



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Community Development	Carolyn Poissant - Senior Planner	August 6, 2024

AGENDA ITEM

Ordinance 2024-15: First Reading on the proposed Suesse Annexation for a 5.71-acre property plus a portion of Confluence Road right-of-way (approximately 5.86 acres total).

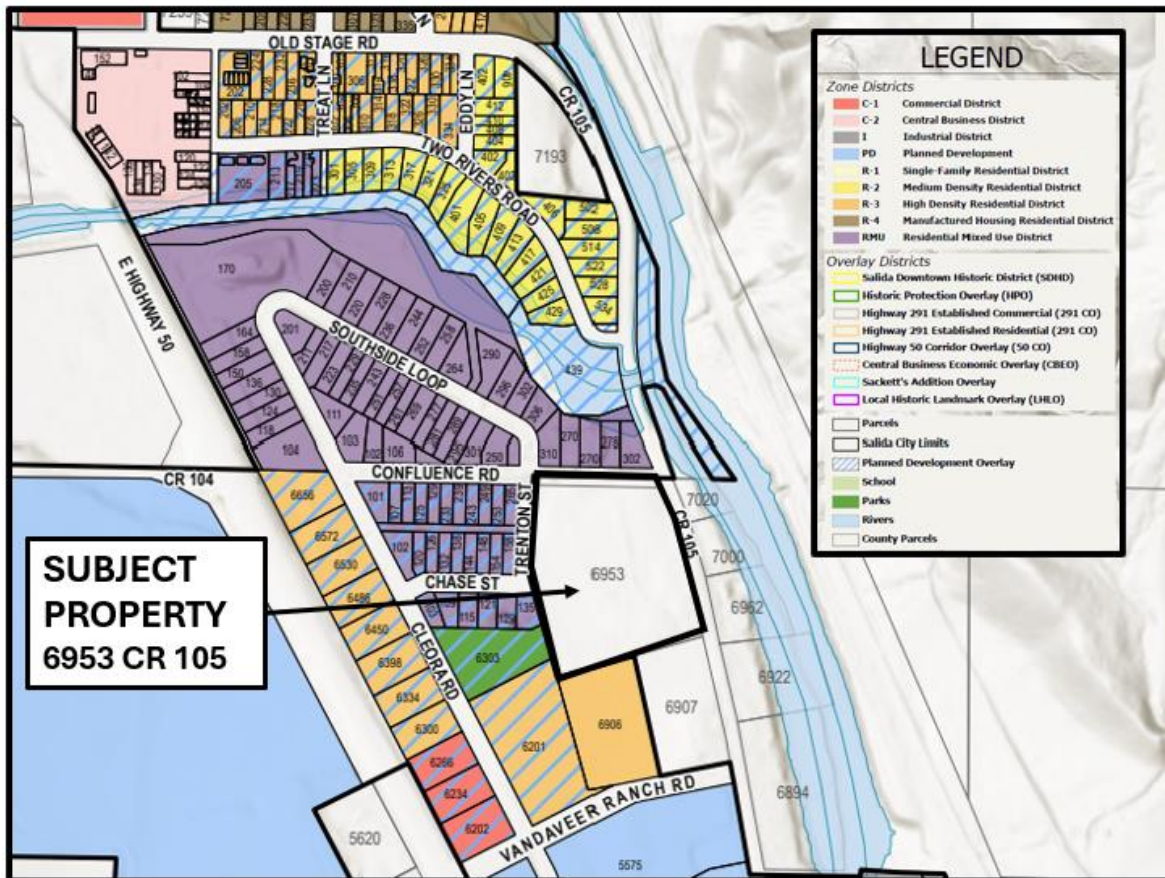
BACKGROUND

On May 22, 2024, Ned Suesse submitted a complete application to annex the 5.71-acre property located at 6953 County Road 105 plus a 0.27-acre a portion of Confluence Road right-of-way. A Pre-Annexation Agreement regarding the property called for the annexation to occur once contiguity had been achieved along with right-of-way and open space dedications. The petitioner has included a portion of the Confluence Road right-of-way in this application but does not wish to provide any other dedications at this time. Additional conditions were included in the petitioner's Letter of Intent with the Annexation Petition.



Vicinity Map

Surrounding Land Use and Zoning: The site is currently zoned RES (Residential Zone District) in Chaffee County. Properties to the east remain in Chaffee County and are zoned RES. Properties to the north and west are within city limits and include the Confluent Subdivision Planned Development Overlay, comprised of a residential mixed-use development (RMU); a 1.24-acre park dedication (P); and Salida Ridge (Low Income Housing Tax Credit) Apartments (R-3). The approved Biker Baker (Flour Mill) annexation and Magpie Apartments zoned R-3 High Density Residential are on the southern boundary.



PROCESS:

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

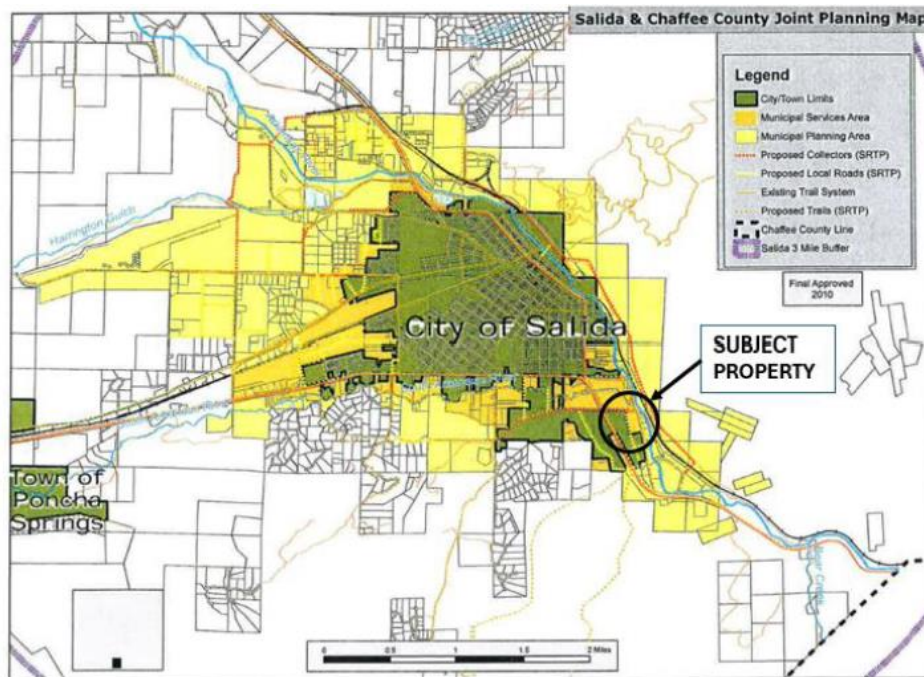
- A minimum of 1/6th (16.67%) of the perimeter of the proposed annexation must be contiguous with the City of Salida city limits.
- Staff reviews the petition for compliance with city and state statutes.
- City Council adopts a resolution stating the petition is valid and sets a public hearing date that is no less than 30 days and no greater than 60 days from the resolution date.
 - On July 2, 2024 City Council adopted Resolution 2024-40 finding the Annexation petition in compliance with city and state statutes and set the public hearing date for August 20, 2024.

- The City Council public hearing is advertised in the newspaper for four consecutive weeks.
- Planning Commission holds a public hearing to review the annexation and recommend the zoning designation of the property.
- City Council holds a public hearing on the annexation petition.
- City Council reviews and acts on an annexation agreement.
- City Council holds a public hearing to review and act on the proposed zoning.

FINDINGS OF FACT:

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

1. The proposed annexation meets the required 1/6th contiguity with the municipal boundary of the City of Salida as shown on the annexation plat.
2. All applicable owners of the property are party to the annexation.
3. The property to be annexed is within the Municipal Services Area (MSA) of the City of Salida, as defined in the City's Comprehensive Plan and its intergovernmental agreement (IGA) with Chaffee County approved in 2010. According to the IGA, the MSA "encompasses properties which are eligible for annexation and extension of municipal utilities and infrastructure, within the parameters set forth in the Salida Municipal Code and Salida Comprehensive Plan, which may be amended from time to time."



4. The annexation of the property is consistent with the vision and goals set forth in the Comprehensive Land Use Plan, specifically, to promote new development projects that contain a variety of housing, including affordable units. 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 for a variety of housing opportunities.

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

The timeline for the requests related to the annexation is as follows:

Proposed Action	Planning Commission Recommendation	City Council First Reading	City Council Final Action
Findings of Fact Resolution 2024-			8/20/2024
Annexation Ordinance 2024-15	7/9/2024	8/6/2024	8/20/2024
Annexation Agreement Resolution 2024-			8/20/2024
Zoning Ordinance 2024-16	7/9/2024	8/6/2024	8/20/2024

Annexation Agreement: On August 20, 2024, staff will propose an annexation agreement that will incorporate the inclusionary housing, park and open space dedication / fees In-lieu, fair contributions to public school site requirements, and items related to public improvements.

RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:

- Salida Fire Department: No concerns.
- Salida Police Department: No issues
- Salida Parks and Recreation Department: Future discussions regarding an open space dedication will be needed to determine how best to compliment park resources in the area.
- Public Works Department and City Engineering Consultants: No comment.
- Salida Finance Department: The property at 6953 County Road 105 is a sewer only account. By annexing into the city, should the existing well fail, connection to city water and payment of fees in effect at that time would be required.
- Salida School District: We have no issue with this annexation. When development fees are applicable, we will take fees in lieu of land.
- Xcel Energy: No major concerns. Response letter attached.
- ATMOS Energy: No comment.
- Visionary Broadband: No response.
- Chaffee County Planning Department: The appropriate road annexations should be completed.
- Chaffee County Building Department: No concerns at this time.

PLANNING COMMISSION RECOMMENDATION

A public hearing with the Planning Commission was held July 9, 2024. The Commission unanimously (7-0) recommended Council approve the proposed Suesse Annexation with conditions recommended by staff.

STAFF RECOMMENDATION

Staff recommends approval of the proposed annexation, subject to Council approval of an annexation agreement with the following conditions:

1. All proposed development shall meet the requirements of the Municipal Code.
2. The Annexation Agreement shall acknowledge and document the following items:
 - a. the city's intent to serve the property with appropriate public utilities;
 - b. all applicable cost recovery agreements and payment terms and conditions;
 - c. the city acknowledges and allows use of the existing well until failure, after which time the owner shall connect to city water;
 - d. the city acknowledges that existing agricultural uses are allowed to continue and existing associated structures may remain on the property; (Note: this will apply until an agricultural use zone is established in the Municipal code, at which time the appropriate area may be required to be rezoned);
 - e. the city acknowledges that a 0.27 acre Confluence Road dedication was made by the owner free from any compensation;
 - f. the applicant will be only proportionally responsible for future intersections and / or common road improvements (in accordance with specific language recommended by the city's legal counsel); and
 - g. there will be no minimum density applied to this parcel in the area occupied by the existing historic structures.

FISCAL IMPACT

There is no fiscal impact currently but there will be increased demand on city services with development.

MOTION

A City Councilmember should state, "I move to _____ Ordinance 2024-15 on first reading and set the second reading and public hearing for August 20, 2024," followed by a second and a roll call and vote.

