISHNA CLEE, UPCHURCH TORY
07/02/2013	\$0	Warranty Deed	409287	Vacant	HEWITT PAUL G	HEWITT PAUL G REV TRUST
10/01/1992	\$25,000	Warranty Deed for Joint Tenants	264412	Vacant	CHELF FRANK M JR	HEWITT PAUL G & MILDRED M

No data available for the following modules: Related Accounts, Buildings, Photos, Sketches.

The Chaffee County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. Data is subject to constant change and its accuracy and completeness cannot be guaranteed.

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[GDPR Privacy Notice](#)  
 Last Data Upload: 2/9/2021 3:17:55 PM



Version 2.3.105

# UPCHURCH ANNEXATION TO THE CITY OF SALIDA

LOCATED IN THE SE¼ SW¼  
OF SECTION 31  
T50N R9E OF THE N.M.P.M.  
CHAFFEE COUNTY, COLORADO

### PLANNING COMMISSION APPROVAL

THIS PLAT IS APPROVED BY THE CITY OF SALIDA PLANNING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
CHAIR OF PLANNING COMMISSION, CITY OF SALIDA

### CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THIS ANNEXATION MAP ALONG WITH THE ORIGINAL ANNEXATION ORDINANCE FOR THE UPCHURCH ANNEXATION WERE ACCEPTED FOR FILING IN MY OFFICE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021, AND IS DULY RECORDED.

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

### CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP ALONG WITH A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE UPCHURCH ANNEXATION WERE ACCEPTED FOR FILING IN MY OFFICE AT \_\_\_\_ M. ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 UNDER RECEPTION NUMBER \_\_\_\_\_.

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

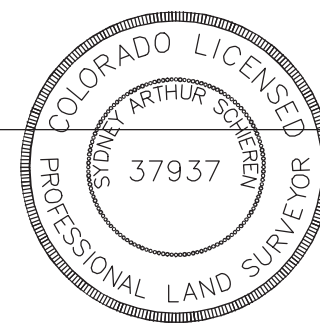
### GENERAL NOTES

- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140 BETWEEN TWO 1" ALUMINUM CAPS STAMPED "LS 1776" HAVING A BEARING OF NORTH 89°41'28" WEST.
- 2) THIS SURVEY WAS DONE IN CONJUNCTION WITH FIRST AMERICAN TITLE INSURANCE COMPANY (CENTRAL COLORADO TITLE & ESCROW), COMMITMENT NO. 20-12552, DATED AUGUST 31, 2020.
- 3) TOTAL AREA TO BE ANNEXED=7.90 ACRES +/-
- 4) THIS ANNEXATION SUBJECT TO THE TERMS & CONDITIONS AS SET FORTH IN THE ANNEXATION AGREEMENT RECORDED AT RECEPTION NO. \_\_\_\_\_

### LAND SURVEYOR'S CERTIFICATE

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

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



**PRELIMINARY DRAFT**  
INTENDED FOR REVIEW BY CLIENT  
AGENTS ONLY

### CITY COUNCIL APPROVAL

WHEREAS, THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY KRISHNA CLEE QUICK UPCHURCH AND TORY UPCHURCH, AS OWNER OF 100 PERCENT OF THE AREA TO BE ANNEXED, EXCEPTING PUBLIC STREETS; AND WHEREAS, THE CITY COUNCIL BY RESOLUTION ADOPTED ON \_\_\_\_\_, 2021, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENT OF SECTION 31-12-107(1); WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON \_\_\_\_\_, 2021, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE CITY COUNCIL ADOPTED RESOLUTION NO. \_\_\_\_\_ (SERIES 2021), DETERMINING THAT THE ANNEXATION ELECTION WAS NOT REQUIRED; AND WHEREAS, ON \_\_\_\_\_, 2021 THE CITY COUNCIL ADOPTED ORDINANCE NO. \_\_\_\_\_ (SERIES 2021) APPROVING AND ANNEXING UPCHURCH ANNEXATION TO THE CITY OF SALIDA; NOW, THEREFORE, THE CITY COUNCIL OF SALIDA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE UPCHURCH ANNEXATION TO THE CITY OF SALIDA AS DESCRIBED HEREIN, TO WIT:

ALL THAT TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 50 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBES AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF DUPLEX 4-A, BOUNDARY LINE ADJUSTMENT AND REPLAT OF COCHETOPA ESTATES, AS RECORDED AT RECEPTION NO. 309631 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE A 2 1/2" ALUMINUM CAP STAMPED "RM", LS 16117 BEARS SOUTH 86°38'21" WEST, A DISTANCE OF 13.80 FEET; THENCE SOUTH 01°25'11" WEST, A DISTANCE OF 82.16 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140; THENCE NORTH 88°35'30" WEST ALONG SAID CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 777.08 FEET; THENCE CONTINUING ALONG SAID NORTHERLY BOUNDARY OF CHAFFEE COUNTY ROAD NO. 140 NORTH 88°34'33" WEST, A DISTANCE OF 497.11 FEET; THENCE NORTH 00°58'40" EAST, A DISTANCE OF 80.87 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND THE NORTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 140, MARKED BY A 1" ALUMINUM CAP STAMPED LS 1776; THENCE SOUTH 88°38'54" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 185.05 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269; THENCE NORTH 00°52'55" EAST, A DISTANCE OF 220.83 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269; THENCE NORTH 88°32'00" WEST, A DISTANCE OF 184.68 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 AND ON THE EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141; THENCE NORTH 00°58'40" EAST ALONG SAID EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 124.84 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141; THENCE SOUTH 88°31'21" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 801.81 FEET TO THE NORTHWEST CORNER OF LOT 1, 141 ANNEX MINOR SUBDIVISION AS RECORDED AT RECEPTION NO. 447958 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER; THENCE SOUTH 01°29'04" WEST, A DISTANCE OF 333.01 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 279296 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND A POINT ON SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140; THENCE SOUTH 88°30'29" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 416.06 FEET, TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 389150 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER; THENCE SOUTH 78°51'30" EAST, A DISTANCE OF 60.86 TO THE POINT OF BEGINNING, CONTAINING 7.90 ACRES, MORE OR LESS

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

CITY OF SALIDA

By: \_\_\_\_\_  
MAYOR

### CERTIFICATION OF TITLE

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

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

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

### CERTIFICATE OF DEDICATION AND OWNERSHIP

THIS IS TO CERTIFY THAT KRISHNA CLEE QUICK UPCHURCH AND TORY UPCHURCH ARE THE OWNERS OF 100% OF THE LAND DESCRIBED AND SET FORTH HEREIN, EXCEPT PUBLIC STREETS, THAT SUCH OWNER DESIRES AND APPROVES THE ANNEXATION OF THE TERRITORY DESCRIBED HEREIN TO THE CITY OF SALIDA, COLORADO.

EXECUTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

OWNERS:

\_\_\_\_\_  
KRISHNA CLEE QUICK UPCHURCH

\_\_\_\_\_  
TORY UPCHURCH

COUNTY OF CHAFFEE )  
STATE OF COLORADO ) ss.

THE FORGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021, BY KRISHNA CLEE QUICK UPCHURCH AND TORY UPCHURCH. WITNESS MY HAND AND SEAL.

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

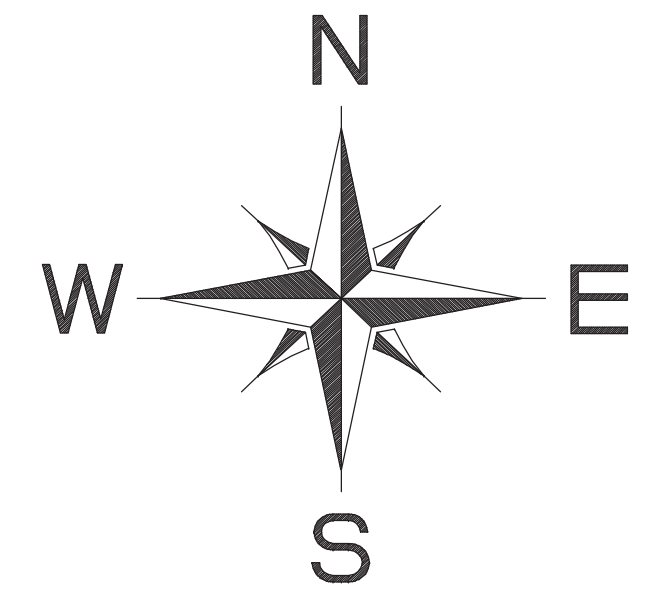
\_\_\_\_\_  
NOTARY PUBLIC

TOTAL PERIMETER OF LAND TO BE ANNEXED	3,764.36'
CONTIGUOUS BOUNDARY WITH CITY OF SALIDA	859.24'
CONTIGUOUS BOUNDARY REQUIREMENT 1/6= 16.7%	22.8%

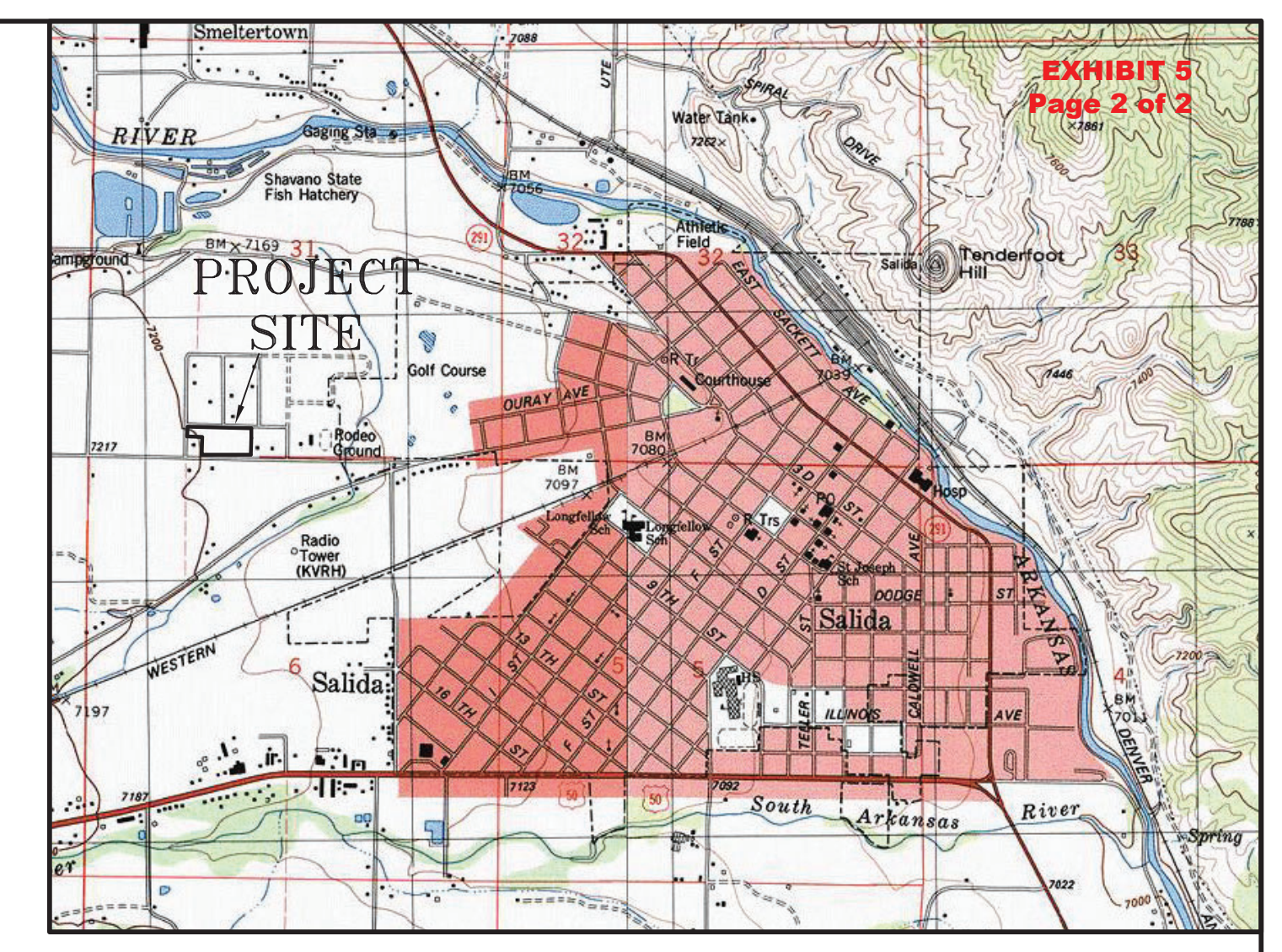
DATE: FEBRUARY 11, 2021	<b>UPCHURCH ANNEXATION TO THE CITY OF SALIDA</b>  LOCATED IN THE SE¼ SW¼ OF SECTION 31 T50N R9E OF THE N.M.P.M. CHAFFEE COUNTY, COLORADO
JOB # 20165	<b>LANDMARK SURVEYING &amp; MAPPING</b> P.O. BOX 668 SALIDA, CO 81201 Ph 719.539.4021 FAX 719.539.4031
DATE: NOVEMBER 19, 2020	
SHEET 1 OF 2	

# UPCHURCH ANNEXATION TO THE CITY OF SALIDA

LOCATED IN THE SE 1/4 SW 1/4 OF SECTION 31 T50N R9E OF THE N.M.P.M. CHAFFEE COUNTY, COLORADO



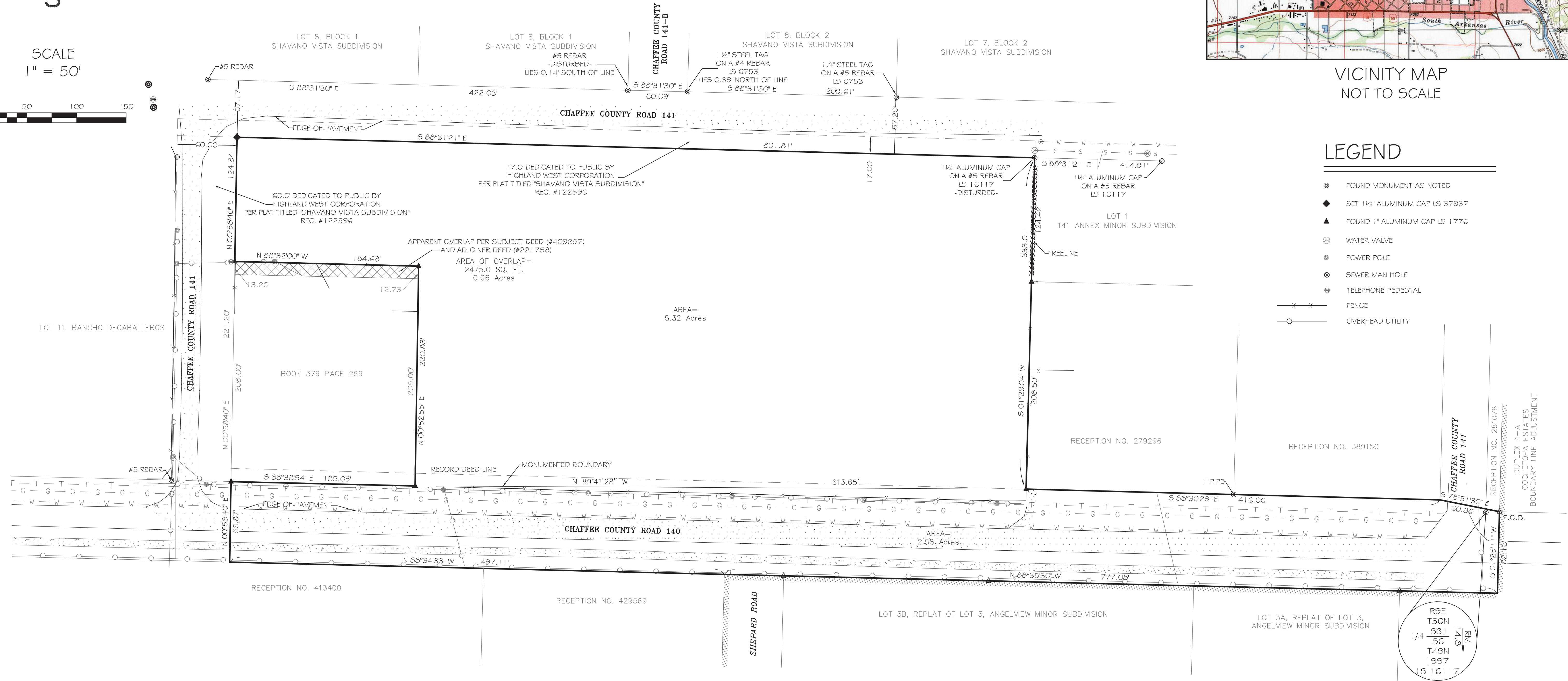
SCALE 1" = 50'



VICINITY MAP NOT TO SCALE

### LEGEND

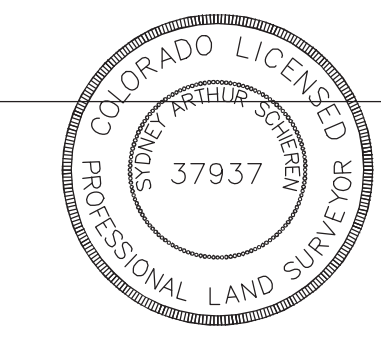
- ⊙ FOUND MONUMENT AS NOTED
- ◆ SET 1 1/2" ALUMINUM CAP LS 37937
- ▲ FOUND 1" ALUMINUM CAP LS 1776
- ⊙ WATER VALVE
- ⊙ POWER POLE
- ⊙ SEWER MAN HOLE
- ⊙ TELEPHONE PEDESTAL
- × × FENCE
- OVERHEAD UTILITY



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

**PRELIMINARY DRAFT**  
 INTENDED FOR REVIEW BY CLIENT

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



REVISED: FEBRUARY 11, 2021
JOB # 20165
DATE: NOVEMBER 19, 2020
SHEET 2 OF 2

**UPCHURCH ANNEXATION TO THE CITY OF SALIDA**  
 LOCATED IN THE SE 1/4 SW 1/4 OF SECTION 31 T50N R9E OF THE N.M.P.M. CHAFFEE COUNTY, COLORADO



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

**Marcella Bradford**

---

**From:** Drew Nelson <Drew.nelson@cityofsalida.com>  
**Sent:** Friday, January 15, 2021 1:29 PM  
**To:** Bob Christiansen  
**Cc:** bill.almquist@cityofsalida.com; Nina Williams  
**Subject:** Upchurch Annexation

Bob – It appears that following the public comments from neighbors out on CR 140 regarding the proposed Upchurch Annexation, County planning staff (Jon Roorda) may have been working on some suggestions for public road dedication that will be requested by Chaffee County as part of the upcoming annexation hearing on this item. In addition, we are under the impression that Chaffee County will be requesting an Annexation Impact Report; however, it is our belief that the IGA only requires these reports with annexations in excess of 10 acres, which this property is less than.

We believe it might be appropriate to schedule a meeting between the City and County (no applicants, elected officials, or angry neighbors) to discuss these ROW dedication and annexation report requirements. Attendees should include administrators, planners, and attorneys working on this application. I look forward to figuring out a good time to meet.

Sincerely,

Drew Nelson



Drew Nelson, City Administrator  
City of Salida  
448 East 1<sup>st</sup> Street, Suite #112  
Salida, Colorado 81201  
719.530.2629

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This message has been scanned for viruses and dangerous content by [MailScanner](#), and is believed to be clean.

**Marcella Bradford**

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**From:** bgray@chaffeeconomy.org  
**Sent:** Monday, January 11, 2021 2:01 PM  
**To:** 'L MARTIN'  
**Subject:** RE: {Disarmed} FW: Hot Off the Press! Through the Roof PFR

I just adore you, Lisa. The report looks fantastic, and I typically love the work of the Lincoln Institute – thanks for sharing!

And thanks for sharing the heads up; I appreciate the education and advocacy you've been about. The Uphurch development leaves a lot to be desired, in my opinion. Like, when are we going to introduce some mixed use out there? It's a long way to the corner store... I have yet to be involved in the affordability aspect of this project, but will certainly be on the lookout.

I 100% support using the \$500 earmarked for evergreen marketing for Dave's efforts. It fits the intention, so yes! I'm so pleased with the response you received from the Commissioners 😊

Becky

---

**From:** L MARTIN <>  
**Sent:** Monday, January 11, 2021 1:20 PM  
**To:** Becky Gray <bgray@chaffeeconomy.org>  
**Subject:** {Disarmed} FW: Hot Off the Press! Through the Roof PFR

Hi Becky!

It was great to hear all that you report on to the county commissioners. You have a lot going on!

See below link for a new publication about what communities can do about the high cost of rent in America. At first glance this publication looks pretty amazing and like it's right up your alley! Breece is our friend that is the Director of Partnerships and Strategy, Center for Geospatial Solutions, for the Lincoln Institute of Land Policy.

Do you have any concerns with me using the \$500.00 Evergreen funding that we had on hold to pay for Dave Curtis's extra time he is putting toward the montage video? Heather is onboard. I am certain Dave will have put in at least \$500.00 worth of extra time into the project by the time we're done. And I plan to ask him to create some super short clips for use on social media to promote the website/Dinner and a Movie too. If you agree, I'll have a conversation with him about this possibility and the steps he needs to take.

Just a heads up: A friend of mine (not too close of a friend), Ann Daniels lives near the Uphurch annexation and development area. She and her neighbors are concerned about impacts of the development to their neighborhood. She reached out to her circle of friends asking for support to protest this development or at least keep it to 6-12 homes on the 6+ acres. I discussed a few things with her, but I doubt I changed her mind anything. She did watch Randall's video and I hope that she watches more, especially Missing Middle Housing. She repeated several times that the developer is from out of town and just trying to make money, I didn't have the heart to tell her, "What's new with that?" She knows that affordable housing units will need to be built at a higher density but doesn't think that that affordable housing will be included in the project as Walt Harder built across the street and "the units that were supposed to be affordable are now second homes."

If we only could convince everyone to be housing advocates before they end up NIMBYs!

I hope you're doing well. The world sucks right now and everything seems harder.  
Let me know when you want to walk...

Lisa

---

**From:** [Breece Robertson](#)  
**Sent:** Monday, January 11, 2021 12:44 PM  
**To:**  
**Subject:** FW: Hot Off the Press! Through the Roof PFR

Hey Lisa, I thought you might find this report interesting given your work on housing in Chaffee County. Hope to see you soon! Breece

---

**From:** Emily McKeigue >  
**Sent:** Monday, January 11, 2021 12:17 PM  
**To:** LILP Staff >  
**Subject:** Hot Off the Press! Through the Roof PFR

Dear All,

We're very excited about our newest PFR, *Through the Roof: What Communities Can Do About the High Cost of Rental Housing in America*, by Ingrid Gould Ellen, Jeffrey Lubell, and Mark A. Willis! It is now available at [MailScanner has detected a possible fraud attempt from "na01.safelinks.protection.outlook.com" claiming to be MailScanner has detected a possible fraud attempt from "na01.safelinks.protection.outlook.com" claiming to be https://www.lincolninst.edu/publications/policy-focus-reports/through-roof-what-communities-can-do-high-cost-rental-housing.](#)

This report shows what local U.S. governments can do to mitigate the rising cost of rental housing. It considers the root causes of high rent burdens, reviews evidence about the consequences, and lays out a framework that cities, towns, and counties can use to provide citizens with safe, decent, affordable housing options. This tool will help local officials develop new housing strategies and enhance those that already exist.

The report also appears in [CUP's Spring 2021 catalog](#) (Columbia University Press) on page 790.

If you would like a hard copy, please contact Shirlynn.

Best and be well,  
Emily

*Emily McKeigue*  
Managing Editor

Lincoln Institute of Land Policy  
113 Brattle Street, Cambridge, MA 02138

[www.lincolninst.edu](http://www.lincolninst.edu)

*Finding answers in land*

**Marcella Bradford**

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**From:** bgray@chaffeeconomy.org  
**Sent:** Monday, January 25, 2021 9:02 AM  
**To:** 'Read McCulloch'; 'Marilyn Bouldin'  
**Subject:** RE: Emailing: Letter and Petition 1-18-21

Dear Read and Marilyn,

Thanks for initiating this discussion, Marilyn, and thanks for your thorough and thoughtful response, Read.

I do not have much more to add to what Read has already said. As growth continues to occur, higher density is our friend, as Read said. And while it would be nice to see 50% of the new housing units be affordable, the ordinance only requires 12.5%. Everything seems in order with this application; the biggest anomaly is the flagpole annexation, and that's a discussion better left to the Planning Commission.

I very much appreciate all that you do and represent in our County, Marilyn. Feel free to reach out if you'd like to chat about this further.

Best Regards,

Becky Gray

Director of Housing  
Chaffee County, Colorado  
719-239-1398

---

**From:** Read McCulloch <read@chaffeehousing.org>  
**Sent:** Sunday, January 24, 2021 12:49 PM  
**To:** Marilyn Bouldin >  
**Cc:** Becky Gray <bgray@chaffeeconomy.org>  
**Subject:** Re: Emailing: Letter and Petition 1-18-21

Marilyn,

Thank you for sharing this, I did know this opposition existed.

As indicated in Tory Upchurch's application, I've had conversations with them about including affordable housing in their development. Since we have an interest in the project being approved, please take my views accordingly.

I understand the concerns of neighbors who bought "rural" and are being faced with the urbanization of the periphery of Salida. The growth area should, by design, accommodate city density as it is contiguous with the rest of town. Growth should naturally proceed in concentric circles from the heart of town with highest density in the center and lessening as you move outwards. This is the leading edge of that. What we don't want it to make that new development less dense (R-1) so that it provides fewer homes, and pushes the spread of development even further into the "country". This comes at great cost in the long run to the City because they need to run longer services lines for fewer homes. This becomes a net operating loss for City services, which will result in higher fees for everyone. There is a lot of debate nationally about how R-1 zoning creates large expensive lots, that can't be changed in the future, making them exclusive

to higher income households (by accident or by design?). The inclusionary housing policy the City adopted is intended counter exclusivity, by design. The 12.5% is the highest ratio that developers and the City could stomach. 50% would be great, but not politically viable. If we put those 25 new homes further west or north where there is space to build, and they are on 2 or 5 acres, then we very effectively achieve the sprawl we all agree is not what is best. The Silver Spurge and Mesa Circle developments are similarly zoned R-3 for good reason. We need density to prevent sprawl. This is a logical progression.

Part of this debate is the conflict between existing, entitled landowners and the needs of a growing population with a serious housing problem and is becoming a full blown crisis (median home prices are now over \$500k, a 33% increase year over year according to the Realtors of Central Colorado). The community needs higher density. The nature of growth is that it pushes slowly outwards. Is it fair for those landowners near the edge, now that they're in their homes on spacious lots, can dictate what neighboring property owners can do? Should their individual concerns override the community's needs? The annexation policy is explicit on how a property gets annexed with the intent of being as fair as possible. Having properties on the edge tie into City infrastructure is desirable for all from an environmental perspective (wells and septic systems vs. City water/sewer) as well as cost.

As an active participant in HPAC, your perspective is important. You can give voice to the needs of the community, or give voice to the neighbors. **It is not an easy decision, I know. Clearly this issue has the potential of being contentious and divisive.** I think we all need to wade carefully and respectfully into these waters with a higher purpose top of mind.

I'd be happy to discuss this further with you or anyone else.

Thank you,

Read

Read McCulloch  
Executive Director  
(719) 239-1199  
[read@chaffeehousing.org](mailto:read@chaffeehousing.org)  
[www.chaffeehousing.org](http://www.chaffeehousing.org)  
PO Box 692  
Buena Vista, CO 81211



On Jan 24, 2021, at 12:03 PM, Marilyn Bouldin

> wrote:

Would either of you be willing to share your perspective on this to help me decide if I want to sign this petition?!

