



PLANNING COMMISSION STAFF REPORT

MEETING DATE: December 14, 2021
AGENDA ITEM TITLE: Recommendation on Proposed Annexation - 141 Annex Annexation
AGENDA SECTION: Public Hearing

REQUEST / BACKGROUND:

On December 04, 2018 City Council approved Resolution 2018- 52 for the Love Pre-Annexation agreement with owners Brad and Sandra Love to provide municipal water and sewer to the property of 141 Annex Minor Subdivision. At that same time the owners were also in the process of subdividing the 1.358 acre parcel into 3 individual lots within the Chaffee County jurisdiction.

Section 4 of the pre-annexation agreement requires the owners of Lots 1, 2 and 3 to annex their properties within 60 days when they become eligible, via contiguity. They became eligible with the Upchurch Annexation which was approved by Council on April 20, 2021 and recorded on July 2, 2021.

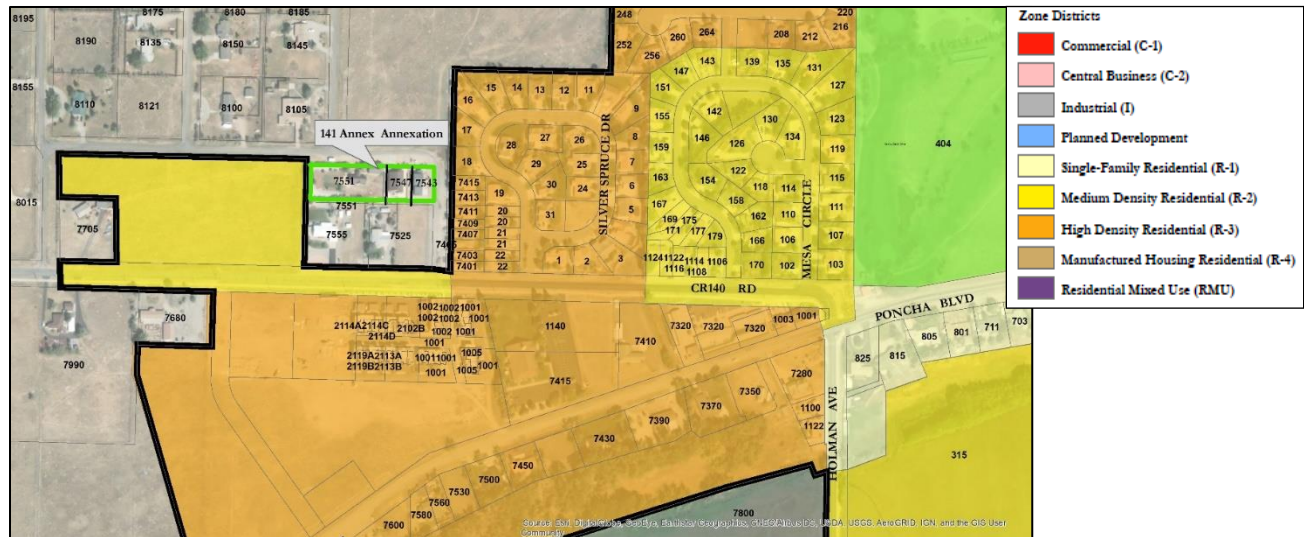
The applicants requested an extension to the 60 day timeline due to their Surveyor needing time to complete the 141 Annex Annexation plat. The extension was granted and the applicants were then required to file the petition for Annexation by October 28, 2021. The applicants, Jeff Kriebel, Thomas Clegg and Wendell Winger submitted the complete application to annex their properties located at 7543 C.R. 141, 7547 C.R. 141 and 7551 C.R. 141, respectively, on October 21, 2021 along with an application for Zoning to be considered during a separate hearing.

There is a single-family residence on each of the lots within the 141 Annex Minor Subdivision. Prior to issuance of the certificate of occupancy of the newly constructed residences on Lots 2 and 3 the developer paid the required Inclusionary Housing fees in lieu of \$7,675.12 for 7547 C.R. 141 and \$7,874.00 for 7543 C.R. 141.



A conceptual review meeting was not required with this application since the pre-annexation agreement required the annexation application.

Surrounding Land Use and Zoning: The site is currently zoned RES (Residential Zone District) in Chaffee County. The properties immediately to the north and south remain in Chaffee County and are also zoned RES. The properties to the east and west are within the city limits. The properties to the east are zoned High Density Residential (R-3) and the property to the west is the recently annexed Upchurch parcel that is zoned Medium Density Residential (R-2).



