



## REQUEST FOR CITY COUNCIL ACTION

Meeting Date: March 3, 2020

<b>AGENDA ITEM NO.</b> 7.a.	<b>ORIGINATING DEPARTMENT:</b> Administration	<b>PRESENTED BY:</b> Drew Nelson
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### **ITEM:**

Agency Review – Annexation Request – Moltz Property, Poncha Springs

### **BACKGROUND:**

As you are aware, the City of Salida, through its Water and Wastewater Enterprise, provides sewer service to the Town of Poncha Springs as governed by two Intergovernmental Agreements (IGAs). Following a meeting with the Board of Trustees for Poncha Springs, the City finalized the 2019 Sewer Collection System Build-Out Infrastructure Plan (“the Plan”) that had a series of projections and recommendations for improvements to the system. The growth projections in the plan indicated that the main sewer trunk line that serves all of Poncha Springs may be at or exceed capacity at buildout and would need to be expanded in order to accommodate new growth.

On February 11, the City of Salida was notified by Poncha Springs of a new application for annexation of 54.25 acres of property on the eastern end of the Town, known as the Moltz property (also known as Tailwinds II). The proposed zoning for the property would be both urban and suburban, per their application. Per the City’s approved Plan, this property was identified as “unknown” in the mapping for the municipal services area – shown in red on the attached map. The Plan indicates that in order to serve areas designated as “unknown”, the sewer trunk line needs to be upsized.

In addition, the Plan indicates that better data needs to be gathered to track actual flows in the trunk line to improve projections along with understanding current conditions (winter time flows, summer infiltration from irrigation, etc.). The City of Salida has installed flow metering devices in the line and we are gathering data. Should you recall, the City agreed to reconvene with Poncha Springs officials when we have a decent grasp on this data, anticipated to be sometime in the late spring/early summer, and to update the Plan after the summer irrigation season to include tried up numbers and data.

With all of this in mind, City staff believes that any decisions on annexation of property identified as “unknown” in the Plan may be premature without a complete picture of the actual flows in the trunk line and the implications that may have on future infrastructure needs. In addition, there is no current consensus on how the Water and Wastewater Enterprise will fund any improvements to the line via Poncha Springs developers or ratepayers. The City is currently in the process of working through financial modeling with its consultants (Ehlers), which was approved by the City Council at your last meeting.

Per the IGAs, the City is a referral agency for the Town of Poncha Springs for applications for development. City staff has drafted the attached response letter and map for consideration of the City Council, acting as the Water and Wastewater Enterprise Board.



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**FISCAL NOTE:**

There is no immediate fiscal impact; however, the Plan includes a cost estimate of \$14.15M to replace and expand the Poncha Springs trunk line to serve all future existing, planned, and unknown growth. This is a sizeable expenditure that should be approached carefully and will full understanding of the financial implications to the system.

**STAFF RECOMMENDATION:**

Staff recommends that the City Council review the attached letter for submittal to the Town of Poncha Springs as the official response by the City of Salida. Sitting as the Water and Wastewater Enterprise Board, the City Council is the responsible agent for preserving, sustaining, enhancing and expanding the City's utility systems. It is imperative to have a full understanding of the implications of additional use of the sewer system on the Poncha Springs trunk line, which will occur over the next year (and beyond). The letter includes a request by the City of Salida to delay any decisions regarding this annexation – especially as it relates to infrastructure – until more data is in our collective possession.

**SUGGESTED MOTIONS:**

A City Councilperson should make a motion to approve response letter to the Town of Poncha Springs with regard to the annexation application for the Moltz property, also known as Tailwinds II, as noticed to the City on February 11, 2020, to be signed by the Mayor, followed by a second and a voice vote.



March 3, 2020

Town of Poncha Springs Board of Trustees  
Attn: Brian Berger, Town Administrator  
333 Burnett Avenue  
Poncha Springs, CO 81242

RE: Annexation and Zoning Map Amendment – Moltz Property, Poncha Springs, Colorado - Comments by the City of Salida as Referral Agency Pursuant to Paragraph 1.a. of the Intergovernmental Agreement for Provision of Sewer Services dated April 6, 2010

Dear Mr. Berger,

The City of Salida is in receipt of the public notice and agency review request dated February 11, 2020, regarding the Annexation and Zoning Map Amendment for the Paul Moltz property consisting of 54.25 acres located on US-50, immediately east of Tailwinds Subdivision. The proposed zoning map indicates urban and sub-urban zoning.