Thanks  
Marilyn

Sent from my iPhone

Begin forwarded message:

**From:** Marilyn Bouldin  
**Date:** January 23, 2021 at 5:34:54 PM MST  
**To:** Jean and Jim McPhetres [t](#)>, Janine Marr  
>, Mike Marr >, Miq Miquelon  
>, Ken and Linda Baker >, Linda  
Johnson >, Tina Fox >, Jeannine Aberg  
Maes < >, ICEJohn Bouldin >,  
Lourdes Smith >, Larry Zavadil >, Paula Bowman  
>, Patti Arthur >, Ann Lyford  
>, Pam Matthews >, Judy Myers  
>, Arika Bangart >, Jirina Myers  
>, Claudia Benson >, Megan  
Walshe >, Kristina And Joe Smith >,  
Craig and Nicole Oubre >, Terry Luckie  
>, Stephanie Micklich >, Sage Ryen  
>, Britt Hughes >, Elise Feier  
>, Walt Feier >, Mary and Tim Ebuna  
>, Rose Seavey < >, Meghan  
Barker >, Jim Seavey >, John and  
Marti Dodgen >, Shelly Michell < >, Lloyd  
Michell  
**Subject: Fwd: Emailing: Letter and Petition 1-18-21**

FYI. Read PDF attachment for more info.

<ITEM-Attachment-001-7928d6a67d0240e4bce25df6719dbe3f.pdf>

Begin forwarded message:

**From:** Cheryl Hardy-Moore >  
**Subject: Fwd: Emailing: Letter and Petition 1-18-21**  
**Date:** January 23, 2021 at 12:37:24 PM MST  
**To:** Marilyn Bouldin < >

Sent from my iPhone

Begin forwarded message:

**From:** Ann Daniels < >  
**Date:** January 23, 2021 at 11:41:55 AM MST  
**To:** [h](#)  
**Subject: FW: Emailing: Letter and Petition 1-18-21**

I am sending this out to you and anyone you know who would be willing to sign it. Please read it and then on the last page, above the Signature line, there is a small link that you click on, that will take you to a place where you sign your name, local address, email address and then submit. That's all you have to do. The information goes back to someone in my neighborhood, who will then prepare an excel spreadsheet with all names attached and we will then send that on to the Commissioners and City Council and others listed in the letter. I will send you the document from the City regarding Upchurch's plan. I'm going to have to dig around for it so that will come in a minute.

Thank you for your time and consideration regarding this issue. We really appreciate your help.

Ann S. Daniels

<Letter and Petition 1-18-21.docx>

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This message has been scanned for viruses and dangerous content by [MailScanner](#), and is believed to be clean.



**Chaffee County Government**  
PO Box 699 ~ 104 Crestone Ave, Salida, CO 81201  
719.539.2218 ~ [www.ChaffeeCounty.org](http://www.ChaffeeCounty.org)

## **Summary of Annexation Process between Chaffee County and City of Salida**

And its Applicability to the Upchurch Annexation Application

Prepared by Chaffee County Legal Department February 9, 2021

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### ***Disclaimer***

*This summary is provided as a courtesy for the Chaffee County constituents who may have questions regarding local annexation processes and governing statutes in the state of Colorado. It is not intended to serve as legal advice, nor to influence decisions regarding the Upchurch Annexation application specifically. If you have any specific questions about annexation you should consult an attorney.*

*All comments and questions regarding the Upchurch Annexation should be sent to the [City of Salida](mailto:PublicComment@cityofsalida.com) at [PublicComment@cityofsalida.com](mailto:PublicComment@cityofsalida.com).*

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### **Table of Contents**

Background on the Upchurch Annexation.....	1
What is an annexation and what are the applicable laws? .....	3
Is the Upchurch property eligible for annexation?.....	3
Who makes decisions about annexations?.....	4
How does the Intergovernmental Agreement factor into the annexation process? .....	4
What would the process be under the County’s Land Use Code? .....	5
What is a Petition for Annexations and Hearings? .....	5
Can a Petition for Annexation be Challenged? .....	6

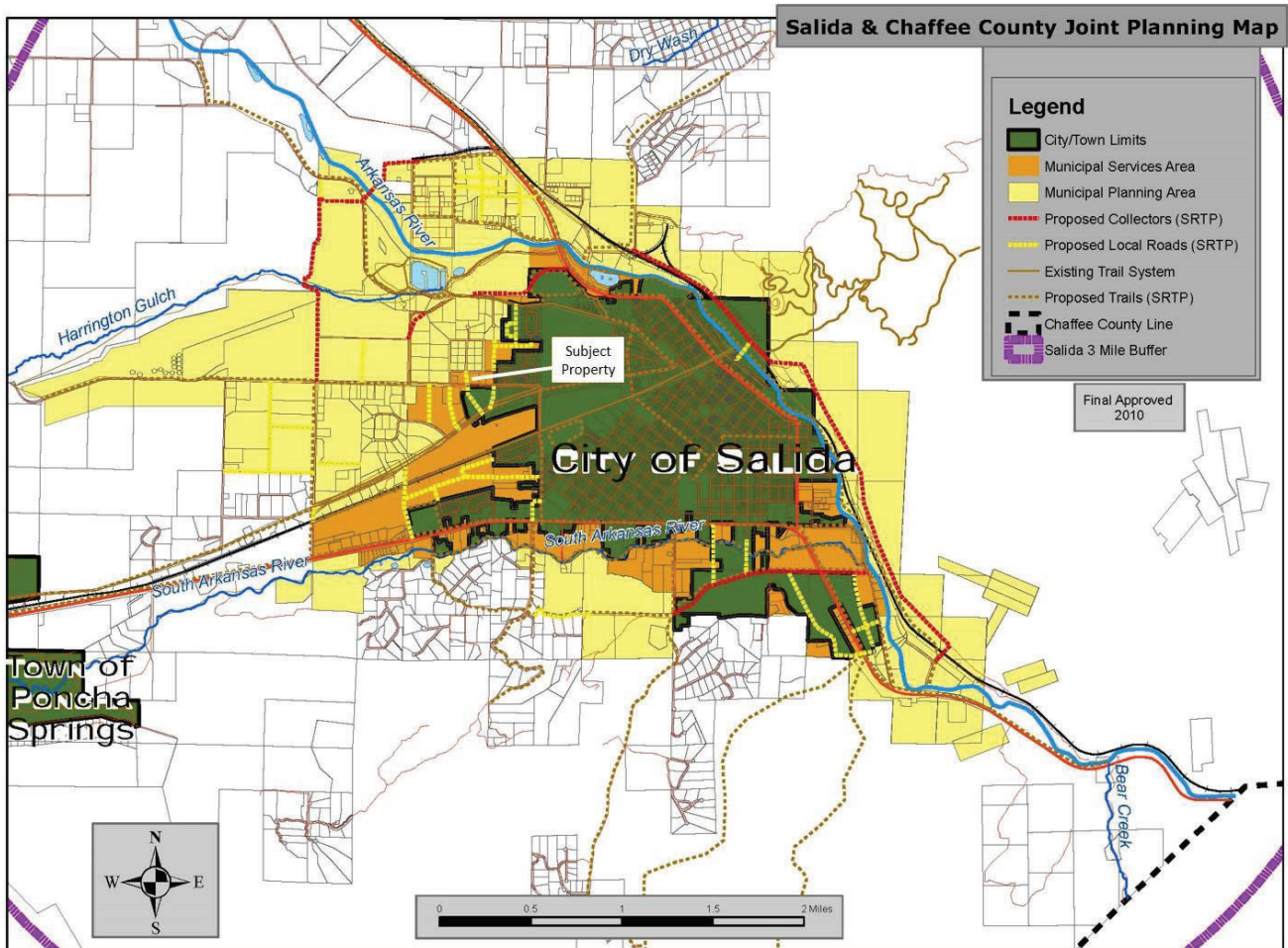
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### **Background on the Upchurch Annexation**

Chaffee County (“County”) elected officials and staff have received questions from community members regarding annexation and rezoning of land owned by Tory and Clee Upchurch (“Upchurch Annexation”) into the City of Salida (“City”). Annexation is the process of legally bringing a property into a different

municipality or jurisdiction; in this case it is a proposal to bring the Upchurch property into the City of Salida.

The Upchurch Annexation involves a 6.22-acre parcel of undeveloped land located between CR 140 and CR 141-A north of Shepherd Road. This parcel is located in unincorporated Chaffee County, just outside the Salida City limits.



Typically, any development or subdivision of property within the unincorporated County boundaries would need to follow the Chaffee County Land Use Code. However, based on the location of the Upchurch property, the owners can petition the City to annex the property into the City. The Upchurches submitted an application for Annexation to the City of Salida City Council and Salida Planning Commission for review at their January 4, 2021 work session. The application can be viewed [here](#).

Because the County has received numerous questions about the Upchurch Annexation, the County wishes to provide some clarification for the community's awareness and understanding.

## **What is an annexation and what are the applicable laws?**

An annexation is the process by which a municipality, such as a City or Town, incorporates new territory or property, either before or after development of that property has occurred. Colorado Revised Statute (C.R.S.) sets forth the laws governing this process. Specifically, C.R.S. § 31-12-101, *et seq.* is the Municipal Annexation Act of 1965 (“Annexation Act”), which establishes the process by which a municipality, like the City of Salida, incorporates territory through annexation.

The Annexation Act has been amended and has been held constitutional by Colorado Courts. The Courts have upheld the Annexation Act’s policy to encourage natural and well-ordered development of municipalities and not to discourage it. Annexation can take place in three ways:

1. landowner petitions;
2. annexation election; and
3. unilateral annexation of an enclave or municipally owned land.

The City may annex if it receives a petition for the annexation from a property owner(s) of a parcel of land or if for example, a neighborhood petitions to be annexed and the petition comprises of more than 50% of the landowners in the neighborhood that own more than 50% of the area/neighborhood to be annexed.<sup>1</sup>

In addition, C.R.S. § 31-12-104 creates the eligibility requirements for annexing into a municipality. Any property is eligible if the City finds at a public hearing that:

- “Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.” C.R.S. § 31-12-104(1)(a).
  - Although the Upchurch Annexation is separated from the City by County Road 140, a County right-of-way, the statute specifically states that contiguity is not affected by the existence of a platted public right-of way. *Id.*<sup>2</sup>
- A community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. C.R.S. § 31-12-104(1)(b).
  - The City can show compliance with these specific requirements based on the fact that the proposed Upchurch property meets the contiguity requirements. C.R.S. § 31-12-104(b).

## **Is the Upchurch property eligible for annexation?**

---

<sup>1</sup> Colo. Const. Art. II § 30(1)(b).

<sup>2</sup> “Contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, public lands, whether owned by the state, the United States, or an agency thereof, except county-owned open space, or a lake, reservoir, stream, or other natural or artificial waterway between the annexing municipality and the land proposed to be annexed.” C.R.S. § 31-12-104(1)(a)

The Upchurch property is eligible for annexation by the City. However, the City must decide whether the Upchurch Annexation meets statutory annexation requirements. Statutorily the City must find at a public hearing that:

1. The Upchurches are the owners of the property and have submitted a petition for annexation to the City.
2. The Upchurch Annexation fulfills eligibility criteria as defined through C.R.S. § 31-12-104(1)(a) and C.R.S. § 31-12-104(1)(b).
3. Approximately 860' (25.3%) of the property's boundary line is contiguous (next to) the City of Salida, meeting the minimum contiguous requirement of at least one-sixth (16.66%) of the property perimeter.

### **Who makes decisions about annexations?**

Generally, annexations are a process created by Colorado law and are controlled by Colorado law. Whether a property is annexed by a municipality is at the discretion of the municipality following the procedures required by law.

To annex a property, the City will have to follow the process and procedures as set forth in statute. They will need a petition to annex, then to set a hearing date with public notice, and make findings that the property is eligible for annexation based on the statutory standards.

Since annexations must follow the legal process, any objections to proposed annexations or annexation process must also be considered by the City at the annexation hearing. The City retains final authority for the decision to approval or deny the annexation petition.

### **How does the Intergovernmental Agreement factor into the annexation process?**

Intergovernmental Agreements ("IGA") are legal agreements that define how governmental entities, like the City and County, work together and set forth their respective responsibilities in collaborative endeavors. The City and County entered into an IGA on March 2, 2010 to coordinate annexation processes for properties that are subject to annexation or are within the City's Municipal Service Area ("MSA," for water/sewer utilities). See Map Page 2.

This 2010 IGA allows for coordination between the City and County to better encourage planned growth and facilitate an orderly annexation process. Specifically, the IGA states that annexation shall follow the standards as outlined in C.R.S. §§ 31-12-101 through 31-12-123 and in the City's annexation policies. It further states that annexation will generally occur only if requested by a property owner.

Under the IGA, a property within the City's Municipal Service Area is eligible for annexation and extension of municipal utilities and infrastructure as set forth by statute and the IGA.

The Upchurch property is within the City's MSA, meaning that the property is adjacent to City boundaries and immediately capable of being serviced by the City's existing sewer and water utilities and infrastructure. This means it is currently eligible for annexation under the IGA.

The IGA also requires the City to annex any County roads that are contiguous (next to) to the property being annexed. The annexed roads shall serve as principal access from the City to the property and any development(s) on it. Once the roads are annexed, the City will assume maintenance responsibilities. For any roads that are non-contiguous and/or that do not serve as principal access to the property, the County and City will negotiate on a case-by-case basis, and may require the developer of the annexed property to contribute improvements.

The IGA states that the County and City will consult and cooperate in assessing and mitigating impact from new developments, such as impacts from roads, utility services, and other impacts. Finally, consistent with C.R.S. § 31-12-108.5, the IGA states that an annexation impact report is not required for annexations of ten acres or less. Because the Upchurch Annexation is 6.22 acres, it does not require an impact report.

The IGA also outlines the process whereby the City can decline to immediately annex the property. Under this scenario, the property would be subject to joint review by the City and County and could be subject to City Development Standards through an agreed upon pre-annexation agreement between the City and property owner.

Typically, through the pre-annexation agreement the City can require the property owner to hook up to services/utilities and provides a time frame for when the property will be annexed in the future. If the City declined to annex the Upchurch property, it could be subject to a pre-annexation agreement and would follow the County's subdivision process under Chaffee County Land Use Code.

### **What would the process be under the County's Land Use Code?**

If a property is not annexed by the City it would be subject to the Chaffee County Land Use Code, to the IGA, and to any pre-annexation agreement as negotiated between the property owner and the City. If the property is served by both water and sewer, it would be allowed a density of 4 units per acre. For the Upchurch property, the current County Land Use Code would allow for a maximum of 24 units, based on its size of 6.22 acres.

Additionally, the owners could submit an application to the County for a Planned Unit Development, which could allow for increased development density. Any development through the County's Land Use Code would be reviewed by the County Planning Commission and Board of County Commissioners.

### **What is a Petition for Annexations and Hearings?**

Except in certain conditions, all annexations must be requested by the owners of the land being annexed. A hearing date and notice shall be given by the City pursuant to C.R.S. § 31-12-108. At the hearing the City will determine if the proposed annexation complies with C.R.S §§ 31-12-104 and 105. The hearing is governed by C.R.S. § 31-12-109 and allows any person to appear to present evidence upon any matter to be determined by the governing body in connection with the proposed annexation. At the conclusion of the hearing, the governing body shall set forth its findings of fact and determine if:

1. the annexation meets the requirements of C.R.S §§ 31-12-104 and 105;

2. if an election is required; and
3. whether or not additional terms and conditions are imposed.

### **Can a Petition for Annexation be Challenged?**

Under C.R.S. § 31-12-116 a district court may review an annexation proceeding when any landowner in the area proposed to be annexed, or the Board of County Commissioners of the area proposed to be annexed, or any municipality within 1 mile of the area proposed to be annexed believes itself to be aggrieved by the acts of the governing body of the annexing municipality in annexing the area. No other party has standing to bring a suit to challenge an annexation.

However, the Courts have determined that annexation review is a special statutory proceeding, granted by the legislature/statute, and is limited to a determination of whether the City Council has exceeded its jurisdiction or abused its discretion. Generally speaking, the Courts will give deference to the validity of an annexation, limiting any challenge to an annexation's validity to whether or not a municipality has substantially complied with the requirements of the statute.

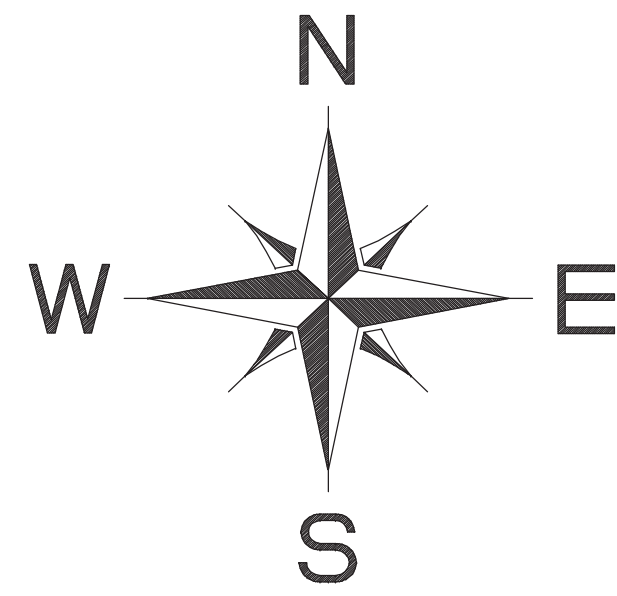
In other words, if a property meets eligibility requirements for annexation, and the City has followed applicable statutes and its own annexation policies and requirements of the existing IGA, its annexation decisions are generally deemed to be valid.

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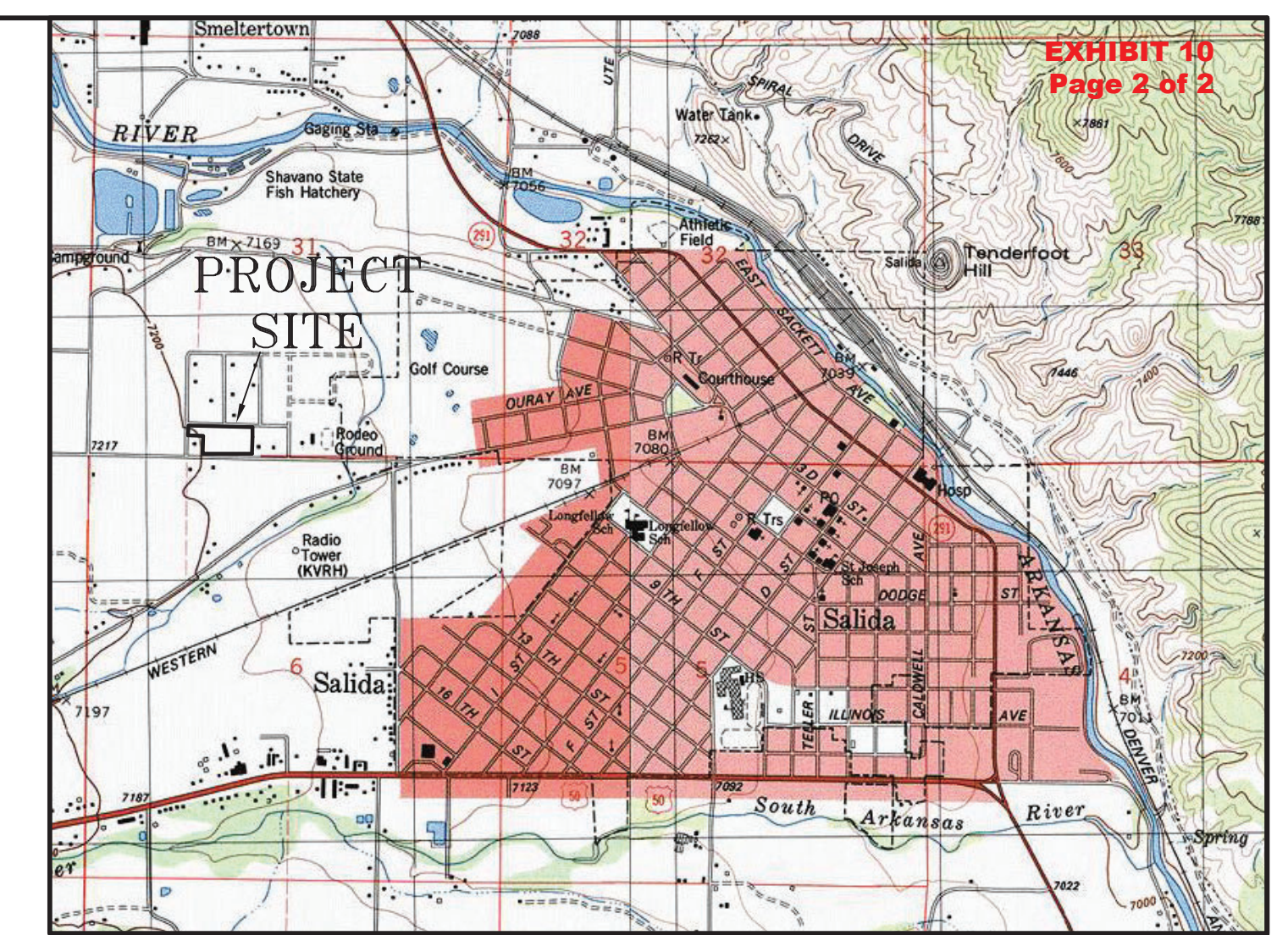


# UPCHURCH ANNEXATION TO THE CITY OF SALIDA

LOCATED IN THE SE 1/4 SW 1/4  
OF SECTION 31  
T50N R9E OF THE N.M.P.M.  
CHAFFEE COUNTY, COLORADO



SCALE  
1" = 50'

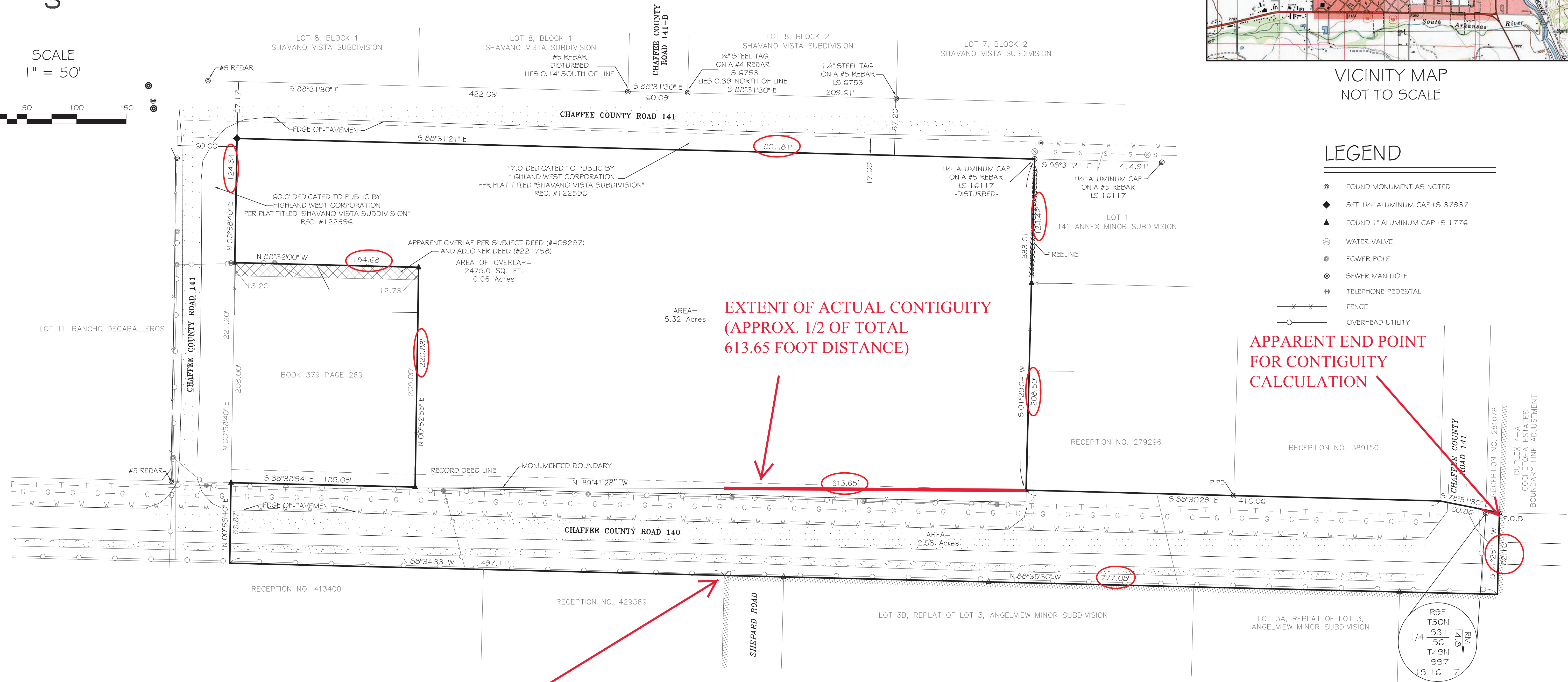


VICINITY MAP  
NOT TO SCALE

### LEGEND

- ⊙ FOUND MONUMENT AS NOTED
- ◆ SET 1 1/2" ALUMINUM CAP LS 37937
- ▲ FOUND 1" ALUMINUM CAP LS 1776
- ⊙ WATER VALVE
- ⊙ POWER POLE
- ⊙ SEWER MAN HOLE
- ⊙ TELEPHONE PEDESTAL
- × × × FENCE
- OVERHEAD UTILITY

APPARENT END POINT  
FOR CONTIGUITY  
CALCULATION

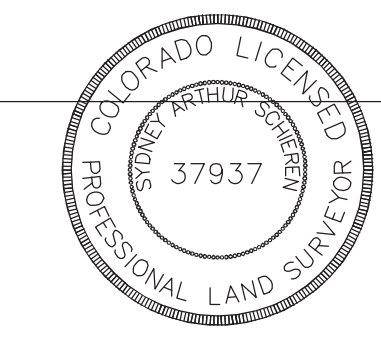


EXTENT OF ACTUAL CONTIGUITY  
(APPROX. 1/2 OF TOTAL  
613.65 FOOT DISTANCE)

APPARENT BEGINNING POINT  
FOR CONTIGUITY CALCULATION

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

**PRELIMINARY DRAFT**  
 INTENDED FOR REVIEW BY CLIENT



REVISED: FEBRUARY 11, 2021
JOB # 20165
DATE: NOVEMBER 19, 2020
SHEET 2 OF 2

**UPCHURCH ANNEXATION  
TO THE CITY OF SALIDA**

LOCATED IN THE SE 1/4 SW 1/4  
OF SECTION 31  
T50N R9E OF THE N.M.P.M.  
CHAFFEE COUNTY, COLORADO



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



# BOARD OF COUNTY COMMISSIONERS

PO Box 699  
SALIDA, CO 81201  
PHONE (719) 539-2218  
FAX (719) 539-7442  
WWW.CHAFFEECOUNTY.ORG

March 18, 2021

City of Salida  
Planning Commission  
448 E. First Street, Suite 112  
Salida, CO 81201

City of Salida  
City Council  
448 E. First Street, Suite 112  
Salida, CO 81201

Re: The City of Salida’s Annexation and Rezoning of an approximately 5.32 acre parcel of unincorporated and undeveloped land between CR 140 and CR 141-A North of Shepherd Road (“Upchurch Property”)

Dear City of Salida Planning Commission and City Council:

The Chaffee County Board of County Commissioner (“Board”) has reviewed the Annexation Application and Rezoning request for the Upchurch Property and wishes to submit written comments regarding potential impacts that the annexation and rezoning of the Upchurch Property may have on county residents. The Board understands that the Upchurch Property is subject to the procedures as outlined in the Intergovernmental Agreement (“IGA”) (first approved in 2008 and as amended in 2010) and has been identified for many years in the City of Salida’s (“City”) Three Mile Plan, Municipal Service Area and the City’s and County’s Joint Planning Map, as well as the County’s Comprehensive Plan 2020, as an area adjacent to the City’s boundaries that is eligible for annexation which can be served by City utilities and infrastructure. The Board is also aware that the newly adopted Comprehensive Plan 2020 identifies the Upchurch Property as mixed residential and an unincorporated area along a major transportation corridor appropriate for annexation and where higher densities may be appropriate.

