



CITY COUNCIL ACTION FORM

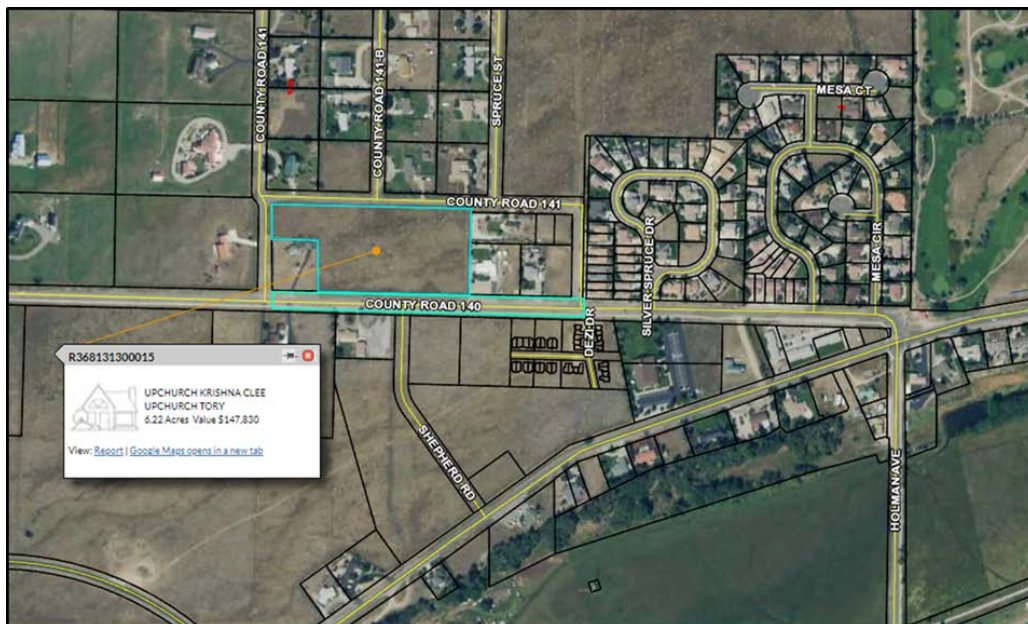
Department Community Development	Presented by Bill Almquist - Comm. Dev. Director	Date April 20, 2021
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ITEM

Second Reading and Public Hearing for **Ordinance No. 2021-05**: An Ordinance of the City of Salida, Colorado Annexing to the City of Salida a Certain Tract of Land in Unincorporated Chaffee County Known as the Upchurch Annexation.

BACKGROUND

The applicants, Tory and Clee Upchurch, are requesting approval for their 5.32 acre parcel to be annexed into the City of Salida. The private property proposed for annexation is located between County Roads (CR) 140 and 141. The applicants are also proposing the concurrent annexation of 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 below and the attached annexation plat.





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The applicants' original proposal included the portion of CR 140 from the existing City limits to the southwest corner of their property. Following conversations between City and County staff, and pursuant to the intergovernmental agreement (IGA) regarding annexations between the City and County, City staff requested that the applicant include in the annexation plat the remaining 180 feet of CR 140 (to the intersection with CR 141's west end) to simplify the boundaries of maintenance responsibilities for both the City and the County. No portion of CR 141 is required to be included in the annexation request provided that all vehicular access to/from any future development on the site will be via CR 140 and that no future homes will front onto CR 141.

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;



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- Council holds the public hearing on the annexation petition and possibly approves an ordinance approving such annexation, along with any conditions of an annexation agreement;
- Council holds a public hearing to review and possibly approve the proposed zoning; and
- Council reviews and possibly approves annexation findings of fact and an annexation agreement, both by resolution.

The applicants submitted their application for Annexation (along with an application for Zoning) on December 14, 2020. A conceptual review meeting was held with Planning Commission and Council on January 4, 2021. A 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. The request was heard by Planning Commission on March 22, 2021 and the Commission recommended that City Council approve the annexation with a number of staff conditions described later in this memo (5-1 vote). First reading of the ordinance was held on April 4, 2021.

UPDATE TO APPLICANT'S PROPOSAL

Following Planning Commission's recommendation to approve annexation of the subject property and subsequently recommend Single-Family Residential (R-1) zoning, as opposed to the applicants' requested zoning of Medium-Density Residential (R-2)—at least until more information regarding future development and a rezone request is provided—the applicants submitted additional information and requests that they would like to have considered for City Council's review of



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both the annexation and zoning requests. The requests and an updated subdivision concept design (dated 03/26/21) are included in the packet for review. In the email, the applicants outlined their objectives for developing the property and offered a number of additional recommended conditions for the annexation agreement. Those conditions, comments, and requests are (verbatim pasted below):

- 1. "R2 Zoning for the entire property. We are willing to commit to R1 minimum Lot size and use standards (single family only) for Lots (1-10) adjacent to County Road 141.*
- 2. Any future subdivision has to meet Chapter 16 Article 13 in the Salida City Code. Our current intent is to dedicate Lot 15 to the Chaffee County Housing Trust for them to build up to 5 inclusionary housing units.*
- 3. Preference/first right of refusal for Chaffee County Residents: We have included 6 units in our development (2 Triplexes) that we will advertise to Chaffee County residents and do the vetting to ensure that Chaffee County Residents have the first opportunity to buy. Although these units are less profitable, these units will be at a lower price point which will afford Chaffee County Residents a better chance at buying a house.*
- 4. If R1 Zoning is applied, we will develop all single family homes which will be at a much higher price point and likely be used as second homes for out of towners. This does not help with the housing affordability challenges for Chaffee County residents.*
- 5. 1 STR License - this is a request I am making for my family as I stated as my main goal in point #1 above.*
- 6. Subdivision of the subject parcel shall not require water and sewer main extensions in the following right of ways:*
 - a) County Road 141*
 - b) County Road 140 east of Shepherd Drive*



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7. *Right of ways as shown on the conceptual plan shall be sufficient for subdivision, particularly the bends without radius, and the portion of 40' wide right of way on the west end of the site.*
8. *Lots 1, 2, and 3 may have less than the required minimum lot frontage, but no less than 20', substantially in accordance with the conceptual plan. Such lots must be 50' minimum width at the rear lot line."*

The applicant also notes that *"(their) attempt in the current design (is) to provide a seamless transition from the R-3 zoned properties across CR 140 putting the highest density in the South end of the property and moving to a less dense design in the North and (West) boundaries."*

Although the above requests/conditions are primarily addressed in the staff report for the concurrent zoning request, staff also recognizes the need to address them as part of the annexation request since an annexation agreement, and not a zoning ordinance, is the appropriate location for such negotiated terms. Therefore, these items will be addressed as part of the recommended conditions further below.

FINDINGS OF FACT:

As explained above, the annexation shall be considered by Council as a required step prior to the zoning of the property. The following findings of facts are required for annexation:

1. The proposed annexation has greater than 1/6th contiguity (16.7%) with the municipal boundary of the City of Salida. Staff confirms that 27% of the perimeter of the property would be contiguous with City limits upon annexation. (CRS §31-12-104 provides that contiguity may be achieved via the

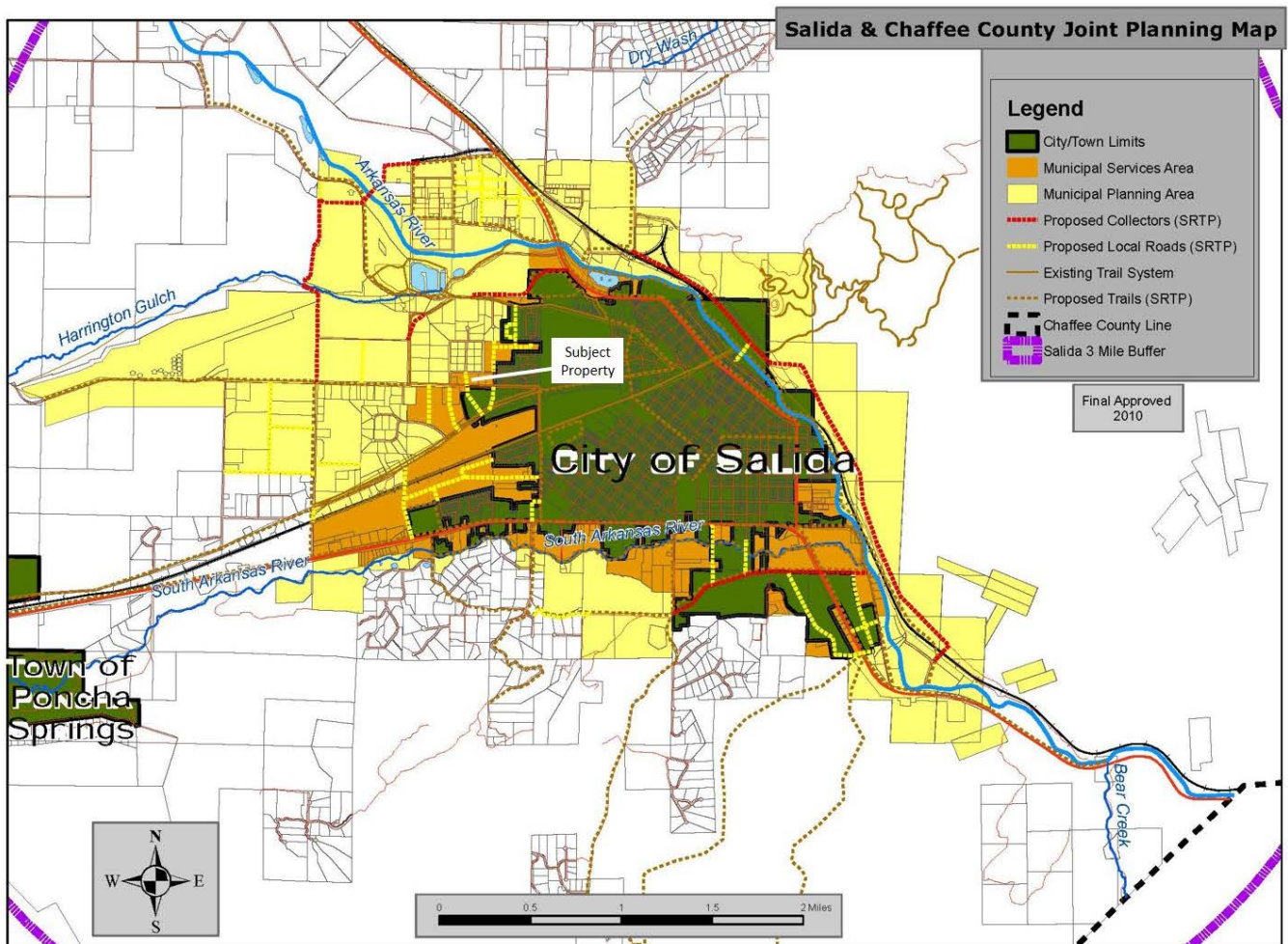


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simultaneous annexation of a contiguous public right of way—in this case, the included portion of CR 140).

2. All applicable owners of the property are party to the annexation.
3. The annexation property is within 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 is defined as *“the area designated on the Joint Planning Map, adjacent to City boundaries currently eligible for annexation*



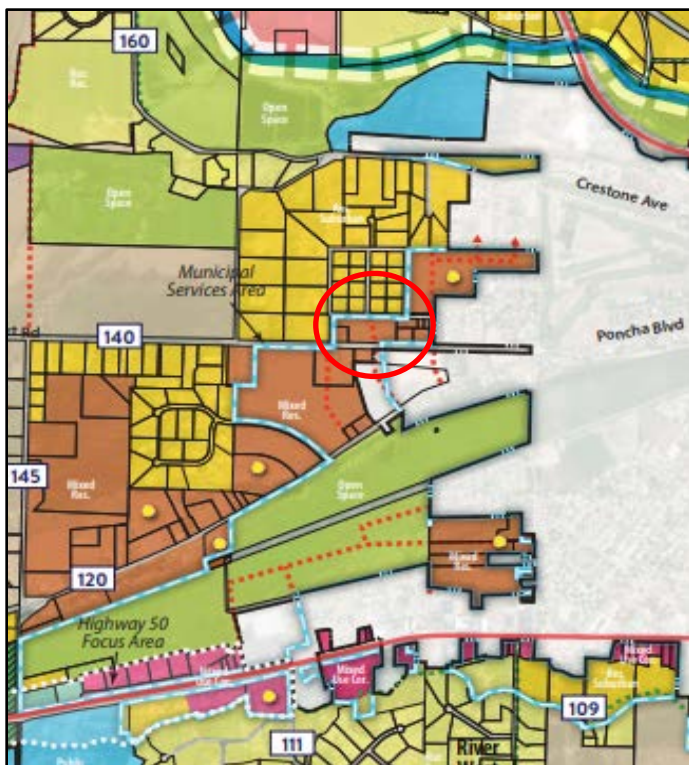


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and immediately capable of being serviced by municipal or approved special district sewer and water utilities and infrastructure.” See the Joint Planning Map below:

4. The annexation property is currently zoned RES, Residential in Chaffee County; however, it is also included in the “Mixed Residential” land use designation on Chaffee County’s adopted Future Land Use Map (FLUM). Mixed Residential 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,*





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affordable housing, institutional uses such as schools or public facilities, and appropriately scaled commercial uses appropriate for walkable amenities...”

See the County’s Salida Sub-Area FLUM with property circled in red 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 Comp 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 desire and 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.
9. No annexation impact report is required because the property is <10 acres, per the IGA and state statute (CRS 31-12-108.5).

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



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- ❖ The street improvements required within the development, as well as along portions of County Road 140;
- ❖ Development restrictions on the northern perimeter 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



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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



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- CenturyLink: No comments received
- Salida School District: No comments received
- Town of Poncha Springs: No comments received

PLANNING COMMISSION RECOMMENDATION:

Planning Commission recommended (on a 5-1 vote) that City Council approve the proposed annexation with the conditions listed in black type below.

STAFF RECOMMENDATIONS:

Staff recommends that City Council approve the proposed annexation, subject to the conditions listed below. Staff has reviewed the applicants' newly submitted requests/conditions and is providing Council with alternative lists of recommended conditions depending on the zoning district that is subsequently approved. Planning Commission's original recommended conditions are included in normal black type, while staff's recommended revisions/additions are included in **red** and/or ~~struck through~~. The conditions that are recommended, regardless of whichever zone district is applied, are as follows:

1. No vehicle access to/from CR 141 shall be allowed in any future development on the site without **either the** approval of Chaffee County, or annexation of relevant portions of CR 141 into the City of Salida through the applicable City review and approval process.
2. No units within any future development on the site (**including accessory dwelling units**) shall have frontage on CR 141 without **either the** approval of Chaffee County, or annexation of relevant portions of CR 141 into the City of Salida through the applicable City review and approval process.



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3. 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.
4. Future development shall include a public street and utilities stubbed to the south property line in alignment with Shepherd Road, **before development occurs.**
5. Any future development shall meet the City's **fire** turnaround and/or street connectivity requirements for rights-of-way.
6. The applicant shall, at time of development, improve the annexed portion of CR 140 fronting the site, **pursuant to City Code and all City Design 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, **at the direction of the Public Works Director.**
7. 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, **as specified in the Annexation Agreement.**

(It should be noted that Planning Commission stated a desire that inclusionary housing requirements be satisfied via built units).



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8. In-lieu open space fees (currently \$3,000 per unit) shall be provided at the time of issuance of a building permit.

(It should be noted that Planning Commission members stated a desire that a public park/open space be provided in any future subdivision on the site. However, City staff has indicated that this location is not preferable for a public park due to the likely small size and identified nearby, larger park opportunities.)

9. 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.

10. ~~The “area of overlap” on the property shall be resolved prior to recordation of the annexation plat and agreement.~~ The “area of overlap” shall be resolved prior to obtaining any building permits, and the owner/applicant shall provide proof to the City of filing the necessary paperwork and beginning the necessary process to resolve same prior to recordation of the annexation agreement and plat.

(Per CRS 31-12-105(a)(1) and relevant case law, a property owner may request that just a portion of their legally-platted lot be considered for annexation, as is requested here—hence the above revision).

11. The City will agree to permit one short-term rental license within the development at the Property. (The development will still be subject to the one-license-per-block face maximum; however, the total number of block faces will be determined by the eventual subdivision design.)

12. Provided that water mains within the development will be looped, will front each parcel, and will extend to the west end of the property along CR 140, as required by City Code and City of Salida Design Standards, future subdivision and development of the Property shall not require the applicant to provide water and sewer main extensions within either CR 141 nor CR 140, other than as



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needed to serve future development of the Property. However, significant changes to the subdivision design may require re-evaluation of this determination, which shall be approved at the Public Works Director's sole discretion.

- 13.** Roads shall be designed in accordance with the City Design Standards, including, but not limited to, applicable requirements related to sidewalk construction and of right-of-way dedication, unless otherwise permitted by the Public Works Director. It is noted that a 40 ft ROW on the west end of such a subdivision, in addition to other access requirements, would be sufficient and a sidewalk would only be required on the east side of said ROW. A 20 ft dedication of ROW will be required of the adjacent property to the west at time of annexation for that parcel.

If the Medium-Density Residential (R-2) zoning requested by the applicants is subsequently applied to the property, staff also recommends the following conditions:

- 14.** ~~Any future lots that are located adjacent CR 141 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.~~ Any lots created on property immediately adjacent CR 141 shall be developed for detached single-family dwellings, shall have a minimum lot size of 7,500SF, and have no less than 50 feet of rear lot line frontage onto CR 141. If accessory dwelling units ("ADUs") are developed on lots immediately adjacent to CR 141, said ADUs shall be subject to the same frontage restrictions of the primary dwellings.



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- 15.** Preference will be given to current Chaffee County residents or workforce for a minimum of 6 non-inclusionary housing units within any future development on the site, to the extent permitted by law. Such marketing and vetting shall be the Applicant's responsibility, with guidance provided by City staff and the Chaffee Housing Authority.
- 16.** Up to 3 lots at or around the northwest corner may have less than the required minimum lot frontage facing onto the proposed internal street, but no such frontage shall be less than 20 feet, and proposed development upon said lots shall follow the applicable approval processes set forth in the City Code.
- 17.** Applicant shall be required to have a Traffic Impact Analysis conducted, and shall be responsible for any and all street and road improvements deemed necessary by said Traffic Impact Analysis

(It should be noted that Planning Commission members stated a clear desire to require a Traffic Impact Analysis Study)

RECOMMENDED FINDINGS:

That the application meets all state and local requirements for annexation.

SUGGESTED MOTION:

"I make a motion that City Council approve the proposed Upchurch annexation as it meets the requirements for annexation, subject to Council approval of an annexation agreement that addresses the conditions outlined above and that are based upon the zoning district approved and applied."



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Attachments:

Proof of Publication

Ordinance No. 2021-05

Annexation Plat

Annexation Petition and Application

Applicant email with requests/suggested conditions (03/26/21)

Subdivision Concept Design (submitted 03/26/21)

Draft PC Meeting Minutes from 03/22/21

Public Comments received up to 04/06/21 (1st reading)

Letter from Huckstep Law, LLC

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

Public Comments received since 04/06/21

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL
FOR THE CITY OF SALIDA CONCERNING ANNEXATION
PETITION AND ZONING APPLICATIONS**

The City of Salida is considering a petition to annex and zone a certain unincorporated 6.58 acre tract of land located between County Road 140 and County Road 141, legally known as a Tract in the SE 1/4 SW 1/4 of Section 31, T60N R9E of the N.M.B.M., Chaffee County, Colorado, plus a 2.58 acre portion of County Road 140 south of the subject property. The City Council by Resolution 2021-04, scheduled a hearing upon said petition for April 20, 2021, at or about 6:00 p.m. remotely through the GoToWebinar application via this direct link: <https://attendee.gotowebinar.com/register/638695254112243569>. Additionally, depending on which tier of its COVID-19 Action Plan the City is in on April 20, 2021, the hearing may also take place in City Council Chambers, 448 East 1st Street, Salida, Colorado. The hearing will consider the annexation petition and the applicant's request to zone the property Medium Density Residential (R-2). All interested persons are invited to attend the public hearing and give comment. Further information may be obtained from the Community Development Department, (719) 530-7634. See the City's COVID-19 regulations: <https://cityofsalida.com/administration/page/covid-19-information>

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 2021-04
SERIES OF 2021**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, FINDING THE UPGRUCH ANNEXATION PETITION TO BE IN SUBSTANTIAL COMPLIANCE WITH STATE STATUTES AND SETTING A PUBLIC HEARING ON SAID PETITION.