As you are aware, the City of Salida diligently worked with the Town of Poncha Springs during the development of the '2019 Sewer Collection System Build-Out Infrastructure Plan' (Plan). The Plan identified the capacity conditions of the wastewater collection system under three scenarios: existing (green), planned (yellow & green), and build-out including unknown future development (red, yellow, & green) as identified on the attachment titled, 'Figure 1 – Poncha Springs Parcel Development Status'. The Plan identified that portions of the trunk line serving the Poncha Springs Service Area are at or near capacity at full development of the parcels in the 'planned' scenario. The Moltz property was identified outside of the 'planned' scenario and is shown in red on Figure 1. The Plan indicates that a portion of the trunk line needs to be upsized in order to provide reliable service for development beyond the planned areas (yellow & green), which would be the case should this property be annexed and provided service.

The City of Salida installed a new flow meter and is collecting the data that was recommended within TM-7, Section 5, of the Plan. This data must be used to update the results and recommendations of the Plan. This analysis is proposed to be completed in the fall of 2020 once seasonal fluctuations in flow can be monitored. This data is critical to understand the implications of continued growth of flows in the trunk line. It is the City's belief that without the data we are in the process of collecting, any decisions related to land use and development would be missing critical information to assist the Poncha Springs Board of Trustees in its contemplation of the annexation request. This has far-reaching financial implications for ratepayers and property owners in Poncha Springs should additional improvements, including expansion, need to occur with the Poncha Springs trunk line.

The City of Salida, in its capacity as a referral agency pursuant to the Salida and Poncha Springs Intergovernmental Agreement for Provision of Sewer Services dated April 6, 2010, submits the following:

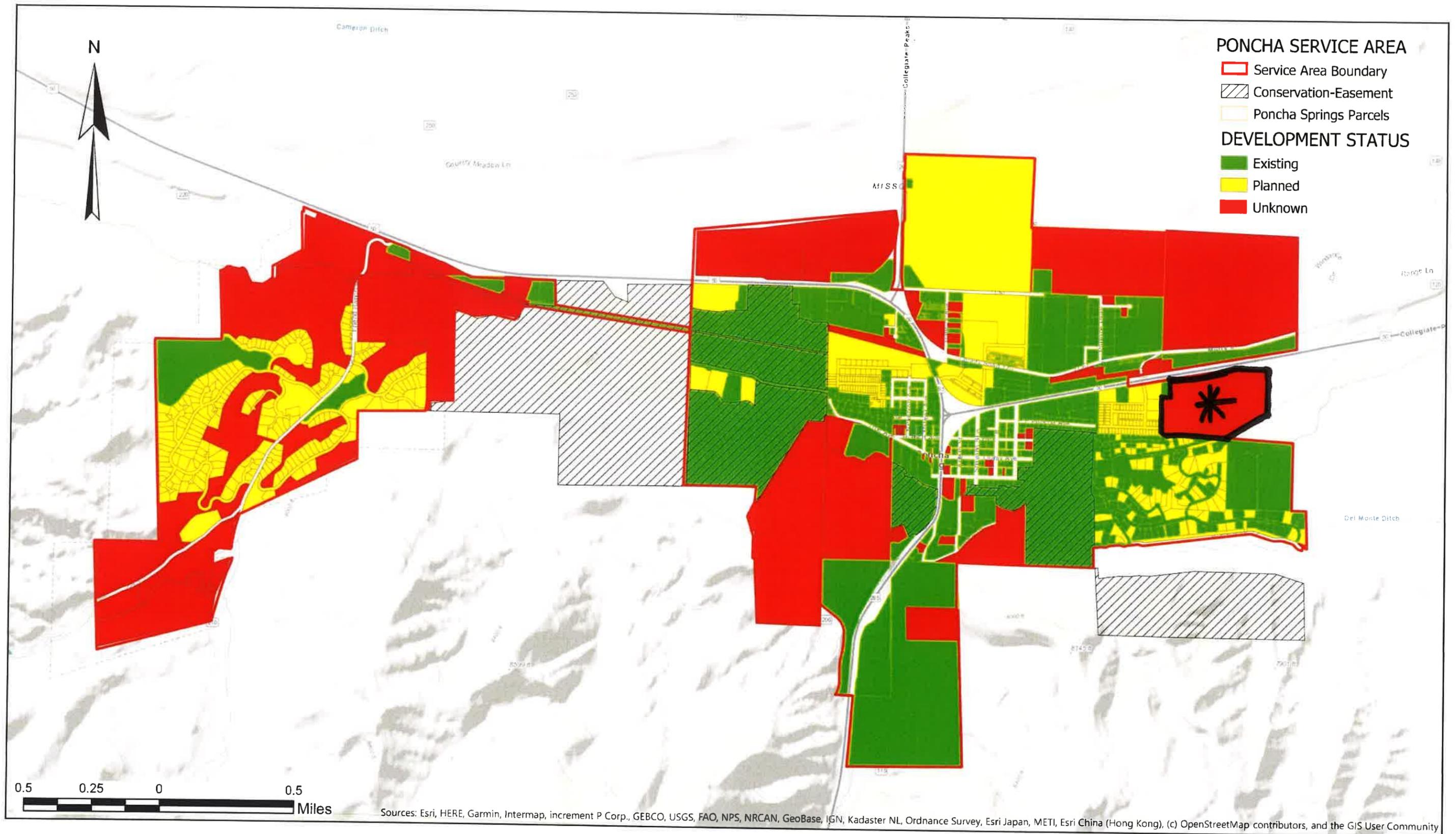
The Salida Sewer Collection System Build-Out Infrastructure Plan, as updated December 16, 2019, has not addressed the potential sewer unit load impact of this proposed annexation on the Salida sewer system, as it is a parcel that is not included in either the existing or planned development status addressed by the Plan. Because the sewer unit load impact on the sewer system is currently unknown, it is unclear what costs will be associated with providing sewer service to this proposed development.