Attachments: Ordinance 2024-15
Suesse Annexation petition and Annexation plats
Minutes of July 9, 2024 Planning Commission meeting

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 15
SERIES OF 2024**

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 SUESSE ANNEXATION

WHEREAS, on May 22, 2024, Ned Suesse 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 a 5.71-acre parcel located at 6953 County Road 105 and a 0.27-acre portion of Confluence Road right-of-way 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, pursuant to C.R.S. §31-12-108, the City Council by Resolution No. 40, Series of 2024 specified that the City Council would hold a hearing on the proposed annexation at its regular meeting on August 20, 2024 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 August 20, 2024 held a duly-noticed public hearing to consider the proposed annexation; and

WHEREAS, notice of such hearing was published on July 12, 2024, July 19, 2024, July 26, 2024, and August 2, 2024 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 Suesse 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 City hereby approves the annexation of the Property described on Exhibit A, attached hereto with the following conditions of approval, and such real Property is hereby annexed to and made a part of the City of Salida.

1. All proposed development shall meet the requirements of the Municipal Code.

2. The Annexation Agreement shall acknowledge and document the following items:

- a. the City's intent to serve the property with appropriate public utilities;
- b. all applicable cost recovery agreements and payment terms and conditions;
- c. the city acknowledges and allows use of the existing well until failure, after which time the owner shall connect to city water;
- d. the city acknowledges that existing agricultural uses are allowed to continue and existing associated structures may remain on the property until an agricultural zone district is established, at which time the appropriate portion of the property may be required to be re-zoned; and
- e. the city acknowledges that a 0.27 acre Confluence Road dedication was made by the owner free from any compensation.
- f. the applicant will be only proportionally responsible for future intersections and / or common road improvements; and
- g. there will be no minimum density applied to this parcel in the area occupied by the existing historic structures.

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, on the 6th day of August, 2024, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 9th day of August, 2024, and set for second reading and public hearing on the 20th day of August, 2024.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the ____ day of _____, 20__.

CITY OF SALIDA, COLORADO

Mayor

[SEAL]

ATTEST:

City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the ____ day of _____, 20__, and BY TITLE ONLY, after final adoption on the ____ day of _____, 20__.

City Clerk/Deputy City Clerk

EXHIBIT A

ALL THAT TRACT OF LAND LOCATED WITHIN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, ALSO BEING LOT 1-R, "CONFLUENCE ROAD SUBDIVISION EXEMPTION FOR PUBLIC BENEFIT", CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WITNESS CORNER TO THE NORTH QUARTER CORNER OF SAID SECTION 9, BEING MARKED BY A 3 1/4" B.L.M. BRASS CAP, FROM WHENCE THE TRUE NORTH QUARTER CORNER OF SAID SECTION 9 BEARS SOUTH 88°48'25" EAST, A DISTANCE OF 74.51 FEET;
THENCE SOUTH 88°48'25" EAST ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 380.68 FEET TO THE WEST RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 105;
THENCE SOUTH 25°25'46" EAST, A DISTANCE OF 16.62 FEET TO A POINT OF CURVATURE;
THENCE SOUTHERLY A DISTANCE OF 16.89 FEET ALONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 820.00 FEET, A DELTA ANGLE OF 1°10'48", A CHORD LENGTH OF 16.89 FEET AND A CHORD BEARING OF SOUTH 25°05'57" EAST;
THENCE CONTINUING SOUTHERLY ALONG SAID ARC A DISTANCE OF 152.25 FEET DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 820.00 FEET, A DELTA ANGLE OF 10°35'15", A CHORD LENGTH OF 152.03 FEET AND A CHORD BEARING OF SOUTH 19°11'24" EAST TO A POINT OF TANGENCY;
THENCE SOUTH 13°53'16" EAST, A DISTANCE OF 268.86 FEET;
THENCE SOUTH 12°48'58" EAST A DISTANCE OF 60.18 FEET, THIS AND THE PRECEDING 4 COURSES ARE ALONG SAID WEST RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 105;
THENCE SOUTH 73°55'54" WEST A DISTANCE OF 466.73 FEET;
THENCE NORTH 15°21'10" WEST A DISTANCE OF 343.21 FEET;
THENCE NORTH 03°10'18" EAST A DISTANCE OF 300.18 FEET TO THE POINT OF BEGINNING.
CONTAINING 5.98 ACRES, MORE OR LESS.

SUESSE ANNEXATION TO THE CITY OF SALIDA

A PORTION OF CONFLUENCE ROAD AND LOT 1-R
CONFLUENCE ROAD SUBDIVISION EXEMPTION
FOR PUBLIC BENEFIT
CHAFFEE COUNTY, COLORADO



To: Salida City Council
RE: Letter of Intent – Annexation of 6953 CR 105

Salida City Council:

My name is Ned Suesse and I own the property located at 6953 CR 105, Salida CO 81201. Attached, you will find an annexation application for my property. The City is requiring this annexation due to a pre-annexation agreement that was executed prior to my purchase of the property. I have no development plans for the property once annexed.

Following are a list of conditions for my annexation that will need to be incorporated into an Annexation Agreement that is approved concurrently with the approval of the annexation.