The Board wishes to comment regarding the Upchurch Annexation and Rezoning in hopes of assisting in an application that can meet the goals of the above aforementioned plans, promote efficient public services and to bring attention to potential unintended impacts growth may have to county residents. Thus, the Board would like to make the following comments for your consideration:

- That the Upchurch Property be zoned Single-Family Residential (R-1), which provides for residential neighborhoods comprised of detached single-family dwelling at relatively low densities. However, if the City wishes to keep a higher density, such as Medium- Density Residential (R-2), the County would like the City to consider that only single-family dwelling be permitted on the smaller lots. The Board believes that single family residences would be consistent with the adjacent unincorporated neighborhood, which is zoned Residential.
- That the applicant dedicates the required right-of-way for all County Roads adjacent to the Upchurch Property and the City work with County staff to ensure that the right-of-way is consistent with currently dedicated right-of-way.
- That all ingress and egress for the Upchurch Property will be onto County Road 140, which will be annexed and maintained by the City.
- That the applicant understands that any driveways or roads that are accessed via a County maintained road will need to comply with the Chaffee County Land Use Code, will require a county driveway or road permit and if necessary, a traffic study.
- That county and city staff verify and confirm, which roads will be annexed and maintained by the city and as contemplated by the IGA.

We also believe that Chaffee County residents that live adjacent to the Upchurch Property will express additional comments and concerns, especially in regards to density, the character of the neighborhood and environmental impacts and we encourage the City to review and consider those comments in context with the County's comments and all applicable codes, statutes and plans. We look forward to working with the City during the review of this application. If we can provide the City with any information or clarification, please do not hesitate to contact County Administrator Bob Christiansen, who will be our main liaison for the Board with respect to this process.

Sincerely,

  
\_\_\_\_\_  
Commissioner Greg Felt

  
\_\_\_\_\_  
Commissioner Keith Baker

  
\_\_\_\_\_  
Commissioner Rusty Granzella



Bill Almquist <bill.almquist@cityofsalida.com>

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**Note re: 3-feet**

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Jon Roorda <jroorda@chaffeecounty.org>

Fri, Mar 19, 2021 at 4:01 PM

To: Bill Almquist <bill.almquist@cityofsalida.com>, Dan Swallow <dswallow@chaffeecounty.org>

Bill,

Based on conversations with the Director of Development Services and the Assistant County Attorney, Chaffee County will not require dedication of 3 feet of additional right-of-way for the east-west portion of CR 141 adjoining the proposed Upchurch Annexation.

Please contact me with any questions.

Thanks,

Jon Roorda, PLS

Chaffee County

Planning Manager

[Quoted text hidden]

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This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.

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This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.

**PLANNING COMMISSION STAFF REPORT**

**MEETING DATE:** March 22, 2021

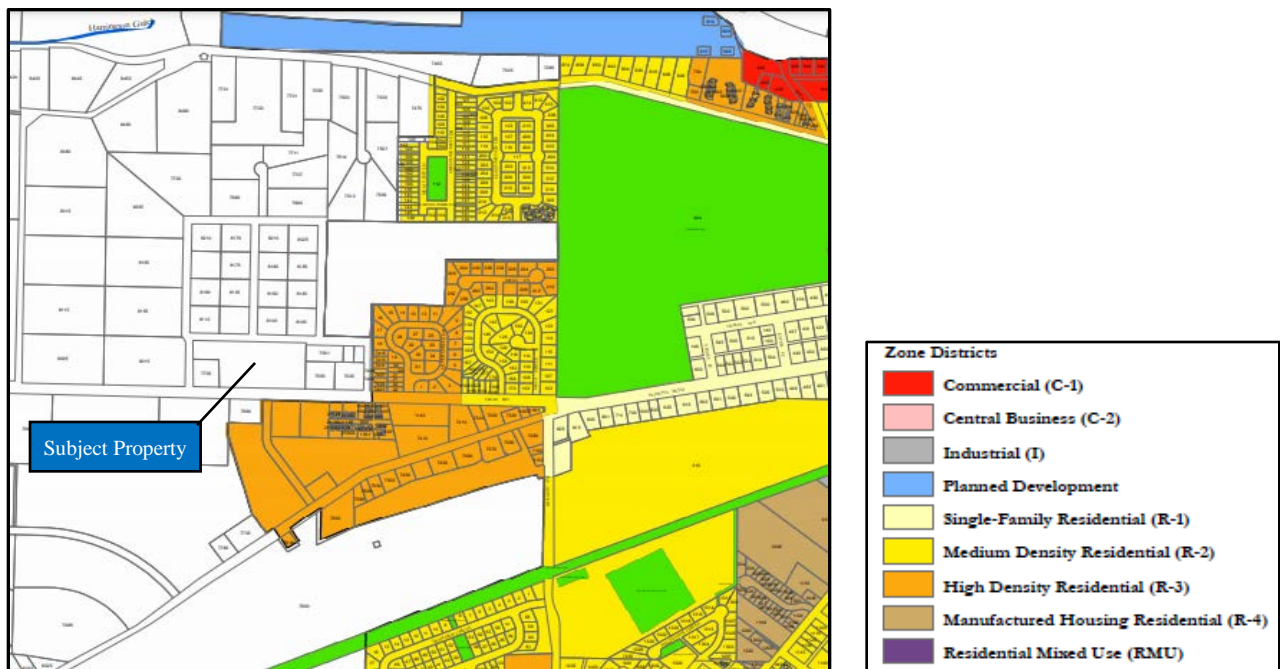
**AGENDA ITEM TITLE:** Recommendation on Proposed Zoning: Upchurch

**AGENDA SECTION:** Public Hearing

**REQUEST / BACKGROUND:**

The applicants, Tory and Cleo Upchurch, have requested approval to have their vacant 5.32 acre parcel zoned R-2, Medium-Density Residential, following approval of annexation of the same property into the City of Salida. The property is located between County Roads 140 and 141 (also known as Tract of Land Located in the Southeast Quarter of the Southwest Quarter of Section 31, Township 50 North, Range 9 East of the New Mexico Principal Meridian, Chaffee County, Colorado), as shown on the portion of the City’s address and zoning map below.

The applicants submitted their applications for both annexation and zoning on December 14, 2020. The original zoning request was for R-3, High-Density Residential. A conceptual review meeting was held with Planning Commission and Council on January 4, 2021. Following feedback that the applicant received from neighbors both directly and indirectly after the meeting was reported, the applicant submitted a slightly revised application on February 8, 2021 to request R-2 zoning, along with an updated annexation plat requested by the City and County. The application was subsequently deemed complete and City Council passed Resolution No. 2021-04 on March 2, 2021 finding the annexation petition to be in substantial compliance with state statutes and setting public hearing on the petition for April 20, 2021. The hearing for zoning will be conducted the same day.



**Surrounding Land Use and Zoning:** The subject property is currently located within County jurisdiction, at the edge of the City’s Municipal Services Area. The properties to the north, west, and immediately east are all zoned RES, Residential within the County, and consist of single-family homes. The properties to the south/southeast, across CR 140, are primarily within City limits and are zoned R-3, High-Density Residential and are currently being built out with multi-plex condominiums and are planned for other forms of multi-family units. Additional R-3 zoned properties are located approximately 500 feet to the east and are built out with a variety of single-family homes and duplexes. There are other properties zoned R-3 and R-2, Medium-Density Residential less than ¼ mile to the east that are also built out with a variety of single-family homes, duplexes, multi-family apartments, and a large church. There is also a narrow band of R-1, Single-Family Residential along Poncha Blvd just over ¼ mile away to the east. See area photos below:



Subject property with single-family properties to the north (County)



Single-family properties west of subject property (County)



Subject property with R-3/Multi-family homes to the SE (City)



Close-up of multi-family development to the S/SE (City)



Duplexes at CR 140/141 east of the subject prop (R-3) (City)



Single-family within Cochetopa Estates (R-3) to the east (City)

### ZONING REQUEST

The applicants are requesting R-2, Medium-Density Residential zoning with the idea of eventually subdividing the property and developing them with a variety of single-family, duplex and multi-family units, as allowed by the zone district. Though no formal proposal has been submitted, a couple of conceptual subdivision designs have been shared with the City at public meetings on January 4, 2021 and March 2, 2021 as ideas for what could be planned for the property—each showing approximately 27 lots.

The applicants have indicated to staff an interest in locating single-family homes along the northern and western perimeters of the site and locating duplexes and other multi-family types on the southern and eastern portions of the property—across from R-3 zoned properties on the other side of CR 140. The applicants have also indicated interest in potentially requesting a future rezone of those southern and eastern lots to R-3 in order to accommodate multi-family and affordable/attainable housing. Such a “split-zoning” of the development site is not possible prior to an approved subdivision, because zoning must follow lot lines. Therefore, the applicants are requesting R-2 until a future subdivision is approved and the property is eligible for such a rezoning.

### ZONING REVIEW STANDARDS

There are four review standards specific to a Zoning/Rezoning application [Sec. 16-4-210(c)]:

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

**Applicants’ response:** *We will request to be zoned R2 which matches the existing zoning of the surrounding development along CR 140. Utilities are available adjacent to the property and will be extended along CR 140 and CR 141.*

**Staff Review:**

The City of Salida Comprehensive Plan does not specifically contemplate a desired future zoning for this parcel; however, Page 3-8 discusses the potential for infill development in areas to be annexed, specifically on the west side of town:

“The city has identified several areas of vacant residential parcels for infill development. In fact, the majority of land identified for infill has been identified for residential development. *Most of the vacant residential land exists to the west of the city and much of it exists within the city’s Municipal Services Area, which would require annexation to develop it to city standards.*” (Emphasis added)

The following Policy and Action Items are also quite relevant to this zoning request:

- Policy LU&G-I.1— New development within the city shall make the most appropriate use of the land using design standards that enhance and complement the historic built environment of the city.

Action LU&G-I.1.a.— Amend Salida’s Land Use Code and Zoning Map to advance the objectives of this plan and consider appropriate zoning designations, densities and overlays that utilize setbacks and promote the traditional historic built environment.

Action LU&G-I.1.b.—New development should complement the neighborhood’s mass and scale.

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

Action LU&G-I.1.b.—Encourage projects to use maximum density allowances to make the best use of the available infrastructure.

Action LU&G-I.2.c.—Focus new development in the Salida area within the Municipal Services Area to ensure adequate provision of services and limit sprawl development around the city.

- Policy LU&G-I.4—Respect rights of private landowners through open and inclusive public processes.

Action LU&G-I.4.a.—Changes to the Land Use Code and Zoning Map shall include public process in accordance with local and state laws.

Action LU&G-I.2.c. is particularly relevant to the request, as it speaks directly to focusing new development within the Municipal Services Area (MSA), where considerable investment was made and services are already available, “to...limit sprawl development *around* the city” (i.e outside of the MSA/in other County areas). It should be noted that, unlike some cities, our city center is also our historic downtown district, which is quite restrictive on the types of redevelopment that can happen with existing buildings. Furthermore, most lots near the core area of town are smaller in size, individually-owned, and already developed with housing units at or close to the allowed maximum density. So, it stands that some of the most developable areas in the City, where the most housing is able to be provided are either within our commercial districts or in certain locations near or at the edge of town, especially near adequately designed transportation corridors. The boundaries of the MSA were intentionally and specifically created around these areas.

Staff finds that the applicants’ proposal to zone the property R-2, allowing for a mix of single-family and multi-family units, supports the policies and action items of the Comprehensive Plan. The applicants’ stated intention to develop only single-family dwellings on the northern and western perimeters of the property (which represent the edge of the Municipal Services Area) also provides a reasonable transition between City and County development.

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.

**Applicants’ response:** (From narrative) *The current plan is to build a combination of single family and multi-family units that consist of mid-high end design and finishes...*

**Staff Review:**

Per the land use code, the purpose of the Medium-Density Residential (R-2) zone district is: “to provide for residential neighborhoods comprised of detached single-family dwellings, duplex dwellings, and multi-family residences on smaller lots than are permitted in the Single-Family Residential (R-1) zone district, allowing for slightly greater overall densities.” The applicants’ stated intent to build a combination of single-family and multi-family units is consistent with the above purpose. The applicants’ narrative indicates an intent to build “25+” units; however, the number would likely be more than that if 27 lots are to be developed with “a combination of single-family and multi-family units.” Again, though, no formal proposal has been submitted and the purpose of this particular request is to assign a singular zone district to the property. Any future land use proposal will need to go through the appropriate review process, including a Major Impact Review for subdivisions greater than five lots. This standard is met.

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

**Applicants’ response:** (From narrative) *We will request to rezone the property to R2 which is consistent with the comprehensive plan and compatible with surrounding districts and uses.* (From application) *We are building residential units which are compatible with the surrounding developments.*

**Staff Review:**

The in-City zone districts closest to the subject property are almost entirely zoned R-3, High-Density Residential. The Angelview development located across CR 140 from the subject property is made up of primarily multi-family units, and Cochetopa Estates which is located approximately 500 feet away to the east is a mix of single-family and duplexes. As mentioned above, There are other properties zoned R-3 and R-2, Medium-Density Residential less than ¼ mile to the east that are also built out with a variety of single-family homes, duplexes, multi-family apartments, and a large church. There is also a narrow band of R-1, Single-Family Residential along Poncha Blvd approximately ½ mile away to the east. The types of development permitted by the proposed amendment (and which the applicants have referenced) would be compatible with existing zone districts, land uses, and mixed housing types and character of nearby properties within city limits.

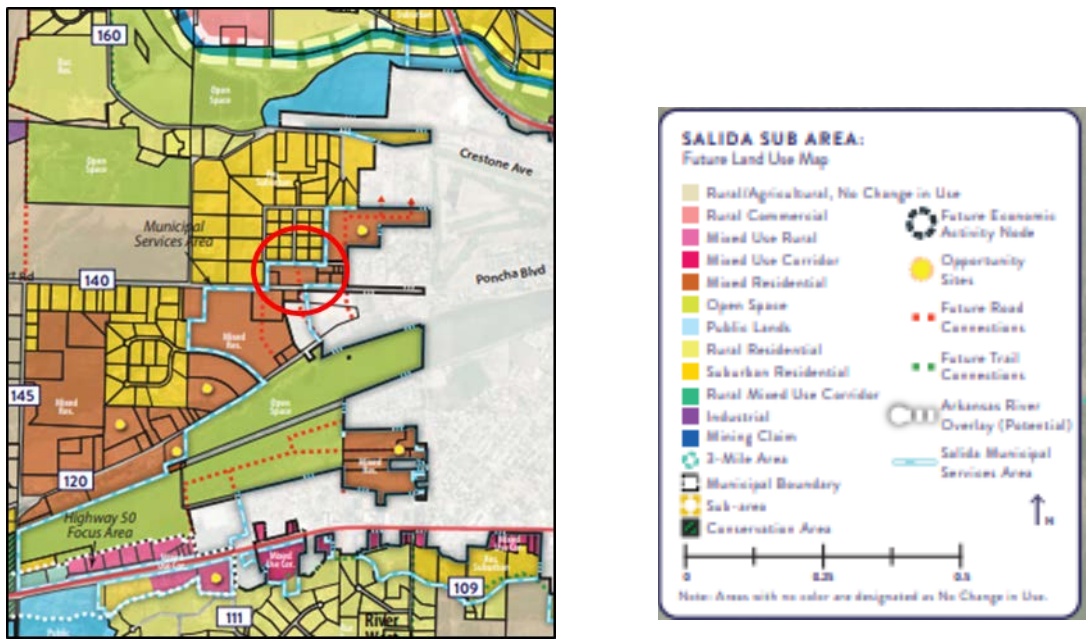
Although the review standard contemplates compatibility with zone districts and uses within city limits, it should be noted that the subject property sits at the edge of the Municipal Service Area, and is therefore surrounded primarily on the north and west sides by other properties within the county. It is anticipated that the majority of those properties outside of the MSA (especially directly to the north and west) will remain outside the MSA for the foreseeable future, and are therefore unlikely to redevelop anytime soon. Current County zoning of both the subject property, as well as the properties across CR 141 to the north and west, is RES, Residential, which allows 1-4 DU/Acre. However, the County’s recently adopted Future Land Use Map creates a distinction between the subject property (along with adjacent properties east and west) and those in the area *outside* of the MSA. Those properties across CR 141 to the north and west (outside the MSA) are designated “Suburban Residential,” which is defined in the County’s Comprehensive Plan as:

Areas in or near existing communities or along major transportation corridors that are included in Intergovernmental Agreements and where municipal services may be extended in the future. Generally low density residential intended to support affordable and attainable housing goals with a diversity of housing types to serve a range of income levels.

The density range for Suburban Residential is 1-4 DU/Acre, the same as the current RES zone.

By contrast, the subject property (along with adjacent properties east and west) is designated “Mixed Residential,” which is defined in the County’s Comprehensive Plan as:

Areas desired for annexation adjacent to existing incorporated or unincorporated communities or along major transportation corridors where higher densities may be appropriate and near existing water and/or sanitation utilities. Envisioned to accommodate a mix of housing types and residential densities, affordable housing, institutional uses such as schools or public facilities, and appropriately-scaled commercial uses appropriate for walkable amenities. Encourages non-traditional subdivision design with smaller lots and conservation subdivisions to promote a more compact developmental form.



<b>Suburban Residential</b>	1-4 DU/Acre	Areas in or near existing communities or along major transportation corridors that are included in Intergovernmental Agreements and where municipal services may be extended in the future. Generally low density residential intended to support affordable and attainable housing goals with a diversity of housing types to serve a range of income levels.
<b>Mixed Residential</b>	4-16 DU/Acre	Areas desired for annexation adjacent to existing incorporated or unincorporated communities or along major transportation corridors where higher densities may be appropriate and near existing water and/or sanitation utilities. Envisioned to accommodate a mix of housing types and residential densities, affordable housing, institutional uses such as schools or public facilities, and appropriately scaled commercial uses appropriate for walkable amenities. Encourages non-traditional subdivision design with smaller lots and conservation subdivisions to promote a more compact development form.

The density range for Mixed Residential is 4-16 DU/Acre, a four-fold increase from the Suburban Residential and RES zones. Therefore, both the City and the County’s Comprehensive Plans have contemplated the important role that lands *within* the MSA will play in preventing sprawl in areas *outside* the MSA while continuing to meet housing needs and providing services.

For comparison to the County’s anticipated densities, the maximum allowable density within Salida’s R-2 zone works out to approximately 13 DU/Acre and the R-3 zone allows up to 18 DU/Acre. These numbers are all *gross* density calculations, however, and it is noted that public roads and infrastructure reduce the developability of parcels, often by as much as 25% or more within a subdivision. Therefore, the applicants’ current request for R-2, Medium-Density Residential zoning meets the standards for compatibility with both the existing R-3 and R-2 zoned properties within the City to the east and south, *as well as* the County’s own designation for the property and other adjacent properties within the MSA.

Specific compatibility with the single-family, lower-density homes outside of the MSA, across CR 141 from the subject property may also be taken into account here, especially given the low likelihood that they will be included in the MSA in the foreseeable future. Such compatibility was also considered in the related annexation application. Staff supports zoning the subject property to Medium-Density Residential (R-2) and previously provided the following recommended condition of approval for the annexation agreement:

Any future lots that are located along the western and northern perimeter of the site shall be intended for single-family dwellings only. Accessory dwelling units will be allowed on such lots per City of Salida review standards, but will be subject to the same frontage restrictions of the primary dwellings.

With or without the above condition attached to the annexation agreement, staff believes this standard is met; however, staff feels such consideration is certainly warranted.

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

The proposed zoning is occurring because of the requirement to zone property annexed to the City in accordance with Section 16-4-50 of the Land Use and Development Code. The only changed conditions of note are the recent development in the area (primarily across CR 140) and the recent adoption of the County’s Comprehensive Plan and Future Land Use Map discussed in #3 above. Otherwise, this standard is not applicable.

**RESPONSES FROM REFERRAL DEPARTMENTS AND AGENCIES:**

- City of Salida Fire Department: Kathy Rohrich, Assistant Fire Chief, responded “Fire Department is good with the annexation. We would just need to see the changes in the subdivision design in the future.
- City of Salida Police Department: Chief Russ Johnson responded “No issues with PD.”
- City of Salida Finance Department: Aimee Tihonovich, Finance Director responded “No comments.”

- City of Salida Public Works Department: Public Works Director David Lady responded “The development is located within the municipal services area boundary for water and sewer. The portion of road shown to be annexed is based on feedback from the County with the presumption that lots within the development will not be fronting roads that are not being annexed. Annexed roads shall be improved to City Standards as previously discussed at time of development.
- Chaffee County Development Services Department: No comment received. However, City and County staff have discussed the request, per the intergovernmental agreement, and those discussions have led to some of the recommended conditions of the annexation agreement. The Chaffee County Board of Commissioners has also provided a comment letter which is included in the hearing packet.
- Chaffee County Housing Office: Becky Gray, Director of Housing responded “Within the word doc named ‘Salida Narrative,’ the applicant stated he has been in communication with the Chaffee Housing Authority, and named Read McCulloch as his point of contact. The applicant is confusing the Chaffee Housing Trust and the Chaffee Housing Authority, as I have had no direct conversation with the applicant. It would likely be beneficial to speak with both entities, as each can offer a different approach to permanent affordability of the inclusionary housing units.
- Chaffee County Assessor’s Office: No comments received.
- Atmos Energy: Dan Higgins responded “For your information, Atmos Energy has a main along CR 141 and may be able to serve this subdivision with it pending an executed main extension contract and engineering review of capacity needs. No other comments from Atmos Energy.”
- Xcel Energy: No comments received.
- Charter Communications: No comments received
- CenturyLink: No comments received
- Salida School District: No comments received
- Town of Poncha Springs: No comments received

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission recommend the Council approve the proposed zoning to R-2, Medium-Density Residential and notes that a condition recommended for inclusion in the annexation agreement will create greater compatibility with properties across CR 141 that are not within the Municipal Services Area.

**RECOMMENDED MOTION:**

“I make a motion to recommend the City Council approve the proposed zoning of the subject site to R-2, Medium-Density Residential District, as it meets the review standards for a zoning/rezoning.”

Attachments:

Proof of Publication; Application for Zoning; Conceptual Subdivision Designs from 01/04/21 & 03/02/21; Public Comments; Letter from Huckstep Law, LLC; Letter from Chaffee County Board of Commissioners;

**PUBLIC NOTICE  
NOTICE OF PUBLIC HEARING BEFORE  
THE PLANNING COMMISSION FOR  
THE CITY OF SALIDA CONCERNING  
ANNEXATION AND ZONING  
APPLICATIONS**

**TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE** that on March 22, 2021 at or about the hour of 6:00 p.m., a public hearing will be conducted by the City of Salida Planning Commission remotely through the GoToWebinar application via the following direct link: <https://register.gotowebinar.com/rt/1909092342220683277>. Additionally, depending on which "Tier" of its COVID-19 Action Plan the City of Salida is in on March 22, 2021, based upon Public Health Department guidance, the hearing may also take place in the City Council Chambers, 448 East 1st Street, Salida, Colorado. The hearings concern applications for annexation and zoning of a 5.32 acre property located between County Road 140 and County Road 141, legally known as a Tract in the SE ¼ SW ¼ of Section 31 T50N R9E of the N.M.P.M., Chaffee County, Colorado. The applications have been submitted by the owners, Tory and Clee Upchurch.

The City is currently considering the petition to annex and zone the subject property into the City. The general purpose of the hearings is to review the annexation map and supportive information and to consider the applicant's request to zone the property Medium-Density Residential (R-2). Any recommendation by the Planning Commission for the Annexation and Zoning shall be forwarded to the City Council for review and a public hearing, currently scheduled for April 20, 2021.

Interested persons are encouraged to attend the public hearing. Further information on the application may be obtained from the Community Development Department, (719) 530-2634.

\*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. To review the City's social distancing policy and other regulations, please visit: <https://cityofsalida.com/administration/page/covid-19-information>  
Published in The Mountain Mail March 5, 2021



# 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)

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Annexation               | <input type="checkbox"/> Administrative Review:<br>(Type) _____                               |
| <input type="checkbox"/> Pre-Annexation Agreement            | <input type="checkbox"/> Limited Impact Review:<br>(Type) _____                               |
| <input type="checkbox"/> Variance                            | <input checked="" type="checkbox"/> Major Impact Review:<br>(Type) <sup>P2 Zoning</sup> _____ |
| <input type="checkbox"/> Appeal Application (Interpretation) | <input type="checkbox"/> Other: _____   |
| <input type="checkbox"/> Certificate of Approval             |   |
| <input type="checkbox"/> Creative Sign Permit                |   |
| <input type="checkbox"/> Historic Landmark/District          |   |
| <input type="checkbox"/> License to Encroach                 |   |
| <input type="checkbox"/> Text Amendment to Land Use Code     |   |
| <input type="checkbox"/> Watershed Protection Permit         |   |
| <input type="checkbox"/> Conditional Use                     |   |

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

### A. Applicant Information

Name of Applicant: Tory Upchurch

Mailing Address: 2112 Ann Arbor Ave

Telephone Number: 512.826.6152 FAX: \_\_\_\_\_

Email Address: toryup@gmail.com

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

### B. Site Data

Name of Development: Upchurch Development

Street Address: Between CR 140 and CR 141 North of Sheppard Rd

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_ (attach description)

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

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

Signature of applicant/agent:  Date: 2/2/21

Signature of property owner:  Date: 2/2/21

My name is Tory Upchurch and my wife (Clee and I) love Salida. We used to live in Colorado and have been trying for years to find a town that fits us. We bought this land with the goal of eventually building a house for permanent residency so our goal is not to “get in and get out”. Our goal is to build relationships as we work through the project. I will be partnering with a friend of mine Ravi Reddy who is a developer by trade and has a great deal of experience navigating large projects and working through permitting and city process. We will like raise some money for friends and family for part of the financing of this project but will also be working with a bank (preferably local to Salida) for a majority of the financing.

In terms of location, we believe that the property is in a desirable area in terms of annexation. There are not many (if any) properties that would be available for annexation in the near future. Additionally, this property meets the City of Salida’s 1/6 contiguity rule and will be zoned consistently with other City properties in the vicinity. We will work with Public Works regarding utility extensions and public improvements.

In terms of costs and benefits, we plan to build 25+ units which will greatly relieve the housing availability stress that Salida is feeling right now and add to the tax base for the City of Salida. We will also work with the city and Chaffee County Housing Authority to provide affordable housing according the requirements set forth. I have already started a conversation with Read McCulloch at the Chaffee County Housing Authority to discuss options for working with them.

In terms of public facilities and services, we will be connecting to the water/sewer lines that already exist on CR 141 and CR 140 and extending them throughout the development. We also plan to build a public use city park in the center of the development that will be HOA maintained.