With the above in mind, the City of Salida, acting as the Water and Wastewater Enterprise, humbly requests that no decision on annexation (especially with regard to public improvements) be made until the full scope of flow data can be collected, analyzed, and discussed. We desire to continue to work collaboratively with the Poncha Springs Board of Trustees on delivering sustainable, cost-effective wastewater service to residents of both Salida and Poncha Springs, and it is imperative that factual data be allowed to drive the ongoing conversations that started during development of the Plan.

We greatly appreciate your attention to this matter, and are available to discuss this issue in greater detail.

Sincerely,

P.T. Wood  
Mayor, City of Salida



**CITY OF SALIDA SEWER BUILD-OUT PLAN**  
**FIGURE 1 - PONCHA SPRINGS PARCEL DEVELOPMENT STATUS**

# Poncha Springs



*"Crossroads of the Rockies"*

February 11, 2020

Board of County Commissioners  
Chaffee County, Colorado  
PO Box 699  
Salida, CO 81201

Upper Arkansas Water Conservancy District  
PO Box 1090  
Salida, CO 81201

Jennifer A. Davis, County Attorney  
PO Box 699  
Salida, CO 81201

Southeastern Colorado Water Conservancy  
31717 United Avenue  
Pueblo, CO 81001

Salida School District No. R32-J  
349 E 9<sup>th</sup> Street  
Salida, CO 81201

Heart of the Rockies Regional Medical Center  
PO Box 429  
Salida, CO 81201

City of Salida Wastewater  
c/o David Lady – Public Works Director  
340 W Hwy 291  
Salida, CO 81201

Salida Regional Library  
405 E Street  
Salida, CO 81201

Chaffee County Fire Protection District  
499 Antero Circle  
Buena Vista, CO 81211

South Arkansas Fire Protection District  
124 E Street, PO Box 393  
Salida, CO 81201

IN COMPLIANCE WITH THE PROVISIONS OF SECTION 31-12-108(2) C.R.S., please find enclosed a copy of the published Notice, together with a copy of the Resolution and Petition concerning the annexation to the Town of Poncha Springs, of property therein described. The provisions of annexation laws of the State of Colorado require that such mailing be made to the Board of County Commissioners of the County, the County Attorney and to each Special District or School District having property within the area to be annexed.

Thank you.

  
Brian Berger, Town Clerk



# PUBLIC NOTICE

Monday, March 9<sup>th</sup>, 2020 – 6:30p.m.

## Public Hearing – Zoning Map Amendment

The Town of Poncha Springs **Planning and Zoning Commission** will hold a Public Hearing at the Poncha Springs Town Hall, 333 Burnett Ave., Poncha Springs, CO on March 9<sup>th</sup>, 2020 regarding a Zoning Map Amendment and requested zoning associated with an Annexation Petition submitted by Tailwind Group, LLC for parcel number 380511200034, 54.25 acres, situated east of Tailwind Village Subdivision, south of Hwy 50 and north of Little River Ranch/a portion of unincorporated Chaffee County owned by Paul Moltz.

**Public Notice is also hereby given:**

Monday, March 23<sup>rd</sup>, 2020 – 6:30p.m.

## Public Hearing – Annexation and Zoning Map Amendment

The Town of Poncha Springs **Board of Trustees** will hold a Public Hearing at the Poncha Springs Town Hall, 333 Burnett Ave., Poncha Springs, CO on March 23<sup>rd</sup>, 2020 regarding an Annexation Petition and associated Zoning Map Amendment submitted by Tailwind Group, LLC for parcel number 380511200034, 54.25 acres, situated east of Tailwind Village Subdivision, south of Hwy 50 and north of Little River Ranch/a portion of unincorporated Chaffee County owned by Paul Moltz.