1. R3 Zoning for the property;
2. No requirement to cost share for any non-contiguous road or bridge improvements;
3. Acknowledgment and documentation of the City's intent to serve my property with utilities;
4. Acknowledgment and documentation of all existing cost recovery agreements and agreement that no cost recovery will be required of improvements made by other parties beyond those specifically referenced in an Annexation Agreement;
5. Expressly allow use of the existing well until failure, after which time the owner shall connect to city water;
6. Existing agricultural uses are allowed to continue and associated structures may remain on the property;
7. Existing structures and a surrounding envelope of 200' or the property boundary, whichever is greater, as pre-existing, non-conforming structures, are exempt from future minimum density calculations; and
8. Acknowledgment that .27 acre Confluence Road dedication was made by the owner free from any compensation.
9. Short term rental permit made available at the time of annexation for the primary residence;

Because I have no current plans for development, the following issues will be tabled until such time that a future owner or myself move forward with a development plan since these items will be based on the requested units and density and subject to the city code requirements at time of development:

1. Dedication of rights-of-way;
2. Dedication of parks and open space;
3. Affordable and inclusionary housing requirements; and
4. Building envelopes and plans.

These items have been discussed with City staff over the course of several years. You will find an application fee included with this application as well as the most recent plat of the property. Feel free to reach out to me with any questions.

Sincerely,

Ned Suesse

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:

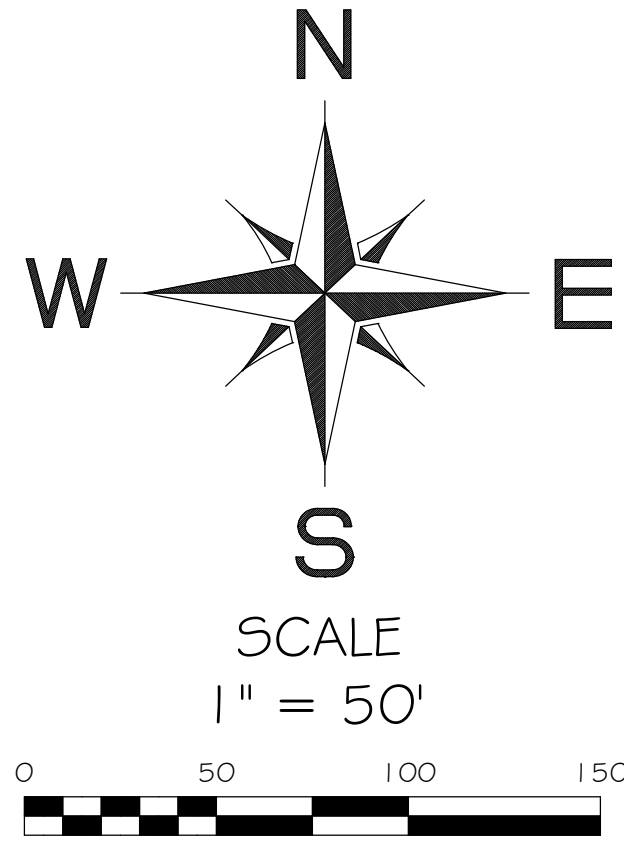
This Petition is signed by the landowners qualified to sign. It is intended that this Petition be a one hundred percent (100%) petition for annexation as described in C. R. S. 1973, Section 31-12-107(l)(g), (as amended).

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.


