



CITY COUNCIL ACTION FORM

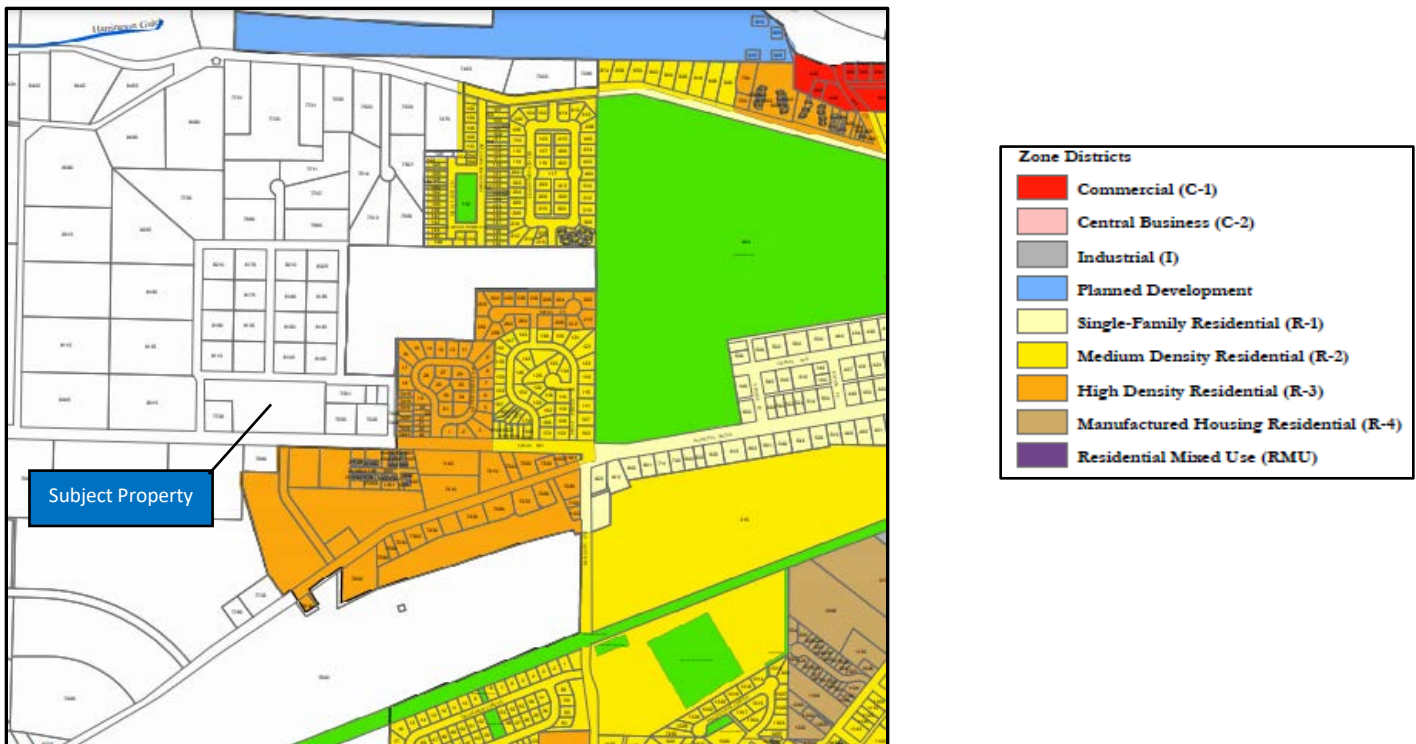
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| Department Choose an item. | Presented by Bill Almquist - Comm. Dev. Director | Date April 6, 2021 |
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ITEM

First Reading of Ordinance No. 2021-06: An Ordinance of the City of Salida, Colorado Zoning Certain Real Property Known as the Upchurch Annexation as Medium Density Residential (R-2) Zone District.

BACKGROUND

The applicants, Tory and Clee Upchurch, are requesting approval to have their 5.32 acre parcel zoned R-2, Medium Density Residential, following approval of annexation of the same property into the City of Salida. The property is located north of County Road 140 and south of County Road 141, as shown on the portion of the City's address and zoning map below, and is in what is known as the Municipal Services Area (MSA).