**The hearings are for the purpose of taking public comment on proposed amendments to the Town of Poncha Springs Zoning District Map**



Overview

Legend

-  Parcels
-  Parcel Joins
-  Roads

**Parcel Number** R380511200034    **Physical Address**  
**Property Class** Shed - Cattle    **Owner Address** MOLTZ V PAUL  
**Taxing District** 06    PO BOX 1914  
**Acres** 54.22    BUENA VISTA, CO 812111914  
**Brief Tax Description** TRACT IN SW4NW4  
 SE4NW4 11-49-8  
 B504 P888 B516 P804  
 REC 304483 WATER RIGHTS  
 (Note: Not to be used on legal documents)

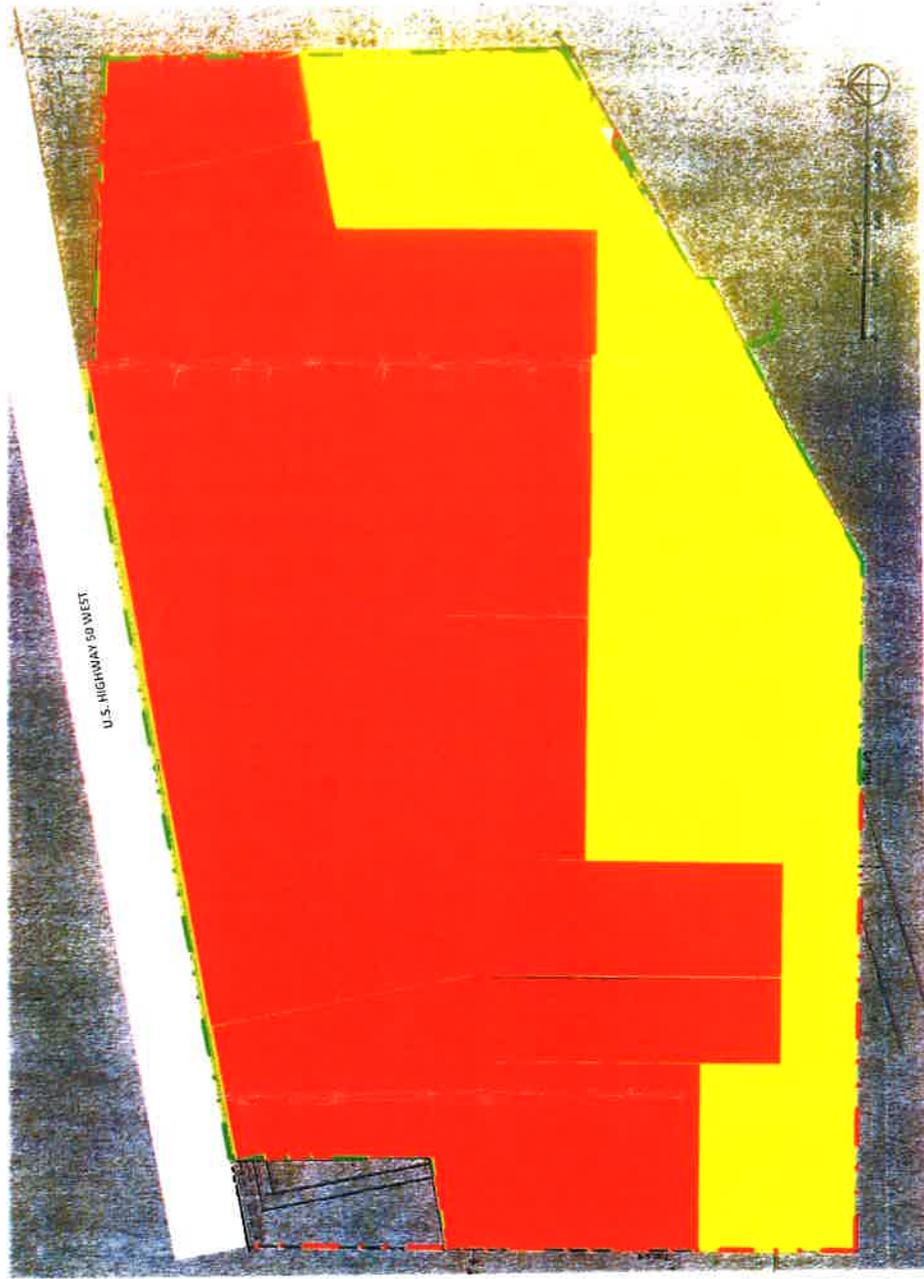
Total Value \$19,494		Last 2 Sales			
Date	Price	Reason	Qual		
8/22/2001	\$8000	U	n/a		
6/8/1999	\$16000	U	n/a		