Signature


Date

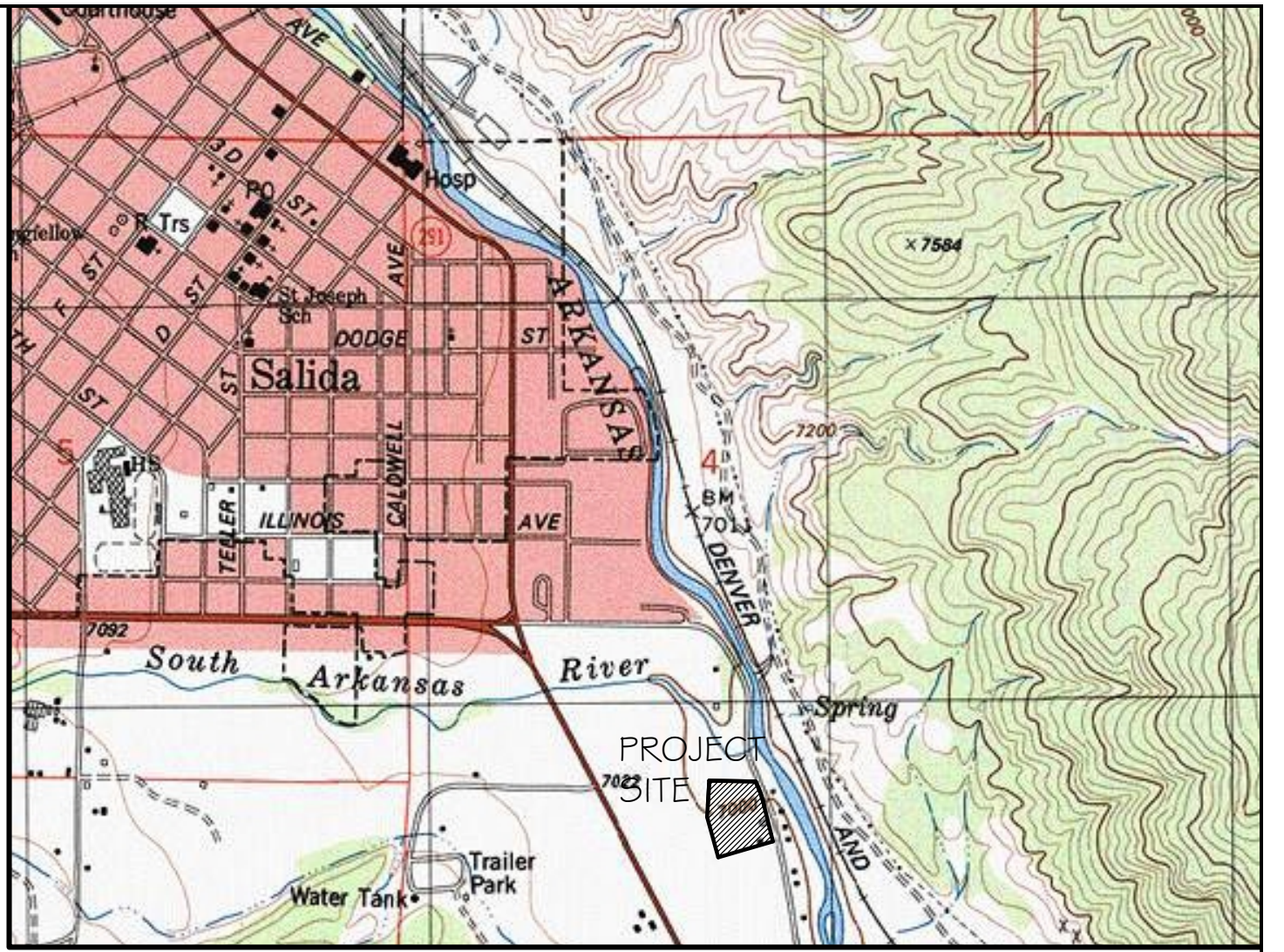


SUESSE ANNEXATION TO THE CITY OF SALIDA

A PORTION OF CONFLUENCE ROAD AND LOT 1-R CONFLUENCE ROAD SUBDIVISION EXEMPTION FOR PUBLIC BENEFIT CHAFFEE COUNTY, COLORADO

LEGEND

- ⊙ FOUND MONUMENT AS NOTED
- ◆ SET 1 1/2" ALUMINUM CAP LS 37937
- ▲ PREVIOUSLY SET 1 1/2" ALUMINUM CAP LS 37937
- FOUND 1 1/2" ALUMINUM CAP LS 16117
- POWER POLE
- SEWER MAN HOLE
- WATER VALVE
- WATER METER
- FENCE
- OVERHEAD UTILITY
- UNDERGROUND SEWER



VICINITY MAP
NOT TO SCALE

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 NED SUESSE, AS OWNER OF 100 PERCENT OF THE AREA TO BE ANNEXED, EXCEPTING PUBLIC STREETS; AND WHEREAS, THE CITY COUNCIL BY RESOLUTION ADOPTED ON _____, 2024, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENT OF SECTION 31-12-107(1), WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON _____, 2024, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE CITY COUNCIL ADOPTED RESOLUTION NO. _____ (SERIES 2018), DETERMINING THAT THE ANNEXATION ELECTION WAS NOT REQUIRED; AND WHEREAS, ON _____, 2024 THE CITY COUNCIL ADOPTED ORDINANCE NO. _____ (SERIES 2018) APPROVING AND ANNEXING 'SUESSE ANNEXATION'. NOW, THEREFORE, THE CITY COUNCIL OF SALIDA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE 'SUESSE ANNEXATION' AS DESCRIBED HEREIN, TO WIT:

ALL THAT TRACT OF LAND LOCATED WITHIN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, ALSO BEING LOT 1-R 'CONFLUENCE ROAD SUBDIVISION EXEMPTION FOR PUBLIC BENEFIT', CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE WITNESS CORNER TO THE NORTH QUARTER CORNER OF SAID SECTION 9, BEING MARKED BY A 3 1/4" B.L.M. BRASS CAP, FROM WHENCE THE TRUE NORTH QUARTER CORNER OF SAID SECTION 9 BEARS SOUTH 88°48'25" EAST, A DISTANCE OF 74.51 FEET;
THENCE SOUTH 88°48'25" EAST ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 380.68 FEET TO THE WEST RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 105;
THENCE SOUTH 25°25'46" EAST, A DISTANCE OF 16.62 FEET TO A POINT OF CURVATURE;
THENCE SOUTHERLY A DISTANCE OF 16.89 FEET ALONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 820.00 FEET, A DELTA ANGLE OF 1°10'48", A CHORD LENGTH OF 16.89 FEET AND A CHORD BEARING OF SOUTH 25°05'57" EAST;
THENCE CONTINUING SOUTHERLY ALONG SAID ARC A DISTANCE OF 152.25 FEET DEFLECTING TO THE RIGHT, HAVING A RADIUS OF 820.00 FEET, A DELTA ANGLE OF 1°03'8"18", A CHORD LENGTH OF 152.03 FEET AND A CHORD BEARING OF SOUTH 19°11'24" EAST TO A POINT OF TANGENCY;
THENCE SOUTH 13°53'16" EAST, A DISTANCE OF 268.86 FEET;
THENCE SOUTH 12°48'58" EAST A DISTANCE OF 60.18 FEET, THIS AND THE PRECEDING 4 COURSES ARE ALONG SAID WEST RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 105;
THENCE SOUTH 73°55'54" WEST A DISTANCE OF 466.73 FEET;
THENCE NORTH 15°21'10" WEST A DISTANCE OF 343.21 FEET;
THENCE NORTH 03°10'18" EAST A DISTANCE OF 300.18 FEET TO THE POINT OF BEGINNING.
CONTAINING 5.98 ACRES, MORE OR LESS.

SIGNED THIS ____ DAY OF _____, 2024.

CITY OF SALIDA

BY: _____
MAYOR

CERTIFICATE OF DEDICATION AND OWNERSHIP

THIS IS TO CERTIFY THAT NED SUESSE IS THE OWNER OF 100% OF THE LAND DESCRIBED AND SET FORTH HEREIN, EXCEPT STREETS, AND THAT SUCH OWNER DESIRES AND APPROVES THE ANNEXATION OF THE TERRITORY DESCRIBED HEREIN TO THE CITY OF SALIDA, COLORADO.

EXECUTED THIS ____ DAY OF _____, 2024.