WHEREAS, in December 2020, Tory and Cleo Upchurch filed a General Development Application (the "Petition") to commence proceedings to annex to the City of Salida (the "City") a certain unincorporated tract of land comprised of 6.58 acres located between County Roads 140 and 141, and 2.58 acres of County Road 140 to the eastern terminus of County Road 141 to the western terminus of County Road 141 in the County of Chaffee, State of Colorado (the "Property"), and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, after review of the annexation Petition and map, the City planning staff advised the City Council that the Petition and map are in substantial compliance with the state statutes, as required by C.R.S. § 31-12-101 et seq.; and

WHEREAS, the Petition includes as follows:

1. It is desirable and necessary that the territory described above be annexed to the City of Salida, Colorado;

2. The requirements of C.R.S. § 31-12-104, as amended, exist or have been met, including without limitation the following:

a. Not less than 1/8" of the perimeter of the area proposed to be annexed is contiguous with the City of Salida, Colorado;

b. A community of interest exists between the area proposed to be annexed and the City of Salida, Colorado;

c. The area proposed to be annexed is urban or will be urbanized in the near future;

d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Salida, Colorado;

3. The requirements of C.R.S. § 31-12-105, as amended, exist or have been met, including without limitation the following:

a. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate;

b. The area proposed to be annexed is not a separate part or parcel without the written consent of the landowner or landowners thereof;

c. A competing twenty (20) acres or more (which together with buildings and improvements situated thereon having a valuation for assessment in excess of \$20,000.00 for all valuation tax purposes for the year preceding the proposed annexation, has been included without the written consent of the landowner;

d. No annexation proceedings have been commenced for the annexation to a municipality other than the City of Salida, Colorado; of all or part of the territory proposed to be annexed;

e. The annexation proposed in the Petition will not result in the detachment of area from any school district and the attachment of the same area to another school district;

f. The annexation proposed in the Petition will not have the effect of extending the municipal boundary of the City of Salida more than three (3) miles in any direction from any point on the current municipal boundary of the City in any one year; and

WHEREAS, the City finds that the Petition is in compliance with Salida Municipal Code SMC 15-16-2-10 through 16-2-40; and

WHEREAS, the City has or will have in place a plan meeting the requirements of C.R.S. § 31-12-105(e) prior to the effective date of the proposed annexation; and

WHEREAS, no election for annexation of the area proposed to be annexed to the City of Salida has been held in the preceding twelve (12) months; and

WHEREAS, the signers of the Petition are the owners of one hundred percent (100%) of the territory proposed to be annexed, exclusive of public streets and alleys; and

WHEREAS, the annexation to the City of Salida, Colorado of the area proposed to be annexed will not result in a change of county boundaries; and

WHEREAS, the names and mailing addresses of the signers of the Petition and date of signing are included in the Petition, and the legal descriptions of the land owned by Petitioners is attached to the Petition. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition for annexation with the City Clerk; and

WHEREAS, the Petition is accompanied by four (4) or more copies of an Annexation Map containing, among other things, the following information:

1. A written legal description of the boundaries of the area proposed to be annexed to the City of Salida, Colorado;

2. The boundary of the area proposed to be annexed to the City of Salida, Colorado;

3. Within the annexation boundary map, a showing of the location of each ownership tract in un-platted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and

4. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the City of Salida, Colorado; and

WHEREAS, none of the area proposed to be annexed to the City of Salida, Colorado, is presently a part of any incorporated city, city and county, or town, and is not contiguous to any other incorporated city, city and county, or town; and

WHEREAS, it appears that the Petition filed as aforesaid is in substantial compliance with the requirements of the Municipal

Annexation Act of 1965, C.R.S. § 31-12-107(f), as amended;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA THAT:

1. The City incorporates the foregoing recitals as findings by the City Council;

2. The Petition is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. § 31-12-107(f), as amended;

3. The City Council of the City of Salida, Colorado, will hold a hearing upon the Petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of C.R.S. § 31-12-104, § 31-12-105, and SMC §§ 15-9-10 through 15-9-40, as amended, and is considered eligible for annexation. The hearing shall be held on April 20, 2021, commencing at or about the hour of 6:00 p.m. remotely through the GoToWebinar application via this link: <https://attendee.gotowebinar.com/register/638695254112243569>. Additionally, depending on which tier of its COVID-19 Action Plan the City of Salida is in on April 20, 2021, based upon Public Health Department guidance, the hearing may also take place in person in the City Council Chambers, 448 East 1st Street, Salida, Colorado;

4. Any person may appear at such hearing and present evidence upon any matter to be determined by the City Council of the City of Salida, Colorado;

RESOLVED, APPROVED AND ADOPTED this 2nd day of March, 2021.

CITY OF SALIDA, COLORADO

RT Wood, Mayor

(SEAL)
ATTEST:

City Clerk/Deputy City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

ALL THAT TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 60 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 A-A, BOUNDARY LINE ADJUSTMENT AND REBLAT OF COCHISTOPA ESTATES, AS RECORDED AT RECEPTION NO. 305963 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 S 67° 14' 46" 32" WEST, A DISTANCE OF 13.90 FEET, THENCE S 67° 14' 46" 32" WEST, A DISTANCE OF 25.16 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140; THENCE NORTH 88° 35' 50" 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° 35' 50" WEST, A DISTANCE OF 497.11 FEET, THENCE NORTH 00° 58' 40" EAST, A DISTANCE OF 92.87 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN BOOK 379 AT PAGE 263 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER AND THE NORTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO. 140, MARKED BY "ALUMINUM CAP STAMPED LS 1776; THENCE SOUTH 88° 58' 54" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 165.08 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 263; 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 263; THENCE NORTH 88° 32' 01" WEST, A DISTANCE OF 184.83 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN BOOK 379 AT PAGE 263 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° 51' 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. 44704 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. 478208 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' 22" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 140, A DISTANCE OF 418.06 FEET TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 389160 IN THE OFFICE OF THE CHAFFEE COUNTY CLERK & RECORDER; THENCE SOUTH 78° 51' 10" EAST, A DISTANCE OF 60.66 TO THE POINT OF BEGINNING, CONTAINING 7.90 ACRES, MORE OR LESS.

VICINITY MAP



Published in The Mountain Mail March 12, 19, 26 and April 2, 2021



Bill Almquist <bill.almquist@cityofsalida.com>

Fwd: Publication Confirmation-Annex Petition&Zone APPS-Upchurch & Res. No. 04(2021)

Erin Kelley <erin.kelley@cityofsalida.com>

Tue, Mar 9, 2021 at 6:16 PM

To: Bill Almquist <bill.almquist@cityofsalida.com>, Kristi Jefferson <kristi.jefferson@cityofsalida.com>

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

From: Cheryl <cheryl@avpsalida.com>

Date: Tue, Mar 9, 2021 at 4:38 PM

Subject: Publication Confirmation-Annex Petition&Zone APPS-Upchurch & Res. No. 04(2021)

To: Erin Kelley <erin.kelley@cityofsalida.com>

Hi Erin:

This email is to confirm the following:

YOUR INITIAL EMAIL(S)&ATTACHMENT(S) RECEIVED ON: Tuesday, March 9th, 2021**LEGAL NOTICES FOR PUBLICATION RECEIVED:**

NOTICE OF PUBLIC HEARING-CITY/SALIDA-CITY COUNCIL-CONCERNING ANNEXATION PETITION/ZONING APPLICATIONS AND CITY OF SALIDA, COLORADO RESOLUTION NO. 04 (SERIES OF 2021)

TOGETHER WITH

PUBLIC NOTICE-CITY COUNCIL OF THE CITY OF SALIDA, COLORADO FINDING THE UPCHURCH ANNEXATION PETITION TO BE IN SUBSTANTIAL COMPLIANCE WITH STATE STATUTES AND SETTING A PUBLIC HEARING ON SAID PETITION-4X

PUBLISHER: The Mountain Mail**PUBLICATION DATES REQUESTED:**

Insertions: Four (4)

Friday, March 12th, 2021/Friday, March 19th, 2021/Friday, March 26th, 2021/Friday, April 2nd, 2021**INVOICE(S) AND PROOF(S) OF PUBLICATION:**

Mail To: City of Salida

ATTN: Erin Kelley, City Clerk

448 E 1st. St.

Suite 112

Salida, CO 81201

This notice is being scheduled and processed. If you would have any questions please don't hesitate to contact me.

Warmest regards,

ARKANSAS VALLEY PUBLISHING COMPANY

Cheryl

Cheryl A. Jackson

Admin. Dept./Legals

719-539-6691/EXT 111

P.O. Box 189, Salida, CO 81201

www.cheryl@avpsalida.com

From: Erin Kelley [mailto:erin.kelley@cityofsalida.com]**Sent:** Tuesday, March 09, 2021 3:59 PM

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 05
SERIES OF 2021**

AN ORDINANCE OF THE CITY OF SALIDA, COLORADO ANNEXING TO THE CITY OF SALIDA A CERTAIN TRACT OF LAND IN UNINCORPORATED CHAFFEE COUNTY KNOWN AS THE UPCHURCH ANNEXATION.

WHEREAS, on December 14, 2020, Tory and Clee Upchurch (the “Owners”), filed an General Development Application (the “Petition”) to commence proceedings to annex to the City of Salida (the “City”) a certain unincorporated tract of land comprised of 5.32 acres located between County Roads 140 and 141, Salida, in the County of Chaffee, State of Colorado; plus a portion of County Road 140 stretching from the existing City limits at the eastern terminus of County Road 141 approximately 1,274 feet to the western terminus of County Road 141, totaling approximately 2.58 acres, and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to C.R.S. §31-12-108, the City Council by Resolution No. 04, Series of 2021 specified that the City Council would hold a hearing on the proposed annexation at its regular meeting on April 20, 2021, commencing at the hour of 6 p.m. in the City Council Chambers, 448 East First Street, Salida, Colorado; and

WHEREAS, pursuant to C.R.S. §31-12-108 to -110, the City Council on April 20, 2021 held a duly-noticed public hearing to consider the proposed annexation; and

WHEREAS, notice of such hearing was published on March 12, 2021; March 19, 2021; March 26, 2021; and April 2, 2021 in *The Mountain Mail* newspaper; and

WHEREAS, C.R.S. §31-12-105(1)(e) provides that prior to the completion of any annexation within a three-mile area, the municipality shall have in place a plan for that area, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power to be provided by the municipality and the proposed land uses for the area; and

WHEREAS, the City hereby sets forth its Findings of Fact, Determinations, and Conclusions with regard to annexation to the City of the Upchurch Annexation; and

WHEREAS, the City currently has in place a Comprehensive Plan and other long-range planning documents which constitute the City's annexation plan.

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

1. The City incorporates the foregoing recitals as findings and determinations by the City Council.

2. The annexation to the City of the Upchurch Annexation described on Exhibit A is hereby approved pursuant to any conditions of approval included in the annexation agreement, and such real property is hereby annexed to and made a part of the City of Salida.

3. Within ten (10) days after final publication of this Ordinance, the City Clerk of the City of Salida, Colorado, on behalf of the City shall:

- A. File one (1) copy of the Annexation Plat and the original of this Annexation Ordinance in the office of the City Clerk of the City of Salida, Colorado;
- B. File for recording three (3) certified copies of this Annexation Ordinance and three (3) copies of the Annexation Plat, containing a legal description of the annexation parcel, with the County Clerk and Recorder of Chaffee County, Colorado, with directions to the Chaffee County Clerk and Recorder to file one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs of the State of Colorado and one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Colorado Department of Revenue; and
- C. File one certified copy of this Annexation Ordinance and one copy of the Annexation Map in the office of the County Assessor of Chaffee County, Colorado.

INTRODUCED ON FIRST READING, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on April 6th, 2021 and set for second reading and public hearing on the 20th day of April, 2021.

INTRODUCED ON SECOND READING AT A PUBLIC HEARING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the 20th day of April, 2021.

CITY OF SALIDA, COLORADO

P.T. Wood, Mayor

[SEAL]

ATTEST:

City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the ____ day of _____, 2021, and BY TITLE ONLY, after final adoption on the ____ day of _____, 2021.

City Clerk/Deputy City Clerk

Exhibit A

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

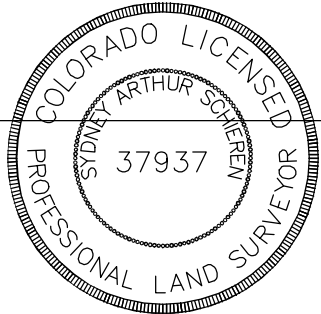
GENERAL NOTES

- 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 CLOSE 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



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 UPCHUCH

TORY UPCHURCH


COUNTY OF CHAFFEE)
) ss.
STATE OF COLORADO)

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	UPCHURCH ANNEXATION TO THE CITY OF SALIDA <i>LOCATED IN THE SE¼ SW¼ OF SECTION 31 T50N R9E OF THE N.M.P.M. CHAFFEE COUNTY, COLORADO</i>
JOB # 20165	 LANDMARK SURVEYING & MAPPING P.O. BOX 666 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.

LEGAL DESCRIPTION

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:

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THENCE SOUTH 78°51'30" EAST, A DISTANCE OF 60.86 TO THE POINT OF BEGINNING.
CONTAINING 7.90 ACRES, MORE OR LESS

PREPARED BY:



ANNEXATION PETITION

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.

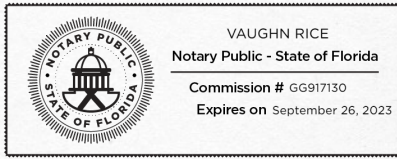
Signature of Petitioners Requesting Annexation to the City of Salida, Colorado	Date of Signature of Each Petitioner	Mailing Address of each Petitioner	Description of Property Included the Area Proposed for Annexation Owned by Each person Signing this Petition. (Attach separate sheet, if necessary)
<i>Tony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

A handwritten signature in blue ink, appearing to read "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



GENERAL DEVELOPMENT APPLICATION

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

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

- | | |
|--|--|
| <input checked="" type="checkbox"/> Annexation | <input type="checkbox"/> Administrative Review:
(Type) _____ |
| <input type="checkbox"/> Pre-Annexation Agreement | |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Limited Impact Review:
(Type) _____ |
| <input type="checkbox"/> Appeal Application | |
| <input type="checkbox"/> Certificate of Approval | <input checked="" type="checkbox"/> Major Impact Review:
(Type) _____ |
| <input type="checkbox"/> Creative Sign Permit | |
| <input type="checkbox"/> Historic Landmark/District | <input type="checkbox"/> Other: _____ |
| <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: Tory Upchurch Date: 12/14/20

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

Staff Use Only

Permit #:_____ Staff member assigned:_____ Public meeting Date:_____

Staff Comments:_____

Fee:_____ Receipt #:_____

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

CITY OF SALIDA
SPECIAL FEE AND COST REIMBURSEMENT AGREEMENT

This Special Fee and Cost Reimbursement Agreement is entered into by and between the City of Salida, whose address is 448 East First Street, Suite 112, Salida, Colorado 81201 (hereinafter the "City") and Tory & Clee Upchurch, whose address is Upchurch property b/w CR 140 & 141, (hereinafter "Petitioner");
(see legal description in app)

WITNESSETH:

WHEREAS, Petitioner is the owner of that certain real property described in Exhibit A, attached hereto and incorporated herein by this reference, and desires to undertake the projects or activities described in Paragraph 1; and

WHEREAS, the above activity or project will require the City to provide the special services and incur the costs set forth in Paragraph 2; and

WHEREAS, Section 16-2-10 of the Salida Municipal Code provides that the City may assess land use and development applicants minimum fees for review of applications submitted to the City as well as actual review costs and fees for outside professional services; and

WHEREAS, the special fees and costs paid and collected by virtue of this Agreement shall be used solely to pay for the City's minimum application fees as well as actual fees and costs for review by outside professional services, including, but not limited to, engineering and legal review, incurred by the City in relation to the anticipated project; and

WHEREAS, the City and Petitioner desire to set forth their agreements and understandings concerning this matter.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties, and for other good and valuable consideration, the adequacy and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Petitioner desires to undertake the following projects or activities involving the City or its utility services:

<u> x </u>	Annexation
<u> </u>	Limited Impact Review
<u> x </u>	Major Impact Review
<u> </u>	Conditional Use
<u> </u>	Variance
<u> </u>	Review of Title 32 Special District
<u> </u>	Can and Will Serve Letter for Utility Service
<u> </u>	Other (describe) _____

2. The activity or project being undertaken by Petitioner will require the City to provide the following special services or incur the following costs:

<input checked="" type="checkbox"/>	Engineering review and advice
<input checked="" type="checkbox"/>	Legal review and advice
<input checked="" type="checkbox"/>	Preparation of plats or plans
<input checked="" type="checkbox"/>	Inspections
<input checked="" type="checkbox"/>	Recording fees
<input checked="" type="checkbox"/>	Filing fees
<input checked="" type="checkbox"/>	Publication Costs
<input type="checkbox"/>	Other (describe) _____

3. Petitioner agrees to pay the City in full for all special services provided or actual costs incurred by the City in relation to the project or activity described above on receipt of an itemized billing for those services from the City. All such amounts are due within thirty (30) days of the date of the bill, with interest on any overdue amounts to be assessed at one and one-half percent (1.5%) per month. In the event that such amounts remain unpaid thirty (30) days after the date they are billed, the City reserves the right to cease review and processing of the Petitioner's land use and development applications. In the event the City is forced to pursue collection of any amounts due and unpaid under this provision, it shall be entitled to collect attorney's fees, filing, and recording fees incurred in such collection efforts in addition to the unpaid amounts due, plus interest.

4. Petitioner agrees to provide a deposit to the City in the amount of \$ 3000 at the time of making the initial application for the annexation + Rezone. ~~The City shall not commence to provide any of the services desired by the applicant, or advance any costs, until this deposit is received by the City. Any amount by which the applicant's deposit exceeds the cost assessed under this Paragraph shall be refunded to the applicant within a reasonable time after final action has been taken on the project. Any amount by which the deposit is less than the total costs due to the City under this Agreement shall be due and payable subject to the provisions of Paragraph 2, above.~~

5. The City specifically does not agree to act favorably on the application made by Petitioner in exchange for payment of the special fees set forth above.

6. This Agreement constitutes the entire and complete agreement of the parties on the subject matter herein. No promise or undertaking has been made by any party, and no understanding exists with respect to the transaction contemplated, except as expressly set forth herein. All prior and contemporaneous negotiations and understandings between the parties are embodied and merged into this Agreement.

7. This Agreement may be amended from time to time by amendments made by the parties in written form and executed in the same manner as this Agreement.

8. This Agreement shall be binding upon and inure to the benefit of the parties and their assigns and successors in interest.

9. If any covenant, term, condition, or provision under this Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision shall not affect any other provision contained herein.


10. The parties agree and intend that this Agreement shall run with the land described in Exhibit A, attached hereto, and be a burden upon that property until final payment has been made to the City of all fees due and payable under this Agreement, or until the earlier termination of this Agreement.

IN WITNESS WHEREOF, the parties have executed this SPECIAL FEE AGREEMENT on the day and year adjacent to their respective signatures.

CITY OF SALIDA, COLORADO

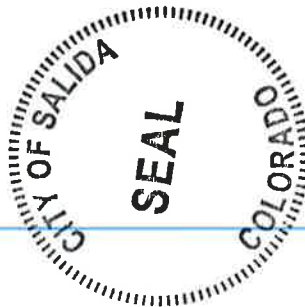
Date: 04/01/2021

By


City Administrator

ATTEST


Deputy City Clerk

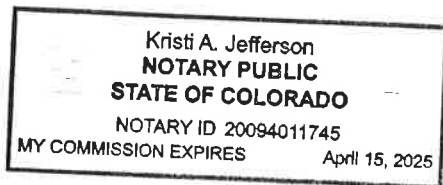


STATE OF COLORADO)
 ss.
COUNTY OF CHAFFEE)

Acknowledged, subscribed, and sworn to before me this 1st day of April, 2021, by Drew Nelson, as City Administrator, and by Erin Kelley, as Deputy City Clerk, on behalf of the City of Salida.

WITNESS my hand and official seal.

My Commission expires: April 15, 2025




Notary Public

PETITIONER:

Tory Upchurch

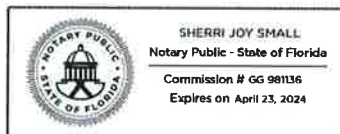
Date: 12/14/2020

STATE OF Florida)
) ss.
COUNTY OF Manatee

Acknowledged, subscribed, and sworn to before me this 14th day of December,
2020, by Tory Upchurch. Presented Driver's License for identification

WITNESS my hand and official seal.

My Commission expires: 04/23/2024.



Sherri Joy Small
Notary Public

Notarized online using audio-video communication



Bill Almquist <bill.almquist@cityofsalida.com>

Upchurch Project Conditions

Tory Upchurch <toryup@gmail.com>

Fri, Mar 26, 2021 at 2:29 PM

To: bill.almquist@cityofsalida.com

Cc: Bill Hussey <bhussey@crabtreegroupinc.com>

Bill -

Based on the recommendation of the Planning Commission to zone our property R1, I wanted to reach out and express my strong desire to have our property zoned R2. From the beginning of our discussions, I have had three main objectives in developing our property:

1. To own a house in Salida
2. Provide the community with more affordable homes
3. To provide Salida a new housing development that will have a positive long term impact.

I would like to add a 4th goal now that I understand more about the growth challenges that Salida faces:

4. Provide a model for future annexations that attempts to balance County and City objectives.

R1 Zoning will only accomplish my first goal which is not in everyone's best interest.

With that being said, I would like to make the following requests and/or recommend the following conditions be added to the annexation agreement:

1. R2 Zoning for the entire property. We are willing to commit to R1 minimum Lot size and use standards (single family only) for Lots (1-10) adjacent to County Road 141.
2. Any future subdivision has to meet Chapter 16 Article 13 in the Salida City Code. Our current intent is to dedicate Lot 15 to the Chaffee County Housing Trust for them to build up to 5 inclusionary housing units.
3. Preference/first right of refusal for Chaffee County Residents: We have included 6 units in our development (2 Triplexes) that we will advertise to Chaffee County residents and do the vetting to ensure that Chaffee County Residents have the first opportunity to buy. Although these units are less profitable, these units will be at a lower price point which will afford Chaffee County Residents a better chance at buying a house.
4. If R1 Zoning is applied, we will develop all single family homes which will be at a much higher price point and likely be used as second homes for out of towners. This does not help with the housing affordability challenges for Chaffee County residents.
5. 1 STR License - this is a request I am making for my family as I stated as my main goal in point #1 above.
6. Subdivision of the subject parcel shall not require water and sewer main extensions in the following right of ways:
 - a. County Road 141
 - b. County Road 140 east of Shepherd Drive
7. Right of ways as shown on the conceptual plan shall be sufficient for subdivision, particularly the bends without radius, and the portion of 40' wide right of way on the west end of the site.
8. Lots 1, 2, and 3 may have less than the required minimum lot frontage, but no less than 20', substantially in accordance with the conceptual plan. Such lots must be 50' minimum width at the rear lot line.
9. This is not a condition but I feel it is important to call out our attempt in the current design to provide a seamless transition from the R3 zoned properties across CR140 putting the highest density in the South end of the property and moving to a less dense design in the North and East boundaries.