Date created: 2/3/2020  
 Last Data Uploaded: 1/31/2020 5:16:46 PM

Developed by  Schneider  
 GEOSPATIAL



# MOLTZ ANNEXATION ZONE MAP



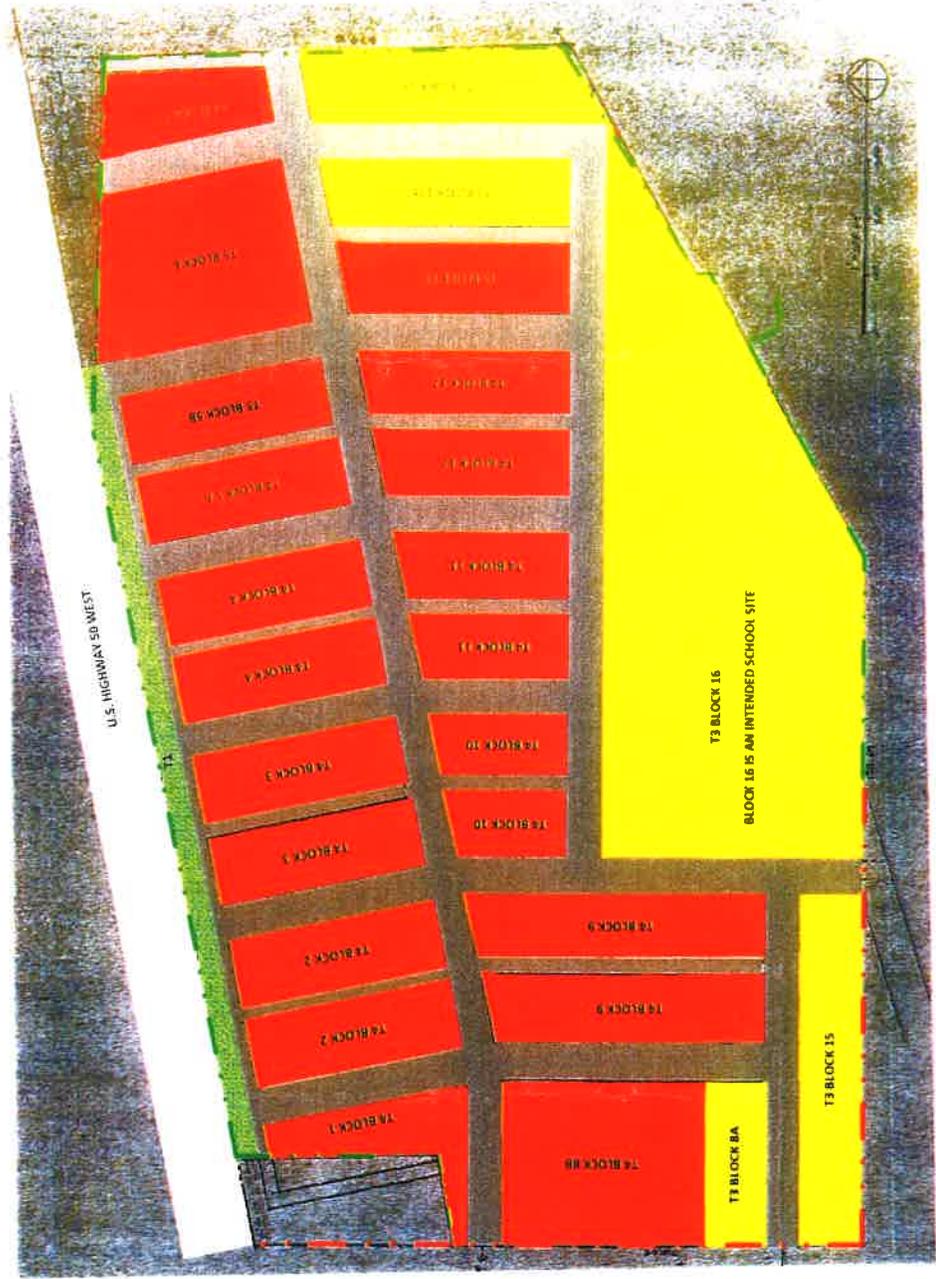
EXISTING TOWN BOUNDARY

NEW TOWN BOUNDARY

LEGEND	
	T1 - NATURAL ZONE (PUBLIC)
	T1 - NATURAL ZONE (PRIVATE)
	T2 - RURAL ZONE
	T3 - SUB-URBAN ZONE
	T4 - GENERAL URBAN ZONE
	T5 - URBAN CENTER ZONE
	BD1 - BUSINESS PARK DISTRICT
	BD2 - INDUSTRIAL PARK DISTRICT
	BD3 - FAIRCOLUMNS DISTRICT
	BD4 - URBAN RESORT DISTRICT
	CS - CIVIC SPACE
	CONSERVATION EASEMENT
	IRRIGATION DITCH