The current plan is to build a combination of single family and multi-family units that consist of mid-high end design and finishes. Our goal is to be a permanent resident in Salida at some point and we will ensure that our development adds a positive visual impact on the city for the long run.

Additionally, we will request to rezone the property to R2 which is consistent with the comprehensive plan and compatible with surrounding districts and uses.

Tory Upchurch  
512.826.6152



# LIMITED IMPACT & MAJOR IMPACT SUBMITTAL REQUIREMENTS

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

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

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

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

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

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

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

7. Developments involving construction shall provide the following information:

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

a. The locations of existing and proposed land uses, the number of dwelling units and the square footage of building space devoted to each use;

b. The location and dimensions, including building heights, of all existing and proposed Buildings or structures and setbacks from lot lines or building envelopes where exact dimensions are not available;

c. Parking spaces;

d. Utility distribution systems, utility lines, and utility easements;

e. Drainage improvements and drainage easements;

f. Roads, alleys, curbs, curb cuts and other access improvements;

g. Any other improvements;

h. Any proposed reservations or dedications of public right-of-way, easements or other public lands, and

i. Existing topography and any proposed changes in topography, using five-foot contour intervals or ten-foot contour intervals in rugged topography.

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

a. Utility plans for water, sanitary sewer, storm sewer, electric, gas and telephone lines;

b. Plans and profiles for sanitary and storm sewers; and

c. Profiles for municipal water lines; and

d. Street plans and profiles.

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

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

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

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

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

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

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

(iv) Engineering specifications for any improvements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**1. Consistency with Comprehensive Plan.** The use shall be consistent with the City’s Comprehensive Plan.  
We will request to be zoned R2 which matches the existing zoning of the surrounding developments along CR 140. Utilities are available adjacent to the property and we will be extended along CR 140 and CR 141.

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

- a. **Zoning District Standards.** The purpose of the zone district in which it is located, the dimensional standards of that zone district, and any standards applicable to the particular use, all as specified in Article 5, Use and Dimensional Standards.  
  
Any future development will meet R2 Zoning requirements and site development standards.

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

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

We will ensure that our project does not cause unnecessary nuisances to the neighborhood.

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

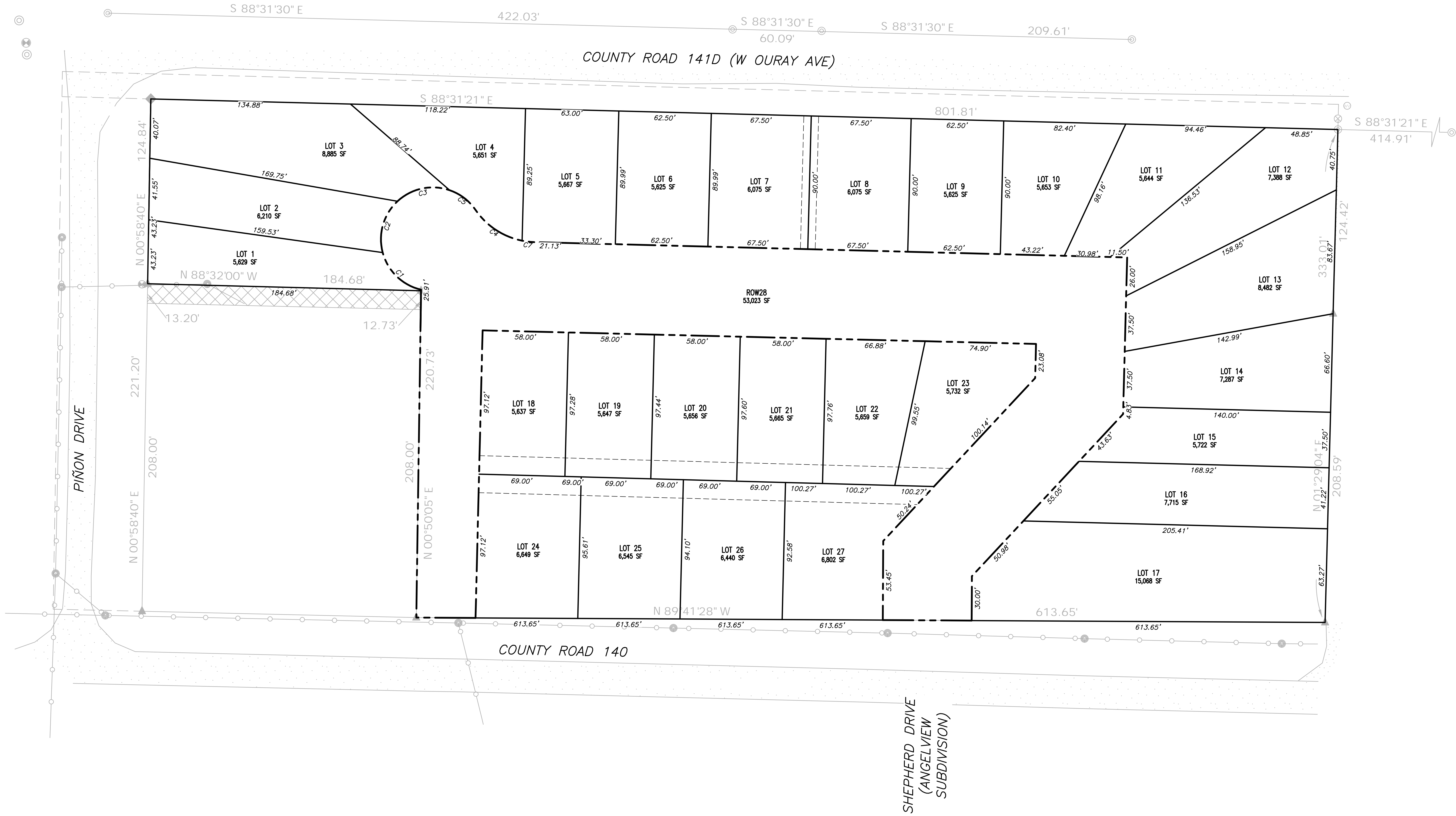
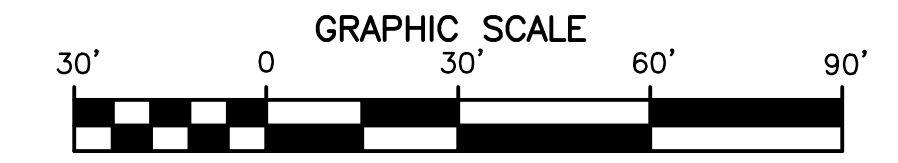
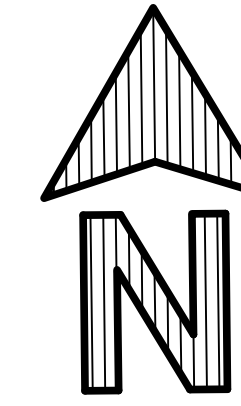
We provide public facilities and propose any necessary improvements.

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

There are no unique environmental resources required on this project and there will be little to no impact on the environment.



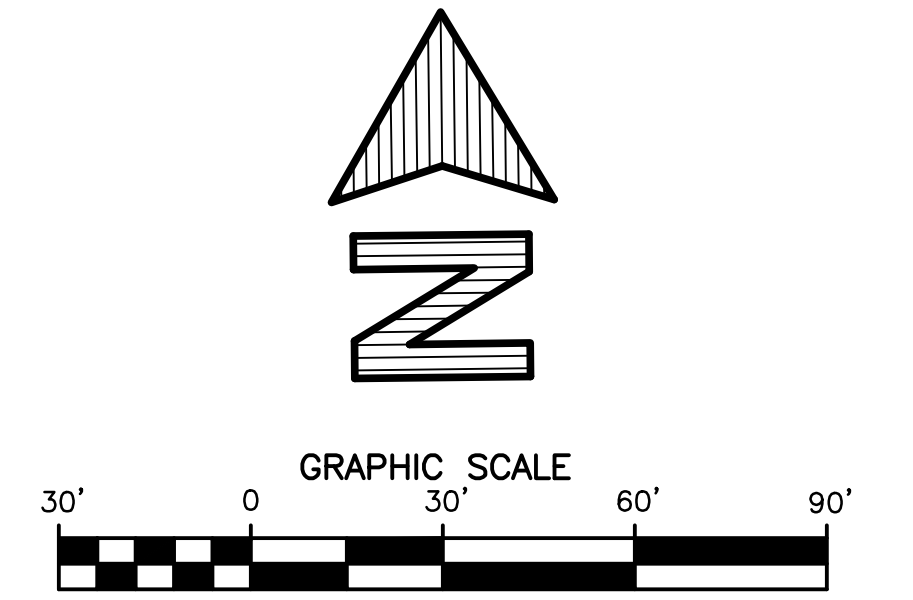
# UPCHURCH ANNEXATION SUBDIVISION SKETCH PLAN OPT. 4



5/1/2023 10:50:10 AM \\CADD\3308252242.dwg User: R. SCHWAB 1/27/2023 11:53:55 AM

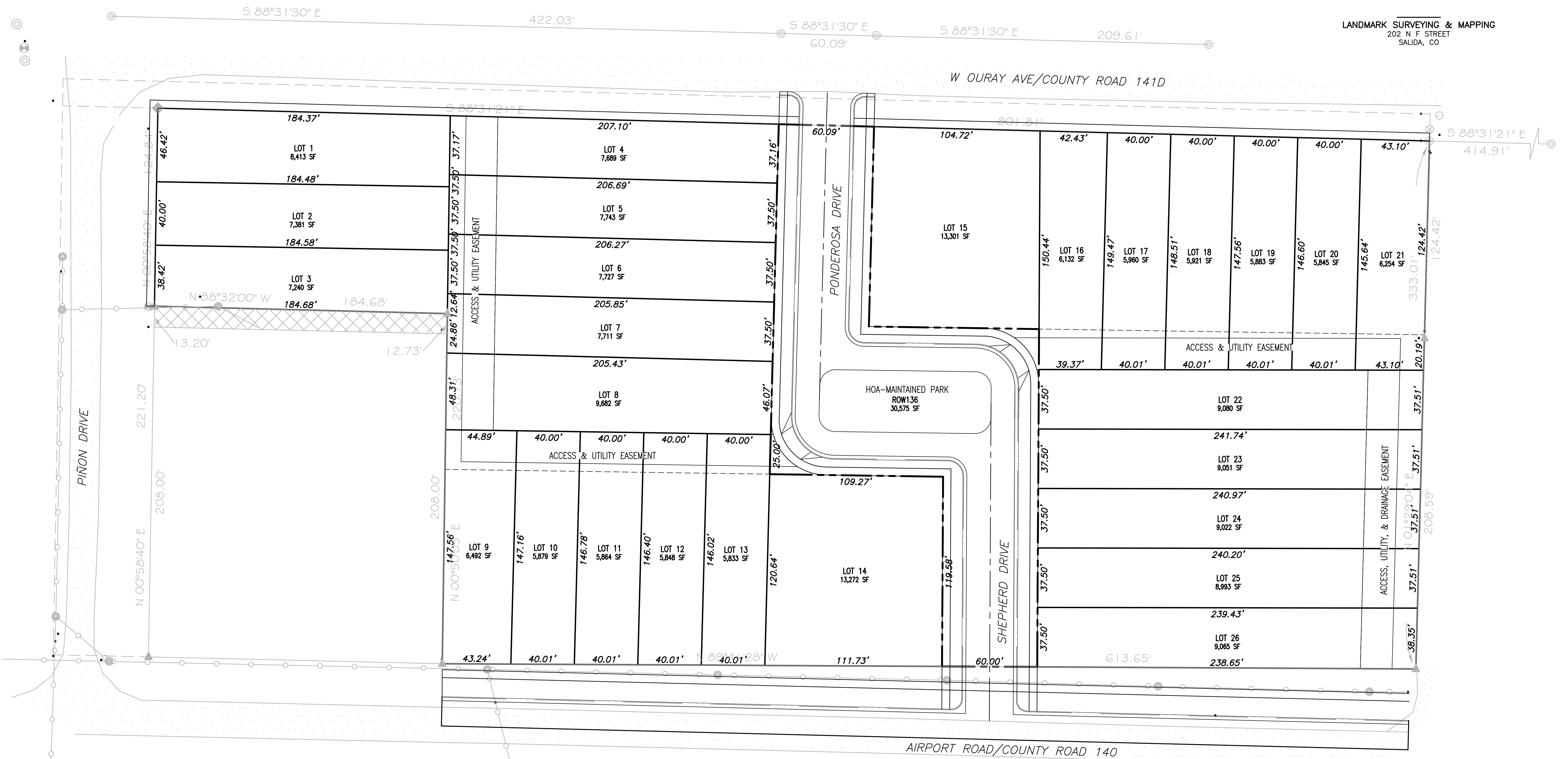
# UPCHURCH ANNEXATION PRELIMINARY CONCEPTUAL PLAN

11/25/20



PREPARED BY:  
**CRABTREE GROUP INC.**  
ENGINEERING SMART GROWTH™

LANDMARK SURVEYING & MAPPING  
202 N F STREET  
SALIDA, CO





Bill Almquist <bill.almquist@cityofsalida.com>

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## City of Salida, Upchurch Addition Comment

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Jeff Myers <jeff@landmen.com>

Mon, Mar 8, 2021 at 10:39 AM

To: "pt.wood@salidaelected.com" <pt.wood@salidaelected.com>, "dan.shore@salidaelected.com" <dan.shore@salidaelected.com>, "jane.templeton@salidaelected.com" <jane.templeton@salidaelected.com>, "Justin.critelli@salidaelected.com" <Justin.critelli@salidaelected.com>, "mike.pollock@salidaelected.com" <mike.pollock@salidaelected.com>, "harald.kasper@salidaelected.com" <harald.kasper@salidaelected.com>, "alisa.pappenfort@salidaelected.com" <alisa.pappenfort@salidaelected.com>  
Cc: "bill.almquist@cityofsalida.com" <bill.almquist@cityofsalida.com>, "kristi.jefferson@cityofsalida.com" <kristi.jefferson@cityofsalida.com>

We do not know each other but I have received notice in the mail from the City of Salida, Colorado, about a proposed new development adjacent to my home and since it says we can comment, I feel compelled to offer my input.

My name is Jeff Myers. My wife and I are property owners of a 5 acre parcel at [8155 CR 141](#), in Salida, CO, which is directly adjacent and contiguous on the corners to the newly proposed above referenced addition.

Since we own an adjacent property and one of the largest homes in the affected area , which would, therefore, normally be one of the most valuable pieces of property and one of the most affected in value by this proposed development, I would like to make a comment.

While we all know about the need for more affordable housing in our area, I would like to ask each of you to take a journey outside of your present positions and imagine for a moment that you have been placed in our shoes.

If you can go there, you will find yourself as being retired and living in a 4,000+ square foot home directly caddy-corner to the subject property, that you have invested over seven figures and a substantial portion of your hard earned net worth into.

Now imagine if you can that you have been asked to approve something to be built right next to you that will certainly affect one of your largest investments in such a manner that literally overnight will no doubt reduce the value of your property over \$200,000.

Since you are an elected official or city employee, it is apparent that you are at or above the normal intelligence level of the populace. I would submit to you that committing "economic suicide" to your estate by approving something that would create such an impact on you would not be wise.

Assuming that you are not Warren Buffet's or Bill Gate's child, which we are not, you would admit that approving something like this is not in your best interest.

If you have been successful in visualizing the situation that we find ourselves in, I believe that you can now appreciate our position on this proposal and can much better understand its overall impact on us and other adjoining property owners.

For any thinking, reasonably intelligent person to believe for even a moment that this proposed development will not have a substantial negative impact on people in our position is not utilizing critical thinking and would not be something we would knowingly inflict on ourselves.

I will point out that even the developer is well aware of the fact that properties like ours being adjacent to his is one of the positive economic factors in his overall plan to invest in this property and leverage it into a much more favorable light for him to his potential future buyers.

When you can say to a potential buyer that if you buy into this lot in my addition, you will be right next to some million-plus dollar properties, I am sure you would agree it certainly works in your favor.

If this development goes through as proposed, and if you can still see yourselves in our shoes, I would suggest that you would deem it prudent, upon getting your annual County Property Tax bill, to venture down to the Assessor's office to "fight" the valuation that had previously been used for your property as being now fairly useless and needing to be lowered substantially due to the economic impact of the new addition.

Now, not that any of the above needs verification of the validity, if the analogy of being in our shoes is not a journey that works for you, I have another technical approach on this proposal that I will offer.

In my own past work as a state licensed real estate appraiser working on contracts for many municipalities, state government entities, industrial entities, etc., often involving land acquisition through negotiation, eminent domain and such, I have been called on many times as an expert witness in many courts in the country being both Federal District Bankruptcy Courts, Local District courts and State Regulatory agencies and I have an economic understanding of the impact events such as this proposal on neighboring properties.

If I was not personally involved in this situation, and had kept my license current, I could legally testify from an appraisal standpoint and verify the information as just illustrated with the "being in our shoes" scenario.

Thank you for your time and allowing me the ability to comment.

Jeff Myers

[8155 CR 141](#)

[Salida, CO 81201](#)

918-809-4684 cell.



Bill Almquist <bill.almquist@cityofsalida.com>

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## Upchurch Annexation and Rezoning

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Ann Daniels <asdaniels@comcast.net>  
To: bill.almquist@cityofsalida.com

Wed, Mar 17, 2021 at 1:18 PM

Mr. Almquist: Would you please forward this letter to all of the City Planning Commission members for me? I have not been able to locate their email addresses and was advised you might be able to help.

Thank you, in advance, for doing so.

Dear City of Salida Planning Commission Members:

We are here to ask the City of Salida Planning Commission for the lowest level of density possible on the Upchurch property. If the property is annexed, which we object to, we request R-1, low density, so this development blends in with its rural county surroundings.

So far, we are aware, due to the signs posted on the property addressed to the public, and also through the Mountain Mail, that Mr. Upchurch has committed to developing his parcel of land at R-2 density. However, if his property is annexed, we, his neighbors, request R-1, single family dwellings with the lowest density possible. What would be wrong with having five, one acre lots with five beautifully built homes on them? Mr. Upchurch could profit from this and the surrounding community would not be as detrimentally impacted as it would be otherwise. Because he has now publically committed to R-2, this should prohibit him from building high density duplexes and multifamily residences, including tri-plexes, townhomes and apartments. We feel strongly that a high density, multifamily development is not compatible with this parcel of land due to the county lots surrounding it on every side, including two houses to the south and three houses to the east.

The bottom line is that we, in the County, are feeling Salida sprawl sneak up on us and we don't like it. We purposefully bought our properties here for the rural, country feel, and instead are about to be enveloped by city overflow. We believe there is a way to integrate the City into the County, but it is not by squeezing 27 lots onto 5.32 acres and over-building them, in an area where the surrounding County houses are detached single family dwellings on bigger parcels of rural land. The Upchurch property could be the perfect opportunity to create a transitional smaller development that would gradually blend the higher density of the City into the lower density, rural character of the surrounding subdivisions and county houses.

In closing, we would like you to commit to assuring us that a high quality, low density development will be built that reflects our rural County environment and community.

Thank you for your time and consideration in this matter.

Please include this communication in your packet material for the public hearings related to this issue.

3/17/2021

City of Salida Mail - Upchurch Annexation and Rezoning

101

Ann S. Daniels and David C. Ross

7700 County Road 141 D

Salida, CO 81201

asdaniels@comcast.net

303/870-7914

March 17, 2021

Salida City Council  
Salida Planning Commission

My name is Deanna Myers, and I reside at 8155 CR 141. My husband and I moved to this area 8 years ago after traversing the country for a year or more looking at communities from California to Florida where we might like to hang our hats. We fell in love with this place, likely for the same reasons you live here. 360 degree views, outdoor recreation opportunities, quaint, artsy town with good music and dining, and out of the noise and traffic of the big city, reminding one of Breckenridge of yore. These reasons are also discussed extensively in the Chaffee County Comprehensive Plan, which I will refer to later. I have also included in this written material references for some of my comments which may be helpful.

**REPRESENTATION**

Those of us who oppose the annexation of the Upchurch property are not your constituents. We do not have the ability to vote for those who sit on this body nor to serve on this council or commission. As county residents, we find that under state law and the Salida IGA (Intergovernmental Agreement), adopted March 2, 2010, all decision making regarding annexation and zoning within the Municipal Planning Area (MPA), of which we are a part, has been abdicated to the Salida Council. We are thus in a position where our only recourse is to beg for your mercy and consideration of our interests. Please try to think how you would feel in our situation.

**UPCHURCH ANNEXATION, REZONING AND MAJOR SUBDIVISION PROPOSAL**

The Upchurch Annexation, Rezoning and Major Subdivision proposal requests annexation into the city of Salida, rezoning of the property to R-2 and R-3, and conceptual approval of a 27 lot subdivision development, as revised. I object to all three proposals. I will address only a couple of issues that may not be addressed by others.

**Rezoning** - The Upchurch proposal is correct in stating that the closest in-City properties are zoned R-3, and other nearby in-city properties are zoned R-2. These properties are on the East and South of the property to be annexed. The proposal fails to note that the remaining adjacent properties, are outside of the city, and are comprised of one acre lots to the North and five acre lots to the West. I live on one of the five acre lots in Ranchos de Caballeros, a subdivision of 5 acre horse ranches where up to 4 horses are allowed per lot.

The Upchurch Annexation area is within the Municipal Service Area (MSA), therefore, were it to be developed under the Chaffee County Land Use Code, the maximum density for the area would be 4 units per acre with connection to central water and sewer.

The purpose of the High-Density Residential (R-3) zone district is to provide for relatively high density duplex and multi-family residential areas, including primarily triplex, townhouse, and apartment uses. In fact, under the Salida Code, **single family residences are permitted in an R-3 zone only with Administrative Review.** Sec. 16-4-150 (emphasis added).

Therefore, adopting R-3 zoning for the tract and approving a subdivision of 26-27 lots would result in at least 52 dwellings (duplexes only), and likely many more on this tract, and up to 19 unit apartments would be allowed under the same Administrative Review. While we do not know how many dwelling units will be placed on this property if approved, the development would likely result in a density of 8 to 15 or more units per acre, as opposed to the 4 units per acre allowed if developed under the Chaffee County rules.

It simply does not make sense to place such a dense development adjacent to 5 acre tracts. Good planning would place a buffer or transition area between such properties.

**Annexation and Subdivision –**

If annexed, the property would be developed under the city code, which would require one street light per 300 feet of street length.<sup>1</sup> Artificial exterior lighting has a deleterious effect on dark skies, impacts wildlife, creates potentially harmful health effects<sup>2</sup>, and generally interferes with neighboring owners enjoyment of their property. For example, outdoor artificial nighttime lighting interferes with the migratory patterns of the miller moth, which created an extreme nuisance around our property last year. Furthermore, it is a fallacy that exterior lighting prevents crime. In fact, a review of one of the few studies on this subject, The Chicago Alley Lighting Project<sup>3</sup>, shows that incidences of crime actually increase with the addition of lighting.

Annexation is unnecessary because the property can be adequately developed under county standards without annexation. As stated above, with connection to central water and sewer, the property could be developed into ¼ acre single family dwellings. Additional nighttime lighting would not be required, and one quarter acre lots would be more in keeping with the surrounding properties to the North and West.

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<sup>1</sup> Sec. 16-8-20. - Road, driveway and sidewalk standards (12) Street Lights. In new subdivisions and for development along arterial streets street lights shall be provided at a minimum of one (1) light every three hundred (300) feet of street length.

<sup>2</sup> American Medical Association, REPORT 4 OF THE COUNCIL ON SCIENCE AND PUBLIC HEALTH (A-12) Light Pollution: Adverse Health Effects of Nighttime Lighting, David Blask, PhD, MD (Tulane University School of Medicine); George Brainard, PhD (Jefferson Medical College); Ronald Gibbons, PhD (Virginia Tech); Steven Lockley, PhD (Brigham and Women’s Hospital, Harvard Medical School); Richard Stevens, PhD (University Connecticut Health Center); and Mario Motta, MD (CSAPH, Tufts Medical School) <https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/public/about-ama/councils/Council Reports/council-on-science-public-health/a12-csaph4-lightpollution-summary.pdf>.

<sup>3</sup> The Chicago Alley Lighting Project: Final Evaluation Report, April 2000, Prepared by Erica N. Morrow, Shawn A. Hutton, Research and Analysis Unit, Illinois Criminal Justice Information Authority <https://www.darksky.org/wp-content/uploads/2014/09/Chicago-Alley-Lighting-Project.pdf>

In closing, please deny this request. The City may decline to annex if “the City does not desire to annex the property for reasons defined by the ... City Council.”<sup>4</sup> Denial would be in keeping with the purpose of the Chaffee Salida IGA to “ensure that development...will not unintentionally encroach into areas designated as having rural densities and land use types by the county<sup>5</sup>” and of the Salida Comprehensive Plan, which is intended to guide city decision-making on issues regarding growth and land use, and which calls for encouraging “agriculture and low density residential development in the open lands within the Municipal Planning area around the city”.<sup>6</sup>

And please keep in mind one of the findings made in hearings on the Chaffee County Comprehensive Plan, “While the concentration of residential development around existing towns may be a good idea generally, overly dense development and creation of unattractive urban projects not in keeping with the small town character of each community should be avoided.”

Respectfully submitted,



Deanna Myers  
8155 Co. Rd. 141  
Salida, CO 81201  
918-636-5292

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<sup>4</sup> Amended Intergovernmental Agreement between the City of Salida, Colorado and Chaffee County, Colorado, dated March 2, 2010, Resolution 2010-23. Article IV, Section 4.3.a (4).

<sup>5</sup> Amended Intergovernmental Agreement between the City of Salida, Colorado and Chaffee County, Colorado, dated March 2, 2010, Resolution 2010-23. Article I. Section 1.1(4).

<sup>6</sup> City of Salida 2013 Comprehensive Plan, Action CC-III.2.a



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

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**Fwd: Proposed Upchurch Annexation along Co Rds 140 and 141**

2 messages

**James And Sharon Jacobson** <jskjacob@q.com>

Wed, Mar 17, 2021 at 6:03 PM

To: pt.wood@salidaelected.com, dan.shore@salidaelected.com, jane.templeton@salidaelected.com, Justin.critelli@salidaelected.com, mike.pollock@salidaelected.com, harald.kasper@salidaelected.com, alisa.pappenfort@salidaelected.com, clerk@cityofsalida.com, bill.almquist@cityofsalida.com, gfelt@chaffecounty.org, kbaker@chaffecounty.org, rgranzella@chaffecounty.org, publiccomment@cityofsalida.org, drew.nelson@cityofsalida.com  
Cc: Upchurch-Annexation@googlegroups.com

Forwarded is our attached email to the county commissioners dated January 12, 2021 opposing the Upchurch annexation along Co Rd 140 and 141.

Please include this communication in your packet of materials for the Public Hearings related to this matter.

James Jacobson PE  
Sharon Jacobson

Sent from my iPad

Begin forwarded message:

**From:** James And Sharon Jacobson <jskjacob@q.com>

**Date:** January 12, 2021 at 6:27:08 PM EST

**To:** [gfelt@chaffecounty.org](mailto:gfelt@chaffecounty.org), [kbaker@chaffecounty.org](mailto:kbaker@chaffecounty.org), [rgranzella@chaffecounty.org](mailto:rgranzella@chaffecounty.org)

**Cc:** [upchurch-annexation@googlegroups.com](mailto:upchurch-annexation@googlegroups.com)

**Subject:** Proposed Upchurch Annexation along Co Rds 140 and 141

Hello,

Our names are James and Sharon Jacobson. We live at 8175 Co Rd 141B in Shavano Vista subdivision. We are writing this letter to object to the Upchurch Annexation that is being proposed along Co Rd 140 and 141. This annexation is being proposed as a high density development in an area that has homes on acreages varying from approximately 1 acre to 5 acres. Shavano Vista was one of the first early developments west of Salida, platted in 1966 and it was approved and planned only for homes on acreages in a rural environment.