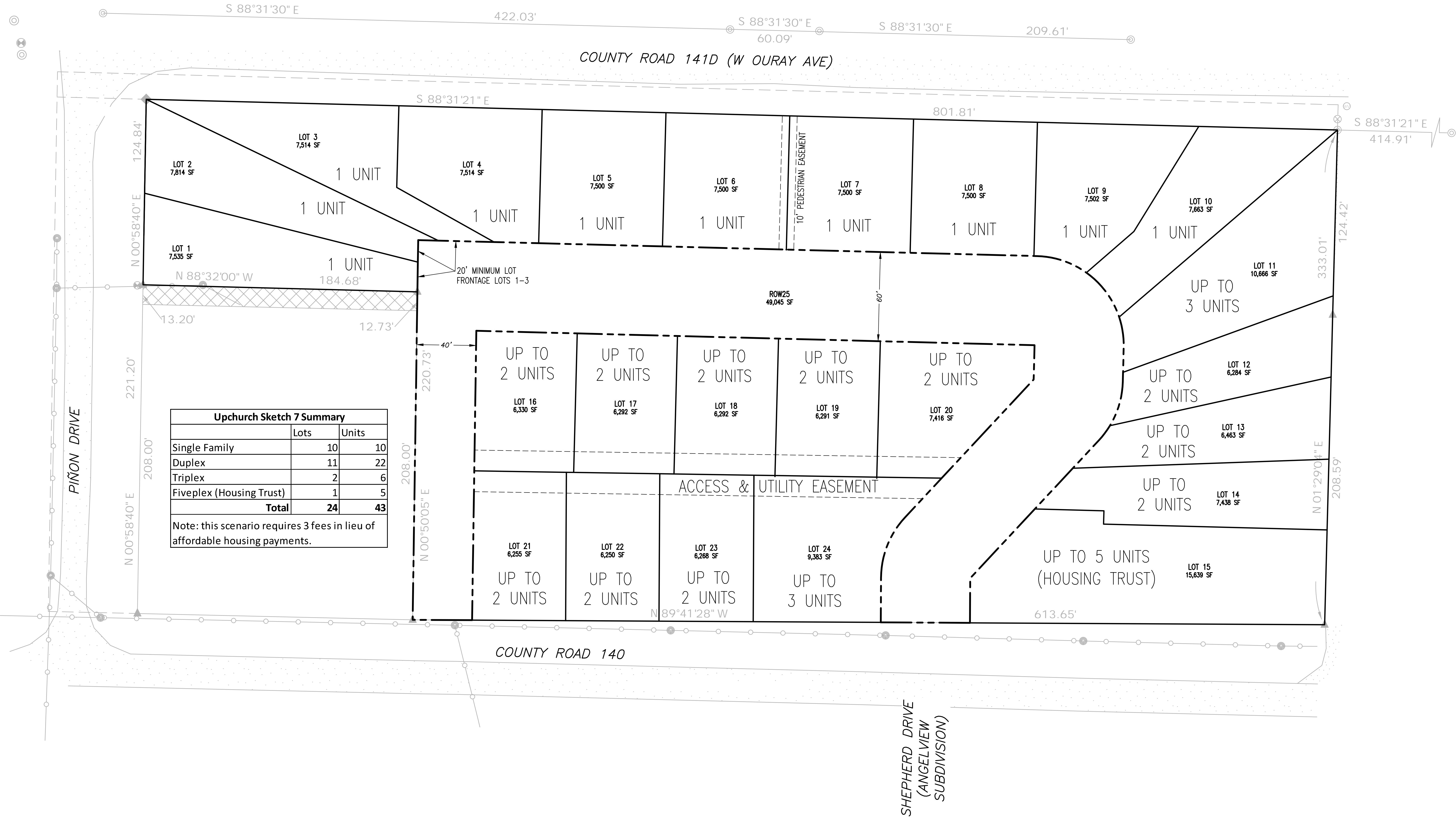
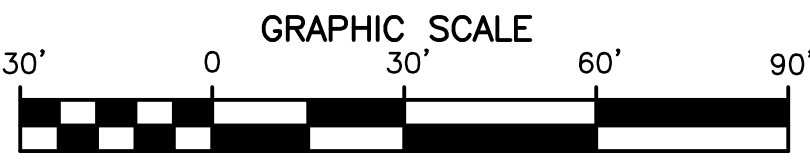
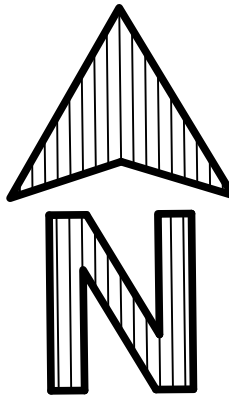
Additionally, I have attached the most recent subdivision concept design for your review assuming an R2 Zoning. Let me know if you have any thoughts or questions.

Tory
512.826.6152

**20036 UPCHURCH CONCEPT 210326 R2.pdf**

104K

UPCHURCH ANNEXATION SUBDIVISION SKETCH PLAN #7



PLANNING COMMISSION REGULAR MEETING

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

March 22, 2021 - 6:00 PM

MINUTES

Email public comments to: 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 Judith Dockery

Commissioner Giff Kriebel

Commissioner Doug Mendelson

Commissioner-Alternate Suzanne Copping

APPROVAL OF THE MINUTES

1. January 25, 2021 - draft minutes

Motion made by Vice-Chair Bomer, Seconded by Commissioner Dockery.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery,

Commissioner Kriebel, Commissioner Mendelson, Commissioner-Alternate Copping

2. February 22, 2021 - draft minutes

Motion made by Vice-Chair Bomer, Seconded by Commissioner Dockery.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner-Alternate Copping

UNSCHEDULED CITIZENS – None

AMENDMENT(S) TO AGENDA – None

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 |

1. **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

A. Open Public hearing - 6:04 pm

B. Proof of Publication

C. Staff Review of Application – Jefferson stated the applicant recently submitted revisions to their request that have not yet been reviewed by staff and therefore asked that the hearing be continued until April 26, 2021.

D. Applicant’s Presentation – None

E. Public Input – None

F. Close Public Hearing - 6:06pm

G. Commissioner Discussion - None

H. Commission Recommendation

Motion made by Commissioner Kriebel, Seconded by Vice-Chair Bomer.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner-Alternate Copping

- 2. 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.

A. Open Public hearing - 6:07 pm

B. Proof of Publication

C. Staff Review of Application - – Almquist gave an overview of the annexation request for the Upchurch Annexation, and the justification for the serial annexation of the CR 140 ROW along with the Upchurch Annexation. The serial annexation is justified by the Intergovernmental Agreement (IGA) between Chaffee County and the City of Salida that defines this area as within the City of Salida’s Municipal Service Area (MSA).

City Council passed Resolution 2021-04 finding the application in substantial compliance with all applicable regulations and for Planning Commission to move forward with processing the annexation.

Staff finds the application has met all legal requirements for annexation. Staff supports the request with ten (10) recommended conditions, one revision to condition #3 that future lots adjacent to CR 141 be for single-family residential only, and recommended adding an eleventh (11th) condition stating that the area of overlap shown on the survey boundaries on the annexation plat shall be resolved prior to recordation of the annexation plan and agreement.

Kriebel asked if Angelview came into the City as an annexation. Staff responded yes, in the 1970’s. **Kriebel** asked if the property along Silver Spruce Drive come into the City as an annexation. Staff answered yes, in the 1990’s. **Kriebel** stated that regarding CR 140,

it appears there will be houses facing CR 140 and that would normally allow those houses to park along the road. Is CR 140 wide enough for parking? **Almquist** stated it is currently 80 feet of ROW and that does allow for parking along it, and Public Works commented that there would be parking along CR 140. **Dockery** asked if there would be driveways accessing CR 140. **Almquist** stated that the subdivision plat is not part of the request, however the concept plan that has been presented shows that the lots facing CR 140 would have rear vehicular access. **Bomer** asked for clarification that if this is approved and zoned, will the applicant need to come back to Planning Commission for subdivision approval. **Almquist** stated that yes, if the subdivision request is anything like the concept plan shown, it would require Planning Commission approval. **Mendelson** asked why they are discussing the annexation, he thought that at the joint work session with City Council they had been told their involvement would be limited to the subdivision. **Almquist** clarified that the joint work session between City Council and Planning Commission was for the annexation and zoning and the presentation of the concept plan was just for some initial feedback. **Mendelson** asked for clarification on what Planning Commission is voting on. **Almquist** clarified that Planning Commission is voting whether or not to recommend approval of the annexation to City Council for final vote. **Kriebel** asked if this property, shown as Mixed Residential on the Chaffee County Comprehensive Plan allows 4-16 dwelling units per acre, this concept plan could be implemented in the County. **Almquist** stated that is correct with some limitations due to the requirement of a pre-annexation agreement for the City to provide utilities in order to develop in the County in anticipation of future annexation to the City.

- D. Applicant's Presentation** – Applicant **Upchurch** stated they are working with the City to adhere to any guidelines and standards, and hopes to work with the surrounding neighbors to minimize impacts to their property. **Bomer** asked what happened to the HOA maintained park shown on the original sketch plan. The applicant stated the original design had a park along a road running north-south, but after discussions with Chaffee County and the City it was determined the Shepherd Street ROW would not connect to CR 141 to the north and in the revised layout it didn't make sense to include the park anymore.

Mendelson asked the applicant if they talked to the County first. **Upchurch** stated yes, and the County directed them to the City. If the applicant developed in the County, it would still require a pre-annexation agreement with the City to get access to utilities, so it made the most sense to just go to apply to the City for annexation. **Williams** clarified that the IGA requires properties in the MSA to come to the City and the City determines if the property should be annexed.

E. Public Input –

Tom Waters, no address provided. Concerned about the impacts of increased traffic on CR 140. Concerned about the amount of traffic on CR 140 created by this development plus Angelview. A traffic study should be completed and include an assessment for ingress and egress lanes, driveways, storm drainage, pedestrian crosswalks, signals and wildlife crossing impacts.

Clifford Whitehouse, 8195 CR 141C. Stated the annexation is a bad idea because it would not be an improvement to Salida and since the area can be developed without annexation and rezoning, there is no need for it. Development should be in areas already in the City and already with high density zoning. Since resources are limited, applications and requests should be balanced with their long term viability.

Stephanie Bradshaw, 8110 CR 141C. Opposed the annexation. Requested that a decision be delayed to allow time to resolve the boundary issue and to complete an Annexation Impact Report (AIR) to consider the effects of density, traffic, environmental effects, sewer and drainage, utilities, ditches on the neighbors and on schools. The City should look at the big picture. Requested single family, rural, residential use.

Mark Haarold, 8179 CR 141B. Felt the County Commissioners were much more receptive to the neighbors' concerns and is frustrated with interactions with city staff. Acknowledged that the recommended conditions address some of the concerns, but would like the City conditions to include all of the County Commissioners recommendations from their letter dated March 18, 2021, recommending only single-family homes on the parcel.

Deanna Myers, 8155 CR 141. Opposed annexation because of the negative impacts of increased street lighting. Development in the County at ¼ acre lots would be more compatible. Believed there should be buffers between different types of zoning. Wanted any development to be as harmonious as possible with surrounding development.

Ann Daniels, 7700 CR 141D. Objected to annexation due to the unresolved boundary issue, the lack of an AIR, that the CR 140 ROW should not count to meeting the contiguity requirement. Requested this property should be rural and a traffic study should be completed.

Dania Pettus, 8210 CR 141B. Requested any future public hearing be delayed until Covid is resolved because of difficulty for some concerned residents to participate. Concerned about access off of CR 140, parking along CR 141, traffic congestion, infrastructure limitations, suburban sprawl and compliance with the IGA.

Charlie Farrell, no address provided. Because this property can be developed in the County, believed there is no need to annex and that there is enough multi-family development on nearby properties. Requested that the property owner work with the County to develop the property.

Jessica and Nick Chariton, 8105 Spruce Street. Understood the need for affordable housing and growth, but would like to see Salida grow responsibly. Requested that the City and County work together on the inevitable growth. Concerned that this is irresponsible and haphazard development, and that it is not congruous with what is around it.

Aaron Huckstep, Attorney representing neighbor(s). Concerned that the application is incomplete because it appears the City is not following section 16-9-40 of their Code requiring a cost reimbursement agreement. Public Works identified the need for CR 140 improvements at the time of the Angelview development and we believe a cost reimbursement agreement would address this. Concerned there is no traffic study, no AIR, and that the boundary overlap is not resolved.

Larry Dean Metzler, 8110 CR 141C. Concerned with the impacts on CR 140, and the Shepherd Road intersection. Believes the City is favoring the applicant by annexing CR 140 which is in need of improvements and the need will increase with the impact of future Angelview development. Concerned that the proposed density is too high.

Michelle Pujol and Brent Patrini, 7616 Meadowlark Drive. Concerned about annexation creep and about the proposed density. Believes that it is backwards for the City to allow

higher density at outskirts. Meadowlark is seeing traffic and lighting impacts from Angelview. Opposed to annexation, and if annexed, density should be for single-family homes only.

Charla Waller, (James and Sharon Jacobsen, Kevin Jacobsen, Kristen Jacobsen) 8125, 8175 Ponderosa and 18 acre parcel abutting golf course. Concerned about impacts on water in Shavano Vista subdivision. Believes this not a good way for Salida to provide more affordable housing and that it should be developed in the County. If annexed, it should be with a compatible density.

Gabriel Pettis, 604 Ouray Avenue. Concerned about the increased traffic this development would add to the intersection of Holman/ CR 140 / Poncha Blvd intersection and the light pollution, noise pollution, as well as conflicts with pedestrians and bicycle traffic at that intersection. Lower density would lower the traffic.

Paula Farrell, 8255 CR 141. Requested that the annexation decision be delayed until an annexation impact report is completed, despite the site being fewer than 10 acres. Density, traffic, environmental, school, utility, police and fire safety, impacts need to be addressed and if annexed, a post-annexation impact report should be done to address these issues.

F. Close Public Hearing – 7:37pm

G. Commissioner Discussion –

Dockery asked why the boundary overlap was not resolved. **Upchurch** stated that it is not a dispute and that he is going to legally deed her the section that her fence line was over onto the Upchurch property, and deeding that property takes time. **Williams** clarified this area of overlap is not part of the property being annexed.

Keidler asked if a traffic study was done when Angelview was developed? **Almquist** stated the part that is developed was a minor impact subdivision so it did require a traffic impact analysis. A major impact subdivision will require a traffic study. **Kriebel** stated there has been a lot of development abutting CR 140 and traffic is a legitimate concern. Can this be required prior to annexation?

Williams clarified State Statute 31-12-108.5 states that an Annexation Impact Reports “shall not be required” for annexation of 10 acres or less. Shall not means cannot be required. The traffic impact report is a requirement of the City’s subdivision ordinance.

Bomer asked if there is any way a traffic impact report would not be required. **Almquist** stated yes, it is only required for a major subdivision. A minor subdivision of fewer than 5 lots does not require traffic study. **Bomer** stated that it would be unlikely that it would be a minor subdivision. She noted that the Angelview development was supposed to take over maintenance of CR 140, but when their plan changed from condominiums to townhomes that agreement no longer applied and it didn’t happen. **Almquist** stated that Public Works commented on the potential future capacity of the road as an 80 foot wide ROW collector road. Several conditions of the annexation approval are related to CR 141 and CR 140 regarding traffic impacts and improvements. **Bomer** asked what area would be included in a traffic study for the subdivision **Almquist** noted that the traffic study would specifically look at existing conditions and then adds on to that what is proposed by the subdivision. It would go beyond the Holman intersection. **Bomer** asked if Planning Commission could take into account the traffic affects when evaluating the subdivision

plat. **Almquist** noted yes. **Williams** noted that several of the recommended conditions address impacts to roadways.

Almquist clarified some of the items that were brought up in the public comments:

State Statute reads that the City shall not require an AIR because the parcel is less than 10 acres. Additionally, the topic of an AIR is addressed in the IGA with the County.

Williams cited that language as follows: "County review of Annexation Impact Report. When required, pursuant to State Statute, the City shall have Annexation Impact Report prepared and delivered by the County on all property greater than 10 acres." **Kriebel** asked if an AIR is precluded. **Williams** iterated that State Statute says an AIR "shall not be required" for annexations 10 acres or less in area, which means the City "cannot" require the applicant to do an AIR.

Some comments referenced possible development of the nearby "Treat" property, and there is no proposal for annexation of the referenced property.

The serial annexation of CR 140 is allowed for by state statute. By definition of this parcel being in the MSA, the IGA intends for it to be annexed, and the inclusion of CR 140 up to the MSA boundary is then logically included as part of this annexation.

There is no specific proposal for the future development of Angelview yet. It may happen soon but there is no specific application for development as of now.

Regarding lack of City response to inquiries, once an application is received by the City, elected officials are under quasi-judicial requirements for the zoning and quasi-legislative requirements for the annexation that prevents elected officials from discussing of the project. Staff has been responding to procedural questions.

Current Covid regulations do allow in person attendance in the chambers with limited capacity, and that the City has been conducting online hearings for many months now.

Follet asked if Angelview was required to provide street lighting on CR 140. **Almquist** did not think improvements to CR 140 were required, and that any lighting at Angelview is along their internal, private streets. Any lighting on CR 140 in the future would be public, which Exel would provide and they have their own standards for lights.

Bomer asked applicant if they would voluntarily complete an AIR. Applicant stated he doesn't know what that involves so he could not commit to it at this time.

Bomer stated she's troubled that they don't have all the information she thinks they should to make this decision.

Mendelson stated he felt the County should have been included in hearing and that more study, including a traffic study, should have been done. He feels the annexation is moving too fast. **Follet** noted that the annexation of this area has been discussed extensively in the past. **Mendelson** feels it has not been discussed enough. He acknowledges that the proposal is compatible with the Salida Comprehensive Plan, but stated that it is not a great Comprehensive Plan and therefore this proposal should be tabled.

Copping asked how often the IGA is updated. **Almquist** replied it is updated as needed, with either party initiating the need to update. He addressed the concept brought up in some of the public comments that density should be focused at the core of a city. Salida's core is a historic district with very limited development potential. The residential lots radiating out from the core are primarily already developed small lots. This is a barrier to

consolidating large lots interior to town to provide higher density housing near the core. Therefore the area that can accommodate higher density development is further out from the core. This is why the MSA from 2009/10 identifies these areas as the locations for future development and to provide needed housing, and therefore extended services to these areas. **Copping** noted that this conversation tonight has exposed some of the fault lines that appear to exist regarding approaches to the MSA area, and has brought to the front the tensions that exist in the implementation of the IGA. Do we need to rethink some language in the IGA to provide more guidance for the future? **Almquist** noted that the IGA and MSA do take into account the capacity of the transportation corridors along which higher densities should be located. Therefore not all areas of the MSA are designated for higher densities, just those where the transportation capacity is available.

Copping posed the question - What happens if we don't annex? If we annex, then City of Salida land use code and standards apply and therefore the City has more control over future development.

Bomer concurred that, while she has some concerns, if the annexation is denied, the potential density in County could be the same.

Williams provided additional clarification on the IGA, noting that it states that all new land use development applications shall be submitted to the City and the County agrees not to accept land use development applications for property within the MSA. Annexation and development agreement will be considered with terms that conform to the Salida Municipal Code and Comprehensive Plan and that the City shall not deny annexation except for good cause.

Mendelson noted that he found the applicant's letter confusing re: the intention of the applicant to live on the property.

H. Commission Recommendation –

Motion made by Commissioner Kriebel, Seconded by Vice-Chair Bomer.

Discussion ensued regarding amending the motion to amend condition #8 to require that the inclusionary housing requirement be met by built units rather than by fee-in-lieu. Williams clarified that this will be accomplished under the current wording of condition #8 and that no amendment is necessary.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner-Alternate Copping

Voting Nay: Commissioner Mendelson

3. **Upchurch Zoning** - The applicants, Tory and Clee Upchurch, are requesting a zoning designation of Medium-Density Residential (R-2) should the property be annexed.

A. Open Public hearing – 8:40 pm

B. Proof of Publication

- C. Staff Review of Application – Almquist** gave an overview of the zoning request. Staff supports the request for a zoning designation of Medium-Density Residential (R-2) with no conditions.

Dockery asked what the maximum number of units are that could be built in R-1.

Almquist stated it is 11 units per acre based on maximum density, but the minimum lot size is 7,500 square feet which would be more limiting on a built-out subdivision site.

Mendelson asked why the City is approving zoning without a plan.

Williams clarified this is to zone the newly annexed property. It is required within 90 days of annexation. It cannot be conditioned because it is just zoning.