*Conceptual Only  
(likely to change)*

# MOLTZ ANNEXATION ZONE MAP



EXISTING TOWN BOUNDARY

NEW TOWN BOUNDARY

LEGEND	
	T1 - NATURAL ZONE (PUBLIC)
	T1 - NATURAL ZONE (PRIVATE)
	T2 - RURAL ZONE
	T3 - BIOP-URBAN ZONE
	T4 - GENERAL URBAN ZONE
	T5 - URBAN CENTER ZONE
	BD1 - BUSINESS PARK DISTRICT
	BD2 - INDUSTRIAL PARK DISTRICT
	BD3 - FAIRGROUND DISTRICT
	BD4 - URBAN RESORT DISTRICT
	CS - CIVIC SPACE
	CONSERVATION EASEMENT
	IRRIGATION DITCH

TOWN OF PONCHA SPRINGS, COLORADO  
RESOLUTION INITIATING ANNEXATION PROCEEDINGS

NOTICE IS HEREBY GIVEN that a Petition for Annexation of property hereinafter described has been presented to the Board of Trustees of the Town of Poncha Springs, Colorado and found to be in apparent compliance with the applicable provisions of law. The Board of Trustees has adopted a Resolution setting a public hearing to be held at 6:30 P.M. on March 23<sup>rd</sup>, 2020, at the Poncha Springs Town Hall, 333 Burnett Avenue, Poncha Springs, Colorado 81242, to determine if the proposed annexation complies with the applicable provisions of law.

Any person may appear at the hearing and present evidence and arguments to be considered by the Board of Trustees. The Resolution provides as follows:

TOWN OF PONCHA SPRINGS, COLORADO

RESOLUTION #2020-1

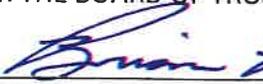
BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PONCHA SPRINGS, COLORADO AS FOLLOWS:

1. That annexation proceedings be initiated upon a Petition for Annexation of the following described property to the Town, which Petition appears to be in substantial compliance with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes.
2. Description of property proposed for annexation: See, attached **Exhibit A**.
3. Therefore, 6:30 P.M. on March 23<sup>rd</sup>, 2020 is hereby established as the date and time, and the Poncha Springs Town Hall, 333 Burnett Avenue, in Poncha Springs, Colorado 81242, as the place, for a public hearing to be held to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S. or such parts thereof as may be required to establish eligibility under Part 1 of Chapter 31, Article 12 of said statutes.

PASSED, APPROVED AND ADOPTED this 27<sup>th</sup> day of January 2020, the vote upon roll call being as follows:

For: 5  
Against: 1  
Abstain: 0  
Absent: 1

FOR THE BOARD OF TRUSTEES OF THE TOWN OF PONCHA SPRINGS, COLORADO

  
Brian Berger, Town Clerk

  
By: Ben Scanga, Mayor



Published in the Mountain Mail

Publish Weekly: First Publication: February 3<sup>rd</sup>, 2020  
Second Publication: February 10<sup>th</sup>, 2020  
Third Publication: February 17<sup>th</sup>, 2020  
Fourth Publication: February 24<sup>th</sup>, 2020

EXHIBIT A

Legal Description of Proposed Annexation

The Land referred to herein below is situated in the County of Chaffee, State of Colorado, and is described as follows:

A tract of land located within the Southwest quarter of the northwest quarter (SW1/4 NW ¼) and the South east quarter of the Northwest quarter (SE1/4 NW1/4) of Section 11 Township 49 North Range 8 East of the New Mexico Principal Meridian, Chaffee County, Colorado described as follows:

Beginning at a point on the Southerly right-of-way boundary of U.S. Highway No. 50 from whence the Southwest corner marked stone in place, of said Section 11 bears South 18° 14' 5" West, 4184.4 feet and from whence a brass capped right-of-way marker at Station 2082-00 bears South 79° 00' 1" West, 1299.1 feet to said right-of-way marker, thence leaving the Southerly high way right-of-way boundary South 00° 31.5' East along a fence 351.04 feet to a fence corner, thence South 80° 15.8' West along a fence, 155.95 feet to a fence corner on the West boundary of said Section 11 as fenced; thence South 00° 18.7' West along the Southerly boundary of said Southwest ¼ of the Northwest ¼ as fenced, 1211.69 feet to the centerline of the Harrington Ditch; thence North 61° 24' 53" East, 566.03 feet along the centerline of said ditch; thence North 01° 05.6' West, 25.04 feet; thence North 60° 46.1' East, 460.78 feet; thence North 01° 05' 36" West, 834.21 feet; thence North 89° 28.5' West, 664.02 feet to the point of beginning