Now we believe the county has a duty to adhere and uphold to the land use plans that were developed and approved in those earlier years and to also adhere to the current provisions and guidelines spelled out in their own current land use code guidelines particularly the provisions on **incompatibility** and **visual impact**.

Concerning the Upchurch annexation, which has proposed building single family and multi family dwellings with 26 lots on 5.32 acres of land, that in its self, is certainly going to be **incompatible** with the existing rural adjacent neighborhood. Paragraph 6.4.1B in the county Land Use code cites as part of the following General Review Criteria for applicant review:

**“Relationship to Surrounding Area.** The PD is not incompatible with the III

**“Visual Impacts.** Construction on ridge lines that are visible from major roadways or residential development shall be compatible with the surrounding natural environment.”

It certainly appears that the Upchurch annexation and development as proposed definitely does not comply to the above county land code review guidelines.

The other issue we have, is why is the county going ahead with annexing additional Co Rd 140 right of way to the city without consulting with all the residents living along that section of the road? It appears to us that this is only being done to meet the 1/6 contiguity requirement by aiding annexation of this land to the city.

We ask the county for cooperation and to advocate for maintaining our existing rural environment.

Thank you for your consideration.

James Jacobson, PE  
Sharon Jacobson



Bill Almquist <bill.almquist@cityofsalida.com>

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## Upchurch Annexation

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**Ann Daniels** <asdaniels@comcast.net>

Sun, Mar 7, 2021 at 7:06 PM

To: pt.wood@salidaelected.com, dan.shore@salidaelected.com, jane.templeton@salidaelected.com, justin.critelli@salidaelected.com, mike.pollock@salidaelected.com, harald.kasper@salidaelected.com, alisa.pappenfort@salidaelected.com, bill.almquist@cityofsalida.com, kristi.jefferson@cityofsalida.com, clerk@cityofsalida.com

From: Judith Kinzie [mailto:[judithkinzie@gmail.com](mailto:judithkinzie@gmail.com)]

Subject: Upchurch annexation

Dear City Council and others who may be involved,

We live at 8015 County Road 141 in Ranchos de Caballeros on 5 acres, 1 home. We object to the proposed increased density across the street from us. Our surrounding community to the west and north is rural, with those on the north having one acre per home. There are 2 homes to the east on 1 acre each that abut, are directly contiguous, to the Upchurch land. We prefer less density to better blend in with its surroundings.

Please include this communication in your packet material for the public hearings related to this matter.

Sincerely, Ed and Judith Kinzie

Sent from my iPad



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

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## City of Salida, Upchurch Addition

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Jeff Myers &lt;jeff@landmen.com&gt;

Mon, Mar 15, 2021 at 2:18 PM

To: "Drew.nelson@cityofsalida.com" &lt;Drew.nelson@cityofsalida.com&gt;

Cc: "pt.wood@salidaelected.com" &lt;pt.wood@salidaelected.com&gt;, "dan.shore@salidaelected.com" &lt;dan.shore@salidaelected.com&gt;, "jane.templeton@salidaelected.com" &lt;jane.templeton@salidaelected.com&gt;, "Justin.critelli@salidaelected.com" &lt;Justin.critelli@salidaelected.com&gt;, "mike.pollock@salidaelected.com" &lt;mike.pollock@salidaelected.com&gt;, "harald.kasper@salidaelected.com" &lt;harald.kasper@salidaelected.com&gt;, "alisa.pappenfort@salidaelected.com" &lt;alisa.pappenfort@salidaelected.com&gt;, "Cc:" &lt;bill.almquist@cityofsalida.com&gt;, "kristi.jefferson@cityofsalida.com" &lt;kristi.jefferson@cityofsalida.com&gt;

Mr. Nelson:

We do not know each other but in light of an email of yours that is at the bottom of this email string and below mine here (which I sent to many of the city of Salida city people last week, but did not know who you were and neglected to include you in on and I apologize so it is here now for you too) it appears that I (and others similarly affected) may be one or more of the "angry neighbors" that you refer to in your email about the subject that you sent last week to others.

In light of how some of us who are negatively economically impacted by this cause may now be referred to by folks like you, I would request that if you have not seen my email about the subject before now, that you take time to read it and ask that you put yourself in our shoes as well and see what your attitude then might be about the residents impacted by this issue!

I believe that if you can see this in how it affects us, that perhaps you may see why we are not looking at this endeavor as favorable on our parts and may in fact appear angry. I am willing to bet a large sum of money that if your assets in the world were reduced overnight by over a quarter of a million dollars in value by something that someone in authority did to you, you could in fact be classified and referred to as "angry" as well.

I understand that the Texas developer behind this proposal has said to some of my neighbors that he is looking at "making some money" off of this endeavor so that he can "afford to move here himself".

While I don't mind anyone making money, I am not in favor of them doing so by extracting it out of my pocket. I doubt you would favor that if it were to happen to you either?

Why the City thinks it is OK to place multi-family housing into a rural area and reducing our current resident property values so that an Out-of-State developer can "make some money" somehow escapes my logic. Maybe you can explain to me why it is important to you, please?

If we are that hard up for places to put affordable housing that we have to do so by negatively impacting many residents who have put a lot of hard-earned money into their property, we are a little more left-leaning liberal here in Salida than even an "open-minded" democratically-oriented person like myself can stand.

Thanks for your time and I hope that perhaps you can understand why those of us in our position we may feel as we do. I am saddened by that fact that we are now referred to by those in authority such as you as "angry neighbors".

I would like to ask a favor of you however and that is in the future that you not refer to us by that name on this project but just call us the "**negatively economically impacted residents**" as I believe that it more accurately will describe us and be more factual and less mean.

Also, my apologies to all the previous folks that I sent this to whom I am copying in here again on this email, but for sake of avoiding a conflict-of-interest on any ex-parte communication, I felt it necessary to include you again, sorry!

Jeff Myers

8155 CR 141

Salida, CO 81201

918-809-4684 cell

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**From:** Jeff Myers

**Sent:** Monday, March 8, 2021 10:40 AM

**To:** [pt.wood@salidaelected.com](mailto:pt.wood@salidaelected.com); [dan.shore@salidaelected.com](mailto:dan.shore@salidaelected.com); [jane.templeton@salidaelected.com](mailto:jane.templeton@salidaelected.com); [Justin.critelli@salidaelected.com](mailto:Justin.critelli@salidaelected.com); [mike.pollock@salidaelected.com](mailto:mike.pollock@salidaelected.com); [harald.kasper@salidaelected.com](mailto:harald.kasper@salidaelected.com); [alisa.pappenfort@salidaelected.com](mailto:alisa.pappenfort@salidaelected.com)

**Cc:** [bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com); [kristi.jefferson@cityofsalida.com](mailto:kristi.jefferson@cityofsalida.com)

**Subject:** City of Salida, Upchurch Addition Comment

We do not know each other but I have received notice in the mail from the City of Salida, Colorado, about a proposed new development adjacent to my home and since it says we can comment, I feel compelled to offer my input.

My name is Jeff Myers. My wife and I are property owners of a 5 acre parcel at [8155 CR 141](#), in Salida, CO, which is directly adjacent and contiguous on the corners to the newly proposed above referenced addition.

Since we own an adjacent property and one of the largest homes in the affected area, which would, therefore, normally be one of the most valuable pieces of property and one of the most affected in value by this proposed development, I would like to make a comment.

While we all know about the need for more affordable housing in our area, I would like to ask each of you to take a journey outside of your present positions and imagine for a moment that you have been placed in our shoes.

If you can go there, you will find yourself as being retired and living in a 4,000+ square foot home directly caddy-corner to the subject property, that you have invested over seven figures and a substantial portion of your hard earned net worth into.

Now imagine if you can that you have been asked to approve something to be built right next to you that will certainly affect one of your largest investments in such a manner that literally overnight will no doubt reduce the value of your property over \$200,000.

Since you are an elected official or city employee, it is apparent that you are at or above the normal intelligence level of the populace. I would submit to you that committing "economic suicide" to your estate by approving something that would create such an impact on you would not be wise.

Assuming that you are not Warren Buffet's or Bill Gate's child, which we are not, you would admit that approving something like this is not in your best interest.

If you have been successful in visualizing the situation that we find ourselves in, I believe that you can now appreciate our position on this proposal and can much better understand its overall impact on us and other adjoining property owners.

For any thinking, reasonably intelligent person to believe for even a moment that this proposed development will not have a substantial negative impact on people in our position is not utilizing critical thinking and would not be something we would knowingly inflict on ourselves.

I will point out that even the developer is well aware of the fact that properties like ours being adjacent to his is one of the positive economic factors in his overall plan to invest in this property and leverage it into a much more favorable light for him to his potential future buyers.

When you can say to a potential buyer that if you buy into this lot in my addition, you will be right next to some million-plus dollar properties, I am sure you would agree it certainly works in your favor.

If this development goes through as proposed, and if you can still see yourselves in our shoes, I would suggest that you would deem it prudent, upon getting your annual County Property Tax bill, to venture down to the Assessor's office to "fight" the valuation that had previously been used for your property as being now fairly useless and needing to be lowered substantially due to the economic impact of the new addition.

Now, not that any of the above needs verification of the validity, if the analogy of being in our shoes is not a journey that works for you, I have another technical approach on this proposal that I will offer.

In my own past work as a state licensed real estate appraiser working on contracts for many municipalities, state government entities, industrial entities, etc., often involving land acquisition through negotiation, eminent domain and such, I have been called on many times as an expert witness in many courts in the country being both Federal District Bankruptcy Courts, Local District courts and State Regulatory agencies and I have an economic understanding of the impact events such as this proposal on neighboring properties.

If I was not personally involved in this situation, and had kept my license current, I could legally testify from an appraisal standpoint and verify the information as just illustrated with the "being in our shoes" scenario.

Thank you for your time and allowing me the ability to comment.

Jeff Myers

[8155 CR 141](#)

[Salida, CO 81201](#)

918-809-4684 cell.

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**Marcella Bradford**

**From:** Drew Nelson <[Drew.nelson@cityofsalida.com](mailto:Drew.nelson@cityofsalida.com)>

**Sent:** Friday, January 15, 2021 1:29 PM

**To:** Bob Christiansen

**Cc:** [bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com); Nina Williams

**Subject:** Upchurch Annexation

Bob – It appears that following the public comments from neighbors out on CR 140 regarding the proposed Upchurch Annexation, County planning staff (Jon Roorda) may have been working on some suggestions for public road dedication that will be requested by Chaffee County as part of the upcoming annexation hearing on this item. In addition, we are

3/18/2021

City of Salida Mail - City of Salida, Upchurch Addition

110

under the impression that Chaffee County will be requesting an Annexation Impact Report; however, it is our belief that the IGA only requires these reports with annexation is in excess of 10 acres, which this property is less than.

We believe it might be appropriate to schedule a meeting between the City and County (no applicants, elected officials, or angry neighbors) to discuss these ROW dedication and annexation report requirements. Attendees should include administrators, planners, and attorneys working on this application. I look forward to figuring out a good time to meet.

Sincerely,

Drew Nelson

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Drew Nelson, City Administrator

City of Salida

448 East 1<sup>st</sup> Street, Suite #112

Salida, Colorado 81201

719.530.2629



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

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**please forward to Planning Committee - Upchurch annexation**

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Lee James <jamlee36@yahoo.com>  
To: "bill.almquist@cityofsalida.com" <bill.almquist@cityofsalida.com>

Fri, Mar 19, 2021 at 11:11 AM

Dear Committee members,

I am writing to you to express my concern with the Upchurch annexation. I am not naïve enough to believe Salida was going to stay quaint and small forever. And I know our community has been struggling with enough housing and affordable housing. But I believe we can be reasonable. It seems to me that this proposal is just too many homes for that plot of land. Do people move here to live on top of each other with little green space? Don't even people who require assistance with housing have a right to green space and trees? Let's not forget our latest Recreation Master Plan that addressed the importance of including green space and trees in new housing developments.

I am not opposed to a new subdivision. I am opposed to the number of units proposed on that lot. I don't think it is unreasonable to increase the lot sizes. Most of the lots in the conceptual plan are too narrow to build any decent home. The "HOA Maintained Park" looks more like a traffic circle than a park.

Thank you for your time.

Respectfully,

Lee James

Sent from [Mail](#) for Windows 10



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

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## Upchurch Development

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Mark Harrold <mark.harrold3@gmail.com>  
To: bill.almquist@cityofsalida.com

Thu, Mar 18, 2021 at 12:26 PM

Mr. Almquist and members of The City of Salida Planning Commission,

The purpose of this letter is to express my concerns about some aspects of the proposed Upchurch Development on CR 140.

After this parcel is annexed it will still be bordered on 3 sides by County residential properties ranging from 1 to 5 acres, and will be the last property developed on the north side of CR 140 until the eventual development of the Richardson Ranch 1/3 mile west of this parcel. The south side of CR 140 is already being developed as high density residential condos but the existing properties on the north side of CR 140 are low density semi rural residential lots.

Allowing a high density development on a parcel bordered on 3 sides by low density semi-rural residential lots is totally inappropriate and inconsistent with the concept of development being required to be compatible with the surrounding neighborhoods. Allowing a high density development on this parcel will have a serious negative impact on our adjacent neighborhoods. An R1 zoning designation would provide that this development would be much more compatible with the adjacent subdivisions and would create a transitional development between the higher density development south of CR 140 and more rural nature of the properties north of CR 140. My understanding is that this transitional aspect is an important part of the current planning for Salida's expansion into more rural areas. R1 is the appropriate zoning designation for this parcel.

Another aspect of this development that needs to be addressed is providing a means of safe passage for the pedestrian and bicyclists, particularly children, who will be commuting from the subdivision into town for school, recreation, etc. As someone who uses CR 140 daily I can attest that the volume of traffic and speeds travelled have increased noticeably the last few years. As a result of the traffic plan for this development combined with the increased traffic from the Angelview Condos, it is an absolute certainty that conflicts between pedestrians/bicyclists commuting to and from this development, and motorized vehicles on CR 140 will increase dramatically with potentially serious consequences. The plan as it exists now provides no way for pedestrians or bicyclists to safely travel between Salida and the proposed subdivision.

The final issue for me is that the original annexation proposal included a statement by the developer, Tory Upchurch, on 1/4/21 that if annexed, the development would include a "public use park in the center of the development". His revised proposal submitted to City Council on 3/2/21 though, not only increased the number of lots but eliminated the park. The developer should not be allowed to use these bait and switch tactics to advance his proposal and then modify it solely for his benefit. If the City of Salida allowed his annexation request to proceed in any part due to his assurances of a park then the park should be part of any proposal you approve.

Please make this correspondence part of the packet submitted to The Planning Commission.

Sincerely,  
Mark Harrold  
8179 CR 141B  
[mark@harrold.us](mailto:mark@harrold.us)  
970-217=6215



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**Upchurch Annexation and Rezoning**

2 messages

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**Mary Grannell** <mgrann57@gmail.com>  
To: bill.almquist@cityofsalida.com

Thu, Mar 18, 2021 at 8:52 AM

Mr. Almquist: Would you please see that this letter gets to the City Planning Commission? I went to the website and am unable to find the email addresses for those individuals.

Dear City Planning Commission:

I am Mary Grannell. I own and am living at 7555 CR140. I am the house directly to the east of the Upchurch property so am very concerned about what will be built there.

We moved here in 1994 from the city to a 1970's house on 1 acre in the county. There were beautiful views, little traffic, and a nearby small quaint friendly town. The same reason most people say they move here. We had vacant acreage to the south and to the west. No, I did not expect it to be vacant forever and I'm not opposed to growth or progress but since I live in the county, I envisioned single family homes with a little space around them like the rest of the county feeling. The Angelview subdivision which is being built to the south of my property does not fit in with the rural environmental feel.

If the Upchurch property is annexed, my 2 closest neighbors and I will be on an island in the county surrounded by the city on 3 sides. I am requesting R-1 zoning to maintain a more rural setting.

I hope in the process of planning for revenue for the city or the money made by developers, you don't lose sight of why people are moving here in the first place. There needs to be long term planning, not just money in the short term.

Thank you for your consideration of my request for R-1 zoning. I feel that your decision and that of Salida will greatly impact my property and my life here.

Sincerely,

Mary Grannell

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**Bill Almquist** <bill.almquist@cityofsalida.com>  
To: Mary Grannell <mgrann57@gmail.com>

Thu, Mar 18, 2021 at 10:04 AM

Thank you for your comments, Mary. I will include them in the packet for the Planning Commission hearing.

[Quoted text hidden]

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Bill Almquist  
Community Development Director



(719) 530-2634  
[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)

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



P: 970-349-2009 • F: 970-797-1023  
 www.hucksteplaw.com • info@hucksteplaw.com  
 P.O. Box 2958 • 426 Belleview Avenue, Unit 303 • Crested Butte, CO 81224

March 18, 2021

**VIA ELECTRONIC MAIL ONLY: [bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)**

City of Salida Planning Commission  
 c/o Bill Almquist, City Planner  
 448 E. First Street, Suite 112  
 Salida, CO 81201

**RE: UPCHURCH PARCEL/CONCERNING ISSUES WITH THE APPLICATION**

Dear Planning Commissioners:

This letter and its Exhibits relate to the City of Salida (the “City”) Planning Commission packet for Resolution 2021-04 on the Commission’s March 22, 2021 regular meeting agenda. Resolution 2021-04 seeks a recommendation of the annexation application from Tory and Clee Upchurch (the “Application”). The Application relates to real property consisting of approximately 5.58 acres of undeveloped land in unincorporated Chaffee County, Colorado, identified by the Chaffee County Assessor as Parcel No. 368131300015 (the “Upchurch Property”).

On behalf of many local citizens informally organized as the Alliance for Responsible Rural Growth, including Mr. Charlie Farrell, owner of 8255 County Road 141, Salida, Colorado 81201, I submit to you the following comments advocating for the Planning Commission to recommend denial of Resolution 2021-04. Members of the Alliance for Responsible Rural Growth own real property in close vicinity to the Upchurch Property and will be impacted by any action on the Application. Mr. Farrell’s property, for example, is located less than ¼ mile away from the Upchurch Property.

As an initial matter, our clients acknowledge that the City of Salida is grappling with a shortage of affordable housing. The Application is not intended to address that shortage. In fact, it is expected to only exacerbate the affordable housing challenges facing the City.

The Application comes to you under unusual circumstances that are worth reviewing here. The Applicants have portrayed themselves as good-intentioned newcomers, with promises to “greatly relieve the housing availability stress that Salida is feeling right now.” **Exhibit 1**. This approach appears to have convinced the City of Salida staff, whose lead planner, Mr. Almquist, has determined Mr. Upchurch to be a “good guy” with good intentions. **Exhibit 2**.

Unfortunately, the facts leading to this Application tell a different story. The Upchurch Property was put under contract by the Applicant sometime during or before August, 2020. **Exhibit 3**. In October 2020, the Upchurch Property purchase closed, at a price of just under \$100,000 per acre. **Exhibit 4**. The Applicant always had an intention to develop this land. **Exhibit 3**.

The Application materials include already-broken promises from the developer. For instance, the Applicant indicated it would build a public park within the development. **Exhibit 1**. In the latest

development site plan, there is no park, nor is there room for a park. This new revision demonstrates the Applicant's lack of sincerity and lack of commitment to any public benefits beyond those required by the City's Municipal Code.

The Application materials also include a description of what City leaders and neighbors should expect to see on this parcel after annexation, subdivision and possible rezoning: "a combination of single family and multi-family units that consist of mid [to] high end designs and finishes." **Exhibit 1**. Does this describe the type of housing that the City's elected officials believe is needed now?

In truth, the Applicant has proposed to do nothing more than provide the required 12.5% of affordable housing units. Based on 25 total units (an approximation of the density requested by the Applicant), this means Salida will gain just three whole affordable housing units. No reasonable person could claim that providing 3 units of affordable housing and 22 mid- to high-end units constitutes "great relief" for the City of Salida's housing concerns.

Aside from a list of already-broken promises from the Applicant, this letter identifies procedural problems and substantive issues with the Upchurch Annexation. This letter is lengthy; these issues are serious and deserve your attention.

#### **PROCEDURAL DEFECTS AND CONCERNING ANOMALIES:**

The Application was received by the City in late 2020. Since that time, the City's approach and decision-making has called into question the legitimacy of the review process, as well as the independence of the City's staff and elected officials. The Application has serious implications for the City of Salida that should be discussed by the Planning Commission.

- a. The Apparently Disputed Area. Before the Application should even have been deemed complete, the City should have required the Applicant to resolve any and all boundary disputes as to the Upchurch Property. Taking any other approach represents a dangerous path that invites conflict (and possibly expensive litigation) with the City and between future neighbors after annexation. Until all boundary disputes are resolved in documents of record in Chaffee County, the Planning Commission should only recommend denial of the Application.

In this instance, the Upchurch Property's proposed Annexation Map (**Exhibit 5**) shows a nearly 2,500 square foot area of "apparent overlap" on the southwest side of the Upchurch Property that is obviously in dispute. An initial investigation tends to suggest that the neighbor, who was born and raised in Chaffee County, has been using the disputed lands for quite some time.

Rather than demand that the Applicant resolve this obvious issue before accepting the Application as complete, the City of Salida simply ignored the issue, without explanation.

Prior to taking action on the Application, the Planning Commission should require that the disputed area be surveyed, that its ownership and possession be resolved, and that any required boundary adjustment to the Upchurch Property be addressed (and new Plat Maps provided). Doing otherwise only invites expensive conflicts in the future.

- b. Waiver of the Annexation Report. Pursuant to Colorado law, an annexation impact report is required prior to any public hearing on a proposed application. *See* C.R.S. § 31-12-108.5. If a

proposed annexation is less than 10 acres in size, the impact report can be waived. *Id.* Waiver of the report means that the City, its citizens, its neighbors, and the County may avoid investigating the individual or cumulative impacts of an annexation.

In this instance, it appears the City's staff have determined - before consulting with elected officials in any public meeting - that the impact report is to be waived. **Exhibit 6.** There is no clear explanation for the City staff's decision. Since any cost of such an impact report should be borne by the Applicant<sup>1</sup>, there is no cost savings to the City of waiving this report. Time cannot be a factor, as we know of no publicly-disclosed reason for needing to accelerate consideration or approval of the Application. Moreover, given the City's apparent intention to continue annexing lands along CR 140 and towards the airport, it is not clear why the City would avoid review of long-term, cumulative impacts of this development. An impact report could, for instance, be supplemented as the City considers new properties west of the Upchurch Parcel for annexation in the future.

The right approach is to require an annexation impact report for this Application, giving consideration to the City's demonstrated intention to continue annexation westward. In this instance, the impacts to CR 140 from the Application itself justify the need for an annexation impact report. Adding approximately 25 new residential units, served by two entrances onto CR 140 (one of which is narrower than the other), and placing approximately four new driveways in a 300-foot stretch of CR 140, where Shepherd Road and at least three driveways already exist on its southern side, is justification enough to research and understand the Application's impacts. To do otherwise represents poor planning, poor fiscal management, and a lack of serious consideration for the safety of Salida's citizens and their neighbors in Chaffee County.

Prior to taking action on the Application, the Planning Commission should require that an annexation impact report be prepared and considered. If any significant specific or cumulative impacts are identified in the report, the Applicant should be given time to respond before the Planning Commission takes action on the Application. Doing otherwise ignores the potential impacts of the Application, sets a precedent for ignoring the cumulative impacts of small annexations along the CR 140 corridor, and lends an appearance that the City is only working to please the Applicant, at the expense of the City's citizens and neighbors.

- c. Failure to Comply with Purposes and Obligations Under the IGA with Chaffee County. The City and Chaffee County are bound by the 2010 Amended Intergovernmental Agreement recorded as Reception No. 386888 in Chaffee County's official records (the "IGA"). The IGA's purpose is, in part, to "advise, consult, and involve in the planning activities the owners of private property affected by these agreements[.]" Importantly, this purpose does not limit involvement to owners of private property *within the existing City limits*.

Based on written communications already referenced above and characterizations of County residents by the City staff, it appears the City is not interested in giving much consideration to the concerns of our clients, who undoubtedly fit the description of owners in the IGA. Instead, the City staff have taken to name-calling, describing our clients as "angry neighbors" (*see Exhibit 6*) and leveling dismissive accusations of NIMBY-ism.

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<sup>1</sup> As the sole owner of the property proposed for annexation, these costs should be shifted to the Applicant.

City staff may claim that they are, in fact, meeting these IGA obligations by conducting public hearings. This begs a simple question: if public hearings are required by law (a fact that both the City and the County would have known in 2010), why does the IGA include the more detailed purpose to “advise, consult and involve” the neighbors? Said differently, if conducting a public hearing would satisfy the purposes referenced in the IGA, why include this specific language in the document? Much like legislation, we believe the IGA must be interpreted to render none of its provisions superfluous. Applying this principle to the IGA should lead the Planning Commission to one conclusion: that conducting a public hearing is not sufficient to satisfy the purposes set forth in the IGA.

Additionally, paragraph 4.3 of the IGA requires an annexation agreement prior to the City’s consideration of the Application. To our knowledge, no such annexation agreement exists related to the Upchurch Property.<sup>2</sup> There has been no explanation as to the absence of an annexation agreement, either. Similarly, there is no indication that the annexation agreement requirement has been waived by the City or County.

Finally, paragraph 3.3 of the IGA requires the City and County to “consult and cooperate” to assess and require new developments to mitigate “impacts from roads, utility services and other impacts.” To our knowledge, there has been no assessment of impacts of any kind associated with the Application. This is further supported by the County’s March 18, 2021 letter to the City.

Prior to taking action on the Application, the Planning Commission should direct the City staff to comply with the IGA. Specifically, the City staff should “advise, consult, and involve” nearby property owners (beyond just conducting public hearings); should prepare, deliver, and have executed an annexation agreement with the Applicant; and should consult and cooperate with the County to assess impacts associated with the Application. Doing otherwise ignores the City’s obligations under the IGA and disenfranchises the specific property owners described in the IGA.

- d. Not Considering and Addressing Comments from Staff. When considering the Application, the City’s role is not to advocate for such an application. Instead, the City must assess, as an objective and neutral decisionmaker, whether the Application meets the statutory requirements for annexation and the City’s own strategic plans and goals for the carefully-directed growth of the Salida area. It is improper for the City to informally approve of any application before public review and testimony. Doing so can establish the appearance of impropriety. “[T]he appearance of impropriety undermines the integrity of the governing body itself.” Gerald E. Dahl, Advising Quasi-Judges: Bias, Conflicts of Interest, Prejudgment, at Ex Parte Contacts, The Colorado Lawyer, Vol. 33, No. 3 [Page 69], March 2004.

Based on the language used by City representatives in public meetings and written documents concerning the Application, it appears that the City has already made a decision to approve the Application and to rezone the Upchurch Property. This tends to heighten the concern that the City, rather than acting as an independent decisionmaker, has instead unlawfully undertaken the

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<sup>2</sup> To the extent that an annexation agreement does exist, please note that it was not disclosed pursuant to the City’s CORA response to this office.

role of advocating for the Application and rezoning without properly considering (or even taking) public comments on the matter.