- D. Applicant's Presentation – Upchurch** stated that the current plan is to dedicate the lot on the southeast corner to Chaffee County Housing Trust to build the inclusionary housing. He believes it needs R-3 zoning in order for that lot to work for them. He would also like to do R-3 zoning on the south side of property because it allows for more flexibility in driveway and multi-family configurations than R-2, not with the intent of maximizing the R-3 density.

Follet asked if applicant plans on incorporating some open space. Upchurch stated that with the modification of the road configuration, it does not flow well with plan, but he's not completely opposed to it.

Hussey, as applicant's representative, stated the difference between the two plans is that the square feet of public row has increased from 30k sf to over 50k sf.

Bomer stated the currently shown triangle lot appears to be a good spot for open space.

E. Public Input –

Aaron Huckstep, believed that annexation is not mandatory. Stated that density should be concentrated in the center of the city, not at edge. If applicant intends to eventually rezone, why not make R-1 now and let them rezone to R-3 later?

Tom Waters, requested that the zoning is set to the lowest density possible.

Clifford Whitehouse, concerned with development near the airport. Stated the County recommended R-1. Requested to use the 90 days allowed until zoning of the property is required. Believed Salida should prevent development of over-stimulating environments.

Stephanie Bradshaw, opposed to anything greater than R-1 zoning. Does not believe higher density is compatible given contiguity to 1-5 acre lots. R-1 was recommended by County. Requested that a traffic study be done prior to ruling on zoning request.

Mark Harrold, concerned that the County Commissioners have a better understanding of the effect of this property on surrounding land owners. County recommended R-1. Applicant said in letter they were going to build a "public-use park".

Deanna Meyers, Comprehensive Plan says should be complimentary on mass and scale. Lot size difference is not complimentary. Would like the inclusionary housing to be a single-family home rather than multi-family.

Ann Daniels, stated that planning theory does not support flagpole annexation at boundary for high-density housing. It should be at city center. This should be R-1 to blend higher density of city with rural character of county.

Dania Pettus, felt the density was inappropriate. Should not consider density greater than R-1. Concerned about parking that might spill onto CR 141.

Charlie Farrell, felt that the staff report and presentation did not address the neighbors' concerns, including a petition signed by the neighbors. He felt there should have been a meeting with neighbors to address their concerns. Requests that the zoning be R-1.

@ 3:41 Chairman **Follet** assured the public that the Planning Commission packet did include comments and letters demonstrating the neighbors' concerns.

Almquist further clarified that the letter from the Chaffee County Board of Commissioners was also included in the Planning Commission Packet. Regarding the referenced petition, it had been sent directly to City Council in January, who shared it with staff. At that time, the applicants' application submittal had not yet been deemed complete and no noticing regarding the application had gone out. Public commentary is only allowed to be considered for the public hearing if it is submitted after there is a complete application to be considered. The petition's original submittal date was well before a complete application. A late-hour request was made to submit this petition into the public comment record. **Almquist** then forwarded the petition to the Planning Commission.

Dean Metzler, stated that he felt this is sprawl and the site should be zoned R-1.

Jeff Meyers, according to the 2000 Salida Comprehensive Plan, the purpose is to protect existing neighborhoods from negative impacts of new uses. A multi-family housing development such as this would have a negative property value impact on the existing neighbors.

Michelle Pujol, agreed with what others have said. Felt staff only presented the pros and ignored the cons of this application. Requests it be zoned R-1.

Paula Farrell, concerned about additional annexations in the future along CR 140 and city the April 2, 2018 City Council and Planning Commission joint work session. Believes if affordable housing is a concern, then City should require more affordable units, and they should be single-family homes and the applicant should be responsible for building them. Requests it be zoned R-1.

Charla Waller, (+ representing James, Sharon, Kevin and Kristen Jacobsen) believed the MSA map is deceptive in how it shows the 18-acre parcel in orange. Stated that this property should not be R-3; please zone it R-1.

F. Close Public Hearing - 9:56 pm

G. Commissioner Discussion –

Bomer stated the applicant can start at R-1 and based on other studies, can evaluate changing.

H. Commission Recommendation - Motion made by Vice-Chair Bomer to recommend to City Council approve the zoning to R-1. Seconded by Commissioner Kreibel.

Discussion on the motion: **Copping** asked if a traffic study would still be required at subdivision if it was zoned R-1. **Bomer** stated she believed it would. **Almquist** clarified that a traffic study can be requested by the Administrator at Major Impact Review, but that it is not automatically required. **Bomer** asked if she could condition the approval on providing a traffic study at Major Impact Review of the Subdivision. **Williams** clarified that a zoning cannot be conditioned. City Manager **Nelson** stated that if it was a decision

of his, he was committed to requiring a traffic study at Major Impact Review for the subdivision.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner-Alternate Copping

UPDATES- None.

COMMISSIONERS' COMMENTS

ADJOURN: With no further business to come before the Commission, the meeting adjourned at 10:10 p.m.



Bill Almquist <bill.almquist@cityofsalida.com>

City of Salida, Upchurch Addition Comment

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>

Upchurch Annexation and Rezoning

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

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.¹ Artificial exterior lighting has a deleterious effect on dark skies, impacts wildlife, creates potentially harmful health effects², 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 Project³, 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.

¹ 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.

² 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](https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/public/about-ama/councils/Council%20Reports/council-on-science-public-health/a12-csaph4-lightpollution-summary.pdf).

³ 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.”⁴ 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”⁵ 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”.⁶

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,

A handwritten signature in black ink, reading "Deanna Myers". The signature is fluid and cursive, with the first name "Deanna" and last name "Myers" clearly distinguishable.

Deanna Myers

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

⁴ 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).

⁵ 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).

⁶ City of Salida 2013 Comprehensive Plan, Action CC-III.2.a



Bill Almquist <bill.almquist@cityofsalida.com>

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@salidaelect.com, dan.shore@salidaelect.com, jane.templeton@salidaelect.com, Justin.critelli@salidaelect.com, mike.pollock@salidaelect.com, harald.kasper@salidaelect.com, alisa.pappenfort@salidaelect.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>

Upchurch Annexation

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]

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 <bill.almquist@cityofsalida.com>

City of Salida, Upchurch Addition

Jeff Myers <jeff@landmen.com>

Mon, Mar 15, 2021 at 2:18 PM

To: "Drew.nelson@cityofsalida.com" <Drew.nelson@cityofsalida.com>

Cc: "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>, "kristi.jefferson@cityofsalida.com" <kristi.jefferson@cityofsalida.com>

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 any 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

From: Jeff Myers

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

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

Cc: bill.almquist@cityofsalida.com; 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.

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

3/18/2021

City of Salida Mail - City of Salida, Upchurch Addition

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

Drew Nelson, City Administrator

City of Salida

448 East 1st Street, Suite #112

Salida, Colorado 81201

719.530.2629



Bill Almquist <bill.almquist@cityofsalida.com>

please forward to Planning Committee - Upchurch annexation

Lee James <jamlee36@yahoo.com>

Fri, Mar 19, 2021 at 11:11 AM

To: "bill.almquist@cityofsalida.com" <bill.almquist@cityofsalida.com>

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 <bill.almquist@cityofsalida.com>

Upchurch Development

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
970-217=6215



Upchurch Annexation and Rezoning

2 messages

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

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]

--

Bill Almquist
Community Development Director



(719) 530-2634
bill.almquist@cityofsalida.com

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

To: Commissioner Greg Felt, gfelt@chaffeecounty.org
Commissioner Keith Baker, kbaker@chaffeecounty.org
Commissioner Rusty Granzella, rgranzella@chaffeecounty.org
Debbie Fesenmeyer, Administrative Assistant, dfesenmeyer@chaffeecounty.org
Dan Swallow, Director of Development Services, dswallow@chaffeecounty.org,
Jon Roorda, Planning Manager, jroorda@chaffeecounty.org,
Christie Barton, Planner, cbarton@chaffeecounty.org
Gary Greiner, Development Engineer, ggreiner@chaffeecounty.org

Mayor P.T. Wood, pt.wood@salidaelected.com
City Council Member Dan Shore, Ward 1, dan.shore@salidaelected.com
City Council Member Jane Templeton, Ward 1, jane.templeton@salidaelected.com
City Council Member Justin Critelli, Ward 2, justin.critelli@salidaelected.com
City Council Member Mike Pollock, Ward 2, mike.pollock@salidaelected.com
City Council Member Harald Kasper, Ward 3, harald.kasper@salidaelected.com
City Council Member Alisa Papperfort, Ward 3, alisa.pappenfort@salidaelected.com
City Planner Bill Almquist, bill.almquist@cityofsalida.com
City Planner Kristi Jefferson, kristi.jefferson@cityofsalida.com
City Clerk, Erin Kelley, clerk@cityofsalida.com

DATE: January 18, 2021

RE: OPPOSITION TO UPCHURCH ANNEXATION AND REZONING REQUEST

Dear Chaffee County Commissioners, City of Salida Mayor, City Council Members and Planners:

We, the undersigned, object to the proposed annexation and rezoning of the 5.32 (according to the submitted Landmark Survey) acres (referenced herein as "The Upchurch Property"), immediately north of CR 140 between CR 141 and CR 141 A, in Chaffee County, Colorado. We oppose this project request based on community compatibility, contiguity, density and county road integrity. These concerns and others are described below.

Community Compatibility - The vast majority of the community surrounding The Upchurch Property includes Chaffee County jurisdiction properties, consisting of one to five acre parcels with single family dwellings. There are two rural subdivisions close by including Ranchos Caballeros to the west, consisting of 12, five+ acre lots, and Shavano Vista to the north, consisting of 16 one acre lots. There are also four houses north of Shavano Vista that are on two acre parcels of land, with one empty parcel, and one 20 acre vacant field to the east of Shavano Vista. Current development on the lots in the two subdivisions allows broad vistas, provides wildlife and domesticated animal habitats for deer and horses, and minimizes density. Changing the current zoning from the equivalent of R-1 to R-3 to accommodate The Upchurch Development is clearly not compatible with the surrounding community.

Paragraph 6.4.1 B, Sections 2 and 3, in the County Land Use Code dated September, 2017 cites as part of the following General Review Criteria for applicant review:

***"Relationship to Surrounding Area.** The PD is not incompatible with the scale, intensity, and type of uses located on adjacent property."*

***"Visual Impacts.** Construction on ridgelines that are visible from major roadways or residential development shall be compatible with the surrounding natural environment."*

If a ½ mile radius line is drawn around the Upchurch Property, it becomes evident that the vast majority of the area west and north is comprised of properties that have between one and five+ acre lots with single family homes. Twenty-six lots on five+ acres, with 25+ buildings and the potential for multi-family dwellings or apartment buildings, are not compatible with the significantly lower density that currently exists to the west and north of the Upchurch Property.

Contiguity - The concept of contiguity requires that annexed land has a fundamental and meaningful connection to existing city property. The methods used to satisfy contiguity for The Upchurch Property do not meet the definition of "contiguous," as defined in Colorado Revised Statute 2016, 31-12-104. It is obvious that to circumvent this requirement, Mr. Upchurch is requesting that the City of Salida annex a county road and bike path to create contiguity. It appears that annexing of CR 140 is being requested solely for the purpose of meeting the 1/6 contiguity requirement without consideration to the impact it will have on the existing residents. The proposal indicates that 2.24 acres of CR 140 is to be annexed and an additional 17 feet of CR 141 is to be annexed in order to achieve contiguity. This is "bootstrapping" and cannot be ignored, and Chaffee County should not allow the City of Salida to annex a county road to create a gerrymandered flag lot to satisfy contiguity. Further, state statute does not allow previously annexed property (such as the Angelview development) to satisfy the contiguity

requirement if the proposed property was not already contiguous (CRS 2016, 31-12-104 Eligibility for Annexation (b) (2) (a)).

Density - The Upchurch Development proposal is planning to subdivide the property into 26 lots. Some of these lots may or may not include multiple dwelling units. This level of density is not compatible with the existing community and will have a material adverse impact on the current residents. The increased density will bring more traffic, parking issues, noise, light, wildlife interference, and will essentially degrade the current rural community in which we live. The county and the city must work toward preservation of the existing community. The county should not allow annexation of the county road unless the project is modified to include a much lower density. It is necessary that the density remain the equivalent of R-1. The radical change as proposed by Upchurch would transform our rural neighborhood's character and greatly diminish property values. No rural neighborhood should experience radical change to the point where that neighborhood becomes unrecognizable overnight.

County Road Integrity - The Upchurch Land is surrounded by county roads that allow for substantially different uses than what is proposed in the annex request. The county must apply the same rules to the roads surrounding the development that are applied to all other county roads, including set-backs, driveway length, density, road parking, and storm drainage. Curb and gutters or private driveways should not extend into this public right of way. Parking on county roads should conform to county regulations. Access points onto county roads should also meet county requirements without unofficial alleyways or driveways.

In short, allowing annexation and changing the zoning will have an adverse effect on all of the factors related to road usage and maintenance, and will ultimately negatively impact the rural and aesthetic nature of our community.

Affordable Housing – We know that affordable housing is an important issue for the county and the city of Salida, and we all support this objective. However, if this is really an important issue, the proposal to include 12.5% affordable housing in this project will not make any meaningful difference. Moreover, the situation will become worse, because it would create 87.5% more unaffordable houses. It would be better to not develop the lot, rather than add 23 more unaffordable housing units. To make a meaningful impact, the proposal should require that at least half of the units be planned as affordable housing.

In summary, we are concerned that the Upchurch development proposal will materially change the nature of our community to the substantial detriment of current residents. The county is considering allowing the city of Salida to annex a portion of County Road 140 without consulting with all the residents living in the vicinity who use this asset. The county has a duty to adhere to and uphold the land use plans according to current Land Use Code guidelines, specifically the provisions on incompatibility and visual impact as described above. We must preserve the rural scenic character of the areas surrounding the Upchurch Land. In its own 2000 Comprehensive Plan, Part 4, under Guiding Principles, the city stated that it wants to "Develop partnerships with Chaffee County...to help discourage rural residential...development within the unincorporated area surrounding Salida...."

The multiple changes to the proposed annexing and zoning request must be made in order to preserve the integrity of our roads, environment and community. Further, regardless of whether The Upchurch Property is annexed, the density should remain the equivalent of R-1 and the

property be developed in a manner that complies with all of the land use rules to which other county road properties must adhere.

Finally, the County Commissioners have an obligation to advocate for the interests of their constituent residents who will be directly impacted by the Upchurch proposal. We insist that the county adequately engage in representing our interests.

If there are specific questions or concerns regarding this letter, we have designated Ann Daniels as our contact person. She may be reached by way of her cell phone at 303-870-7914 or through her email at asdaniels@comcast.net.

Sincerely,

Alliance for Responsible Rural Growth [ARRG]

Petition Signatures of Opposition to Upchurch Annexation and Rezoning Request

Timestamp	Full Name	Street Address	City, State, Zip	Email
1 1/19/2021 11:45:59	Jill E. Lewis	8145 Spruce St.	Salida	brillinceandbeyond@gmail.com
2 1/19/2021 11:46:04	Ann Daniels	7700 County Road 141 D	Salida	Asdaniels@comcast.net
3 1/19/2021 12:43:13	Leroy Lewis	8145 Spruce St	Salida	lee_lewis7@msn.com
4 1/19/2021 13:11:02	Charles Farrell	8255 CR 141	Salida CO	cj88943@gmail.com
5 1/19/2021 13:21:03	Janet Mancuso	7660 County Road 141D	Salida, CO 81201	jlynnprop@aol.com
6 1/19/2021 14:01:54	Patricia Helmick	12810 County Rd 195	Salida, CO 81201	patihelmick@gmail.com
7 1/19/2021 14:17:53	Paula Farrell	8255 CR141	Salida, Colorado	paulagfarrell@yahoo.com
8 1/19/2021 14:50:37	Carol Duster	12800 County Road 195	81201	momduster@me.com
9 1/19/2021 15:01:02	Jill Inge	8315 County Rd 144	Salida, CO 81201	paulandjill@gmail.com
10 1/19/2021 15:24:01	Haewon Gill & Keith Gill	12215 Saddle Ridge Lane	Salida, CO, 81201	hwygill1@gmail.com
11 1/19/2021 15:40:29	Jeff Myers	8155 County Road 141	81201	jeff@landmen.com
12 1/19/2021 16:16:37	Elijah Marshal Lewis	8145	81201	eli_lewis@salidamcs.org
13 1/19/2021 17:36:29	Adena Dice	7705 county road 140	Salida co 81201	and77065@aol.con
14 1/19/2021 18:02:02	Veronica Dice	1111 F Street	Salida	veronica7705@outlook.com
15 1/19/2021 18:09:27	Carla T Hansford	Rancho de Caballeros, lot#8	Salida, CO, 81201	hansford_carla@hotmail.com
16 1/19/2021 18:53:17	Kathleen M Davidoff	7680. CR 141 D	Salida, CO 81201	kmdavidoff@gmail.com
17 1/19/2021 19:59:14	Judith Ann Kinzie	8015 County Road 141	81201	judithkinzie@gmail.com
18 1/19/2021 20:32:49	Jessica Chariton	8105 Spruce St.	Salida, CO 81201	jcharitonrealestate@gmail.com
19 1/19/2021 21:15:16	Paul Inge	8315 CR 144	SALIDA, CO. 81201	ingecustombuilding@gmail.com
20 1/20/2021 8:41:53	Kevin Dean Jacobson	2133 11th St W	Billings, Montana, 59102	kevradonc@yahoo.com
21 1/20/2021 11:00:34	Paulette Sundgren	P.O. Box 1102	Salida	tpsundgren@gmail.com
22 1/20/2021 11:14:13	James Jacobson	8175 Ponderosa Dr	Salida, CO 81201	jskjacob@q.com
23 1/20/2021 11:31:27	Andrew Kinsella	12301 CR 191A	Salida, CO 81201	andrew.w.kinsella@gmail.com
24 1/20/2021 11:34:26	Sharon Kate Jacobson	8175 Ponderosa Dr.	Salida, Colorado. 81201	skjake2344@gmail.com
25 1/20/2021 12:12:47	Nancy Lynn Stoudt	8195 CR 141 C	Salida, CO 81201	nancystoudt@yahoo.com
26 1/20/2021 13:24:32	Jenny Frost	8100 County Road 141B	Salida, CO 81201	jendull13@hotmail.com
27 1/20/2021 13:53:25	Thomas Mason Weir	8846 Cameron Meadow Circle	Salida	tj.weir52@gmail.com
28 1/20/2021 14:13:37	Jolene Weir	8846 Cameron Circle	Salida, CO 81201	jweir14@icloud.com
29 1/20/2021 14:34:56	Clifford	8195 CR 141	Salida, CO 81201	cliffwhitehouse@hotmail.com
30 1/20/2021 14:44:42	Kristin Jacobson	5520 New Cambridge Rd	Orlando, FL, 32810	Kjacob492@gmail.com
31 1/20/2021 15:42:29	donna miller	11200 Highland Cir	81201	zoeshairdesignbydonna@gmail.com
32 1/20/2021 15:51:45	Juli Waters	8150 Ponderosa Dr	Salida	JULI.C.WATERS@GMAIL.COM