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The applicants submitted their applications for both annexation and zoning on December 14, 2020. The original request was for High Density Residential (R-3). A conceptual review meeting was held with Planning Commission and City Council on January 4, 2021. Following feedback the applicant received from neighbors both directly and indirectly, as well as from City staff, the applicant submitted a revised application on February 8, 2021 to request Medium Density (R-2) zoning. The applications were subsequently deemed complete and City Council passed Resolution No. 2021-04 on March 2, 2021 finding the annexation petition to be in substantial compliance with state statutes and setting a public hearing on the petition for April 20, 2021. The hearing for zoning is to be conducted concurrently, provided that City Council approves annexation. The zoning request was heard by Planning Commission on March 22, 2021, and the Commission did not recommend approval for the requested R-2 zoning. Rather, they passed a motion to recommend that the property be zoned Single-Family Residential (R-1), at least until more information regarding future development and a rezone request is provided (6-0 vote).

UPDATE TO APPLICANT'S PROPOSAL

Following Planning Commission's recommendation that R-1 zoning be applied to the subject property, the applicants submitted additional information and requests that they would like to be considered for City Council's annexation agreement and zoning reviews. The e-mail letter and an updated subdivision concept design (dated March 26, 2021) are included in the packet for review. In the email, the applicants outline their objectives for developing the property under R-2 zoning and offer a number of additional requests, comments, and conditions to be added to the annexation agreement, as quoted below:



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- 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.*



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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 R3 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 East boundaries.”*

As addressed in the memo regarding the annexation request, staff acknowledges the need to address the above requests/conditions as part of the annexation request and associated agreement, since that is the most appropriate location for such negotiated terms. However, the requests are also considered below within the relevant review standards for the zoning request.