For example, on January 4, 2021, the City Council held a joint Work Session with the City of Salida Planning Commission. A recording of that Work Session is available at the following link: <https://www.youtube.com/watch?v=zpWth-2lyV0&feature=youtu.be>.

Mayor Wood's comments at the Work Session tend to indicate that the City, rather than maintaining an impartial stance towards the Application, has assumed the role of advocating for the approval of both the Application and the proposed rezoning and subdivision. At [0:41:32](#): The Mayor states that the Application, rezoning, and major subdivision is a "fairly cut and dry, fairly simple ask," without considering the role that public comment must play in the City's decision.

Similarly, the City's lead planner, Bill Almquist, has determined that the Applicant is a "good guy." **Exhibit 2**. In support of this "good guy," Mr. Almquist has already admittedly engaged in an effort of withholding information to prevent your community from getting "more worked up than necessary." **Exhibit 2**. These comments lead reasonable people to question whether Mr. Almquist has improperly become an advocate for the Application, in violation of the Colorado Constitution. Given his role in review of the Application, it is also reasonable to wonder whether his bias – and his apparent desire to stifle transparency related to the Application – is reflected in the staff report related to the Application.

Other informed parties, who are also subject matter experts in housing and development, have raised serious questions regarding the Application. Chaffee County Housing Director Becky Gray has questioned the lack of services in the area near the Upchurch Property – an impact and uncontested need that is conspicuously ignored in the City staff's review. **Exhibit 7**. Read McCulloch, Executive Director of the Chaffee Housing Trust, has opined that the growth pattern doesn't make sense. **Exhibit 8**.<sup>3</sup> Similarly, his opinions have not been given consideration by the City staff.

Prior to taking action on the Application, the Planning Commission should request that an outside third party review the Application. Given the apparent bias of City officials, this is the only manner to obtain a transparent and complete review process for the Application. Doing otherwise ignores the clear evidence of bias, lends an appearance that the City has already – improperly - made a decision on the Application and rezoning, and suggests that this Public Hearing is meaningless.

- e. Failure of City to Completely Respond to CORA Request. On February 23, 2021, this office provided a Colorado Open Records Act ("CORA") request to the City of Salida for all communications and documents related to the Application. On March 8, 2021, the City responded with 15 documents, allegedly all of the materials to be disclosed. A response from Chaffee County to a near-exact replica CORA request produced more than 135 documents, many

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<sup>3</sup> Specifically, he notes that "[g]rowth should naturally proceed in concentric circles from the heart of town with highest density in the center and lessening as you move outwards." In this case, the City appears to be on a mission to establish very high zoning densities at the very outer ring of the City's boundary.

of which include City staff – but were not disclosed in the City’s CORA response to this office. Documents and communications excluded from the City’s CORA response include:

1	Email from M. Davidson, 1/23/21 @ 9:18 pm	Sent to several City of Salida Employees and elected Official PT Wood, M. Pollock, B. Almquist, K. Jefferson, E. Kelley
2	Email to County email, 01/15/21 @ 1:29 pm	Email from D. Nelson to B. Christianson, cc'd to B. Almquist, N. Williams
3	Upchurch Annexation Petition with Upchurch Signatures, notarized 12/14/20	Addressed to the City Council of the City of Salida
4	Letter from Tony Upchurch (references location, costs and benefits, public facilities and services, plan to build single family and multi-family units)	Part of annexation/zoning application
5	City of Salida General Development Application	Received by City of Salida
6	City to County email, dated 1/7/21 @ 1:49 pm	Sent from B. Almquist to C. Barton
7	City to County email, dated 1/7/21 @ 11:36 am	Sent from B. Almquist
8	City to County email, dated 1/7/21 @10:44 am	Sent from B. Almquist to C. Barton
9	City to County email, dated 1/7/21 @ 8:13 am	Sent from B. Almquist to J. Roorda
10	City to County email, dated 1/21/21 @ 12:17 pm	Sent from D. Nelson to B. Christianson
11	City to County email, dated 1/20/21 @ 3:29 pm	Sent from D. Nelson to B. Christianson, B. Almquist, N. Williams
12	City to County email, dated 1/15/21 @ 1:29 PM	Sent from D. Nelson to B. Christianson, B. Almquist, N. Williams
13	City to County email, dated, 1/21/21 @ 11:48 pm	Sent from D. Nelson to B. Christianson
14	County to City email, dated 1/7/21 @ 11:15 am	Sent to B. Almquist from C. Barton
15	Petition from ARRG	Submitted to the City and County by ARRG

Given all of the concerns expressed above related to the Application review process, the failure of the City to fully and adequately respond to the CORA request has (intentionally or unintentionally) suppressed transparency related to the Application. Prior to taking action on the Application, the Planning Commission should request that an outside third party review the Application to address the appearance of impropriety related to the Application.

**SUBSTANTIVE MATTERS CHALLENGING THE LEGITIMACY OF ANNEXATION:**

In addition to the procedural defects and concerns noted above, the Application also suffers from a number of substantive problems and concerns that are simply not addressed by the City staff.

- a. CR 140 Access Has Not Been Thoroughly Reviewed. The Annexation proposes to add two new intersections with CR 140, serving approximately 25 lots and at least three new driveways, to a 300-foot span of CR 140. That same 300-foot span already includes the intersection of Shepherd Road (which will apparently not be aligned with the two new entrances to the Upchurch Property) and at least three driveways. The Applicant has not performed a traffic study to determine whether the number and location of proposed entrances is appropriate, whether CR 140 is wide enough to handle this new traffic, whether CR 140 will remain safe with all of this increased use, and whether this new use – when considering the City’s apparent expansion intentions in the future – will require further infrastructure improvements to CR 140.

These issues might be addressed in an annexation impact report, but the City staff have apparently determined such a report is not necessary. By ignoring these impacts to CR 140, the City is setting a poor precedent, acting solely in the Applicant's best interest, and shifting the cost of future infrastructure improvements to the City's residents – when the Applicant is the one who should be paying these costs.<sup>4</sup>

Prior to taking action on the Application, the Planning Commission should request, at a minimum, that a traffic study be performed to understand the Application's impact on CR 140. If infrastructure improvements are required, the Planning Commission should recommend that those improvements be funded by the Applicant. Doing otherwise ignores the impacts of this specific development, may lead to unwelcome surprises in the future, and may create dangers to life and safety on the City's roadways.

- b. The Application Should be Denied Because it Contributes to Sprawl. The Application should be denied because it is only contributing to sprawl. Colorado law allows for annexations to factor in the perimeter of adjacent public roadways for purposes of calculating the required 1/6 contiguity. In this instance, the Upchurch Property, standing on its own, would not achieve the necessary contiguity with the City's existing boundaries. The Application achieves contiguity only by including the perimeter of CR 140.

While the use of CR 140's perimeter to achieve contiguity may be legal, it also serves as a proxy for identifying sprawl. City Councilor Justin Critelli astutely identified this issue at the City Council's March 2, 2021 regular meeting.

The Upchurch Property is separated from the existing City boundary by CR 140, which runs along the southern border of the Upchurch Property. The Chaffee County Legal Department has explicitly recognized that CR 140 is a "County right-of-way." **Exhibit 9.**

The Draft Annexation Plat attached hereto as **Exhibit 5** identifies the total perimeter of land to be annexed as 3,764.36 feet. Notably, the Draft Annexation Plat indicates that a 2.58 acre section of Chaffee County Road 140 (the "Adjacent Road Section") is part of the parcel to be annexed. The Draft Annexation Plat identifies the "Contiguous Boundary with City of Salida" as 859.24 feet, consisting of a 777.08 foot section of CR 140 extending east beyond the Upchurch Property boundary and an 82.16 foot section extending north across the right-of-way for CR 140. These beginning and end points are depicted on **Exhibit 10**, a marked-up copy of the Draft Annexation Plat.

The actual linear perimeter of the Upchurch Parcel (standing alone) is 2,278.82 feet. Approximately 301.14 feet of the southern boundary of the Upchurch Property is contiguous with the Angelview Minor Subdivision, as depicted on **Exhibit 10**. Therefore, only 13.215% of the Upchurch Property's actual total perimeter is contiguous with the existing City boundary. This is well below the minimum contiguity requirements provided by C.R.S. § 31-12-104(1).

Colorado Revised Statute § 31-12-104(1) is intended to encourage thoughtful growth throughout Colorado, minimize sprawl and strip (or "leapfrog") patterns of development, and to establish an

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<sup>4</sup> See paragraph 3.3 of the IGA, which notes that the City and County can require "new developments . . . to mitigate impacts resulting from developments[.]"

objective standard for parcels appropriate for annexation. The City's approach ignores these principles, instead opting for an approach that only promotes unplanned and disorderly expansion that will primarily benefit the Applicant, while forcing detrimental impacts upon neighbors in the area, including our clients. Chaffee County Housing Director Becky Gray recognized this issue, noting that the "flagpole annexation" represents an "anomaly" which should be carefully reviewed by the Planning Commission. *See Exhibit 8.*

Without the City's inclusion of the Adjacent Road Section, contiguity cannot be met. All of these manipulations should tell the Planning Commission what is patently obvious to our clients: annexation of the Upchurch Property at this time will only result in sprawl. The City Council should reject this action by recommending denial of the Application.

- c. The Application Should be Denied Because it Ignores the JPM. The Application depicts only one internal circle drive serving the Upchurch Property. As noted above, this circle drive's two entrances on CR 140 have not been reviewed in any detail and do not line up with Shepherd Road. Additionally, the proposed transportation scheme is inconsistent with the Joint Planning Map ("JPM") from 2010.

The JPM depicts Shepherd Road continuing through the Upchurch Property and connecting with CR 141-B. Instead of following the guidance of the JPM, the Applicant has chosen a disruptive new circulatory system, doubling the number of intersections with CR 140, failing to align the circulatory system's proposed new road, and failing to follow the JPM.

Until the Applicant presents a plan that complies with the JPM, provides a traffic study demonstrating that the new design will be safe and efficient, and explains the basis for varying from the JPM, the Planning Commission should recommend denial of the Application.

#### **SPECIFIC FAILURES TO MEET STATUTORY REQUIREMENTS FOR ANNEXATION:**

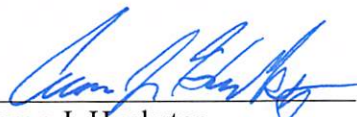
Both the Planning Commission and the City Council must make certain findings related to the Application in order to satisfy the requirements of C.R.S. § 31-12-104(1). For all of the reasons set forth above, I urge the Planning Commission to recommend denial of the Application on the following bases:

1. There is no community of interest between the Upchurch Property and the City of Salida;
2. The Upchurch Property is surrounded by low-density, rural properties, and cannot be considered urban;
3. The Upchurch Property is not expected to be urbanized in the near future; and
4. The Upchurch Property is not integrated with the City of Salida, nor is it capable of being integrated with the City.

On behalf of our clients, please recommend denial of Resolution 2021-04. Until the issues identified above are resolved, the Application should not proceed forward.

Sincerely yours,

HUCKSTEP LAW, LLC



\_\_\_\_\_  
Aaron J. Huckstep

cc: Charlie Farrell

My name is Tory Upchurch and my wife (Clee and I) love Salida. We used to live in Colorado and have been trying for years to find a town that fits us. We bought this land with the goal of eventually building a house for permanent residency so our goal is not to “get in and get out”. Our goal is to build relationships as we work through the project. I will be partnering with a friend of mine Ravi Reddy who is a developer by trade and has a great deal of experience navigating large projects and working through permitting and city process. We will like raise some money for friends and family for part of the financing of this project but will also be working with a bank (preferably local to Salida) for a majority of the financing.

In terms of location, we believe that the property is in a desirable area in terms of annexation. There are not many (if any) properties that would be available for annexation in the near future. Additionally, this property meets the City of Salida’s 1/6 contiguity rule and will be zoned consistently with other City properties in the vicinity. We will work with Public Works regarding utility extensions and public improvements.

In terms of costs and benefits, we plan to build 25+ units which will **greatly relieve the housing availability stress that Salida is feeling right now** and add to the tax base for the City of Salida. We will also work with the city and Chaffee County Housing Authority to provide affordable housing according the requirements set forth. I have already started a conversation with Read McCulloch at the Chaffee County Housing Authority to discuss options for working with them.

In terms of public facilities and services, we will be connecting to the water/sewer lines that already exist on CR 141 and CR 140 and extending them throughout the development. **We also plan to build a public use city park in the center of the development that will be HOA maintained.**

**The current plan is to build a combination of single family and multi-family units that consist of mid-high end design and finishes.** Our goal is to be a permanent resident in Salida at some point and we will ensure that our development adds a positive visual impact on the city for the long run.

Additionally, we will request to rezone the property to R3 which is consistent with the comprehensive plan and compatible with surrounding districts and uses.

Tory Upchurch  
512.826.6152

**Marcella Bradford**

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**From:** Christie Barton <cbarton@chaffeecounty.org>  
**Sent:** Friday, January 08, 2021 9:11 AM  
**To:** 'Greg Felt'; 'Keith Baker'; rgranzella@chaffeecounty.org; dtom@chaffeecounty.org; 'Bob Christiansen'; 'Dan Short'; 'Jennifer Davis'  
**Cc:** Jon Roorda; dswallow@chaffeecounty.org  
**Subject:** FW: Upchurch annexation  
**Attachments:** 20165-LEGAL DESCRIPTION-ANNEX (1).pdf; Salida\_narrative\_123020.docx; upchurch\_GDA.pdf; NOTARIZE-annexation\_petition (1).pdf

FYI.

Christie Barton, AICP  
Chaffee County Planner  
PO Box 699, Salida, CO 81201  
(719) 530-5572

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**From:** Bill Almquist <bill.almquist@cityofsalida.com>  
**Sent:** Thursday, January 7, 2021 1:49 PM  
**To:** Christie Barton <cbarton@chaffeecounty.org>  
**Subject:** Re: Upchurch annexation

Hi Christie,

Here are the rest of the relevant annexation materials that we've received, FYI. For what it's worth, I've talked to him a few times now, and **he seems like a good guy** who wants to make use of the property and make a little money, but who is also open to working with the neighbors to have his development fit in to a reasonable extent. Although they originally asked for R-3 (probably at the urging of Crabtree...), he sounds amenable to possibly revising that request based on some City feedback--**we're going to have some more internal discussions about that before making those materials any more public. No need to get people more worked up than necessary.** Let me know what you hear.

Thanks,  
Bill

On Thu, Jan 7, 2021 at 11:36 AM Bill Almquist <[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)> wrote:

We do have the full paperwork for the annexation (and rezone) request, however we haven't established a hearing date yet so I haven't put together the agency review packets. I was waiting to chat with Jon about CR 140 (which I did yesterday) and get his feedback before moving ahead. He was in support of the City taking CR 140 to the west extent of the Upchurch property and also mentioned that the County would want to see dedication to 30 ft from the centerline along CR 141, adjacent the subject property. He mentioned that he would chat with Mark Stacy about it, to let him know, as well.

Sounds like the County is getting a **bunch of noise in its ear from neighbors. I assume they don't quite understand how annexations work, however, esp. with an IGA in place.** Let me know if you guys absolutely need the rest of the application materials now, or if it can wait until I send out the referrals. What is being requested to be annexed is called out clearly on the map, though.

Thanks,  
Bill

On Thu, Jan 7, 2021 at 11:15 AM Christie Barton <[cbarton@chaffeecounty.org](mailto:cbarton@chaffeecounty.org)> wrote:

Thanks, Bill. Is there any paperwork that goes with it or is it premature?

Christie Barton, AICP

Chaffee County Planner

PO Box 699, Salida, CO 81201

(719) 530-5572

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**From:** Bill Almquist <[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)>

**Sent:** Thursday, January 7, 2021 10:44 AM

**To:** Christie Barton <[cbarton@chaffeecounty.org](mailto:cbarton@chaffeecounty.org)>

**Subject:** Fwd: Upchurch annexation

Hi Christie,

I understand you wanted the annexation plat for Upchurch. Here's what I sent over to Jon yesterday.

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

**From:** **Bill Almquist** <[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)>

**Date:** Thu, Jan 7, 2021 at 8:13 AM

**Subject:** Upchurch annexation

**To:** Jon Roorda <[jroorda@chaffeecounty.org](mailto:jroorda@chaffeecounty.org)>

Hi Jon,

FYI, I am attaching the draft annexation plat that Tory Upchurch had prepared, which includes the portion of CR 140 that we discussed. We gave Planning Commission and City Council an initial overview of their annexation and rezone request the other night and plan to move forward with the start of hearings sometime in February.

Let me know if you have any questions or additional comments. We will of course send you the full application as part of agency review. Thanks!

--

Bill Almquist  
Planner



(719) 530-2634  
[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)

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

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Bill Almquist  
Planner



(719) 530-2634  
[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)

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

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Bill Almquist  
Planner



(719) 530-2634  
[bill.almquist@cityofsalida.com](mailto:bill.almquist@cityofsalida.com)

**Marcella Bradford**

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**From:** Tory Upchurch >  
**Sent:** Thursday, August 27, 2020 11:51 AM  
**To:** cbarton@chaffeecounty.org  
**Subject:** parcel #368131300015

Christie --

We have a 6 acre lot on CR140, parcel #368131300015 under contract to buy right now and I am in the process of doing some due diligence to understand more about development options in the county. Would you have some time to talk this afternoon or tomorrow?

Thanks.

Tory Upchurch

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**Summary**

Parcel Number 368131300015  
 Account Number R368131300015  
 Property Address UNINCORPORATED CHAFFEE COUNTY, CO  
 Brief Tax Description TRACT IN SE4SW4 31-50-9 REC 464241  
(Note: Not to be used on legal documents)  
 Class Vacant Land  
 Subdivision  
 Neighborhood N/A  
 Tax District District 06  
 Millage Rate 53.46  
 Acres 5.581428

**Owner Name & Mailing Address**

Disclaimer: Mailing address is used for Chaffee County ad-valorem taxation purposes.

Upchurch Krishna Clee  
 Upchurch Tory  
 2112 Ann Arbor Ave  
 Austin, TX 78704

**Land**

Description	Acres	Square Footage	Value
Vacant Land - 5-9 Acres	6.22	270,943.19	\$147,830

**Valuation**

	2020	2019	2018	2017
Land Value	\$147,830	\$147,830	\$151,666	\$151,666
Building Value				
Total Value	\$147,830	\$147,830	\$151,666	\$151,666
Assessed Land Value	\$42,870	\$42,870	\$43,980	\$43,980
Assessed Building Value				
Total Assessed Value	\$42,870	\$42,870	\$43,980	\$43,980
Estimated Total Taxes	\$2,291.83	\$2,295.47	\$2,310.01	\$2,252.39

**Recent Sales**

**Sale date range:**

From:  To:

Feet

**Sales**

Sale Date	Sale Price	Instrument	Reception Number	Vacant or Improved	Grantor	Grantee
10/28/2020	\$499,900	Warranty Deed for Joint Tenants	464241	Vacant	HEWITT PAUL G REV TRUST	UPCHURCH KRISHNA CLEE, UPCHURCH TORY
07/02/2013	\$0	Warranty Deed	409287	Vacant	HEWITT PAUL G	HEWITT PAUL G REV TRUST
10/01/1992	\$25,000	Warranty Deed for Joint Tenants	264412	Vacant	CHELF FRANK M JR	HEWITT PAUL G & MILDRED M

No data available for the following modules: Related Accounts, Buildings, Photos, Sketches.

The Chaffee County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. Data is subject to constant change and its accuracy and completeness cannot be guaranteed.

User Privacy Policy  
 GDPR Privacy Notice

Last Data Upload: 2/9/2021 3:17:55 PM



Version 2.3.105

# UPCHURCH ANNEXATION TO THE CITY OF SALIDA

LOCATED IN THE SE¼ SW¼  
OF SECTION 31  
T50N R9E OF THE N.M.P.M.  
CHAFFEE COUNTY, COLORADO

### PLANNING COMMISSION APPROVAL

THIS PLAT IS APPROVED BY THE CITY OF SALIDA PLANNING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
CHAIR OF PLANNING COMMISSION, CITY OF SALIDA

### CITY COUNCIL APPROVAL

WHEREAS, THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY KRISHNA CLEE QUICK UPCHURCH AND TORY UPCHURCH, AS OWNER OF 100 PERCENT OF THE AREA TO BE ANNEXED, EXCEPTING PUBLIC STREETS; AND WHEREAS, THE CITY COUNCIL BY RESOLUTION ADOPTED ON \_\_\_\_\_, 2021, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENT OF SECTION 31-12-107(1); WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON \_\_\_\_\_, 2021, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE CITY COUNCIL ADOPTED RESOLUTION NO. \_\_\_\_\_ (SERIES 2021), DETERMINING THAT THE ANNEXATION ELECTION WAS NOT REQUIRED; AND WHEREAS, ON \_\_\_\_\_, 2021 THE CITY COUNCIL ADOPTED ORDINANCE NO. \_\_\_\_\_ (SERIES 2021) APPROVING AND ANNEXING UPCHURCH ANNEXATION TO THE CITY OF SALIDA; NOW, THEREFORE, THE CITY COUNCIL OF SALIDA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE UPCHURCH ANNEXATION TO THE CITY OF SALIDA AS DESCRIBED HEREIN, TO WIT:

ALL THAT TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 50 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF DUPLEX 4-A, BOUNDARY LINE ADJUSTMENT AND REPLAT OF COCHETOPA ESTATES, AS RECORDED AT RECEPTION NO. 309631 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE A 2 1/2" ALUMINUM CAP STAMPED "RM", LS 16117 BEARS SOUTH 86°38'21" WEST, A DISTANCE OF 13.80 FEET; THENCE SOUTH 01°25'11" WEST, A DISTANCE OF 82.16 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140; THENCE NORTH 88°35'30" WEST ALONG SAID CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 777.08 FEET; THENCE CONTINUING ALONG SAID NORTHERLY BOUNDARY OF CHAFFEE COUNTY ROAD NO. 140 NORTH 88°34'33" WEST, A DISTANCE OF 497.11 FEET; THENCE NORTH 00°58'40" EAST, A DISTANCE OF 80.87 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND THE NORTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 140, MARKED BY A 1" ALUMINUM CAP STAMPED LS 1776; THENCE SOUTH 88°38'54" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 185.05 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269; THENCE NORTH 00°52'55" EAST, A DISTANCE OF 220.83 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269; THENCE NORTH 88°32'00" WEST, A DISTANCE OF 184.68 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 AND ON THE EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141; THENCE NORTH 00°58'40" EAST ALONG SAID EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 124.84 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141; THENCE SOUTH 88°31'21" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 801.81 FEET TO THE NORTHWEST CORNER OF LOT 1, 141 ANNEX MINOR SUBDIVISION AS RECORDED AT RECEPTION NO. 447958 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER; THENCE SOUTH 01°29'04" WEST, A DISTANCE OF 333.01 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 279296 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND A POINT ON SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140; THENCE SOUTH 88°30'29" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 416.06 FEET, TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 389150 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER; THENCE SOUTH 78°51'30" EAST, A DISTANCE OF 60.86 TO THE POINT OF BEGINNING, CONTAINING 7.90 ACRES, MORE OR LESS

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

CITY OF SALIDA

By: \_\_\_\_\_  
MAYOR

### CERTIFICATION OF TITLE

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

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

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

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

### CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THIS ANNEXATION MAP ALONG WITH THE ORIGINAL ANNEXATION ORDINANCE FOR THE UPCHURCH ANNEXATION WERE ACCEPTED FOR FILING IN MY OFFICE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021, AND IS DULY RECORDED.

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

### CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP ALONG WITH A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE UPCHURCH ANNEXATION WERE ACCEPTED FOR FILING IN MY OFFICE AT \_\_\_\_\_ M. ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 UNDER RECEPTION NUMBER \_\_\_\_\_.