33	1/20/2021 17:39:44	Diane C, Whitehouse	8195 CR141	Salida, CO, 81201	whitehod1@msn.com
34	1/20/2021 19:13:53	Nathan Frost	8100 County road 141 B	Salida, COLORADO 812	ntfslo.co@gmail.com
35	1/21/2021 6:58:48	Yuen Harrold	8179 CR 141B	Salida, CO, 81201	sandyharrold@gmail.com
36	1/21/2021 7:46:43	Cathy MacDonald	309 Grant Street	Salida, CO 81201	cathyandbrymac@yahoo.com
37	1/21/2021 8:52:34	John zeising	1120 Caliente Lane , Pob 569	81242	zusa@reagan.com
38	1/21/2021 9:11:12	Trisha Evans	1120 Caliente Lane	Poncha Springs, CO 812	trish.evans1@gmail.com
39	1/21/2021 10:33:43	Nick Chariton	8105 Spruce St	Salida, CO 81201	char7249@pacificu.edu
40	1/21/2021 12:07:07	Charla Jacobson Waller	8175 Ponderosa Drive	Salida, CO, 81201	wallerc0820@gmail.com
41	1/21/2021 16:19:09	Glenda Zavadil	7120 County Road 178	Salida, CO, 81201	zavadilglenda@gmail.com
42	1/21/2021 17:23:55	Patsy Juarez	10117 Sioux Cir	Salida	patsynj03@gmail.com
43	1/21/2021 21:45:25	ANTHONY GORMAN MILL	11200 Highland Circle	Salida	agmillerco@gmail.com
44	1/22/2021 7:11:33	Gregg w. Thomas	716 g street	Salida co, 81201	gthomas@q.com
45	1/22/2021 7:31:07	Julie R Maas	3399 E US Hwy 50	Salida CO 81201	j2maas@msn.com
46	1/22/2021 7:32:33	Jake Maas	3399 East US Highway 50	Salida, CO 81201	jakekmaas@icloud.com
47	1/22/2021 7:44:25	Karen Lois Thomas	716 G Street	Salida, Co, 81201	kl55_thomas@icloud.com
48	1/22/2021 8:01:34	Tom Waters	8150 Ponderosa	Salida CO 81201	thomas.a.waters@gmail.com
49	1/22/2021 13:53:51	Stephanie Leuenberger	7617 Meadowlark Dr.	Salida, CO 81201	stephanieleuenberger@me.com
50	1/22/2021 14:17:52	Peggy Gillham Barnholt	7600 Meadowlark Drive	Salida, CO, 81201	JPBarnholt@aol.com
51	1/22/2021 14:37:11	Alan R Hoch	7703 Meadowlark Lane	Salida, CO 81201	randy@marstal.com
52	1/22/2021 16:17:38	Bryan Leuenberger	7617 Meadowlark Dr	81201	bryanleuenberger@mac.com
53	1/22/2021 16:53:59	Dorothy Schwarz	7635 Meadowlark Drive	Salida, CO, 81201	riseabove7@hotmail.com
54	1/22/2021 16:56:01	Emily Haynes	407 Grant Street	Salida, CO 81201	ebellhaynes@gmail.com
55	1/22/2021 16:59:29	TaAnna Brown	10140 Blackfoot Land	Salida, CO, 81201	taannabrown@hotmail.com
56	1/22/2021 17:10:22	jeff juarez	10117 sioux cir	salida, co 81201	747fefo@gmail.com
57	1/22/2021 17:14:04	Adam Matthew Myers III	17 Silver Spruce Dr	81201	bantas67@gmail.com
58	1/22/2021 17:15:15	Judy Myers	14 Silver Spruce Dr	Salida CO 81201	judyam@sbcglobal.net
59	1/22/2021 17:17:32	Jirina Myers	17 Silver Spruce Drive	Salida CO 81201	czechmyers@gmail.com
60	1/22/2021 17:28:17	Marshall Schwarz	7635 Meadowlark Dr	Salida	marshallschwarz@hotmail.com
61	1/22/2021 17:30:44	Deanna Myers	8155 C. R. 141	Salida, CO 81201	deanna@landmen.com
62	1/22/2021 17:35:30	Clifton W Meyer	1616 CAMINO REDONDO	LOS ALAMOS	clifmeyer@gmail.com
63	1/22/2021 18:45:27	Michelle Pujol	7660 Meadowlark Drive	Salida, CO 81201	mipuj6@gmail.com
64	1/22/2021 18:50:39	Brent L Petrini	7660 Meadowlark Drive	Salida	brentpetrini@gmail.com
65	1/22/2021 19:12:44	Anna Bishop	7735 county road 120	Salida CO 81201	shanti_11@yahoo.com
66	1/23/2021 7:54:11	Sarah Hudelson	7650 Meadowlark Lane	Salida, CO 81201	shudels2@yahoo.com
67	1/23/2021 8:06:35	Stephanie L Bradshaw	8110 Pinon Street	Salida, CO 81201	stephaniebradshaw@yahoo.com
68	1/23/2021 8:25:20	Larry Dean Metzler	8110 Piñon Street	Salida, CO, 81201	Ldeanmetzler@gmail.com
69	1/23/2021 10:58:58	Vicki Baker	7370 county road 120	Salida	Jvzbaker3@gmail.com
70	1/23/2021 12:32:24	Terry Smith	8380 CR 144	Salida, CO 81201	shavano.sunset@gmail.com
71	1/23/2021 12:39:37	Barbara Smith	8380 County Road 144	Salida, CO, 81201	barbsmith8380@gmail.com
72	1/23/2021 13:48:28	William Burmester	7707 Vista Cir	Salida, Co, 81202	coraftman@gmail.com

73	1/23/2021 15:45:13	Cheryl Lynn Hardy-Moore	31 Silver Spruce Drive	Salida, Co 81201	hardymoore@usa.net
74	1/23/2021 15:53:26	Mark Harrold	8179 CR141B	Salida	mark@harrold.us
75	1/23/2021 18:19:22	Pati McNeil	801 Poncha Boulevard	Salida, CO 81201	pati_m@hotmail.com
76	1/24/2021 8:38:10	Jeffrey Kriebel	7543 County Rd 141	Salida, CO 81201	JEFFKRIEBEL1973@GMAIL.COM
77	1/24/2021 9:08:11	Heinz W Feier	3 Silver Spruce Dr	Salida, CO 81201	waltfeier@gmail.com
78	1/24/2021 11:19:03	Paul Vosburgh	7630 Meadowlark Lane	Salida, CO 81201	7paulvos@gmail.com
79	1/24/2021 12:38:18	Patrick Kelley	8095 county road 144	Salida, CO 81201	PatrickBarrettKelley@gmail.com
80	1/24/2021 14:19:53	Lisa Connell	2 Silver Spruce	Salida, CO 81201	Inledwith@gmail.com
81	1/24/2021 14:25:36	Shannon L. Arnold	8190 Pinon Street	Salida, Colorado 81201	slarnold12@gmail.com
82	1/24/2021 14:29:30	Jillian Chernofsky	114 Mesa Drive	SALIDA	jillianchernofsky@gmail.com
83	1/24/2021 15:17:37	Shawna Averbek	8095 CR 144	81201	proverbial71@gmail.com
84	1/24/2021 15:28:43	Marilyn M. Moore	414 E. 2nd Street	Salida, CO. 81201	mmfjmoore@gmail.com
85	1/24/2021 21:44:59	gabriel pettus	604 ouray ave	salida co 81201	gabe.pettus@gmail.com

Sign the Petition:

We, the undersigned, object to the proposed annexation and rezoning of the 5.32 (according to the submitted Landmark Survey) acres (referenced herein as "The Upchurch Property"), immediately north of CR 140 between CR 141 and CR 141 A, in Chaffee County, Colorado. We oppose this project request based on community compatibility, contiguity, density and county road integrity.

Name	Street Address	City, State, Zip	Email Address
1 DAVID ROSS	7700 CR 141 D	SALIDA, CO. 81201	dave.ross.222@YAHOO
2 Dania Pettus	8210 CR 141 B	SALIDA, CO 81201	dspettus@comcast.net
3 David Pettus	8210 CR 141 B	Salida Co 81201	OPMS5AS@aol.com
4 DM & Janet Smith	7525 CITY RD. #40	Salida Co 81201	NO/E-mail
5 O. DAVIDOFF	110 MESA CR.	SALIDA, CO 81201	o.davidoff@outlook.net
6 Ruby Hollenbeck	419 Wood Ave	Salida, CO 81201	nana.ruby.36@me.com
7 Rick Davidson	7600 CR 141 D	Salida, CO 81201	rickdavidson@er.net
8 SCOT DONATO	8785 CR 152	Salida CO 81201	mrs.cotd@yahoo.com
9 Paul Pusee	8185 Spruce	Salida CO 81201	charmin92@msn.com
10 Brantley Pusee	8185 Spruce St	Salida CO 81201	charmin.92@msn.com
11 Mary Gross	7555 CR 141 D	Salida, CO 81201	mrgross57@gmail.com
12 Joane Gross	7711 Vista Cir	Salida, CO	daviegross@ymail.com
13 Bruce Gross	7711 Vista Circle	Salida, CO	bgross54@yahoo.com
14 Rhonda Bellavia	447 W 2nd st	Salida CO	rhondabella@yahoo.com

Sign the Petition:

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Name	Street Address	City, State, Zip	Email Address
15 Marcia Cryer Marcia Cryer	10210 County Rd. 160	Salida, CO 81201	_____
16 Ed Keyser	8105 COUNTY RD 141	Salida, CO 81201	edkeyser N/A
17 Karen Bott	8115 CR 141	Salida, CO 81201	
18 Jernica Bony	8180 Ponderosa Dr	Salida, CO 81201	jernicat53@gmail.com
19 Michael G. Barry	8180 Ponderosa Dr	Salida, CO 81201	mikey.barry99@gmail.com
20 Lee James	8311 CR 120	Salida, CO 81201	jameslee34@yahoo.com
21 Steve Busch	8311 CR 120	Salida, CO 81201	STEVEB1901@gmail.com
22 Marvonne Isen	8047 CR 120	" " "	_____
23 George Massine	8455 CR 160	Salida, CO 81201	_____
24 Robert Massine	8455 CR 160	Salida, CO 81201	scarlettammassine@msn.com
25			
26			
27			
28			



Bill Almquist <bill.almquist@cityofsalida.com>

Upchurch Annexation

Mary Ann Davidson <maryann1006@gmail.com>
To: bill.almquist@cityofsalida.com

Mon, Mar 22, 2021 at 5:30 PM

Dear Mr. Almquist,

I am writing to express my opposition to the proposed Upchurch annexation. My two major concerns are 1) the proposed annexation is not contiguous with the City of Salida & 2) subdividing a five acre plot into 26 lots is inconsistent with & detrimental to the existing development.

This is not the kind of growth for which Chaffee County citizens have expressed support. In fact, it is the opposite. That kind of density is better suited for existing towns or property adjacent to similar developments.

While the proposed annexation will have no direct effect on me or my property, I truly believe that it would be a detriment to the county & of dubious benefit to the City of Salida.

I appreciate your consideration of my opinion.

Sincerely,

Mary Ann Davidson
PO Box 834
Salida, CO 81201

Sent from my iPad

Paula Farrell, Ph.D.
8255 CR 141
Salida, Colorado 81201
Paulagfarrell@yahoo.com

March 11, 2021

Dear Mayor Woods and Salida City Council,

I am writing to express my opposition to the Upchurch annexation and request for zoning change. I believe the concerns of the neighbors who live in the adjacent county properties have not been properly considered and the entire project has the potential to result in the worst kind of unattractive urban sprawl.

The county properties adjacent to the proposed development are one to five acre lots. The Upchurch project has been proposed to include up to 27 lots with very little specificity with regard to how many living units will be placed on each lot. This level of density is not compatible with the surrounding county properties. The City Council seems to be ignoring this fact and only considering the density of the properties currently within the city limits.

The request for annexation discussed during the City Council meeting on March 2, 2021 indicated that the people involved with the Upchurch project development were aware of the concerns of county neighbors regarding density. They modified their plan to change the zoning on the north and west to R2 and the zoning south and east to R3. This modification does not address the density concerns and your failure to acknowledge this is very misleading and smacks of favoritism.

Further, there has been little or no attention paid to the environmental impact of this development on the surrounding residents, domesticated animals and wildlife. There will be increased noise, light and water run-off pollution from the new residents. The City Council should take these elements into consideration before granting the annex and certainly before making decisions regarding the requested zoning. The City Council should require that steps be taken by the developer to mitigate all of these unintended consequences. At a minimum the development should be required to post and enforce noise ordinance signage and ensure proper installation and usage of night sky lighting. In addition, in order to ensure that ground water contamination does not occur in the adjacent Murray Ditch which is used by the county residents in the area for irrigation and the wells that are used by residents for drinking water, there should be a requirement that all landscape run off be contained within the City sewer system that will be utilized by the development.

There has also been little information provided as to the aesthetic design proposed for of the Upchurch development. As City Council Members, you should be concerned about the expanded use of boxy construction that does nothing to add to the quaint nature of Salida. We all moved to this area because Salida had a small town atmosphere unlike some of the larger resort towns or big cities. New construction should be made to look more like the homes you see on several streets surrounding the core of the city, not the cheap looking, unattractive, boxy construction that is across from the proposed development and can be found in a lot of the new construction in Poncha Springs. I believe the Salida Comprehensive Plan made it clear that aesthetics was an important component to any future development.

I hope all of you will seriously discuss the factors I have outlined above and listen carefully to the other city and county residents who share my concerns.

Thank you for your consideration,

Paula Gomez Farrell, Ph.D.



Bill Almquist <bill.almquist@cityofsalida.com>

Fwd: Annexation & Rezoning

Sharon Jacobson <skjake2344@gmail.com>
To: bill.almquist@cityofsalida.com

Mon, Mar 22, 2021 at 10:10 AM

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

From: **Q Email** <jskjacob@q.com>
Date: Monday, March 22, 2021
Subject: Fwd: Annexation & Rezoning
To: skjake2344@gmail.com

Mr. Almquist, please add my letter to the packet for the city council meeting today, on the Upchurch project.
Thank you, Sharon Jacobson

From: Sharon Jacobson <skjake2344@gmail.com>
Date: March 11, 2021 at 4:27:17 PM EST
To: jskjacob@q.com
Subject: Re: Annexation & Rezoning

On Thursday, February 4, 2021, Sharon Jacobson <skjake2344@gmail.com> wrote:

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

From: **James And Sharon Jacobson** <jskjacob@q.com>
Date: Monday, January 25, 2021
Subject: Fwd: Annexation & Rezoning
To: Sharon Jacobson <skjake2344@gmail.com>

Sent from my iPad

Begin forwarded message:

From: James And Sharon Jacobson <jskjacob@q.com>
Date: January 25, 2021 at 3:43:01 PM EST
To: gfelt@chaffeeconomy.org, kbaker@chaffeeconomy.org, rgranzella@chaffeeconomy.org
Subject: Annexation & Rezoning

Good Morning Gentleman,

I realize you have gotten many letters about the Upchurch Annexation, some of which have my name on them, but now I would like to move to a more personal note, on this subject. My husband and I have lived in Salida, for 55 years. We raised 3 children, built 2 new homes and I ran a business for 40 years, so we have a good stake in this area. I am rather amazed that you would consider allowing a annexation like this to happen. I assume you do realize your allowing this to be build around many homes that are valued over \$500,000.00. Many families who have worked for years attaining a nice home environment, now to have it trashed by what everyone says, "it looks like a mobile home park". This does not speak well for Salida, if your goal is to just "get anyone" to move to Salida, this is the way to do it. If you want to keep Salida unique and a wonderful area for all the best things in life, then please don't do this.

I realize Mr. Upchurch wants to build something, individual homes, that go along with all the others, would be acceptable, but trashing our neighborhood is not acceptable.

Thank you for your consideration.
Sharon Jacobson

April 2, 2021

Dear City Planning Commission Members, City Council Members and Mayor P. T. Wood:

I am writing about the March 22, 2021 Salida City Planning Commission meeting regarding the Upchurch annexation and rezoning request. I feel the annexation vote taken by the Planning Commission was based on inaccurate information about the City's R-1 zoning density requirements and the County's Residential (RES) zoning district requirements.

R-1 zoning in the City allows four to sixteen dwelling units per acre while the County's Residential (RES) zoning district allows one to four dwelling units per acre. I believe that the Planning Commissioners were given erroneous information about these two zoning types and made their decision regarding the Upchurch annexation/zoning based on misinformation. I urge you to ensure that the future meetings on this subject provide accurate information and that the decision made by the Planning Commission be viewed in light of this error. I believe the annexation issue should be reevaluated and reconsidered.

I am attaching Table 2.1, Lot & Dimensional Standards, which is on pages 21 and 22 of the Chaffee County Land Use Code. The first column of the third row indicates the Zoning District Residential, which was the original category for the Upchurch property. The chart indicates a maximum residential density of four units per acre when there is connection to central water and central sewer. When our group attended a recent meeting with the County Commissioners, we discussed zoning and density in depth. The County Commissioners conveyed to us that a maximum residential density in the County is four units per acre with connection to central water and central sewer.

During the annexation discussion portion of the Planning Commission meeting held on March 22nd, Planning Commission members Giff Kriebel and Francie Bomer questioned staff as to what the highest housing density was in the County for a one acre parcel of land. They were advised by Mr. Almquist that four to sixteen dwelling units per acre were allowed by the County and that was, therefore, the equivalent to the City's R-1 zoning, so that allowing the property to be annexed and rezoned made sense from the City's perspective, because the density per acre was no different in the County than it was in the City. This was not a valid statement in that the highest housing density in the County is actually one to four houses on a one acre parcel not four to sixteen.

The bottom line is that the County has publicly affirmed, both verbally and in writing, a different density for RES than what Mr. Almquist advised the City Planning Commission in their meeting. I believe this misinformation created a misunderstanding on the part of the Planning Commission that led them to their decision regarding annexation.

Further during the March 22nd meeting, Mr. Almquist discussed proposed future changes regarding County density that have not yet been implemented by the County and are not yet part of their current County Land Use Code. In the discussion at the meeting, he referenced there would be no change in the number of dwellings if this County property is brought into the City because he said the City's R-1 designation allows for the same density as the parallel zoning for the County. That is clearly not true.

The County does not allow for the same level of density that the City does, according to the County's own current Land Use Code.

When Mr. Almquist provided the flawed information above, several concerned citizens attending via GoToWebinar, including me, typed into the Webinar Comments section, the correct information to alert the Planning Commission members to the misstatement that was made. Unfortunately, due to the limit on three minute statements, this information was blocked from view so that the Planning Commissioners apparently did not see it.

City Planning Commissioner Kriebel asked if a County representative was on the Webinar so that this information could be verified by the County. It is my understanding that County Commissioner Granzella was on this Webinar call also, but was unable to speak due to difficulties he had with the Webinar system. I believe County Commissioner Granzella would have advised the City Planning Commission members that the County presently allows one to four dwelling units per one acre parcel for its highest density residential areas in the County. Mr. Granzella was unable to do so due to Webinar problems. The vote taken at the end of the annexation discussion by the Planning Commission members was, therefore, based on incorrect information, with no County Commissioner there to set the record straight. [Please See, City Planning Commission GoToWebinar video, at minutes 40:38 – 43:50 of this meeting for further details on the actual discussion that took place regarding this issue.]

For a vote to have taken place on this issue before all facts were known was blatantly unfair to both the City Planning Commission members, who had requested the information for clarity, and to the Upchurch neighbors objecting to high density on the Upchurch property.

To me, it is disturbing that a vote on annexation can be taken based on a future guideline wish list rather than regulations currently written in the present Land Use Code. Perhaps the outcome would not have been the same regarding the annexation of the Upchurch Property had the Planning Commission had the correct data. R-1 zoning in the City (four to sixteen dwelling units per acre) is different than the current highest density of housing in the County (one to four dwelling units per acre). For this reason, I request that in future meetings on this subject, this annexation issue should be reconsidered by the City.

Thank you for your consideration,

Ann Daniels,
7700 County Road 141D
Salida, CO 81201
asdaniels@comcast.net

**Table 2.1
Lot & Dimensional Standards**

ZONING DISTRICT	Minimum Lot Size	Maximum Residential Density	Minimum Lot Frontage ⁷	Setbacks ^{1,4,5}			Height ²
				Front (Street)	Side	Rear	
Recreational REC	1 Acre	1 unit per 2 acres	50'	25'	15'	20'	35'
Rural RUR	1 Acre	1 unit per 2 acres	50'	25'	15'	20'	35'
	½ Acre (cluster ⁶)	1 unit per 2 acres			15'	20'	
Residential RES	½ Acre	1 unit per 2 acres (well and septic)	50'	25'	15'	20'	35'
		2 units per acre (with connection to central water or sewer system)					
		4 units per acre (with connection to central water <u>and</u> central sewer)					
COMMERCIAL ZONE DISTRICTS							
Rural Commercial, RCR	2 Acre*	N/A	50'	25'	Shall meet building codes		35'
Commercial, COM	2 Acre*	N/A	50'	25'	Shall meet building codes		35'
Industrial IND	2 Acres*	N/A	50'	25'	Shall meet building codes		35'

***Central Water or Sewer Provision:** In the RCR, COM, and IND districts, there is no minimum lot size or maximum density with connection to an approved central sewer system.

NOTES:

1. All setbacks are measured from the property line. Front setbacks apply to all street frontages, including corner lots or double frontage lots. If the street frontage is prescriptive or an easement, the setback measurement begins at a point 30 feet from the road centerline.
2. Height is measured from average of finish grade to highest point of roof.
3. No permanent structure shall be constructed on platted or recorded easements.

ZONING DISTRICT	Minimum Lot Size	Maximum Residential Density	Minimum Lot Frontage ⁷	Setbacks ^{1,4,5}			Height ²
				Front (Street)	Side	Rear	
4. Fences, hedges, walls & berms taller than 6 feet shall be subject to the setbacks on the property.							
5. Required setback areas shall be unobstructed from the ground to the sky, with the following exceptions: <ul style="list-style-type: none">○ Cornices, sills and ornamental features may project a maximum of 12 inches into setback areas○ Roof eaves/overhangs may project a maximum of 18 inches into required setback areas○ At-grade porches, patios, walks, and steps are not subject to setbacks							
6. A cluster subdivision with the 1 unit per 2 acre density shall follow the Major Subdivision process and meet the review criteria in Section 5.3.1 C and design guidelines in Section 7.3.9							
7. Lots fronting on a cul-de-sac have a 25 foot minimum frontage setback (Section 7.3.2.D)							



Bill Almquist <bill.almquist@cityofsalida.com>

Upchurch proposed annexation and zoning applications

Charlie Farrell <cj88943@gmail.com>

Mon, Apr 5, 2021 at 11:02 AM

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

Cc: Work <rgranzella@chaffeeconomy.org>, Keith Baker <kbaker@chaffeeconomy.org>, Greg Felt <gfelt@chaffeeconomy.org>

Hi Bill, you have requested that we direct communications through you for the Upchurch project. Thus, I would appreciate it if you would promptly forward this material to the appropriate parties. I would like the decision makers to have this material prior to the city council meeting on 4/6/20 so they have time to review. I also understand there will be a broader discussion on these items at the council meeting later this month. Thank you for your assistance with this.

Dear City officials, I am writing regarding the upcoming hearing on the proposed annexation and zoning for the Upchurch property. I would like these comments and the attached map to be distributed to all parties involved in this decision, including but not limited to, all city council members, the planning commission, the mayor, and all appropriate city staff. I am also copying the County Commissioners.

Annexation. If you look at the current land use map that I attached to this email, you will see the Upchurch property is clearly surrounded by low density county land. The orange lines represent surrounding low density county residences in the immediate area. The dark blue line is the only part of the Upchurch property that is contiguous with city property. Light blue is the Upchurch lot. That makes the proposed annexation a flag lot annexation, as the only portion that is naturally contiguous with the city boundaries is the dark blue line, which only represents about 13% of the lot.