Also known by street address as: TBD

And assessor's schedule or parcel no.: 380511200034

## PETITION FOR ANNEXATION

TO: The Town Board of Trustees of the Town of Poncha Springs, Colorado

The undersigned ("Petitioners"), being the owners of more than fifty percent (50%) of property proposed to be annexed, exclusive of streets and alleys, which property is described in Exhibit "A" attached hereto and made a part hereof (the "Property"), hereby petitions the Town Council of the Town of Poncha Springs for annexation of the Property as the "Paul V. Moltz Parcel" (Assessor Parcel No. 380511200034) in accordance with the provisions of Part 1 of Article 12 of Title 31, C.R.S., as amended.

In support of this petition, Petitioners state:

1. It is desirable and necessary that the Property be annexed to the Town of Poncha Springs, Colorado.
2. The requirements of the applicable provisions of Sections 31-12-104 and 31-12-105, C.R.S. exist or have been met.
3. Not less than one-sixth of the perimeter of the Property is contiguous with the Town of Poncha Springs.
4. A community of interest exists between the Property and the Town of Poncha Springs.
5. The Property is urban or will be urbanized in the near future.
6. The Property is integrated with or capable of being integrated with the Town of Poncha Springs.
7. In establishing the boundaries of the Property, no land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowner unless separated by a dedicated street, road or other public way.
8. No land held in identical ownership comprising twenty (20) acres or more which has a valuation for assessment in excess of Two Hundred Thousand Dollars (\$200,000.00) for the preceding tax year has been included in the boundary of the Property without the written consent of the landowner.
9. The boundaries of the Property to be annexed includes the full width of any county road abutting any of the property to be annexed.
10. No annexation proceedings have been commenced for the annexation of all or part of the Property to another municipality.

11. Annexation of the Property will not result in the detachment of area from any school district or attachment of area to another school district.

12. Prior to the hearing before the Town Board of Trustees on whether to annex the Property, the Petitioners and the Town shall have entered into an annexation agreement which shall govern and control the development of the Property within the Town (the "Annexation Agreement"). Annexation of the Property shall be conditioned upon the Town Board of Trustees' approval of the Annexation Agreement. Upon the effective date of the ordinance annexing the Property and approving the Annexation Agreement ("Annexation Ordinance"), the Property shall be subject to all of the terms and provisions of the Annexation Agreement.

13. Except as modified by the terms and provisions of the Annexation Agreement, upon the effective date of the Annexation Ordinance, all lands within the Property shall become subject to all ordinances, resolutions, rules and regulations of the Town of Poncha Springs, except for general property taxes of the Town of Poncha Springs, if any, which shall become effective on January 1st of the next succeeding year following the effective date of the Annexation Ordinance.

14. Petitioners are the owners of more than fifty percent (50%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys, and comprise more than fifty percent (50%) of the landowners of such area, exclusive of streets and alleys and said owners attesting to the facts and agreeing to the conditions herein will negate the necessity of an annexation election.

15. The legal description of the land owned by each signer of this Petition for Annexation is set forth on Exhibit "B" attached hereto and incorporated herein by this reference;

16. Accompanying this petition are four copies of an annexation map showing the seal of a registered engineer or land surveyor, containing:

- a. A written legal description of the boundaries of the Property proposed to be annexed;
- b. The boundary of the Property and the boundary of the Property contiguous with the Town of Poncha Springs and any other municipality abutting the Property;
- c. The location of each ownership tract of un-platted land, there being no platted land on the Property;
- d. The total acreage, more or less, of the Property;
- e. The total length of the perimeter of the boundary of the Property and the length of the boundary of the Property contiguous with the Town of Poncha Springs;
- f. The width of any county roads abutting the Property.

17. No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will become effective.

18. The area proposed to be annexed is located within: Chaffee County, Salida R32J School District, Chaffee County Fire Protection District, the Health District of Heart of the Rockies Regional Medical Center, the Upper Arkansas Water Conservancy District, Salida Regional Library District, and the Chaffee County Pest Control District.

19. The mailing address of each Petitioner and the date of signing of each Petitioners' signature are shown on this Petition.

20. The Property is not presently a part of any incorporated town, city and county, or city.

21. Petitioners agree that provision of water service to the Property shall take place as provided in the Annexation Agreement. Petitioners understand that the Town of Poncha Springs does not provide municipal sewer services. Failure to provide such services to the Property shall not be cause for disconnection of the Property at any future time.