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

### GENERAL NOTES

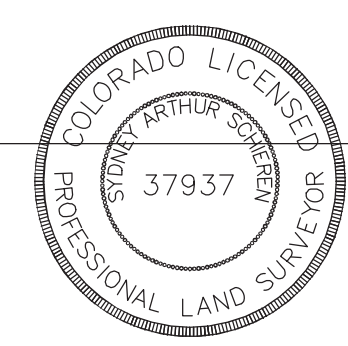
- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140 BETWEEN TWO 1" ALUMINUM CAPS STAMPED "LS 1776" HAVING A BEARING OF NORTH 89°41'28" WEST.
- 2) THIS SURVEY WAS DONE IN CONJUNCTION WITH FIRST AMERICAN TITLE INSURANCE COMPANY (CENTRAL COLORADO TITLE & ESCROW), COMMITMENT NO. 20-12552, DATED AUGUST 31, 2020.
- 3) TOTAL AREA TO BE ANNEXED=7.90 ACRES +/-
- 4) THIS ANNEXATION SUBJECT TO THE TERMS & CONDITIONS AS SET FORTH IN THE ANNEXATION AGREEMENT RECORDED AT RECEPTION NO. \_\_\_\_\_

### LAND SURVEYOR'S CERTIFICATE


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

**PRELIMINARY DRAFT**  
INTENDED FOR REVIEW BY CLIENT

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



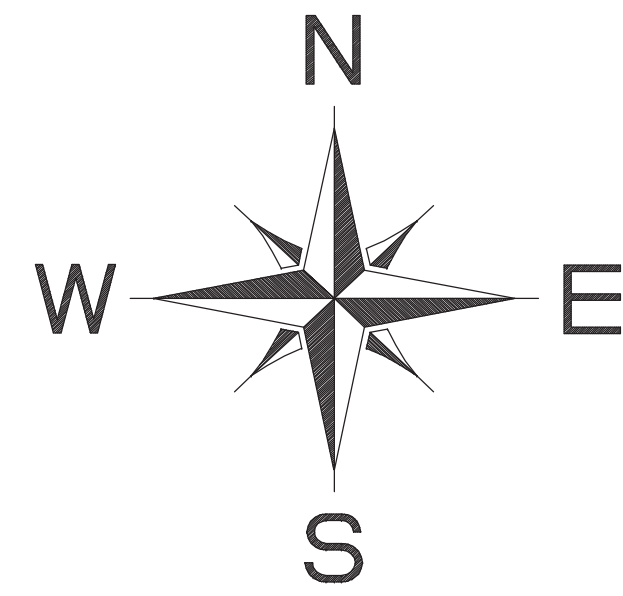
TOTAL PERIMETER OF LAND TO BE ANNEXED	3,764.36'
CONTIGUOUS BOUNDARY WITH CITY OF SALIDA	859.24'
CONTIGUOUS BOUNDARY REQUIREMENT 1/6= 16.7%	22.8%

DATE: FEBRUARY 11, 2021	<b>UPCHURCH ANNEXATION TO THE CITY OF SALIDA</b>  LOCATED IN THE SE¼ SW¼ OF SECTION 31 T50N R9E OF THE N.M.P.M. CHAFFEE COUNTY, COLORADO
JOB # 20165	 <b>LANDMARK SURVEYING &amp; MAPPING</b> P.O. BOX 668 SALIDA, CO 81201 Ph 719.539.4021 FAX 719.539.4031
DATE: NOVEMBER 19, 2020	
SHEET 1 OF 2	

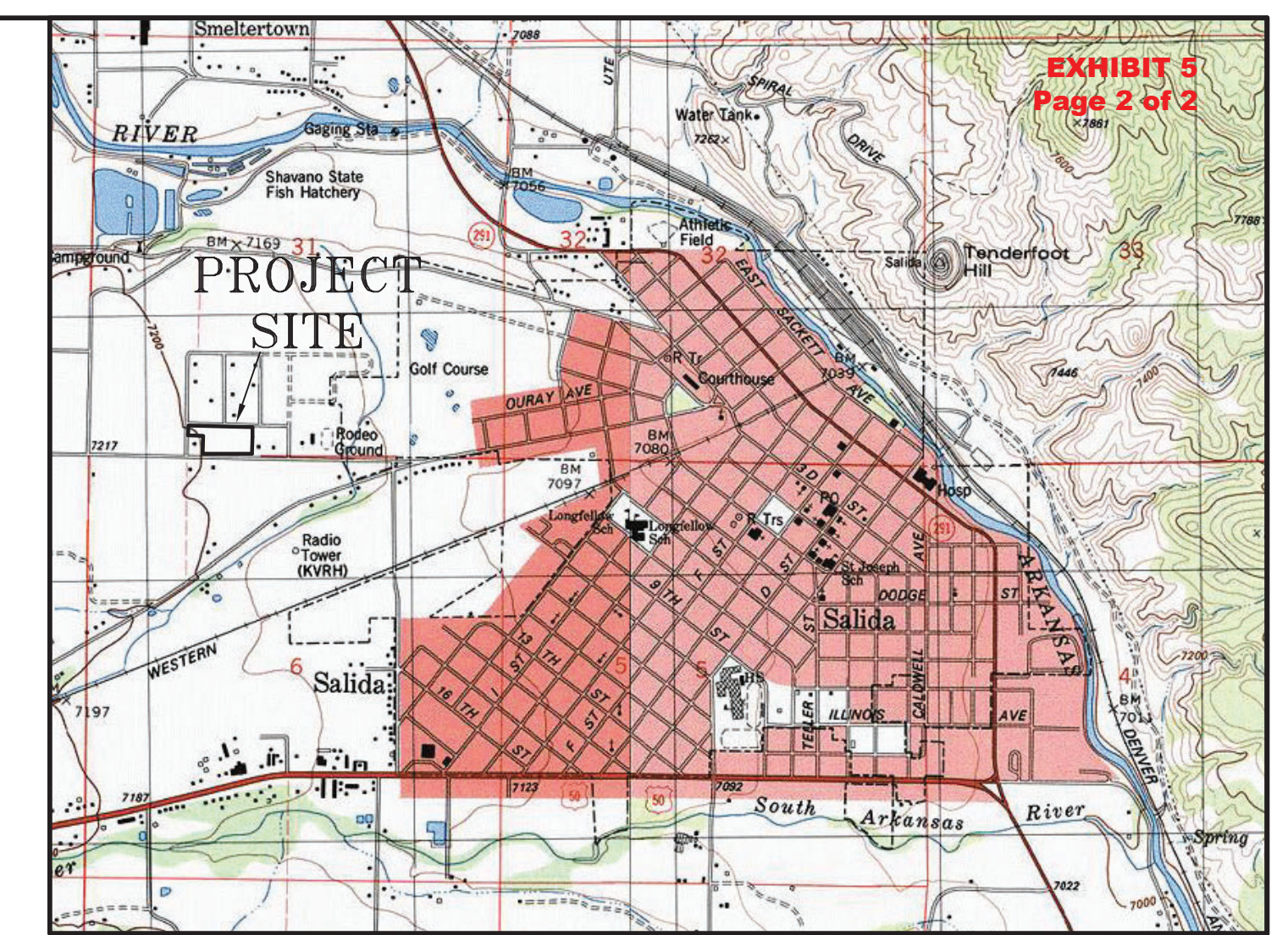
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT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

# UPCHURCH ANNEXATION TO THE CITY OF SALIDA

LOCATED IN THE SE 1/4 SW 1/4  
OF SECTION 31  
T50N R9E OF THE N.M.P.M.  
CHAFFEE COUNTY, COLORADO



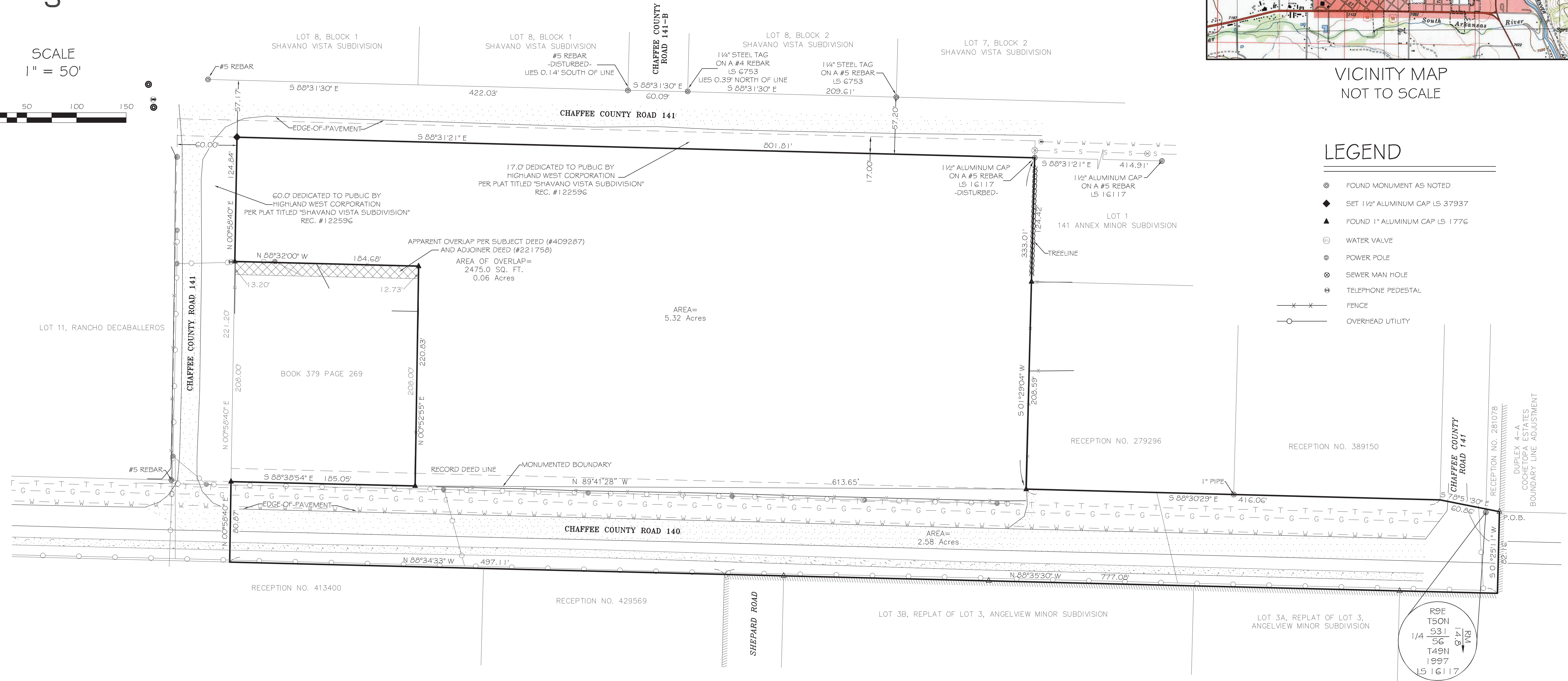
SCALE  
1" = 50'



VICINITY MAP  
NOT TO SCALE

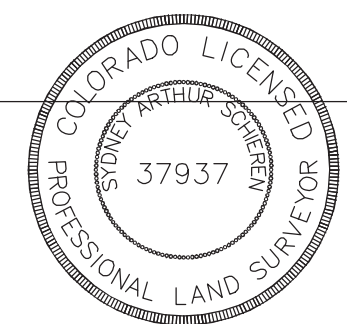
### LEGEND

- ⊙ FOUND MONUMENT AS NOTED
- ◆ SET 1 1/2" ALUMINUM CAP LS 37937
- ▲ FOUND 1" ALUMINUM CAP LS 1776
- ⊙ WATER VALVE
- ⊙ POWER POLE
- ⊙ SEWER MAN HOLE
- ⊙ TELEPHONE PEDESTAL
- × × × FENCE
- OVERHEAD UTILITY



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

**PRELIMINARY DRAFT**  
INTENDED FOR REVIEW BY CLIENT



REVISED: FEBRUARY 11, 2021
JOB # 20165
DATE: NOVEMBER 19, 2020
SHEET 2 OF 2

**UPCHURCH ANNEXATION  
TO THE CITY OF SALIDA**  
  
LOCATED IN THE SE 1/4 SW 1/4  
OF SECTION 31  
T50N R9E OF THE N.M.P.M.  
CHAFFEE COUNTY, COLORADO



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

**Marcella Bradford**

---

**From:** Drew Nelson <Drew.nelson@cityofsalida.com>  
**Sent:** Friday, January 15, 2021 1:29 PM  
**To:** Bob Christiansen  
**Cc:** bill.almquist@cityofsalida.com; Nina Williams  
**Subject:** Upchurch Annexation

Bob – It appears that following the public comments from neighbors out on CR 140 regarding the proposed Upchurch Annexation, County planning staff (Jon Roorda) may have been working on some suggestions for public road dedication that will be requested by Chaffee County as part of the upcoming annexation hearing on this item. In addition, we are under the impression that Chaffee County will be requesting an Annexation Impact Report; however, it is our belief that the IGA only requires these reports with annexations in excess of 10 acres, which this property is less than.

We believe it might be appropriate to schedule a meeting between the City and County (no applicants, elected officials, or angry neighbors) to discuss these ROW dedication and annexation report requirements. Attendees should include administrators, planners, and attorneys working on this application. I look forward to figuring out a good time to meet.

Sincerely,

Drew Nelson



Drew Nelson, City Administrator  
City of Salida  
448 East 1<sup>st</sup> Street, Suite #112  
Salida, Colorado 81201  
719.530.2629

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This message has been scanned for viruses and dangerous content by [MailScanner](#), and is believed to be clean.

**Marcella Bradford**

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**From:** bgray@chaffecounty.org  
**Sent:** Monday, January 11, 2021 2:01 PM  
**To:** 'L MARTIN'  
**Subject:** RE: {Disarmed} FW: Hot Off the Press! Through the Roof PFR

I just adore you, Lisa. The report looks fantastic, and I typically love the work of the Lincoln Institute – thanks for sharing!

And thanks for sharing the heads up; I appreciate the education and advocacy you've been about. The Uphurch development leaves a lot to be desired, in my opinion. Like, when are we going to introduce some mixed use out there? It's a long way to the corner store... I have yet to be involved in the affordability aspect of this project, but will certainly be on the lookout.

I 100% support using the \$500 earmarked for evergreen marketing for Dave's efforts. It fits the intention, so yes! I'm so pleased with the response you received from the Commissioners 😊

Becky

---

**From:** L MARTIN < >  
**Sent:** Monday, January 11, 2021 1:20 PM  
**To:** Becky Gray <bgray@chaffecounty.org>  
**Subject:** {Disarmed} FW: Hot Off the Press! Through the Roof PFR

Hi Becky!

It was great to hear all that you report on to the county commissioners. You have a lot going on!

See below link for a new publication about what communities can do about the high cost of rent in America. At first glance this publication looks pretty amazing and like it's right up your alley! Breece is our friend that is the Director of Partnerships and Strategy, Center for Geospatial Solutions, for the Lincoln Institute of Land Policy.

Do you have any concerns with me using the \$500.00 Evergreen funding that we had on hold to pay for Dave Curtis's extra time he is putting toward the montage video? Heather is onboard. I am certain Dave will have put in at least \$500.00 worth of extra time into the project by the time we're done. And I plan to ask him to create some super short clips for use on social media to promote the website/Dinner and a Movie too. If you agree, I'll have a conversation with him about this possibility and the steps he needs to take.

Just a heads up: A friend of mine (not too close of a friend), Ann Daniels lives near the Upchurch annexation and development area. She and her neighbors are concerned about impacts of the development to their neighborhood. She reached out to her circle of friends asking for support to protest this development or at least keep it to 6-12 homes on the 6+ acres. I discussed a few things with her, but I doubt I changed her mind anything. She did watch Randall's video and I hope that she watches more, especially Missing Middle Housing. She repeated several times that the developer is from out of town and just trying to make money, I didn't have the heart to tell her, "What's new with that?" She knows that affordable housing units will need to be built at a higher density but doesn't think that that affordable housing will be included in the project as Walt Harder built across the street and "the units that were supposed to be affordable are now second homes."

If we only could convince everyone to be housing advocates before they end up NIMBYs!

I hope you're doing well. The world sucks right now and everything seems harder.  
Let me know when you want to walk...

Lisa

---

**From:** [Breece Robertson](#)  
**Sent:** Monday, January 11, 2021 12:44 PM  
**To:**  
**Subject:** FW: Hot Off the Press! Through the Roof PFR

Hey Lisa, I thought you might find this report interesting given your work on housing in Chaffee County. Hope to see you soon! Breece

---

**From:** Emily McKeigue >  
**Sent:** Monday, January 11, 2021 12:17 PM  
**To:** LILP Staff >  
**Subject:** Hot Off the Press! Through the Roof PFR

Dear All,

We're very excited about our newest PFR, *Through the Roof: What Communities Can Do About the High Cost of Rental Housing in America*, by Ingrid Gould Ellen, Jeffrey Lubell, and Mark A. Willis! It is now available at [MailScanner has detected a possible fraud attempt from "na01.safelinks.protection.outlook.com" claiming to be MailScanner has detected a possible fraud attempt from "na01.safelinks.protection.outlook.com" claiming to be https://www.lincolnst.edu/publications/policy-focus-reports/through-roof-what-communities-can-do-high-cost-rental-housing.](#)

This report shows what local U.S. governments can do to mitigate the rising cost of rental housing. It considers the root causes of high rent burdens, reviews evidence about the consequences, and lays out a framework that cities, towns, and counties can use to provide citizens with safe, decent, affordable housing options. This tool will help local officials develop new housing strategies and enhance those that already exist.

The report also appears in [CUP's Spring 2021 catalog](#) (Columbia University Press) on page 790.

If you would like a hard copy, please contact Shirlynn.

Best and be well,  
Emily

*Emily McKeigue*  
Managing Editor

Lincoln Institute of Land Policy  
113 Brattle Street, Cambridge, MA 02138

[www.lincolnst.edu](http://www.lincolnst.edu)

*Finding answers in land*

**Marcella Bradford**

---

**From:** bgray@chaffeeconomy.org  
**Sent:** Monday, January 25, 2021 9:02 AM  
**To:** 'Read McCulloch'; 'Marilyn Bouldin'  
**Subject:** RE: Emailing: Letter and Petition 1-18-21

Dear Read and Marilyn,

Thanks for initiating this discussion, Marilyn, and thanks for your thorough and thoughtful response, Read.

I do not have much more to add to what Read has already said. As growth continues to occur, higher density is our friend, as Read said. And while it would be nice to see 50% of the new housing units be affordable, the ordinance only requires 12.5%. Everything seems in order with this application; the biggest anomaly is the flagpole annexation, and that's a discussion better left to the Planning Commission.

I very much appreciate all that you do and represent in our County, Marilyn. Feel free to reach out if you'd like to chat about this further.

Best Regards,

Becky Gray

Director of Housing  
Chaffee County, Colorado  
719-239-1398

---

**From:** Read McCulloch <read@chaffeehousing.org>  
**Sent:** Sunday, January 24, 2021 12:49 PM  
**To:** Marilyn Bouldin >  
**Cc:** Becky Gray <bgray@chaffeeconomy.org>  
**Subject:** Re: Emailing: Letter and Petition 1-18-21

Marilyn,

Thank you for sharing this, I did know this opposition existed.

As indicated in Tory Upchurch's application, I've had conversations with them about including affordable housing in their development. Since we have an interest in the project being approved, please take my views accordingly.

I understand the concerns of neighbors who bought "rural" and are being faced with the urbanization of the periphery of Salida. The growth area should, by design, accommodate city density as it is contiguous with the rest of town. Growth should naturally proceed in concentric circles from the heart of town with highest density in the center and lessening as you move outwards. This is the leading edge of that. What we don't want it to make that new development less dense (R-1) so that it provides fewer homes, and pushes the spread of development even further into the "country". This comes at great cost in the long run to the City because they need to run longer services lines for fewer homes. This becomes a net operating loss for City services, which will result in higher fees for everyone. There is a lot of debate nationally about how R-1 zoning creates large expensive lots, that can't be changed in the future, making them exclusive

to higher income households (by accident or by design?). The inclusionary housing policy the City adopted is intended to counter exclusivity, by design. The 12.5% is the highest ratio that developers and the City could stomach. 50% would be great, but not politically viable. If we put those 25 new homes further west or north where there is space to build, and they are on 2 or 5 acres, then we very effectively achieve the sprawl we all agree is not what is best. The Silver Spurge and Mesa Circle developments are similarly zoned R-3 for good reason. We need density to prevent sprawl. This is a logical progression.

Part of this debate is the conflict between existing, entitled landowners and the needs of a growing population with a serious housing problem and is becoming a full blown crisis (median home prices are now over \$500k, a 33% increase year over year according to the Realtors of Central Colorado). The community needs higher density. The nature of growth is that it pushes slowly outwards. Is it fair for those landowners near the edge, now that they're in their homes on spacious lots, can dictate what neighboring property owners can do? Should their individual concerns override the community's needs? The annexation policy is explicit on how a property gets annexed with the intent of being as fair as possible. Having properties on the edge tie into City infrastructure is desirable for all from an environmental perspective (wells and septic systems vs. City water/sewer) as well as cost.

As an active participant in HPAC, your perspective is important. You can give voice to the needs of the community, or give voice to the neighbors. **It is not an easy decision, I know. Clearly this issue has the potential of being contentious and divisive.** I think we all need to wade carefully and respectfully into these waters with a higher purpose top of mind.

I'd be happy to discuss this further with you or anyone else.

Thank you,

Read

Read McCulloch  
Executive Director  
(719) 239-1199  
[read@chaffeehousing.org](mailto:read@chaffeehousing.org)  
[www.chaffeehousing.org](http://www.chaffeehousing.org)  
PO Box 692  
Buena Vista, CO 81211



On Jan 24, 2021, at 12:03 PM, Marilyn Bouldin

> wrote:

Would either of you be willing to share your perspective on this to help me decide if I want to sign this petition?!

Thanks  
Marilyn

Sent from my iPhone

Begin forwarded message:

**From:** Marilyn Bouldin  
**Date:** January 23, 2021 at 5:34:54 PM MST  
**To:** Jean and Jim McPhetres [t](#) >, Janine Marr  
>, Mike Marr >, Miq Miquelon  
>, Ken and Linda Baker >, Linda  
Johnson >, Tina Fox >, Jeannine Aberg  
Maes < >, ICEJohn Bouldin >,  
Lourdes Smith >, Larry Zavadil >, Paula Bowman  
>, Patti Arthur >, Ann Lyford  
>, Pam Matthews >, Judy Myers  
>, Arika Bangart >, Jirina Myers  
>, Claudia Benson >, Megan  
Walshe >, Kristina And Joe Smith >,  
Craig and Nicole Oubre >, Terry Luckie  
>, Stephanie Micklich >, Sage Ryen  
>, Britt Hughes >, Elise Feier  
>, Walt Feier >, Mary and Tim Ebuna  
>, Rose Seavey < >, Meghan  
Barker >, Jim Seavey >, John and  
Marti Dodgen >, Shelly Michell < >, Lloyd  
Michell  
**Subject: Fwd: Emailing: Letter and Petition 1-18-21**

FYI. Read PDF attachment for more info.

<ITEM-Attachment-001-7928d6a67d0240e4bce25df6719dbe3f.pdf>

Begin forwarded message:

**From:** Cheryl Hardy-Moore >  
**Subject: Fwd: Emailing: Letter and Petition 1-18-21**  
**Date:** January 23, 2021 at 12:37:24 PM MST  
**To:** Marilyn Bouldin < >

Sent from my iPhone

Begin forwarded message:

**From:** Ann Daniels < >  
**Date:** January 23, 2021 at 11:41:55 AM MST  
**To:** [h](#)  
**Subject: FW: Emailing: Letter and Petition 1-18-21**

I am sending this out to you and anyone you know who would be willing to sign it. Please read it and then on the last page, above the Signature line, there is a small link that you click on, that will take you to a place where you sign your name, local address, email address and then submit. That's all you have to do. The information goes back to someone in my neighborhood, who will then prepare an excel spreadsheet with all names attached and we will then send that on to the Commissioners and City Council and others listed in the letter. I will send you the document from the City regarding Upchurch's plan. I'm going to have to dig around for it so that will come in a minute.

Thank you for your time and consideration regarding this issue. We really appreciate your help.

Ann S. Daniels

<Letter and Petition 1-18-21.docx>

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This message has been scanned for viruses and dangerous content by [MailScanner](#), and is believed to be clean.



**Chaffee County Government**  
PO Box 699 ~ 104 Crestone Ave, Salida, CO 81201  
719.539.2218 ~ [www.ChaffeeCounty.org](http://www.ChaffeeCounty.org)

## **Summary of Annexation Process between Chaffee County and City of Salida**

And its Applicability to the Upchurch Annexation Application

Prepared by Chaffee County Legal Department February 9, 2021

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### ***Disclaimer***

*This summary is provided as a courtesy for the Chaffee County constituents who may have questions regarding local annexation processes and governing statutes in the state of Colorado. It is not intended to serve as legal advice, nor to influence decisions regarding the Upchurch Annexation application specifically. If you have any specific questions about annexation you should consult an attorney.*

*All comments and questions regarding the Upchurch Annexation should be sent to the [City of Salida](http://CityofSalida.com) at [PublicComment@cityofsalida.com](mailto:PublicComment@cityofsalida.com).*

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### **Table of Contents**

Background on the Upchurch Annexation.....	1
What is an annexation and what are the applicable laws? .....	3
Is the Upchurch property eligible for annexation?.....	3
Who makes decisions about annexations?.....	4
How does the Intergovernmental Agreement factor into the annexation process? .....	4
What would the process be under the County’s Land Use Code? .....	5
What is a Petition for Annexations and Hearings? .....	5
Can a Petition for Annexation be Challenged? .....	6

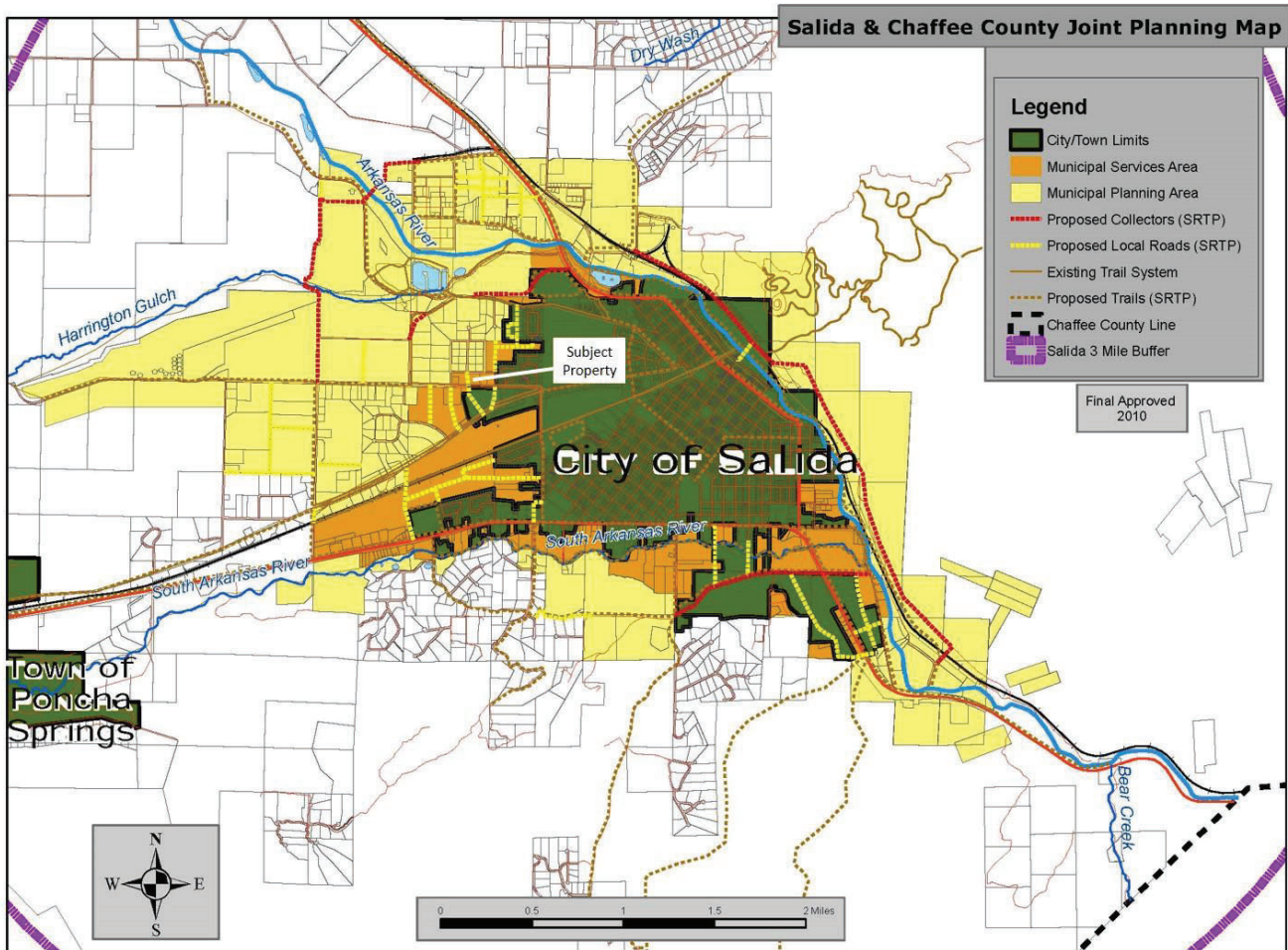
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### **Background on the Upchurch Annexation**

Chaffee County (“County”) elected officials and staff have received questions from community members regarding annexation and rezoning of land owned by Tory and Clee Upchurch (“Upchurch Annexation”) into the City of Salida (“City”). Annexation is the process of legally bringing a property into a different

municipality or jurisdiction; in this case it is a proposal to bring the Upchurch property into the City of Salida.

The Upchurch Annexation involves a 6.22-acre parcel of undeveloped land located between CR 140 and CR 141-A north of Shepherd Road. This parcel is located in unincorporated Chaffee County, just outside the Salida City limits.



Typically, any development or subdivision of property within the unincorporated County boundaries would need to follow the Chaffee County Land Use Code. However, based on the location of the Upchurch property, the owners can petition the City to annex the property into the City. The Upchurches submitted an application for Annexation to the City of Salida City Council and Salida Planning Commission for review at their January 4, 2021 work session. The application can be viewed [here](#).

Because the County has received numerous questions about the Upchurch Annexation, the County wishes to provide some clarification for the community's awareness and understanding.

## **What is an annexation and what are the applicable laws?**

An annexation is the process by which a municipality, such as a City or Town, incorporates new territory or property, either before or after development of that property has occurred. Colorado Revised Statute (C.R.S.) sets forth the laws governing this process. Specifically, C.R.S. § 31-12-101, *et seq.* is the Municipal Annexation Act of 1965 (“Annexation Act”), which establishes the process by which a municipality, like the City of Salida, incorporates territory through annexation.

The Annexation Act has been amended and has been held constitutional by Colorado Courts. The Courts have upheld the Annexation Act’s policy to encourage natural and well-ordered development of municipalities and not to discourage it. Annexation can take place in three ways:

1. landowner petitions;
2. annexation election; and
3. unilateral annexation of an enclave or municipally owned land.