In general, annexing a flag lot creates a confusing and poorly managed integration of county and city land use. Flag lot zoning is discouraged at all levels of regional planning. It's offensive to those whose properties and lifestyles are being altered (we have over 100 residents who have attested to this in our petition), and it creates a confusing and inefficient integration of substantially different land use codes. Flag lot annexations insert properties into areas that do not naturally fit into the annexing entities boundaries nor naturally fit into the zoning for the community that already exists.

While they are not unlawful, they are discouraged. Thus, to justify a flag lot annexation, there must be a significant public policy issue at stake. For the Upchurch property, there is no significant public policy objective that would justify this type of annexation approach.

No Public Policy Need. There is no need for the lot owner to even request city annexation. The lot owner has plenty of flexibility to significantly develop the land within the county's current land use code. County zoning for the property already allows up to four dwellings per acre if the dwellings are connected to public water and sewer. Upchurch can connect to the city water and sewer systems. Because the county has recommended low density for the lot, the city planning commission recommended R1 single family, and over 100 surrounding residents have also recommended low density, lower density is what is appropriate. The owner can remain in the county and have up to 20 single family residences on the lot, which satisfies both the interest in developing the lot and the lower density objectives that are appropriate for this lot. It also allows the property to remain in the county so it's land use is governed by the same rules that apply to over 85% of the contiguous properties.

Ample Development Opportunities. Remaining in the county provides for more than ample development opportunities. The county's land use code allows for an increase in density by 400% over the homes on 1 acre lots in Shavano Vista to the immediate north and a 2,000% increase in density over the five acre homes on the abutting Ranchos de Caballeros to the west. Moreover, these overlap zones are supposed to blend into the surrounding community as stated in the County's most recently adopted comprehensive plan. Having 20 single family homes on 5.3 acres is a substantial amount of density and allows for utilization of the improvements in water and sewer infrastructure on CR 140. Thus, the City can recoup and capitalize on the costs of that investment with connections to city water and sewer. Twenty single family homes also allows for the appropriate blending of city and county density as stated in the comprehensive plan. The property can also meet the affordable housing goals by dedicating the required number of single family homes to that endeavor.

Annexation only raises costs to the city and county and creates a poorly managed area of overlapping city and county regulations. The developer bought the property knowing it was in the county, knowing the zoning and knowing the allowed density, and there is no compelling public purpose to annex this property. If you proceed with annexation, you are advancing the narrow financial interests of one landowner to the detriment of the significantly broader community. Upchurch can achieve more than adequate development opportunities with the lot remaining in the county and accessing the city's water and sewer infrastructure. The simpler, less costly, less objectionable, and balanced community approach for the broad array of stakeholders involved is to leave the property in the county, develop up to 20 single family homes, and access the water and sewer infrastructure. This satisfies the goals of substantially increased density over what is currently there, integrating affordable housing, blending the density into the more rural county homes in the area, and accessing the investments in water and sewer made by the city.

County Zoning Clarification. A point of clarification is also needed about the county zoning. The county's current zoning laws have a Residential zoning category, which is the zoning for the Upchurch property. And this zoning allows for up to 20 homes on the 5.3 acre lot. The references made during the planning commission meeting that this property would be Mixed Residential were references to potential zoning districts that do not exist in the county. The County's comprehensive plan clearly states that this type of zoning is a concept to consider and it's by no means clear that this property would ever be zoned Mixed Use Residential. Plus, Mixed Residential also has a density as low as four residences per acre. So even if it was Mixed Residential, it could still be zoned at 4 residences per acre, which is the current density available for county Residential zoning.

Based on community feedback and a deeper analysis of the property and surrounding community, the county determined that low density is what is appropriate. Nothing in the comprehensive plan contradicts this. That's the collaborative process the county and city must go through when considering any land use changes, and those objectives are clearly stated in the Comprehensive Plan and the IGA. The comprehensive plan calls for a collaborative process among the city, county, and residents, requires the appropriate zoning assessment on a lot specific basis, and the respect for private property rights of those who own land in the area subject to potential changes. Each of these potential zoning

categories offers a wide variety of potential zoning density. For the Upchurch lot, the county has engaged in a collaborative process with residents and has found that low density is appropriate, regardless of which zoning designation is used.

Using the guidelines of proper land use planning, this property should be low density and should stay within the County as over 85% of the surrounding properties are county. Annexing is not necessary because it creates a confusing and poorly managed zone of conflicting land use provisions. Moreover, there are ample development opportunities available under the current county zoning laws. Remaining in the county represents the appropriate sound land use and regional planning approach for this property. It balances the interests of all stakeholders.

Zoning. For all the reasons cited above, regardless of whether this property is in the city or the county, the zoning needs to be lower density. If it is in the city, that means R1 single family residential zoning. To do otherwise is to ignore the governing authority of the County in regional planning and to ignore the property and lifestyle rights of over 100 surrounding residents. Upchurch's most recent revisions show little respect for the County Commissioners, the city planning commission, or the surrounding community, as he continues to push for zoning above R1 single family. The average lot size in the city of Salida is 0.73 acres. Having four residences per acre would be 0.25 acres per residence and an increase of 300% over the already more dense city neighborhoods. Again, this provides ample opportunity for development. More is simply greedy and flies in the face of broader community planning objectives.

Further, he falsely claims that if he doesn't get his higher zoning category that he'll be forced to build expensive single family homes. The choice to build expensive homes is his and driven solely by his profit motive. It's not the city or the county's job to ensure a high profit margin for Upchurch. Again, he bought the property knowing the current zoning and capacity and he is the one asking for major revisions to the current land use for this community. He can build 20 modest homes in an affordable price range. He can also incorporate the required affordable housing units. To do otherwise is his choice based solely on his personal financial goals and the goals of his investors.

Moreover, he claims that condos would be bought by county residents and homes by weekend visitors. He has absolutely no proof of this. If you go survey the folks who live in Shavano Vista to the north, which represents the largest part of the common boundary, and the single family homes to the east and south, you'd see that people who own these single family homes live there. It's where they have chosen to both raise their families and often retire. If anything, condos are the most purchased type of real estate for weekend visitors, not single family homes that require a greater commitment of time and energy to maintain and provide deeper roots in the community.

Short Term Rentals. It's also preposterous that Upchurch is asking for additional exemptions on short term rentals. The city has already determined that short term rentals in general are detrimental to the quality of life in neighborhoods. That's why the city has substantial restrictions on them. Now Upchurch, who claims the properties are intended for long term county residents, wants to include more short term rentals in this development. That is completely contrary to the neighborhood concepts the city has already established by substantially limiting short term rentals. There is absolutely no public policy reason for allowing him an exemption. Again, he bought the property knowing the land use rules, and now not only wants to change the county rules but also the city rules. These types of requests show his true colors.

Summary. For the Upchurch property, there is no overriding public policy objective that warrants annexing a flag lot. The main reason for annexation is so that Upchurch can request zoning density above R1, single family. If it's going to be low density, as the vast majority of stakeholders think is appropriate (county, city and surrounding residents), it can stay in the county and be managed under the land use rules that apply to over 85% of the contiguous properties. Regardless of whether the property is in the city or county, the zoning must remain low density, single family. There are plenty of opportunities for Upchurch to develop the land as single family lots and incorporate the region's affordable housing goals. He is threatening to develop high cost housing if you don't give him his desired zoning. It's not any government entity's job to ensure a certain level of profitability for a developer. There is no question that he can develop an adequate number of modestly priced single family homes on that lot under either the county residential zoning rules or the city's R1 single family. He is not being forced to develop higher cost housing under either the city's R1 or the county's residential zoning. If he does, that's his choice and he still needs to meet the inclusive housing requirements..

Charlie Farrell
8255 CR 141



Upchurch surrounding property map 4-5-21.pdf
1843K



Bill Almquist <bill.almquist@cityofsalida.com>

Upchurch Development Stormwater Management

James And Sharon Jacobson <jskjacob@q.com>

Mon, Apr 5, 2021 at 10:05 AM

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

Dear Mr Almquist and City Council Members,

I have a question about the proposed Upchurch development along Co Rd 140. It appears that there is no plan listed or given for stormwater management standards as required in city code Sec 16-8-60? I note that the city code requires a Drainage Study and that stormwater drainage flows shall be retained, detained or handled in a storm sewer system. The design storm requirement is for a twenty-five year, twenty-four hour rainfall. I see no provisions or areas designated on their plans for retainage or detainage of stormwater.

Also there is currently a problem in my opinion, with storm water drainage collecting along the Co Rd 141 east entrance with stormwater coming off the Coachetopa Estates subdivision. I believe the city needs to have that problem correctly engineered and solved.

I also believe that the city allowing these high density housing developments in existing adjacent low density areas west of Salida is bad planning and poor engineering. The compatibility issue and visual impact of these high density developments encroaching into the existing Salida west low density neighborhood appears to be completely ignored by our city leaders. I have lived in west Salida in Shavano Vista for over 50 years, I do not agree with the zoning plans that the city is advocating and allowing to incur. It will just create "Divisiveness".

Please include this letter in your packet of materials for the next council meetings about this development. Thank you.

James H. Jacobson, PE

Sent from my iPad



Bill Almquist <bill.almquist@cityofsalida.com>

Upchurch Development Stormwater Management

Q Email <jskjacob@q.com>

Mon, Apr 5, 2021 at 11:33 AM

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

Cc: "P.T. Wood" <pt.wood@salidaelected.com>, Dan Shore <dan.shore@salidaelected.com>, Jane Templeton <jane.templeton@salidaelected.com>, Justin Critelli <Justin.critelli@salidaelected.com>, Mike Pollock <mike.pollock@salidaelected.com>, Harald Kasper <harald.kasper@salidaelected.com>, Alisa Pappenfort <alisa.pappenfort@salidaelected.com>, Drew Nelson <drew.nelson@cityofsalida.com>, Nina Williams <nina@wilsonwilliamsllp.com>, David Lady <david.lady@cityofsalida.com>

Yes, thank you for your response, but my view is that even a "conceptual drawing" should have indicated an area for storm water retainage.

James Jacobson

Sent from my iPhone

> On Apr 5, 2021, at 12:47 PM, Bill Almquist <bill.almquist@cityofsalida.com> wrote:

>

> hearings.

April 5, 2021

Dear Mayor Woods and City of Salida City Council,

My name is Paula Gomez Farrell and my address is 8255 CR 141, Salida. I am writing again regarding the Upchurch development that is under consideration for annexation. I ask that you truly consider the greater good of the community, the recommendation made by the Chaffee County Commissioners in their recent letter and the recommendation of the City Planning Commission above the desires of one individual to enhance profit.

Following the City Planning Commission meeting on March 22nd, Mr. Upchurch submitted an updated subdivision concept design and additional conditions, comments and requests dated 3-26-21. My comments are in response to Mr. Upchurch's revised submission.

Despite the decision of the Chaffee County Commissioners and the City of Salida Planning Commission recommendation that the property in question be zoned R-1, Mr. Upchurch is still asking for R-2 zoning on a portion of the property.

1. "R2 Zoning for the entire property. We are willing to commit to R1 minimum Lot size and use standards (single family only) for Lots (1-10) adjacent to County Road 141."

Mr. Upchurch's continued request for more density on this property is an indication of a total lack of regard for the over 100 people who have signed a petition against this and the decisions that have already been made by the Chaffee County Commissioners as well as the City of Salida Planning Commission. While Mr. Upchurch has stated in previous correspondence and meetings that he wants to work with the community to develop this property, his insistence for R-2 zoning indicates otherwise.

Mr. Upchurch asserts that he is willing to donate a single lot to inclusionary housing, but he wants to do it by creating more density. Building 5 inclusionary dwelling units on a single lot is ridiculous given the density in the adjacent parcels which include only one dwelling unit per one or five acre parcel. It appears that the only reason why he wanted the City to annex this property is to increase the likelihood that he will be able to reduce lots size and maximize density by claiming to be concerned about inclusionary housing.

2. "Any future subdivision has to meet Chapter 16 Article 13 in the Salida City Code. Our current intent is to dedicate Lot 15 to the Chaffee County Housing Trust for them to build up to 5 inclusionary housing units.

There is already a high density inclusionary housing across CR 140 at Angel View. Additional density will cause traffic problems, pollution, and ground water contamination. It would be preferable if at least two of the proposed lots were designated for inclusionary housing with only single family homes. This would also meet the inclusionary housing requirement and provide decent single family housing for current residents of Chaffee County who wish to own a home.

Further, there was a discussion about conducting a traffic study for this development during the Planning Commission meeting on March 22nd I believe that Mr. Nelson indicated that a traffic study would be done. However, the packet for the April 6th City Council meeting does not say anything about a traffic study is a condition of this annexation or zoning.

Once again, Mr. Upchurch is trying to justify his request for a higher level of density by saying he will give preference to Chaffee County Residents and ensure they have the first opportunity to buy one of six triplexes he is proposing.

3. "Preference/first right of refusal for Chaffee County Residents: We have included 6 units in our development (2 Triplexes) that we will advertise to Chaffee County residents and do the vetting to ensure that Chaffee County

Residents have the first opportunity to buy. Although these units are less profitable, these units will be at a lower price point which will afford Chaffee County Residents a better chance at buying a house.”

The claim here is that these units will be less profitable, but he is willing to do it. I assert that the only reason he is willing to do this is to convince City into allowing R-2 zoning without specifying any guarantees that Chaffee County residents will actually be able to buy these units. Nothing is offered by way of metrics or guidelines for ensuring that Chaffee County residents will be able to buy these homes. For example, how long does someone live in the county before they are a resident? What supports will Chaffee County residents receive to assist them in qualifying for mortgages? Will there be proof of employment in the county required to qualify? What household income is required to buy one of the units? There are no standards applied by Mr. Upchurch that would in any way guarantee these units would be affordable to the average Chaffee county resident or that they would remain in the hands of Chaffee County residents in the future.

Mr. Upchurch asserts that if he does not get R2 zoning he will build housing that is too costly for Chaffee County residents.

4. If R1 Zoning is applied, we will develop all single family homes which will be at a much higher price point and likely be used as second homes for out of towners. This does not help with the housing affordability challenges for Chaffee County residents.

Despite his assertion that he will just build high priced housing if he does not get his way with R2 zoning, Mr. Upchurch has a requirement to fulfill the inclusionary housing requirement. He must ensure that at least 12% of the housing he builds meets this requirement. Further, it is not the role of public officials to guarantee Mr. Upchurch make an exorbitant profit on this development. Single family homes do not have to be built so expensively that they cannot be purchased by local residents.

Mr. Upchurch has requested a variance for short term rentals STR in this development. Unfortunately, the data indicates that STRs only exacerbate the problem of a lack of affordable housing. Allowing a variance on this issue will negate the good that might be done by building inclusionary housing. It brings into question whether there is a true intent to provide affordable housing for Chaffee County residents as stated above.

5. “1 STR License - this is a request I am making for my family as I stated as my main goal in point #1 above.”

In summary, I urge the City of Salida City Council to follow the recommendation of the Chaffee County Commissioners and the City Planning Commission regarding R1. I also hope you will deny the requests made by Mr. Upchurch that I described above. I realize you are charged with the difficult task of determining what it is in the best interests of the community. I applaud you for these efforts and hope that you will continue to stay focused on the hopes and dreams of the many rather than the financial interests of a single individual.

Thank you for your consideration,

Paula Gomez Farrell, Ph.D.



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P.O. Box 2958 • 426 Bellevue Avenue, Unit 303 • Crested Butte, CO 81224

March 18, 2021

VIA ELECTRONIC MAIL ONLY: 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 Applicant¹, 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.

¹ 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.² 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

² 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**.³ 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

³ 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.⁴

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

⁴ 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

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

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> 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> 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

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

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

To: Christie Barton <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>

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

Subject: Upchurch annexation

To: Jon Roorda <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

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

--

Bill Almquist
Planner



(719) 530-2634
bill.almquist@cityofsalida.com

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

--

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Bill Almquist
Planner



(719) 530-2634
bill.almquist@cityofsalida.com

Marcella Bradford

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: 01 / 01 / 2018 To: 02 / 10 / 2021

1500 Feet Sales by Distance

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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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

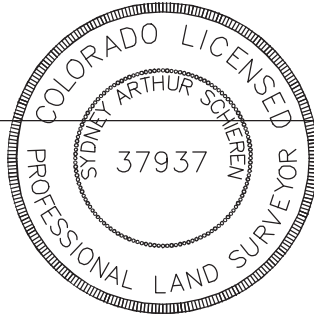
GENERAL NOTES

- 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



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 UPCHUCH

TORY UPCHURCH


COUNTY OF CHAFFEE)
) ss.
STATE OF COLORADO)

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

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 1st Street, Suite #112
Salida, Colorado 81201
719.530.2629

--

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Marcella Bradford

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.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

Finding answers in land

Marcella Bradford

From: bgray@chaffeecounty.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@chaffeecounty.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
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

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

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.

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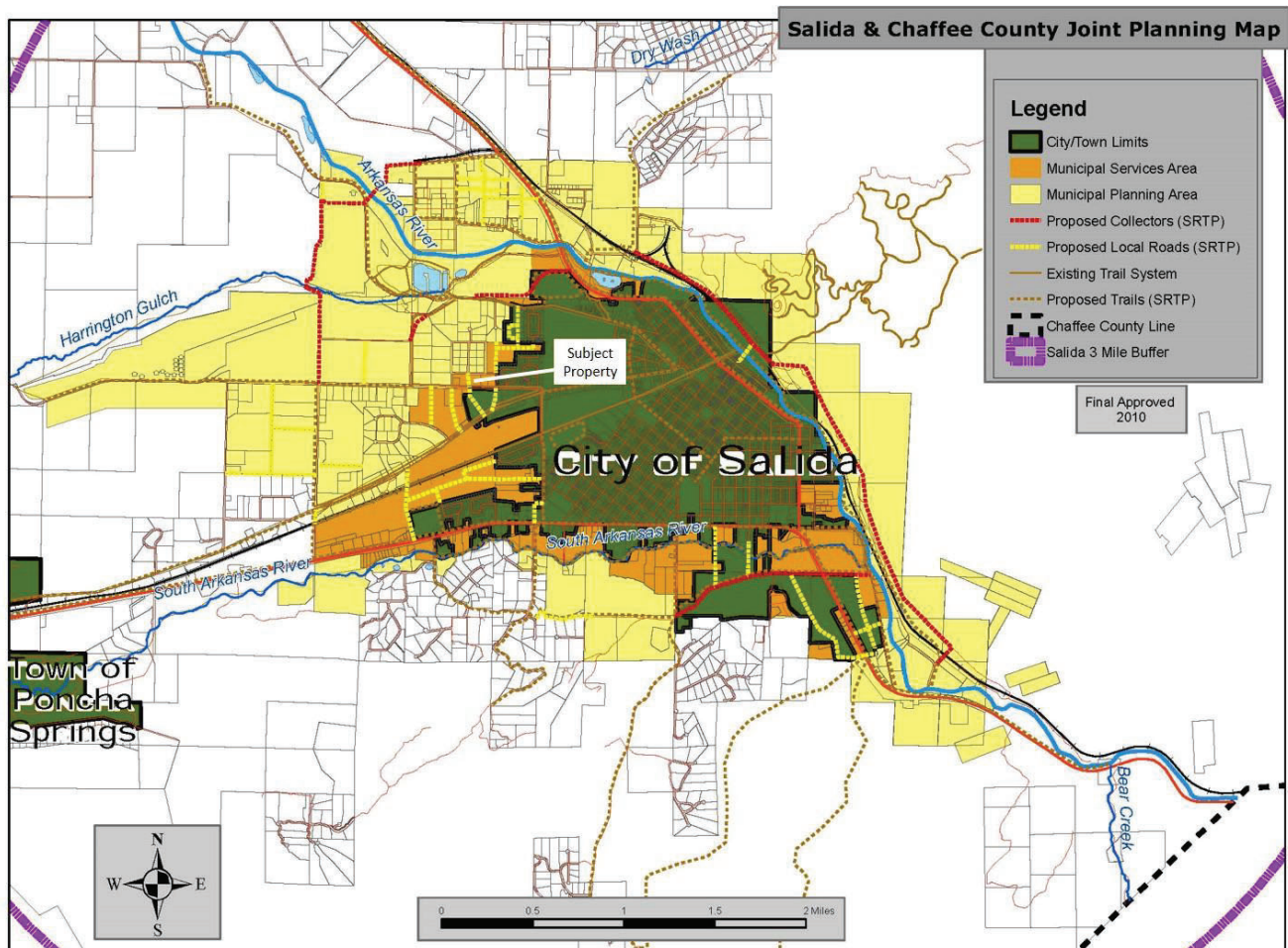
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Background on the Upchurch Annexation

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.¹

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.*²
- 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?

¹ Colo. Const. Art. II § 30(1)(b).

² “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

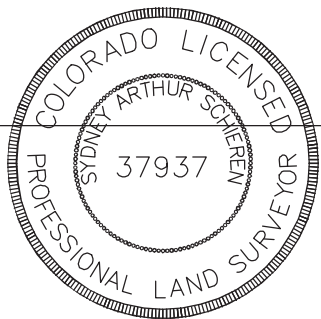
GENERAL NOTES

- 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.