22. No vested rights to use or develop the Property in any particular way, as defined in Section 24-68-101, et seq., C.R.S. have been requested by Petitioners from any governmental entity, other than those requested and included in the Annexation Agreement.

23. The Petitioners shall pay all fees and costs incurred by the Town in processing this Petition for Annexation through the annexation hearing before the Town Board of Trustees.

24. The Petitioners acknowledge that upon the effective date of the Annexation Ordinance, subject to the terms and provisions of the Annexation Agreement, the Property, the owners thereof, and uses thereon will be subject to all taxes and fees imposed by the Town. The Property, the owners thereof, and the uses thereon are also bound by any taxes imposed and voter authorization under Article X, Section 20 adopted prior to annexation of the Property. The Petitioner waives any claims it may have under Article X, Section 20 of the Colorado Constitution related to such taxes and fees.

25. The Petitioners shall have the right in their sole and absolute discretion to withdraw this Petition for Annexation at any time subsequent to the second reading approval of the ordinance annexing the Property to the Town, but prior to the effective date of such ordinance.

WHEREFORE, the undersigned Petitioners request that the Town of Poncha Springs approve the annexation of the Property.

Petitioners:

Paul V. Moltz

By:

  
Paul V. Moltz

Dated:

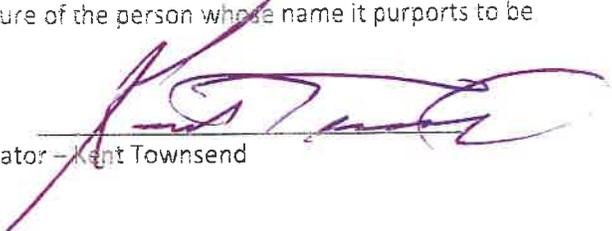
12-4-19

Address: PO Box 1914,  
Buena Vista, CO 81211-1914

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Poncha Springs, Colorado, and that the signature thereon of Paul V. Moltz was witnessed by affiant and is the signature of the person whose name it purports to be

  
Circulator - Kent Townsend

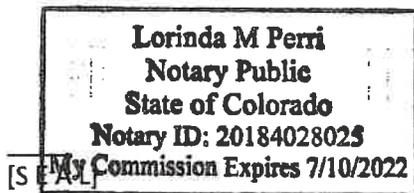
STATE OF COLORADO )

COUNTY OF Chaffee ) ss.

On the 9<sup>th</sup> of Dec, 2019, before me personally came Kent Townsend to me known, and known to me to be the individual described in, and who executed the foregoing instrument, and who acknowledged to me that he or she executed the same.

Witness my hand and official seal.

My Commission expires: 7/10/2022



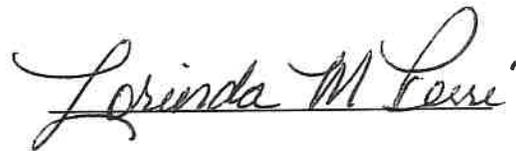
  
Notary Public

Exhibit "A"  
to Petition for Annexation

**Legal Description of the Property**

The Land referred to herein below is situated in the County of Chaffee, State of Colorado, and is described as follows:

A tract of land located within the Southwest quarter of the Northwest quarter (SW1/4 NW1/4) and the Southeast quarter of the Northwest quarter (SE1/4 NW1/4) of Section 11, Township 49 North, Range 8 East of the New Mexico Principal Meridian, Chaffee County, Colorado, described as follows:

Beginning at a point on the Southerly right-of-way boundary of U.S. Highway No. 50 from whence the Southwest corner (marked stone in place) of said Section 11 bears South 18° 14.5 West, 4184.4 feet, and from whence a brass capped right-of-way marker at Station 2082+00 bears South 79° 00.1 West, 1299.7 feet; thence proceeding around the tract herein described, South 79° 00.1 West, 1299.1 feet to said right-of-way marker; thence leaving the Southerly highway right-of-way boundary, South 00° 31.5' East along a fence, 351.04 feet to a fence corner; thence South 80° 15.8' West along a fence, 155.95 feet to a fence corner on the West boundary of said Section 11 as fenced; thence South 00° 18.7' West along the Southerly boundary of said Southwest 1/4 of the Northwest 1/4 as fenced, 1211.69 feet to the centerline of the Harrington Ditch; thence North 61° 24' 53" East, 566.03 feet along the centerline of said ditch; thence North 01° 05.6' West, 25.04 feet; thence North 60° 46.1' East, 460.78 feet; thence North 01° 05' 36" West, 834.21 feet; thence North 89° 28.5' West, 664.02 feet to the point of beginning.