OWNERS:

NED SUESSE

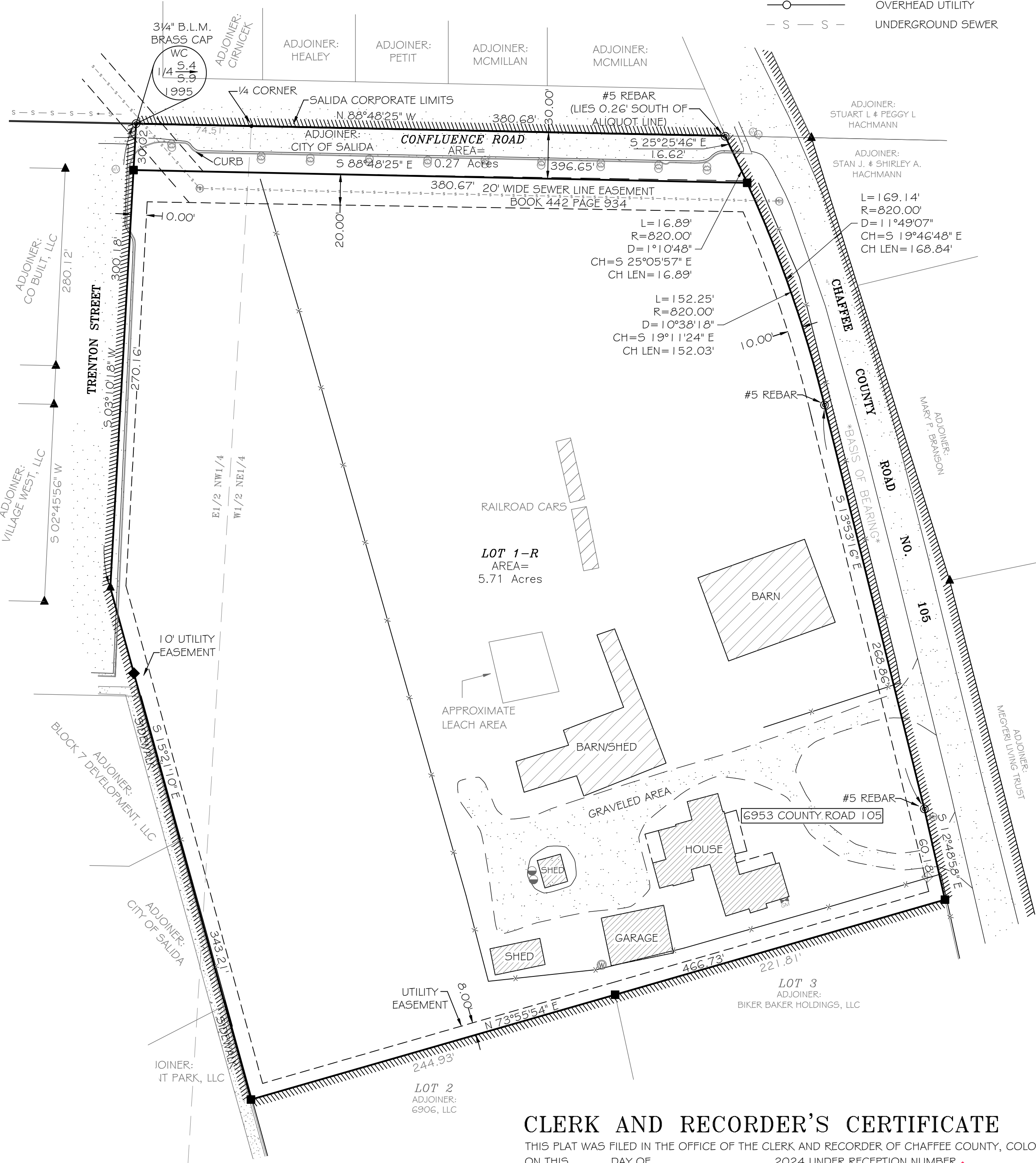
COUNTY OF CHAFFEE)
STATE OF COLORADO) ss.

THE FORGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2024, BY NED SUESSE. WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC

TOTAL PERIMETER OF LAND TO BE ANNEXED	2005.61'
CONTIGUOUS BOUNDARY WITH CITY OF SALIDA	2005.61'
CONTIGUOUS BOUNDARY REQUIREMENT 1/G=16.7%	100%



CLERK AND RECORDER'S CERTIFICATE

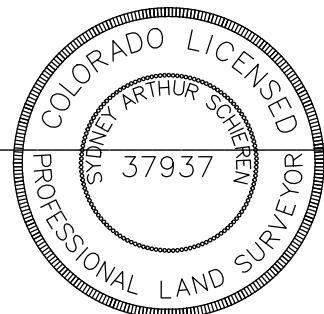
THIS PLAT WAS FILED IN THE OFFICE OF THE CLERK AND RECORDER OF CHAFFEE COUNTY, COLORADO, AT _____ M. ON THIS ____ DAY OF _____, 2024 UNDER RECEPTION NUMBER _____.

CHAFFEE COUNTY CLERK AND RECORDER

LAND SURVEYOR'S CERTIFICATE

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

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



DATED THIS ____ DAY OF _____, 2024.

TITLE AGENT

CITY CLERK

CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THIS ANNEXATION MAP ALONG WITH THE ORIGINAL ANNEXATION ORDINANCE FOR THE SUESSE ANNEXATION WERE ACCEPTED FOR FILING IN MY OFFICE ON THIS ____ DAY OF _____, 2024, AND IS DULY RECORDED.