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 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 UPCHUCH

TORY UPCHURCH

COUNTY OF CHAFFEE)
) ss.
STATE OF COLORADO)


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	<p><i>UPCHURCH ANNEXATION TO THE CITY OF SALIDA</i></p> <p><i>LOCATED IN THE SE¼ SW¼ OF SECTION 31 T50N R9E OF THE N.M.P.M. CHAFFEE COUNTY, COLORADO</i></p>
JOB # 20165	
DATE: NOVEMBER 19, 2020	
SHEET 1 OF 2	

	<p>LANDMARK</p> <p>SURVEYING & MAPPING</p> <p>P.O. BOX 668 SALIDA, CO. 81201 PH 719.539.4021 FAX 719.539.4031</p>
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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>

Note re: 3-feet

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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**Comments Received Since First Reading of
Ordinance on 4/6/2021:**

To Whom it May Concern:

My name is Arden Trewartha and I'm a long-time resident of Chaffee County. I am writing to you to ask that you vote to annex the Upchurch Property on County Road 140 into the City and to assign it R-2 zoning per the applicant's request.

As a long-time resident of Chaffee County I have seen housing costs skyrocket. With increasing frequency, I talk with friends who are teachers, wait staff, and trades workers who say they cannot afford to live here. In March 2021 I had dinner with two friends who work in the medical field. One of them raised concerns of medical professionals he knows who want to move to the area but can't "break into" the housing market. I've seen Chaffee County Health & Human Services staff solicit temporary rental housing leads on Facebook for new caseworkers, as there are so few housing opportunities available here. The Upchurch project could provide housing for these essential workers and for the missing middle earners. We know that affordable housing is a foundational piece to supporting a thriving community with a diversity of income levels.

Both the City of Salida and Chaffee County developed comprehensive plans to address growth including affordable housing which as I noted above has reached crisis levels. The plans laid out strategies for higher density near the city and a mix of housing to meet the challenges. The plans identify the area in question including the Upchurch Property as a mixed residential future land use designation which would be suitable for annexation including achieving the city's affordable housing goals. Further, the property is within the municipal service area and next to a major transportation artery, providing access to water/sewer and other services.

If the Upchurch property is developed as R-2 or R-3 *as was originally proposed*, it could provide a mix of 4-9 affordable units.

Again, I would ask you to follow Chaffee County's Comprehensive Plan and vote to annex the Upchurch Property into the City limits with preferably R-3 or R-2 designation.

Sincerely,

Arden Trewartha



Bill Almquist <bill.almquist@cityofsalida.com>

comments on proposed Churchill annexation

Bob Lienemann <bob@travelphotograph.com>

Thu, Apr 15, 2021 at 11:59 AM

To: bill.almquist@cityofsalida.com

Please include this letter to Bill Almquist in the packet for the 2nd reading of the Upchurch annexation and zoning agenda item.

This letter is intended to be read and available to all those town council members, planning committee members and all others who are involved with the proposed Churchill annexation.

Mr. Almquist and all others,

I reside in the Meadowlark subdivision very near this proposed annexation. I have many concerns about this proposal. Like so many proposals put forth by developers, this one states a lot of "good intentions" and flowery language that very thinly conceals nothing more than greed on the developers part with no concern for all those who's lives and property values will be compromised should this development be approved as submitted. I will show this by example following my comments below. I have lived here for six years and while this may lead some of you to believe that I therefore have little experience with this type of issue, I moved from a county in Colorado that has been dealing with your affordable housing and density problems for decades. I have seen developers push limits, while elected officials who are sworn to serve the people gleefully join in the ruination of what made a previously desirable living area a disaster looking more like Denver. Is that really what you want to accomplish?

Putting a development of this density out in existing rural developed densities violates the guidelines set forth in existing city, and county development guidelines. If government officials are not willing to adhere to these guidelines, why do they bother to consume taxpayer moneys to create them? Please do the right thing and follow the development and density guidelines that currently exist. This proposal by Upchurch calls for 5 "affordable" housing units out of a possible 65 units. While everyone knows there is a great need for affordable housing, this proposal will actually make the affordable housing situation worse because it will add far more high end units as a percentage to affordable units, thereby making the actual shortage of affordable units as a percentage of county wide units FAR WORSE. You will be losing ground. This is simple and obvious, and it is disturbing to see that this fact has not been taken into consideration.

Problems:

What guidelines exist to determine what income level a person is allowed and still qualify to purchase an affordable housing unit?

Are they required to be working in the county - holding a LOCAL job?

How often will these guidelines be reviews and updated?

Who will create these guidelines - cities, county, both together?

Who will enforce these guidelines?

What happens if a person who originally qualified for an affordable housing unit (AFU) get a new much higher paying job or are found to be "teleworking" for Amazon? Are they forced to sell this unit since they do not meet the criteria to own it?

If they sell it, what determines the sale price? Who monitors this sale to make sure the buyer is qualified? Are these (AFU) deed restricted such that the original owner has to keep the prices very low for the second owner?

There are no guidelines currently in place to make sure these (AFU) will always remain so.

Until these questions have answers in laws with teeth, NO PROPOSAL SHOULD BE GRANTED. It is foolish to let the horse out of the barn and then complain about no horse to plow your farmland. If there are not solid enforceable regulations in place to answer all these questions, you are not solving the affordable housing problem, but indeed only creating more problems. You need the peoples trust to tackle this problem and if you let Upchurch take advantage of you for his personal gain the citizens will see it and you will be taken as weak, foolish, and untrustworthy forever in the future. This is no way to begin dealing with the housing issue when it is indeed a long term problem.

Solutions: Have public hearings on legislations that address all the problematic questions above BEFORE proceeding with this proposal.

Increase the affordable housing percentage in this and all future proposals to an amount that would actually address the affordable housing need. There is not a county you can show that has this low of a percentage. Most are in the 20% range.

Here is Upchurch's original letter to the city of Salida on his proposal. What he wrote is in black. The reality is in blue.

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 have been looking**

for a town where we can exploit a need for our personal gain. 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". **It is to make a ton of quick money with no regard for neighbors or**

neighborhoods. 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. [By saying we will use a local bank we are hoping this will mask all the other atrocious things we are doing.](#)

In terms of location, we believe that the property is in a desirable area in terms of annexation. [And we can't exploit the system and enrich ourselves unless it is annexed.](#)

There are not many (if any) properties that would be available for annexation in the near future. [Hurry this through before you see all the problems it will create.](#)

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. [Never mind all the 5 acre lots all around this proposal that have been there for years.](#)

We will work with Public Works regarding utility extensions and public improvements. [Because we have no other choice in order to blow this by public scrutiny.](#)

In terms of costs and benefits, we plan to build 25+ [\(now up to as many as 65\)](#) units which will greatly relieve the housing availability stress that Salida is feeling right now [\(but only make worse the affordable housing situation\)](#) and add to the tax base for the City of Salida. [We think it is always wise to tell the city who's approval we need that they will get money out of this.](#) 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. [Of course I won't mention that my tiny allotment of "affordable housing" will actually worsen the problem.](#)

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. [This park will be the size of a flower pot.](#) 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. [We say at "some point" to allow for the fact that we may be run out of town when the folks see what we are really up to.](#)

Additionally, we will request to rezone the property to R3 which is consistent with the comprehensive plan and compatible with surrounding districts and uses. [We really hope you don't look too close at what is actually around before you approve this proposal.](#)

Tory Upchurch 512.826.6152



Bill Almquist <bill.almquist@cityofsalida.com>

Upchurch comments for 4/20/21 City Council Meeting

Charlie Farrell <cj88943@gmail.com>

Thu, Apr 15, 2021 at 10:23 AM

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

Greetings Bill, would you please forward this material to the appropriate parties for the City Council hearing on the Upchurch property next Tuesday. Thanks for your assistance.

Charlie

Dear City Council Members and Mayor Wood, I am submitting these comments with respect to the Upchurch lot and requesting that this material be made a part of the record for the hearings on annexation and zoning.

Summary. For the reasons cited below, the Upchurch lot should be zoned R1. To accommodate the need for more inclusive/affordable housing, however, any lots donated or dedicated for inclusive/affordable housing should be zoned R2. This approach respects and balances the interests of preserving the lower density of the surrounding county community with the need for inclusive housing.

R1 with R2 for Inclusive Housing.

First, the County Commissioners, after extensive review of the comprehensive plan, discussions with neighbors, and consideration of the scope and density of the proposed project, recommended R1.

Second, the City Planning Commission, after review of the provisions of the comprehensive plan, the City's zoning code, listening to neighbors and in consideration of the scope and density of this project, recommended R1.

Third, over 100 residents who have homes that abut the property or are in the surrounding area directly impacted by this project recommended R1. Under the comprehensive plan, the city and county are required by the plain language of the plan to respect and integrate the private property rights of those impacted by changes to land use codes. There is no disputing this language and the rights granted to property owners.

Mixed Use zoning, which is the guiding principle for future potential zoning for the Upchurch lot under the comprehensive plan, allows density as low as 4 units per acre; this is compatible with R1 City zoning. The reason for the low density provision in Mixed Use is that some mixed use lots should have low density because they sit in transitions zones, are not near any amenities, and must blend the interests of both city and county residents. All of this is clearly presented in the comprehensive plan. Regardless of whether this lot sits in the city or the county, it is identified under the principles of the comprehensive plan as one that would be subject to a transitional type of zoning.

The comprehensive plan does not in any way recommend flag lot annexations of non-contiguous lots where high-density housing is placed directly adjacent to county low density housing. Nothing in the comprehensive plan supports this approach. That's why the county recommended R1.

If the reason the city wants R2 is to satisfy the inclusive housing goals, then zone the property R1 initially as recommended by the county, the planning commission, and the surrounding neighbors. Then during the subdivision process, you can adjust to R2 for any lots dedicated to inclusive housing.

Support for Inclusive Housing. We fully support inclusive housing and these needs in the community. What we don't support is high density, non-affordable housing on a lot that clearly must be zoned lower density for all of the planning reasons cited in the comprehensive plan.

I support any percentage of the lot being zoned R2, as long as the lots zoned R2 are dedicated to inclusive housing. While I would prefer low density for the project, if higher density will benefit the community because the higher density lots are exclusively dedicated to inclusive housing, then in my opinion that trade off is worth it. The developer can then decide how much he is interested in supporting inclusive housing.

If the developer claims that R1 for the property and R2 only for inclusive housing lots cannot profitably be done, I request that any financial pro forma reports to support this claim be made publicly available for analysis and validation. There are plenty of investors who are focused on ESG (environmental, social, and governance) outcomes for the money they commit to all sorts of projects, including real estate. If Upchurch is not willing or capable of making this commitment, then maybe he is not the right developer for this lot, which requires a blended approach.

Moreover, I have seen references to the developer alleging he will make some lots available for workforce housing. To my knowledge, there is no clear definition of what this means and no infrastructure in place to consistently monitor and enforce this type of statement for the long term. We know what happened at Angelview with empty promises.

If you want to address affordability for the broader workforce, which I support, then you need clear and enforceable guidelines that are subject to periodic review and affirmation, an organization with the funding and enforcement authority to oversee it, and ongoing community input on what these guidelines mean. One person's definition of what constitutes the workforce may be very different from another's. Any decisions regarding higher density for workforce units needs to be delayed until the appropriate infrastructure and community input are obtained for the objectives.

Charlie Farrell

[8255 CR 141](#)

4/15/2021

City of Salida Mail - Upchurch comments for 4/20/21 City Council Meeting

Salida, CO



Bill Almquist <bill.almquist@cityofsalida.com>

Annexation proposal

Cliff Whitehouse <cliff@bernwoodcustom.com>
To: bill.almquist@cityofsalida.com

Thu, Apr 15, 2021 at 12:05 PM

Dear Mr. Almquist,

Please include the attached written comments in the packet for the upcoming City Council meeting for the second reading of the Upchurch annexation and zoning agenda item.

Thank you,

Cliff

SAVING SALIDA

A proposal is just that, a proposal. If it is a bad one, reject it. Wait for a proposal that makes sense.

This is about one issue: growth. The question is "How do we as a community grow responsibly?"

Well, there are rules and regulations in place.

And there are future development guidelines.

Here are some quotes from the documents that the Salida City Council uses for guidance:

CIVILITY INVOCATION

"We challenge ourselves to value varying points of view and hold all contributions as equally important."

“We are confident that there may be even better solutions than any of us have thought of, which may be discovered through civil conversations.”

“Keep the town, town and the country, country.”

“Focusing density in towns to avoid sprawl in the rural parts of the county.”

“Foster a climate of intergovernment and inter-agency collaboration.

“Respect property rights.”

“Support innovation... win, win.”

“Act holistically.”

Let’s walk through this process and see what boxes it ticks.

Is this in keeping with the area around it? NO.

Is this a transition from city to rural? NO.

Is there infrastructure (a government agency or housing advocacy organization) in place to ensure that the tenets of the inclusionary housing are followed. NO.

Does this ensure jobs for the people in Salida or Chaffee county during the building process? NO.

Does it follow the recommendations for healthy buildings? Solar? Wind? NO. There are no guarantees in place.

Does this solve the affordable housing issue? NO.

Until these issues are resolved, this proposal should be denied.

There is a better way forward.

Regards,

Clifford Whitehouse 8195 CR 141

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

Proposed Upchurch Development

James And Sharon Jacobson <jskjacob@q.com>

Thu, Apr 15, 2021 at 8:32 AM

To: bill.almquist@cityofsalida.com, pt.wood@salidaelected.com, dan.shore@salidaelected.com, jane.templeton@salidaelected.com, Justin.critelli@salidaelected.com, harald.kasper@salidaelected.com, alisa.pappenfort@salidaelected.com, markpollock@salidaelected.com

Dear Mr. Almquist and City Council Members

Our names are James & Sharon Jacobson. We live in Shavano Vista subdivision located just north of the proposed Upchurch development. We have lived there for over 50 years. We are not newcomers to Salida.

We strongly believe that this proposed development should only be approved by the city council as R-1 Single Family Residential. R-1 zoning is what has been recommended by the County, that is what has been recommended by your planning commission, and that is what would be best compatible with the existing neighborhood. Over 100 neighboring residents have sent you a signed petition asking for R-1 zoning for that property.

We do agree that Salida needs more low income housing and if the city or developer wants to include any more amount or percentage of inclusionary housing in that development, we have no problem with that as long as it is R-1 Single Family Residential.

Single Family Residential is the only type of development that would be compatible with the existing neighborhood. Again that is what has been recommended by the County, that is what was recommended by your planning commission and that is what would be most compatible with the existing neighborhood. That is what you should vote on and pass during the council hearing, R-1 Single Family Residential. "Do not make this a Divisive Issue".

Thank you.
James & Sharon Jacobson

Please include this letter in the packet of materials for the upcoming hearing for this development.

Sent from my iPad



Bill Almquist <bill.almquist@cityofsalida.com>

Upchurch Addition Comment!

Jeff Myers <jeff@landmen.com>

Thu, Apr 15, 2021 at 3:02 PM

To: "Drew.nelson@cityofsalida.com" <Drew.nelson@cityofsalida.com>, "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>

As neighbors who want more inclusive housing in Salida and being directly affected neighbors to the proposed subject, it is obvious to all citizens from your most recent city council actions that it is quite clear what your attitude is regarding all of the past input shared with you from all involved and in particular that from the Chaffee County Commissioners and your own Salida City Planning Commission.

In spite of their legal intent and purposes to assist you in your efforts, we all see that you have essentially shot them all the proverbial "finger" and will do whatever it is that you yourself want to do. Nice! I am sure the County folks don't mind the "shaft" being shot at them!? I'm sure it will be taken nicely and not returned to you with gravy on it in the future by them by some other means??

AND I am sure that your own City Planning Commission members are NOT feeling quite perturbed and disturbed that their efforts that they have put forth have all been an extreme waste of their time and will not feel quite useless as to their purpose for existence in the future since in spite of all of their work, you will not do whatever you want and feel like doing. Marvelous. Gee, I sure want to be involved in an assistive voluntary effort myself on your and future city councilors behalf! NOT!

While we all know about the need for more affordable housing in our area, I will nonetheless ask again that you picture yourselves or your parents or best friends owning and living in our adjacent \$1MM + home next door to this proposal.

You WOULD NOT vote to put a financial hit of around \$250,000.00 on yourself, your friends or your parents but you have no compunction about foisting it on others. Nice! Thanks!

But now, we are looking forward a year when right next door to our horses dropping stinking "horse-patties" we will get to look and smell the stink rising up around the new proverbial "wall of windows and doors" that will be right adjacent next door that they will get to enjoy! Nice!

I am sure that it will only be a matter of time before our entire horse ranching addition, just as the soon-to-be determined "too noisy airport" are swallowed up by the city and horses and airplanes are outlawed because they are too stinky or loud or smelly?! I hope you get to live to see it. Thanks. Nice planning and foresight!

I was wanting to make a donation from my Charitable Foundation to the City for the Salida Hot Springs pool fund of a substantial amount when I croak but I can now look elsewhere. Sad. I liked the pool, used it a lot and wanted to further it in my estate. I am sure something elsewhere outside of Salida could use the \$500,000.00. I am sure the developer will look at more than doubling that for your efforts on his behalf to "make some money so he can afford to move here". Count on that but I would not advise heading to the bank just yet.

Carry on with your mission! Thanks! I will continue with mine of speaking my mind and making appreciated and justified charitable donations to those who appreciate my efforts and input.

Used Airplanes - Land - Mining Claims - Mineral Rights
Fishing Lures - Racing Forms - Bongos

Jeff "ACE" Myers
Professional Recreationist
918/ 809-4684
jeff@landmen.com

Oil Promoter/ Oil Interests Old Scoutmaster OU Landman Airplane Stress Tester (Consulting Only)

Trout Guiding
Plane & Hangar Flying
Revolutions Planned
Wine Tastings
Political Pandering

President - Landmen.com, Inc.
8155 County Road 141
Salida, CO 81201-9475

Golf Lessons/Advice
Mountain Expeditions
Orgies Organized
Hedge Funds Steered
Beer Festivals Run

Also Preach and Lead Singing at Revivals



Bill Almquist <bill.almquist@cityofsalida.com>

In Support of the Upchurch Annexation and Rezoning

Jennifer Swan <queedub@gmail.com>

Wed, Apr 14, 2021 at 6:44 AM

To: "P.T. Wood" <ptwoodmayor@gmail.com>, Dan Shore <dan.shore@salidaelected.com>, mike.pollock@salidaelected.com, jane.templeton@salidaelected.com, harald.kaspar@salidaelected.com, Justin Critelli <justin.critelli@salidaelected.com>, alisa.pappenfort@salidaelected.com
Cc: bill.almquist@cityofsalida.com

Hello Council Members and Mayor.

I am writing to show my support of the Upchurch Annexation and Rezoning to high density.

As we all know, Salida is desperate for affordable housing opportunities. I believe the annexation and the higher density rezoning is an appropriate move toward smart growth and housing opportunities for our workforce. With 80% of our workforce not being able to afford housing, this is critical.

I work at the Early Childhood Center, Headstart, and have seen the lack of housing affect both the families that attend our school as well as our staff. The most heartbreaking situations come from people who were raised here Salida, sometimes for generations, yet have to move because of a lack of housing available to them as they grow up and raise a family of their own. With the influx of new residents and the housing prices skyrocketing, how will they ever be able to stay or even return to their home? Unfortunately, this is a story that has been repeated many times in my 12 years of teaching at the ECC.

I have also had experience with qualified teaching assistants not being able to afford to stay here in Salida due to lack of affordable housing.

Just this year an excellent teaching assistant was renting a home with her mother and is now leaving because the homeowner has decided to sell. They can not afford to buy a home or even rent one with the current housing and rental markets. This not only affects them as individuals, but us as an organization and most importantly the children we teach. Each year another assistant (and sometimes a few) have to leave because of this same issue. This instability negatively affects our school and the children we care for.

I know these stories are not surprising to you all. But I want to highlight that we cannot in effect "shut out" folks that have roots here and that the issue of unattainable housing reaches beyond the individuals affected.

The other aspect of my support regarding the annexation and rezoning of the Upchurch land is that I hope Salida and Chaffee County grows in a thoughtful and smart way. We have plans in place for this, both the Comprehensive Plan and the Salida Area Plan. We should follow these plans. Higher density closer to town is better for our citizens, surrounding habitats and our landscape in general.

I know change can be hard but I believe we need to do what is best and most equitable for the many than what is desired for just a few.

Thank you so much for your time and consideration in this matter.

Jennifer Swan

Salida



Bill Almquist <bill.almquist@cityofsalida.com>

Please Support the Upchurch Annexation

Lesley Fulton <lesleywrenfulton@hotmail.com>

Thu, Apr 15, 2021 at 9:40 AM

To: "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>, "pt.wood@salidaelected.com" <pt.wood@salidaelected.com>
Cc: "bill.almquist@cityofsalida.com" <bill.almquist@cityofsalida.com>

Hello,

I'm writing to express my support for the annexation of the Upchurch Property into the city of Salida as a high-density housing development. Our town is and has been in a housing crisis for the entire time that I've lived in the community, and personally, I'm reaching the point of considering leaving because the current reality is that I will never be a home owner here. As a middle income resident, I cannot even dream of ever owning a home in the community that I love and contribute to because an income of \$75K simply cannot support a mortgage of over half a million dollars. Considering that I make significantly more money than the average working class Salidan, it's even more unimaginable that our community can continue to be the special place we all love if the people serving up pizzas at Amica's or paddling tourists down Browns Canyon can't even afford a roof over their heads. We are past the point of debate on this issue. Salida needed affordable housing YEARS ago, and it's imperative that we course correct as soon as possible to avoid further degradation of our community, away from being a place where a diverse mix of people live and into a haven for the wealthy. We all want Salida to remain a special and beautiful place with incredible outdoor access and 360 degrees of mountain vistas, but the reality is so clear that affordable housing must be approved and built ASAP to house our lower and middle income residents for the sake of keeping our incredible community intact. If this annexation isn't approved, I will have personally lost any hope that Salida can be my forever home and therefore need to consider alternatives. As an active board member and volunteer for one of our critically important nonprofits, I would be devastated to have to leave, but after multiple moves in just a few years due to rentals being sold or rent being raised exorbitantly, I'm really discouraged about the prospect of staying here much longer. I implore you to approve this annexation. It's what Salidans want and desperately need.