PROCESS:

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:

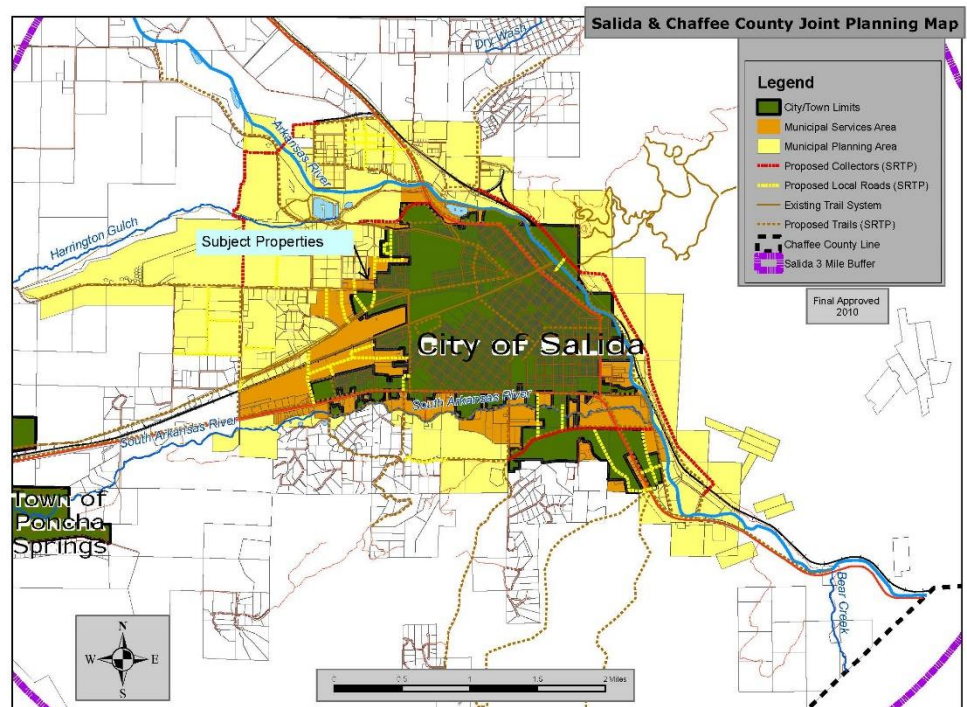
- 1/6th of the perimeter of a proposed annexation must be contiguous with the City of Salida;
- Staff reviews the petition for compliance with city and state statutes and Council adopts a resolution stating the petition is valid and sets a public hearing date that is no less than 30 days and no greater than 60 days from the resolution date;
 - On December 7, 2021 City Council adopted Resolution 2021-42 finding the Annexation petition in compliance with city and state statutes and set the public hearing date for February 1, 2022.
- 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.

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 following findings of facts are required for annexation:

1. The proposed annexation meets the required 1/6th contiguity with the municipal boundary of the City of Salida as shown on the annexation plat.
2. All applicable owners of the property are party to the annexation.

3. The annexation property is within the Municipal Services Area (MSA) of the City of Salida, as defined in the City's Comprehensive Plan and its intergovernmental agreement (IGA) with Chaffee County approved in 2010. According to the IGA, the MSA "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."



4. The property may be efficiently served by City fire and police departments.
5. The property is a natural extension of the City's municipal boundary and meets the legal requirements for annexation.

Annexation Agreement: Staff is recommending to incorporate conditions number 7 and 8 of the Love Pre-Annexation agreement as conditions in the 141 Annex Annexation agreement (below):

7. Payment of Fees. Owner agrees to pay at the time of building permit all applicable fees for the Property in the amounts set forth pursuant to the Salida Municipal Code, or as hereafter amended, namely the building plan review; water and sewer system development fees; and the Fair Contribution to School Sites per Section 16-6-140 of the Salida Municipal Code (SMC).
 - The fees have been paid for the newly constructed single-family residential units on Lots 2 and 3.

8. Inclusionary Housing. The applicant volunteers and agrees to provide an in-lieu fee at the rate in effect at the time of building permit application of any new residential dwelling units on any of the lots within the 141 Annex Annexation.

- The fees in lieu have been paid for the single-family residential units constructed on Lots 2 and 3.

RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:

- Salida Fire Department: Kathy Rohrich, Assistant Fire Chief, responded “The Fire Department has no concerns at this time.”
- Chaffee County Development Services: Planner Christie Barton, responded “Chaffee County Planning has no objection to the annexation, but County staff may have additional comments.”
- Salida Public Works Department: Public Works Director David Lady, responded “Typically there would be some language with regards to bringing the road up to standards.” (This one is a bit unique as there is no leverage to require that since the development has already occurred.)

STAFF RECOMMENDATION:

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

RECOMMENDED MOTIONS:

“I make a motion to recommend City Council approve the proposed 141 Annex Annexation as it meets the findings of fact for annexation, subject to the following recommended conditions to be included in the annexation agreement:

1. That new residential dwelling units constructed on Lots 1, 2 or 3 shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the Salida Municipal Code at the time of building permit submittal.
2. That new residential dwelling units constructed on Lots 1, 2 or 3 shall meet the requirements of Land Use Code Sec. 16-6-140, Fair Contributions to Public School Sites, at the time of issuance of a building permit.

Attachments: 141 Annex Annexation Application and Plat Submittal
Agency Review
Proof of publication