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 SUESSE ANNEXATION WERE ACCEPTED FOR FILING IN MY OFFICE AT _____ M. ON THIS ____ DAY OF _____, 2024 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 WEST RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 105, BETWEEN 2 ALUMINUM CAPS, HAVING A BEARING OF SOUTH 13°53'16" EAST.
- 2) TOTAL AREA TO BE ANNEXED=5.98± ACRES
- 3) THIS ANNEXATION SUBJECT TO THE TERMS & CONDITIONS AS SET FORTH IN THE ANNEXATION AGREEMENT RECORDED AT RECEPTION NO. _____



PLANNING COMMISSION REGULAR MEETING

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

July 09, 2024 - 6:00 PM

MINUTES

Email public comments to: planning@cityofsalida.com

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

CALL TO ORDER BY CHAIRMAN – 6:00 PM

ROLL CALL – 6:07 PM

APPROVAL OF THE MINUTES – 6:08 PM

1. APPROVAL OF MINUTES OF JUNE 24, 2024

Motion: Bomer Second: Dockery

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

UNSCHEDULED CITIZENS - None

AMENDMENT(S) TO AGENDA - None

PUBLIC HEARINGS

Public Hearings will follow the following procedure:

A. Open Public Hearing

B. Proof of Publication

C. Staff Review of Application/Proposal

D. Applicant's Presentation (if applicable)

E. Public Input

F. Close Public Hearing

G. Commission Discussion

H. Commission Decision

2. Recommendation on Proposed Salida Quality Farms, LLC / Meadowlark Drive Annexation

The applicant, Salida Quality Farms, LLC, represented by James L. Treat has submitted a complete application to annex the property located off Meadowlark Drive between CR 120 and CR 140 adjacent to the western edge of the Angelview subdivision (Parcel Number 380706200024) along with portions of County Road 120 and County Road 140, totaling 48.98 acres. This is a series annexation, with annexation plat A-1 preceding annexation plat A-2. As such, contiguity requirements are satisfied for both properties (C.R.S. 31-12-104).

A. Open Public Hearing - 6:08 PM

B. Proof of Publication

C. Staff Review of Application/Proposal - Carolyn Poissant presenting – 6:09 PM

D. Applicant's Presentation (if applicable) - Dee Dubin, Andi Bruno, and Bill Hussey – 6:14 PM

E. Public Input - 6:33 PM

F. Close Public Hearing - 6:44 PM

G. Commission Discussion - 6:44 PM

H. Commission Decision or Recommendation - below

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

Motion:

"I hereby make a motion to recommend City Council approve the proposed Salida Quality Farms, LLC Annexation as it meets the findings of fact for annexation, subject to the following conditions to be included in the Annexation Agreement:

1. All proposed development shall comply with the provisions of the Municipal Code.
2. A minimum of 4 acres of park and open space, generally consistent with the location and configuration adjacent to Angelview Subdivision as shown on the Concept Plan submitted with the annexation application, shall be dedicated prior to development of the parcel. Such dedication shall not preclude any requirements for additional park and open space dedication or fees-in-lieu associated with future development of the property.

Motion made by Vice-Chair Bomer, Seconded by Commissioner Kriebel. – **6:44 PM**

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

MOTION APPROVED 7-0

3. Recommendation on Proposed R-3 Zoning - Salida Quality Farms, LLC / Meadowlark Drive

Following approval of the Salida Quality Farms, LLC / Meadowlark Drive Annexation of a 43.02-acre property plus portions of the CR 120 and CR 140 rights-of-way (48.98 acres total) into the City of Salida, the applicant James L. Treat, representing Salida Quality Farms, LLC has requested a designation of the R-3 High Density Residential zone district. The area annexed must be brought under the municipality's zoning ordinance within 90 days from the effective date of the annexation ordinance.

A. Open Public Hearing - 6:08 PM

B. Proof of Publication

C. Staff Review of Application/Proposal - Carolyn Poissant presenting – 6:45 PM

D. Applicant's Presentation (if applicable) - Bill Hussey presenting – 6:49 PM

E. Public Input - 7: 04 PM

F. Close Public Hearing - 7: 13 PM

G. Commission Discussion - 7:13 PM

H. Commission Decision or Recommendation - below

Motion:

"To approve the proposed zoning of the Salida Quality Farms, LLC / Meadowlark Drive property as proposed to be annexed, to R-3 High-Density Residential Zone District, as it meets the applicable review standards."

Motion made by Vice-Chair Bomer, Seconded by Commissioner Dockery. – **7:13 PM**

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

MOTION APPROVED 7-0

4. Recommendation on Proposed Suesse Annexation

The applicant, Ned Suesse, has submitted a complete application to annex the 5.71-acre property located at 6953 County Road 105, plus a 0.27-acre portion of Confluence Road right-of-way. The request to zone the property will be considered during a separate Planning Commission public hearing.

- A. Open Public Hearing - 6:08 PM
- B. Proof of Publication
- C. Staff Review of Application/Proposal - Carolyn Poissant presenting – 7:30 PM
- D. Applicant's Presentation - Ned Suesse presenting – 7:36 PM
- E. Public Input - 7:58 PM
- F. Close Public Hearing - 7:58 PM
- G. Commission Discussion - 7:59 PM
- H. Commission Decision or Recommendation - below

Motion:

I hereby make a motion to recommend City Council approve the proposed Suesse Annexation as it meets the findings of fact for annexation, subject to specific conditions as outlined below:

1. All proposed development shall meet the requirements of the Municipal Code.
2. The Annexation Agreement shall acknowledge and document the following items:
 - a. the city's intent to serve the property with appropriate public utilities;
 - b. all applicable cost recovery agreements and payment terms and conditions;
 - c. the city acknowledges and allows use of the existing well until failure, after which time the owner shall connect to city water;
 - d. the city acknowledges that existing agricultural uses are allowed to continue and existing associated structures may remain on the property;
 - e. the city acknowledges that a 0.27-acre Confluence Road dedication was made by the owner free from any compensation.