Thank you for reading!

Lesley Fulton
601.201.7275
Salida CO 81201



Bill Almquist <bill.almquist@cityofsalida.com>

Upchurch Annexation

Mark Harrold <mark.harrold3@gmail.com>

Thu, Apr 15, 2021 at 11:28 AM

To: bill.almquist@cityofsalida.com

Dear Mr. Almquist,

I'd like the following comments distributed to the appropriate parties and made part of the packet for the Upchurch Annexation.

First, in today's political climate I feel it's especially important for government at all levels to take the extra steps required to promote a sense among citizens that their government actually represents them, as individuals as opposed to representing moneyed special interests. As it stands now, everyone I know who has questioned the process by which this annexation has advanced feels the process has been decidedly biased toward the interests of the developer and has ignored the interests of the citizens of Chaffee County.

The end result might not be what we wanted, but unfortunately the process has severely eroded any sense of trust between over 100 citizens of Chaffee County and the government of the City of Salida. We feel that our interests have not been represented on a plane equal to those of the developer. When this process is over I'd like the City to appoint a citizen's commission to review the process, including all emails, hearings, Council meetings, etc and make recommendations to the City as to how this process can be handled better in the future in order to prevent the perception of bias. This process is going to occur over and over as Salida expands into the County and there is no good reason for the City to alienate Chaffee County homeowners the way they have during the Upchurch Annexation process.

I think it's important for you to know that at no time have I heard anyone of the people who resist this development in its current form, oppose the inclusionary housing aspect of the project. I fully support the developer's proposal to dedicate a lot to the Housing Authority for a 5 unit housing unit. The developer's offer to make a couple triplexes available by way of first right of refusal to Chaffee County residents is meaningless and so vague as to be unenforceable. Who qualifies as a Chaffee County resident for the purpose of purchasing one of these units? Will it be deed restricted or can they flip it for a profit? The developer says they will be less profitable. Really? Will he open his books to prove that?

In their rush to approve this project the City is failing to provide proper protection for the citizens of Salida that the project will actually be built in accordance with the developers claims. The fact that the developer is asking for an STR license shows just how serious he really is about helping solve the affordable housing issues we currently face.

I'm requesting you follow the recommendations of the Chaffee County BOCC and the Salida Planning Commission and zone the property R1 with a variance that allows higher density for the lots used for inclusionary housing.

If City Council believes the R2 zoning is more appropriate, then attach conditions to this annexation and zoning request that will represent some sort of meaningful compromise that all parties can live with. My suggestion is to allow multi-family units to be built only on the lots that front CR140, and make the rest of the development single family detached houses. This would provide the "seamless transition from the R3 zoned properties across CR140" the developer mentions, and still make the remainder of the development much more compatible with the surrounding County residential properties.

In summary, when this project is finally built out, the developer will be gone and the development will be part of Salida for decades to come. Please take the time to assure it will be a positive contribution to the community.

Sincerely,
Mark Harrold
8179 CR 141B



Public Comment <publiccomment@cityofsalida.com>

Upchurch Annexation and Zoning

Mary Grannell <mgrann57@gmail.com>

Thu, Apr 15, 2021 at 8:08 AM

To: publiccomment@cityofsalida.com

To members of the Salida City Council:

From Mary Grannell at [7555 County Road 140](#)

My house is located 38 feet east of the Upchurch property line. I have lived here for more than 25 years. My property will be most impacted by the changes being proposed for the Upchurch property. I do not believe high density is appropriate for this area. I request low density.



Bill Almquist <bill.almquist@cityofsalida.com>

Written Testimony for the April 20, 2021 city council meeting re Upchurch annexation and zoning

Nancy Stoudt <nancystoudt@yahoo.com>

Thu, Apr 15, 2021 at 11:40 AM

To: "bill.almquist@cityofsalida.com" <bill.almquist@cityofsalida.com>

Hello Mr Almquist,

Please present this to the board for consideration.

Thank you,

Nancy Stoudt.

Considerations for the public hearing on annexation and zoning for the Upchurch Property:

1) The maps that were presented at the city council meeting highlighted the R2 and R3 zoning nearby, however 7/8 of the property abuts single family housing. If you highlighted the areas surrounding the property instead, you would get a very different picture of the transition between county and city, rural and metropolitan.

2) According to your goal from part 3 of the Salida Comprehensive Plan 2000.

New development will be focused within or adjacent to the city to preserve the rural, scenic character of the surrounding area's open spaces and agricultural lands.

Annexation and approving an R2 designation (16 units per acre) within an area surrounded by single homes does not constitute a transition and does not align with your own stated goals.

3) Both the county commission and the planning commission recommended R1 zoning after careful and thoughtful consideration. To completely disregard their recommendations is a breach of responsibility and city/county cooperation.

4) This project as planned will not address affordable housing. I absolutely agree for the need for more affordable/inclusive housing in an area with skyrocketing real estate prices. The Upchurch proposal itself, which discussed "high end finishes" will not achieve this goal. Having high end /high density housing units with just a few token "affordable" homes only exacerbates the disparity, especially without any organization in place with the ability to enforce the affordability of these units in the future

5) Increased density alone does not equate to affordable housing. We propose listening to the city planning commission's recommendation for R1 zoning. If you dedicate a lot to inclusive/affordable housing, you can address the problem of affordable housing while transitioning from city to county and respect your own recommendations from part 4 of the Salida Comprehensive Plan 2000 to:

- limit negative visual and environmental impacts on the area's agricultural, scenic and wildlife amenities.

Thank you for your consideration,
Nancy Stoudt, 8195 CR 141



Bill Almquist <bill.almquist@cityofsalida.com>

Written testimony for the upcoming City Council meeting re: Upchurch annexation and zoning

Paula Farrell <paulagfarrell@yahoo.com>

Thu, Apr 15, 2021 at 9:22 AM

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

Dear Mr. Almquist,

Please include the attached written comments in the packet for the upcoming City Council meeting for the second reading of the Upchurch annexation and zoning agenda item.

We would like this to be submitted as part of the official record for all proceedings regarding this development request.

Please confirm receipt of this email and attachment.

Thank you for your consideration,

Paula Gomez Farrell, Ph.D.



City Council-Upchurch Comments 4-15-21.docx

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These comments are being submitted on behalf of the Association for Responsible Rural Growth with respect to the Upchurch annexing and zoning applications. I request that this material be made a part of the official record for the City of Salida hearings on annexation and zoning. Please distribute to the City Council, Planning Commission and all other appropriate parties.

Summary. For the reasons cited below, the Upchurch lot should be zoned R1. To accommodate the need for more inclusive/affordable housing, however, any lots donated or dedicated for inclusive/affordable housing should be zoned R2. This approach respects and balances the interests of neighbors in preserving the lower density in the surrounding county community with the need for inclusive/affordable housing.

R1 with R2 for Inclusive Housing.

First, the County Commissioners, after extensive review of the comprehensive plan, discussions with neighbors, and consideration of the scope and density of the proposed project, recommended R1.

Second, the City Planning Commission, after review of the provisions of the comprehensive plan, the City's zoning code, listening to neighbors and in consideration of the scope and density of this project, recommended R1.

Over 100 residents who have homes that abut the property or are in the surrounding area directly impacted by this project recommended R1. Under the comprehensive plan, the city and county are required by the plain language of the plan to respect and integrate the private property rights of those impacted by changes to land use codes. There is no disputing this language and the rights granted to property owners.

Mixed Use zoning, which is the guiding principle for future potential zoning for the Upchurch lot under the comprehensive plan, allows density as low as 4 units per acre. The reason is that some mixed use lots should have low density because they sit in transitions zones, are not near any amenities and must blend the interests of both city and county residents. All of this is clearly presented in the comprehensive plan. Regardless of whether this Upchurch property sits in the city or the county, it is identified in the comprehensive plan as a property that would be subject to a transitional type of zoning.

The comprehensive plan does not in any way recommend flag lot annexations of non-contiguous lots where high-density housing is placed directly adjacent to county low density housing. Nothing in the comprehensive plan supports this approach. That's why the county recommended R1.

If the reason the City wants R2 is to satisfy the inclusive housing goals, then zone the property R1 initially as recommended by the County Commissioners, the Salida Planning Commission, and the surrounding neighbors. Then during the subdivision process, the zoning can be adjusted to R2 for any lots dedicated to inclusive/affordable housing.

We fully support inclusive housing and the urgent need for this housing throughout the county. What we don't support is high density, non-affordable housing on a lot that clearly must be zoned lower density for all of the planning reasons cited in the comprehensive plan.

The developer can then decide the extent to which he will voluntarily support inclusive/affordable housing beyond the minimum required by the City of Salida. We support any percentage of the lot being zoned R2 during the subdivision process, as long as the lots zoned R2 are dedicated to inclusive housing.

TO: Salida City Council Members

RE: The Upchurch Development and the April 20th City Council Meeting

DATE: April 14, 2021

I am sending this letter on behalf of myself, Michelle Pujol, my husband Brent Petrini and my father-in law, Lawrence Petrini. We have lived in Chaffee County 7 years, however, before we moved here full-time, we visited and spent weeks and months with my in-laws at 911 F street, In Salida, for 15 years. In fact, my husband was born in Salida and is a 4th generation. My father in-law has lived in Salida for over 40 years and built his home on 911 F street in 1960.

Let me say upfront that we are in complete agreement that Salida desperately needs inclusionary housing / affordable housing. It's the only way our small businesses, and therefore, Salida, will survive and thrive. I also understand the need for additional housing in general and do not oppose developing the Upchurch land, as long as it's done thoughtfully.

From the various meetings about the Upchurch development, however, 5 inclusionary housing units are not going to make a huge dent in our affordable housing problem. Many Colorado counties and cities have 20% Inclusionary housing requirements and some have both Inclusionary Housing and Employee/Workforce housing requirements. If Salida truly wants to make a dent in our affordable housing problems, then revisiting the 12.5% requirement should be considered as soon as possible.

Note: I will be sending an email separately to the county commissioners about our concern that Chaffee County hasn't even setup any inclusionary housing requirement and this needs to be addressed with urgency.

We understand that Mr. Upchurch has mentioned adding 6 units for workforce housing, which is commendable. Our concern is that the City of Salida currently has no standards, requirements or guardrails to ensure these units are built and sold so that the workforce has rights to them, can actually afford them and that they remain workforce housing in the future. It is our understanding that no public or private entity has yet to be identified to design and implement standards for workforce housing. This of grave concern to us. Please let us know if we are wrong and there are policies and processes currently in place for developing and preserving workforce housing, and who is responsible for overseeing this type of housing.

Regarding zoning of the Upchurch development, our concern is specifically with density in a rural environment and transition zone. The county commissioners, the planning commission and over 100 neighbors and residents (we signed the petition) have recommended a zoning of R1. Many folks in the past meetings (Planning Mtgs as well as the first City Council Meeting) have mentioned the concern about high density at the edge of the city, butting up to rural land of 1-5 acre lots, and not near amenities such as shopping or near schools (where high density should occur).

Nothing in the Comprehensive Plan recommends that high density housing be placed directly adjacent to county, low density housing. In fact, I believe this is one of reasons that the County Commissioners actually recommended R1. It's also our understanding that the Comprehensive Plan requires the City and County to respect and integrate the private property rights of those impacted by changes to land use. So far, we do not feel that this process has considered us at all or respected and addressed our concerns.

This is a transition zone from city to rural land and should be considered as such. We are extremely concerned that high density in this development, coupled with the Angel View development across the street (which is still growing and has no inclusionary housing), will cause more traffic, congestion, light pollution, safety for bikers and walkers, more dead or injured wild animals and more. In addition, having higher density and then only having 12.5% inclusionary housing requirements seems as an insult to the county and city residents that will live close to this development.

To conclude, we are in agreement with the County Commissioners, the City Planning Commission and over 100 neighbors and Chafee and Salida residents that this annexation should be zoned as R1. We ask the City to consider all of these sources in their decision. Once the developer comes back to the City with a subdivision plan the issue of zoning can be revisited.

Final note:

One option to make a true dent in our problem with lack of affordable housing in a way that developers like Mr. Upchurch can still make money, would be for the City to require that any higher density zoning be inclusionary, affordable and workforce housing and that the lower density lots of the development be more expensive units. This would start to help bridge the gap in affordable housing in a meaningful way. It would also create a truly integrated community of higher income, middle income and lower income residents.

The City does need to get the guardrails in place as soon as possible to ensure that inclusionary housing, affordable housing and workforce housing are not just words on a the page of a developer's proposal, but are actually committed to, developed and kept as such into the future (including deed restrictions where appropriate).

Thank you for your time,

Michelle Pujol
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April 15, 2021

VIA ELECTRONIC MAIL ONLY: bill.almquist@cityofsalida.com

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

RE: UPCHURCH PARCEL/CONCERNING ISSUES WITH THE APPLICATION

Dear City Councilors:

This letter and its Exhibits relate to the City of Salida (the “City”) City Council packet for Resolution 2021-04 on the Council’s April 20, 2021 regular meeting agenda. Ordinances 2021-05 and 2021-06 relate to a Planning Commission recommendation for an annexation application from Tory and Clee Upchurch and the initial zoning of the subject property (the “Application”). On April 20, 2021, the Council will consider a unanimous recommendation from the Planning Commission to zone the Upchurch Property (if it is annexed) as R-1. Notably, at the March 22, 2021 Planning Commission Public Hearing, not one individual spoke in favor of the Application.

This letter is intended to supplement my initial letter dated March 18, 2021, as well as the Exhibits attached thereto. The matters set forth below address additional concerns which arose during or after the Planning Commission’s March 22, 2021 public hearing.

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 City has taken no initiative to request, much less demand, any affordable housing conditions from the Applicant beyond those already required by the City’s Municipal Code. This position is confusing, given the open acknowledgement at the Council’s April 6, 2021 meeting that an annexation – and negotiation of an annexation agreement - is the exact time to negotiate those additional matter.

If annexation of the Upchurch Property is truly driven by the Council’s desire to impact affordable housing, the Council should slow down, have an executive session with their attorney and staff to discuss negotiation positions that could actually serve this worthy objective, then approach the Application in a position of power, versus giving all of the power to the Applicant.

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. Council is Failing to Negotiate. Recent efforts by a local community group in Chaffee County have tended to suggest that our clients are unsympathetic to affordable housing issues in the greater community. This could not be farther from the truth. In reality, the City has taken no initiative to negotiate any terms related to the annexation which might actually impact affordable housing.

Public comments at the April 6, 2021 Council meeting encouraged fallacies regarding development. For instance, the notion that more density will inherently lead to lower market prices is simply a fantasy. Demand drives market prices; while supply impacts those prices also, there is no way for supply to keep up with demand in the Salida area. Any expectation that prices of units on the Upchurch Property, after annexation, will be reasonable without the City's intervention is false, misleading, and without any foundation.

One individual suggested that density is needed to lower the per-unit cost of new development. The only party who benefits from lower per-unit costs is the Applicant. Unless or until the City controls or impacts the price of developed units, or the ownership requirements of developed units, the benefits of increased density accrue only to the developer.

The Applicant has refused to build actual affordable housing units. Instead, the Applicant has offered to provide a lot within the Upchurch Property to satisfy all of its affordable housing obligations. This is a starting point, but why is the Council not requiring the Applicant to build any new affordable units? The comparable value of a vacant lot, on the one hand, and delivery of actual units, on the other, is dramatically different. Obtaining a vacant lot means that your community will have to pay to construct those units, at some point in the future, at an unknown cost. Alternatively, you should require the Applicant to construct the affordable units, by a date certain, and to a particular specification.

- b. The Apparently Disputed Area Should be Resolved Before Action is Taken. 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. In this instance, the Upchurch Property's proposed Annexation Map 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.

At the Planning Commission public hearing on March 22, 2021, the Applicant asserted that it will be "handing [the disputed area] over" through the "proper process." Please ask the Applicant exactly what was meant by these statements. Specifically:

- i. If the Applicant's alleged process involves the City of Salida, why hasn't any information about the status of that process been disclosed in any Staff Report associated with the Application?
- ii. If the Applicant is, in fact, working through the "proper process," what exactly is that process?
- iii. What steps has the Applicant affirmatively taken related to that process?

- iv. If the Applicant's alleged process involved Chaffee County, why hasn't the County disclosed that information to the City?

Please also ask your City Attorney the following: If a portion (but not all) of the Upchurch Property is annexed, won't the City of Salida's actions lead to the creation of a non-conforming lot in Chaffee County? It appears the City's actions may improperly subdivide the Upchurch Property, leaving an approximately 2,500 square foot remainder parcel, with no input from Chaffee County, without following any of the proper processes for subdivision.

Demanding answers to these questions will help you determine whether the Applicant has actually followed any process (much less the correct process) related to the 2,500 square foot disputed area. If the Applicant has actually followed no process, what was the reason for the Applicant's misleading the Planning Commission on March 22, 2021?

- c. Applicant's Proposal Terms: Planner Almquist described certain unsolicited "concessions" provided by the Applicant and set forth on page 4 of Mr. Almquist's April 6, 2021 staff memo related to Ordinance 2021-05 (for annexation) and mirrored on page 3 of the April 6, 2021 staff memo related to Ordinance 2021-06 (for zoning). The language used in Mr. Almquist's memo (which may have come directly from the Applicant) is imprecise and inadequate. Specifically:
- a. Item 3: The Applicant proposes either a "first right of refusal" or a "first opportunity to buy" for 6 units, asserting that the subject units will be "less profitable" because they will be "at a lower price point." The Council must specifically identify that this is a first opportunity to purchase, at a price that is affordable to certain individuals who earn their income in Chaffee County, measured by a specific percentage of Area Median Income. The Council should also ensure that any units subject to this restriction be built to a specific standard – otherwise, the Applicant is incentivized to minimize construction costs of any such units. As written, this is a vague and hollow "concession."
 - b. Item 4: The Applicant threatens that zoning R-1 will result in properties that will "likely be used as second homes for out of towners" due to the "higher price point" of the units. Why would the Council believe that zoning R-2 will result in any different outcome? If the Applicant is concerned about creating second homes, the Council should demand that the Applicant impose deed restrict a number of the units (more than 6) as owner-occupied or long-term rented. The Applicant's response to this demand will give the Council a good test of the Applicant's sincerity regarding Salida's housing concerns.
 - c. Item 5: The Applicant proposes to allow only one short-term rental license. The Council must mandate that this restriction be included in governing documents for any resulting subdivision. If a common interest community will be created to manage this subdivision, then the Council should require that this be memorialized in the associated Declarations.
- d. Additional Conditions:
- a. Traffic Study: The City Council should memorialize the fact that any new subdivision shall be classified as a Major Impact Subdivision, as well as the fact that a traffic study shall be required for any subdivision or rezoning.

- b. Lot frontage: The City Council should memorialize the requirement that all lots in any future subdivision meet all required minimum lot frontage. By reducing the lot frontage for Lots 1, 2, and 3, the Applicant is encouraging minimal distance between any built improvements in the future.
- e. Discussion at the April 6, 2021 Council Meeting – Rebuttal. At the April 6, 2021 City Council meeting, three comments from Council Members deserve a response here.
 - a. *Unsubstantiated Description/Characterization of Planning Commission Decision.* Councilmember Dan Shore indicated that he “had an opportunity to speak with some of the Planning Commission folks,” which led him to speculate that the Commission’s unanimous recommendation for zoning the Upchurch Property R-1 was “because of the late hour.” Councilmember Shore’s conversations with Planning Commissioners are prohibited *ex parte* discussions. Moreover, these comments sweep aside and ignore the facts that (i) Chaffee County recommended the Upchurch Parcel be zoned R-1, (ii) not one single person spoke in favor of the Application at the Planning Commission Public Hearing, and (iii) the Planning Commission’s vote was unanimous – there was no dissent. Explaining away the vote due to the “late hour” of the decision dismisses the Planning Commission’s thoughtful review of the serious issues raised by community members and ignores the real impacts of the Application.
 - b. *Rezoning in the Future is No Harder for the Applicant Than Processing a Major Impact Subdivision.* At the April 6, 2021 meeting, Planner Almquist described the fact that the Applicant plans to return to the City for a major impact subdivision which will require a traffic study. Mayor Wood’s comments included an assertion that a rezoning of the subject property would be “exceptionally arduous.” This is simply not true. Any rezoning application can be considered simultaneously with the major impact subdivision. Processing a simultaneous rezoning will not increase the Applicant’s submittal requirements.

Ultimately, for all of the reasons described above, the City Council should:

1. Continue the discussion on Ordinance 2021-05 and 2021-06 until the Disputed Area is fully resolved;
2. Give serious consideration to the Planning Commission’s recommendation, rather than dismiss the recommendation on false pretenses and innuendo;
3. Zone the Upchurch Property R-1, with the full knowledge that the Applicant can seek a rezoning of the property at the time of any future subdivision; and
4. Take no action until the City Council gives serious consideration to requirements that should be imposed on the Applicant in exchange for annexation.

Until the issues identified above are resolved, the Application should not proceed forward.

Sincerely yours,

HUCKSTEP LAW, LLC



Aaron J. Huckstep

cc: Charlie Farrell