The City may annex if it receives a petition for the annexation from a property owner(s) of a parcel of land or if for example, a neighborhood petitions to be annexed and the petition comprises of more than 50% of the landowners in the neighborhood that own more than 50% of the area/neighborhood to be annexed.<sup>1</sup>

In addition, C.R.S. § 31-12-104 creates the eligibility requirements for annexing into a municipality. Any property is eligible if the City finds at a public hearing that:

- “Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.” C.R.S. § 31-12-104(1)(a).
  - Although the Upchurch Annexation is separated from the City by County Road 140, a County right-of-way, the statute specifically states that contiguity is not affected by the existence of a platted public right-of way. *Id.*<sup>2</sup>
- A community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. C.R.S. § 31-12-104(1)(b).
  - The City can show compliance with these specific requirements based on the fact that the proposed Upchurch property meets the contiguity requirements. C.R.S. § 31-12-104(b).

## **Is the Upchurch property eligible for annexation?**

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<sup>1</sup> Colo. Const. Art. II § 30(1)(b).

<sup>2</sup> “Contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, public lands, whether owned by the state, the United States, or an agency thereof, except county-owned open space, or a lake, reservoir, stream, or other natural or artificial waterway between the annexing municipality and the land proposed to be annexed.” C.R.S. § 31-12-104(1)(a)

The Upchurch property is eligible for annexation by the City. However, the City must decide whether the Upchurch Annexation meets statutory annexation requirements. Statutorily the City must find at a public hearing that:

1. The Upchurches are the owners of the property and have submitted a petition for annexation to the City.
2. The Upchurch Annexation fulfills eligibility criteria as defined through C.R.S. § 31-12-104(1)(a) and C.R.S. § 31-12-104(1)(b).
3. Approximately 860' (25.3%) of the property's boundary line is contiguous (next to) the City of Salida, meeting the minimum contiguous requirement of at least one-sixth (16.66%) of the property perimeter.

### **Who makes decisions about annexations?**

Generally, annexations are a process created by Colorado law and are controlled by Colorado law. Whether a property is annexed by a municipality is at the discretion of the municipality following the procedures required by law.

To annex a property, the City will have to follow the process and procedures as set forth in statute. They will need a petition to annex, then to set a hearing date with public notice, and make findings that the property is eligible for annexation based on the statutory standards.

Since annexations must follow the legal process, any objections to proposed annexations or annexation process must also be considered by the City at the annexation hearing. The City retains final authority for the decision to approval or deny the annexation petition.

### **How does the Intergovernmental Agreement factor into the annexation process?**

Intergovernmental Agreements ("IGA") are legal agreements that define how governmental entities, like the City and County, work together and set forth their respective responsibilities in collaborative endeavors. The City and County entered into an IGA on March 2, 2010 to coordinate annexation processes for properties that are subject to annexation or are within the City's Municipal Service Area ("MSA," for water/sewer utilities). See Map Page 2.

This 2010 IGA allows for coordination between the City and County to better encourage planned growth and facilitate an orderly annexation process. Specifically, the IGA states that annexation shall follow the standards as outlined in C.R.S. §§ 31-12-101 through 31-12-123 and in the City's annexation policies. It further states that annexation will generally occur only if requested by a property owner.

Under the IGA, a property within the City's Municipal Service Area is eligible for annexation and extension of municipal utilities and infrastructure as set forth by statute and the IGA.

The Upchurch property is within the City's MSA, meaning that the property is adjacent to City boundaries and immediately capable of being serviced by the City's existing sewer and water utilities and infrastructure. This means it is currently eligible for annexation under the IGA.

The IGA also requires the City to annex any County roads that are contiguous (next to) to the property being annexed. The annexed roads shall serve as principal access from the City to the property and any development(s) on it. Once the roads are annexed, the City will assume maintenance responsibilities. For any roads that are non-contiguous and/or that do not serve as principal access to the property, the County and City will negotiate on a case-by-case basis, and may require the developer of the annexed property to contribute improvements.

The IGA states that the County and City will consult and cooperate in assessing and mitigating impact from new developments, such as impacts from roads, utility services, and other impacts. Finally, consistent with C.R.S. § 31-12-108.5, the IGA states that an annexation impact report is not required for annexations of ten acres or less. Because the Upchurch Annexation is 6.22 acres, it does not require an impact report.

The IGA also outlines the process whereby the City can decline to immediately annex the property. Under this scenario, the property would be subject to joint review by the City and County and could be subject to City Development Standards through an agreed upon pre-annexation agreement between the City and property owner.

Typically, through the pre-annexation agreement the City can require the property owner to hook up to services/utilities and provides a time frame for when the property will be annexed in the future. If the City declined to annex the Upchurch property, it could be subject to a pre-annexation agreement and would follow the County's subdivision process under Chaffee County Land Use Code.

### **What would the process be under the County's Land Use Code?**

If a property is not annexed by the City it would be subject to the Chaffee County Land Use Code, to the IGA, and to any pre-annexation agreement as negotiated between the property owner and the City. If the property is served by both water and sewer, it would be allowed a density of 4 units per acre. For the Upchurch property, the current County Land Use Code would allow for a maximum of 24 units, based on its size of 6.22 acres.

Additionally, the owners could submit an application to the County for a Planned Unit Development, which could allow for increased development density. Any development through the County's Land Use Code would be reviewed by the County Planning Commission and Board of County Commissioners.

### **What is a Petition for Annexations and Hearings?**

Except in certain conditions, all annexations must be requested by the owners of the land being annexed. A hearing date and notice shall be given by the City pursuant to C.R.S. § 31-12-108. At the hearing the City will determine if the proposed annexation complies with C.R.S §§ 31-12-104 and 105. The hearing is governed by C.R.S. § 31-12-109 and allows any person to appear to present evidence upon any matter to be determined by the governing body in connection with the proposed annexation. At the conclusion of the hearing, the governing body shall set forth its findings of fact and determine if:

1. the annexation meets the requirements of C.R.S §§ 31-12-104 and 105;

2. if an election is required; and
3. whether or not additional terms and conditions are imposed.

### **Can a Petition for Annexation be Challenged?**

Under C.R.S. § 31-12-116 a district court may review an annexation proceeding when any landowner in the area proposed to be annexed, or the Board of County Commissioners of the area proposed to be annexed, or any municipality within 1 mile of the area proposed to be annexed believes itself to be aggrieved by the acts of the governing body of the annexing municipality in annexing the area. No other party has standing to bring a suit to challenge an annexation.

However, the Courts have determined that annexation review is a special statutory proceeding, granted by the legislature/statute, and is limited to a determination of whether the City Council has exceeded its jurisdiction or abused its discretion. Generally speaking, the Courts will give deference to the validity of an annexation, limiting any challenge to an annexation's validity to whether or not a municipality has substantially complied with the requirements of the statute.

In other words, if a property meets eligibility requirements for annexation, and the City has followed applicable statutes and its own annexation policies and requirements of the existing IGA, its annexation decisions are generally deemed to be valid.

###

# UPCHURCH ANNEXATION TO THE CITY OF SALIDA

LOCATED IN THE SE¼ SW¼  
OF SECTION 31  
T50N R9E OF THE N.M.P.M.  
CHAFFEE COUNTY, COLORADO

### PLANNING COMMISSION APPROVAL

THIS PLAT IS APPROVED BY THE CITY OF SALIDA PLANNING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
CHAIR OF PLANNING COMMISSION, CITY OF SALIDA

### CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THIS ANNEXATION MAP ALONG WITH THE ORIGINAL ANNEXATION ORDINANCE FOR THE UPCHURCH ANNEXATION WERE ACCEPTED FOR FILING IN MY OFFICE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021, AND IS DULY RECORDED.

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

### CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP ALONG WITH A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE UPCHURCH ANNEXATION WERE ACCEPTED FOR FILING IN MY OFFICE AT \_\_\_\_\_ M. ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 UNDER RECEPTION NUMBER \_\_\_\_\_.

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

### GENERAL NOTES

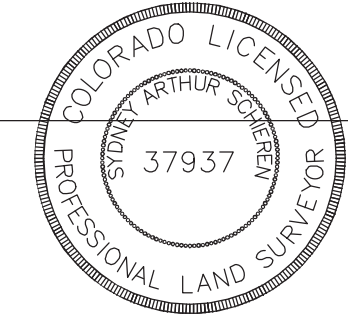
- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140 BETWEEN TWO 1" ALUMINUM CAPS STAMPED "LS 1776" HAVING A BEARING OF NORTH 89°41'28" WEST.
- 2) THIS SURVEY WAS DONE IN CONJUNCTION WITH FIRST AMERICAN TITLE INSURANCE COMPANY (CENTRAL COLORADO TITLE & ESCROW), COMMITMENT NO. 20-12552, DATED AUGUST 31, 2020.
- 3) TOTAL AREA TO BE ANNEXED=7.90 ACRES +/-
- 4) THIS ANNEXATION SUBJECT TO THE TERMS & CONDITIONS AS SET FORTH IN THE ANNEXATION AGREEMENT RECORDED AT RECEPTION NO. \_\_\_\_\_

### LAND SURVEYOR'S CERTIFICATE

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

**PRELIMINARY DRAFT**  
INTENDED FOR REVIEW BY CLIENT

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



### CITY COUNCIL APPROVAL

WHEREAS, THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY KRISHNA CLEE QUICK UPCHURCH AND TORY UPCHURCH, AS OWNER OF 100 PERCENT OF THE AREA TO BE ANNEXED, EXCEPTING PUBLIC STREETS; AND WHEREAS, THE CITY COUNCIL BY RESOLUTION ADOPTED ON \_\_\_\_\_, 2021, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENT OF SECTION 31-12-107(1); WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON \_\_\_\_\_, 2021, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE CITY COUNCIL ADOPTED RESOLUTION NO. \_\_\_\_\_ (SERIES 2021), DETERMINING THAT THE ANNEXATION ELECTION WAS NOT REQUIRED; AND WHEREAS, ON \_\_\_\_\_, 2021 THE CITY COUNCIL ADOPTED ORDINANCE NO. \_\_\_\_\_ (SERIES 2021) APPROVING AND ANNEXING UPCHURCH ANNEXATION TO THE CITY OF SALIDA; NOW, THEREFORE, THE CITY COUNCIL OF SALIDA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE UPCHURCH ANNEXATION TO THE CITY OF SALIDA AS DESCRIBED HEREIN, TO WIT:

ALL THAT TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 50 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF DUPLEX 4-A, BOUNDARY LINE ADJUSTMENT AND REPLAT OF COCHETOPA ESTATES, AS RECORDED AT RECEPTION NO. 309631 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE A 2 1/2" ALUMINUM CAP STAMPED "RM", LS 16117 BEARS SOUTH 86°38'21" WEST, A DISTANCE OF 13.80 FEET; THENCE SOUTH 01°25'11" WEST, A DISTANCE OF 82.16 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140; THENCE NORTH 88°35'30" WEST ALONG SAID CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 777.08 FEET; THENCE CONTINUING ALONG SAID NORTHERLY BOUNDARY OF CHAFFEE COUNTY ROAD NO. 140 NORTH 88°34'33" WEST, A DISTANCE OF 497.11 FEET; THENCE NORTH 00°58'40" EAST, A DISTANCE OF 80.87 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND THE NORTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 140, MARKED BY A 1" ALUMINUM CAP STAMPED LS 1776; THENCE SOUTH 88°38'54" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 185.05 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269; THENCE NORTH 00°52'55" EAST, A DISTANCE OF 220.83 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269; THENCE NORTH 88°32'00" WEST, A DISTANCE OF 184.68 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 269 AND ON THE EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141; THENCE NORTH 00°58'40" EAST ALONG SAID EASTERN RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 124.84 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141; THENCE SOUTH 88°31'21" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 141, A DISTANCE OF 801.81 FEET TO THE NORTHWEST CORNER OF LOT 1, 141 ANNEX MINOR SUBDIVISION AS RECORDED AT RECEPTION NO. 447958 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER; THENCE SOUTH 01°29'04" WEST, A DISTANCE OF 333.01 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 279296 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND A POINT ON SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140; THENCE SOUTH 88°30'29" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 416.06 FEET, TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 389150 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER; THENCE SOUTH 78°51'30" EAST, A DISTANCE OF 60.86 TO THE POINT OF BEGINNING, CONTAINING 7.90 ACRES, MORE OR LESS

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

CITY OF SALIDA

By: \_\_\_\_\_  
MAYOR

### CERTIFICATION OF TITLE

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

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

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

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

### CERTIFICATE OF DEDICATION AND OWNERSHIP

THIS IS TO CERTIFY THAT KRISHNA CLEE QUICK UPCHURCH AND TORY UPCHURCH ARE THE OWNERS OF 100% OF THE LAND DESCRIBED AND SET FORTH HEREIN, EXCEPT PUBLIC STREETS, THAT SUCH OWNER DESIRES AND APPROVES THE ANNEXATION OF THE TERRITORY DESCRIBED HEREIN TO THE CITY OF SALIDA, COLORADO.

EXECUTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

OWNERS:

\_\_\_\_\_  
KRISHNA CLEE QUICK UPCHURCH

\_\_\_\_\_  
TORY UPCHURCH

COUNTY OF CHAFFEE )  
STATE OF COLORADO ) ss.

THE FORGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021, BY KRISHNA CLEE QUICK UPCHURCH AND TORY UPCHURCH. WITNESS MY HAND AND SEAL.

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

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

TOTAL PERIMETER OF LAND TO BE ANNEXED	3,764.36'
CONTIGUOUS BOUNDARY WITH CITY OF SALIDA	859.24'
CONTIGUOUS BOUNDARY REQUIREMENT 1/6= 16.7%	22.8%

DATE: FEBRUARY 11, 2021  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
JOB # 20165  
DATE: NOVEMBER 19, 2020  
SHEET 1 OF 2

**UPCHURCH ANNEXATION  
TO THE CITY OF SALIDA**

LOCATED IN THE SE¼ SW¼  
OF SECTION 31  
T50N R9E OF THE N.M.P.M.  
CHAFFEE COUNTY, COLORADO

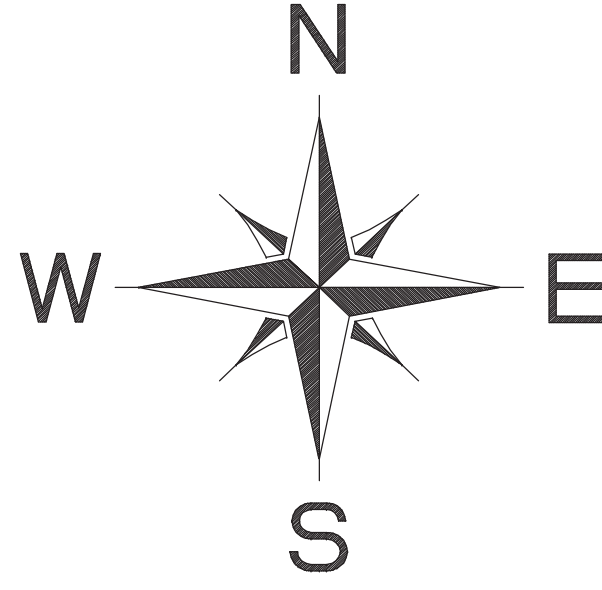
**LANDMARK  
SURVEYING & MAPPING**

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

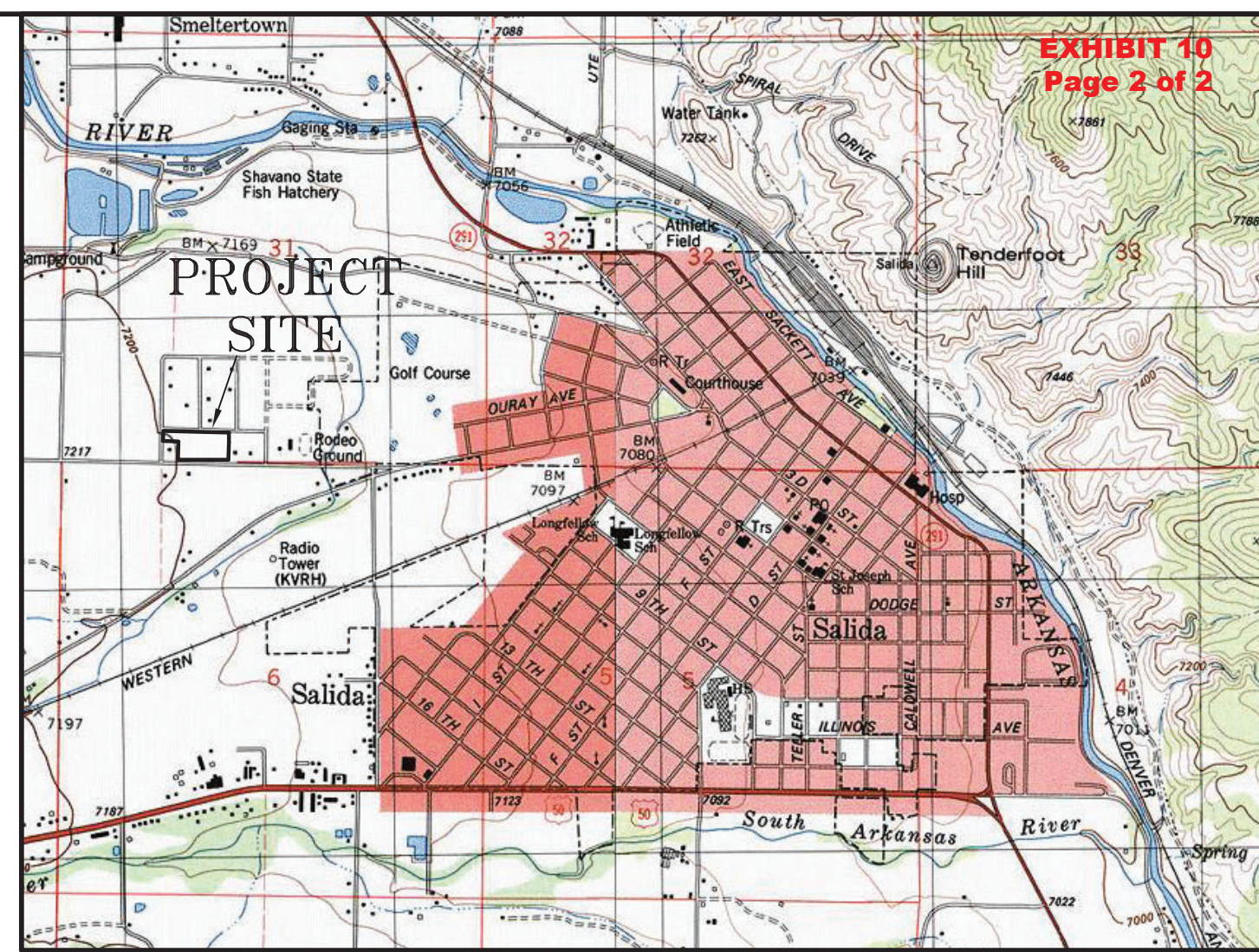
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT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

# UPCHURCH ANNEXATION TO THE CITY OF SALIDA

LOCATED IN THE SE 1/4 SW 1/4  
OF SECTION 31  
T50N R9E OF THE N.M.P.M.  
CHAFFEE COUNTY, COLORADO



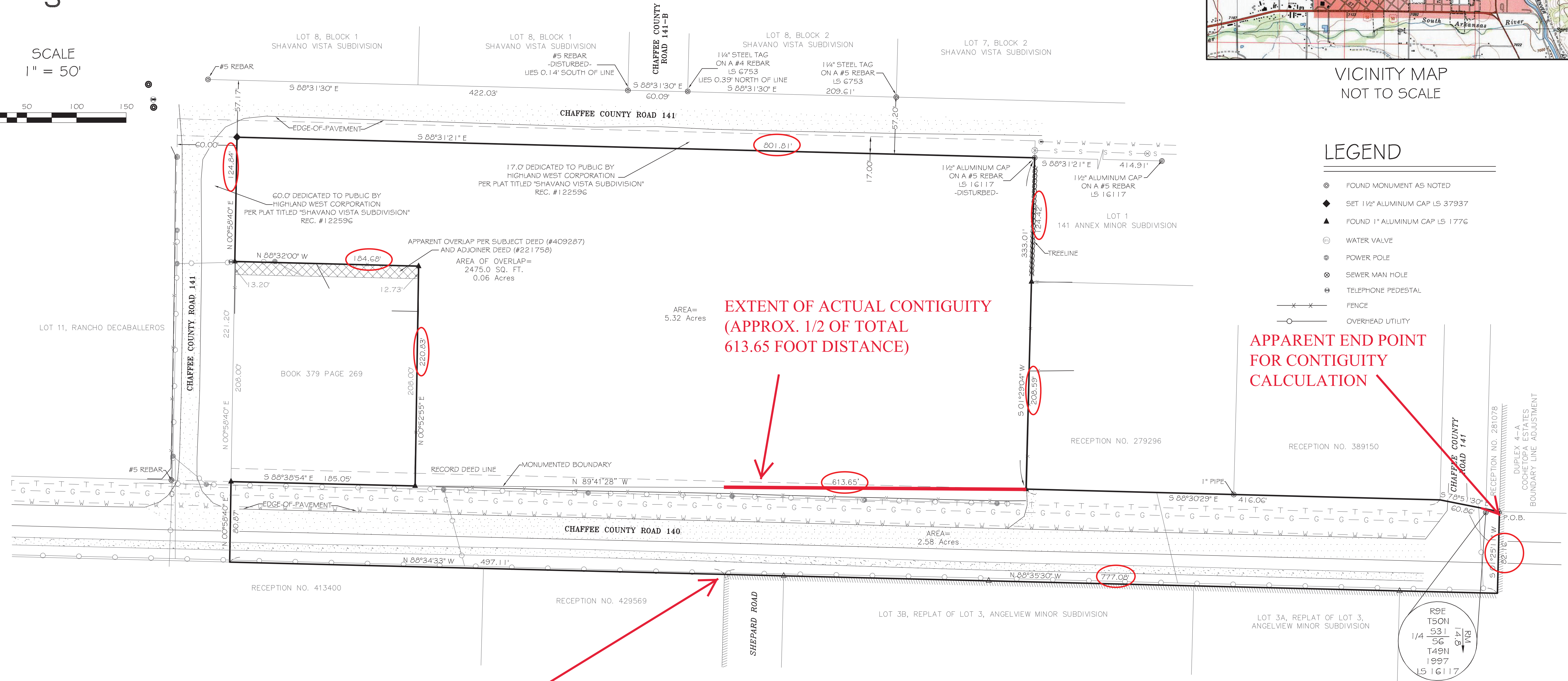
SCALE  
1" = 50'



VICINITY MAP  
NOT TO SCALE

### LEGEND

- FOUND MONUMENT AS NOTED
- ◆ SET 1 1/2" ALUMINUM CAP LS 37937
- ▲ FOUND 1" ALUMINUM CAP LS 1776
- ⊙ WATER VALVE
- ⊙ POWER POLE
- ⊙ SEWER MAN HOLE
- ⊙ TELEPHONE PEDESTAL
- × × × FENCE
- OVERHEAD UTILITY



**EXTENT OF ACTUAL CONTIGUITY  
(APPROX. 1/2 OF TOTAL  
613.65 FOOT DISTANCE)**

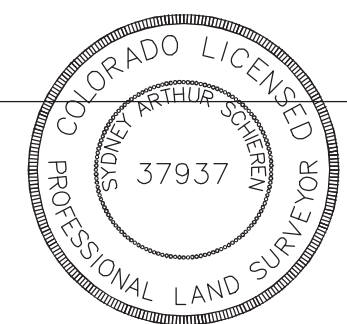
**APPARENT END POINT  
FOR CONTIGUITY  
CALCULATION**

**APPARENT BEGINNING POINT  
FOR CONTIGUITY CALCULATION**

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

**PRELIMINARY DRAFT**  
INTENDED FOR REVIEW BY CLIENT

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



REVISED: FEBRUARY 11, 2021
JOB # 20165
DATE: NOVEMBER 19, 2020
SHEET 2 OF 2

**UPCHURCH ANNEXATION  
TO THE CITY OF SALIDA**  
  
LOCATED IN THE SE 1/4 SW 1/4  
OF SECTION 31  
T50N R9E OF THE N.M.P.M.  
CHAFFEE COUNTY, COLORADO



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



## BOARD OF COUNTY COMMISSIONERS

PO Box 699  
 SALIDA, CO 81201  
 PHONE (719) 539-2218  
 FAX (719) 539-7442  
 WWW.CHAFFEECOUNTY.ORG

March 18, 2021

City of Salida  
 Planning Commission  
 448 E. First Street, Suite 112  
 Salida, CO 81201

City of Salida  
 City Council  
 448 E. First Street, Suite 112  
 Salida, CO 81201

Re: The City of Salida's Annexation and Rezoning of an approximately 5.32 acre parcel of unincorporated and undeveloped land between CR 140 and CR 141-A North of Shepherd Road ("Upchurch Property")

Dear City of Salida Planning Commission and City Council:

The Chaffee County Board of County Commissioner ("Board") has reviewed the Annexation Application and Rezoning request for the Upchurch Property and wishes to submit written comments regarding potential impacts that the annexation and rezoning of the Upchurch Property may have on county residents. The Board understands that the Upchurch Property is subject to the procedures as outlined in the Intergovernmental Agreement ("IGA") (first approved in 2008 and as amended in 2010) and has been identified for many years in the City of Salida's ("City") Three Mile Plan, Municipal Service Area and the City's and County's Joint Planning Map, as well as the County's Comprehensive Plan 2020, as an area adjacent to the City's boundaries that is eligible for annexation which can be served by City utilities and infrastructure. The Board is also aware that the newly adopted Comprehensive Plan 2020 identifies the Upchurch Property as mixed residential and an unincorporated area along a major transportation corridor appropriate for annexation and where higher densities may be appropriate.

The Board wishes to comment regarding the Upchurch Annexation and Rezoning in hopes of assisting in an application that can meet the goals of the above aforementioned plans, promote efficient public services and to bring attention to potential unintended impacts growth may have to county residents. Thus, the Board would like to make the following comments for your consideration:

- That the Upchurch Property be zoned Single-Family Residential (R-1), which provides for residential neighborhoods comprised of detached single-family dwelling at relatively low densities. However, if the City wishes to keep a higher density, such as Medium- Density Residential (R-2), the County would like the City to consider that only single-family dwelling be permitted on the smaller lots. The Board believes that single family residences would be consistent with the adjacent unincorporated neighborhood, which is zoned Residential.
- That the applicant dedicates the required right-of-way for all County Roads adjacent to the Upchurch Property and the City work with County staff to ensure that the right-of-way is consistent with currently dedicated right-of-way.
- That all ingress and egress for the Upchurch Property will be onto County Road 140, which will be annexed and maintained by the City.
- That the applicant understands that any driveways or roads that are accessed via a County maintained road will need to comply with the Chaffee County Land Use Code, will require a county driveway or road permit and if necessary, a traffic study.
- That county and city staff verify and confirm, which roads will be annexed and maintained by the city and as contemplated by the IGA.

We also believe that Chaffee County residents that live adjacent to the Upchurch Property will express additional comments and concerns, especially in regards to density, the character of the neighborhood and environmental impacts and we encourage the City to review and consider those comments in context with the County's comments and all applicable codes, statutes and plans. We look forward to working with the City during the review of this application. If we can provide the City with any information or clarification, please do not hesitate to contact County Administrator Bob Christiansen, who will be our main liaison for the Board with respect to this process.

Sincerely,

  
\_\_\_\_\_  
Commissioner Greg Felt

  
\_\_\_\_\_  
Commissioner Keith Baker

  
\_\_\_\_\_  
Commissioner Rusty Granzella