Recommendations added to (2.) "annexation agreement motion":

- f. the applicant will be only proportionately responsible for future intersections and / or common road improvements;
- g. there will be no minimum density applied to parcel(s) containing existing historic structures.

Motion made by Vice-Chair Bomer, Seconded by Chairman Follet. – **8:11 PM**

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

MOTION APPROVED 7-0

5. Recommendation on Proposed R-3 Zoning - 6953 County Road 105 (Suesse Annexation)

Following approval of the Suesse Annexation of a 5.71-acre property plus a 0.27-acre portion of Confluence Drive right-of-way into the City of Salida, the applicant, Ned Suesse, has requested a designation of the High Density Residential (R-3) zone district. The area annexed must be brought under the municipality's zoning ordinance within 90 days from the effective date of the annexation ordinance.

- A. Open Public Hearing - 6:08 PM
- B. Proof of Publication

C. Staff Review of Application/Proposal - Carolyn Poissant presenting – 8:15 PM

D. Applicant's Presentation (if applicable) - Ned Suesse presenting – 8:18 PM

E. Public Input - 8:19 PM

F. Close Public Hearing - 8:19 PM

G. Commission Discussion - 8:19 PM

H. Commission Decision or Recommendation - below

Motion:

“To approve the proposed zoning of Suesse property as proposed to be annexed to R-3 High-Density Residential Zone District, as it meets the applicable review standards.”

Motion made by Vice-Chair Bomer, Seconded by Commissioner Colby. – **8:19 PM**

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

MOTION APPROVED 7-0

6. Shaken Roost Major Subdivision – Major Impact Review

The hearing is regarding a major impact review application submitted by Joni Baker of Shaken Roost LLC, for a major subdivision of a .95 acre parcel located on the south side of Illinois Avenue, between Milford and Teller Streets. The proposed subdivision will consist of 14 duplex lots for the construction of 14 residential units configured as seven (7) duplex residential structures. The site is zoned Commercial District (C-1).

A. Open Public Hearing - 6:08 PM

B. Proof of Publication

C. Staff Review of Application/Proposal - Glen Van Nimwegen Presenting – 8:21 PM

D. Applicant's Presentation (if applicable) - Jamie Baker Presenting - 8:33 PM

E. Public Input - 8:38 PM – Ellen Miller spoke

F. Close Public Hearing - 8:42 PM

G. Commission Discussion - 8:42 PM

H. Commission Decision or Recommendation - below

Motion:

“I make a motion to recommend the City Council approve the Shaken Roost Major Subdivision as it meets the review standards for a subdivision, subject to the following conditions:

1. Prior to Council review of the major subdivision, the applicant will work with Xcel Energy to determine if additional public utility easements are required to serve the subdivision. If so, the plat shall be amended to show the new easements.

2. Prior to recordation of the final plat, Council shall approve a subdivision improvement / inclusionary housing agreement for the project to generally address the amount, timing and guarantee of the construction of public improvements that are necessary for the project; require the provision of any fees-in-lieu (schools and open space) and affordable housing consistent with Article XIII of Chapter 16 of the Salida Municipal Code.

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

- a. Two (2) built inclusionary housing units shall be provided per the requirements of Sec. 16-13-60 of the Salida Municipal Code. Additionally, fees-in-lieu for the remaining two (2) proposed units (2/6) shall be paid per the fee schedule in place at time of building permit.
3. The final plat shall have the following notes and additions:
 - a. Pursuant to Section 16-6-140 of the Salida Municipal Code (SMC), Fair Contributions to School Sites as may be amended, at the time that residential dwelling units are constructed on any of the lots herein, a payment in lieu of land dedication for Fair Contributions to Public School Sites shall be paid by the owner of each lot within this subdivision prior to issuance of a building permit for any new residence on such lot.
 - b. Pursuant to Section 16-6-120(8) of the SMC, Parks, Trails and Open Space fees-in-lieu shall be provided at the time of development (issuance of a building permit) per the fee schedule in place at time of building permit.
 - c. Provide a Typical Building Setback exhibit like as shown under Observations #4 above.
 - d. Provide a note stating the Access Easements and Outlot for Retention Pond will not be maintained by the City of Salida; or will be maintained by the homeowner's association per the C.C.& R.s recorded at Reception No._____.
 - e. The Shaken Roost Major Subdivision meets the standards of Chapter 16 of the SMC and is subject to the terms of the executed Subdivision Improvement and Inclusionary Housing Agreement as recorded at Reception No._____.
 - f. Pursuant to Section 16-6-120(11) of the SMC, no residential façade elevation may be repeated more than once per five (5) lots on the same side of the street.
4. Water and sewer system development fees are due at the time of issuance of a building permit per the fee schedule in place at time of building permit.
5. The applicant will continue to work with Xcel Energy to receive approval of utility access and maintenance as outlined in Attachment 6.”

Changes to motion:

1. Strike prior to council review and continue with “applicant will work with Xcel.”
2. a. First Inclusionary Housing unit must receive certificate of occupancy (CO) no later than the sixth market rate unit.

Motion made by Vice-Chair Bomer, Seconded by Commissioner Kriebel. – **8:43 PM**
Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Kriebel, Commissioner Dockery, Commissioner Colby, Alternate Commissioner Layton, Alternate Commissioner Bush

MOTION APPROVED 7-0

UPDATES – 8:45 PM

COMMISSIONERS' COMMENTS – 8:45 PM

ADJOURN – 8:48 PM

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

APPROVED BY VOICE VOTE

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