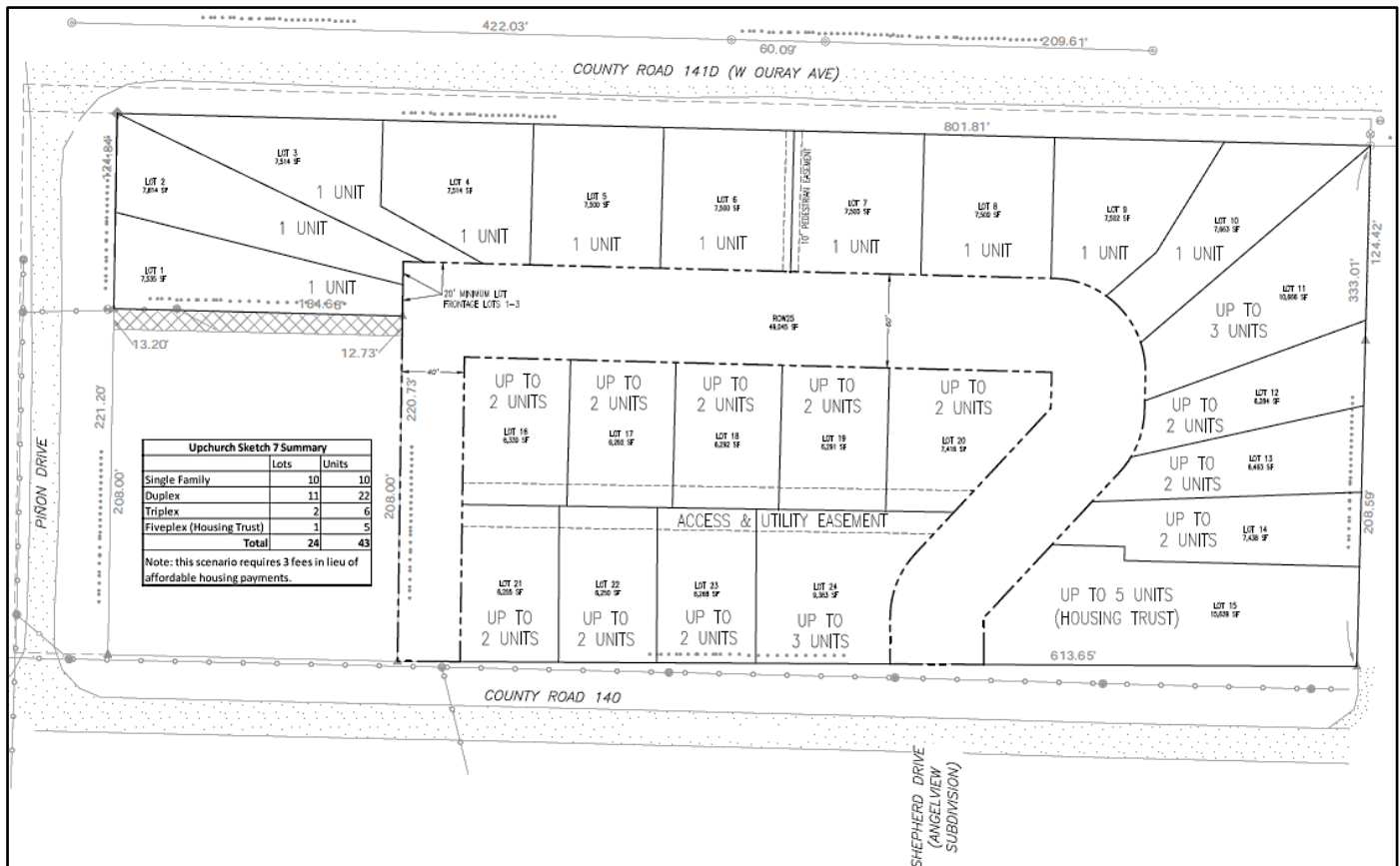
CONCEPTUAL FUTURE DEVELOPMENT

The applicants are requesting R-2, Medium Density Residential zoning with the idea of eventually subdividing the property and developing it with a variety of single-family, duplex, and multi-family units, as allowed by the zone district. Though no formal proposal has been submitted, the applicants have shared a few conceptual site plans—the latest of which was included with their email on 03/26/21 showing a total of 24 lots with up to a total of 43 units of varying types (see below). Any future proposal of this nature would need to go through the major impact review process in front of both Planning Commission and City Council.



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The applicants' conceptual plan describes single-family homes along the northern portion of the site, duplexes and triplexes in the middle and east side of the site, and multi-family units in the southeastern corner, closest to the Angelview properties. The multi-family units are those intended to meet the Inclusionary Housing requirements. The applicants have also indicated interest in potentially requesting a future rezone in the southeastern corner to R-3 in order to accommodate additional multi-family and affordable/attainable housing. Such a "split-zoning" of the development site is not possible prior to an approved subdivision, because zoning must follow lot lines. Therefore, the applicants are



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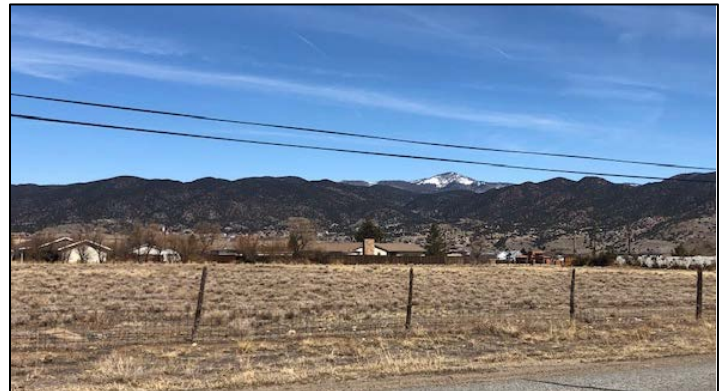
requesting R-2 until a later date when a future subdivision is approved and the property is eligible for such a rezoning. Any such rezoning request would require an additional major impact review.

SURROUNDING LAND USE AND ZONING

The subject property is currently surrounded by 1- to 5-acre single-family residential parcels to the north, west, and immediately east (zoned RES within the County), and just across CR 140 from High Density Residential (R-3) zoned properties to the southeast (within the City). The property immediately to the southeast, known as Angelview, consists of rowhouse condominiums both existing and under construction. Additional R-3 zoned properties are located approximately 500 feet to the east and are built out with an array of single-family homes and duplexes on smaller lots. There are other properties zoned R-3 and R-2 less than ¼ mile to the east that are also built out with a variety of single-family homes, duplexes, multi-family apartments, and a large church. Lastly, there is a narrow band of R-1, Single-Family Residential along Poncha Blvd just over ¼ mile away to the east. See area photos below:



Single-family properties west of subject property (County)



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



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Multi-family homes to the SE (City) viewed across subject property



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



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



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



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Single-family homes immediately to the E/NE (Love Pre-Annexation)



Single-family homes immediately to the E/SE (County)

ZONING REVIEW STANDARDS

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

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

Staff Review:

Chapter 3 of the Salida Comprehensive Plan, entitled “Land Use and Growth,” provides some background and guidance regarding the zoning of newly annexed properties. Specifically, it speaks to the role of the Intergovernmental Agreement (IGA) between the City of Salida and Chaffee County “for the purpose of directing growth in accord with the city and county comprehensive plans and coordinating management of development activities in the Salida area.”



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The Plan discusses the need for additional residential space throughout the community based on growth projections— “an expected addition of 12,500 to the county over the next 25 years.” (Page 3-4). The Plan discusses the role of density and infill on smaller lots within the city in order to avoid “sprawl development”— patterns of single-family homes on larger lots—especially into surrounding County agricultural lands (Pages 3-4 to 3-8). Specifically regarding properties (such as the subject property) that are within the Municipal Services Area (MSA), the Comp Plan states:

“The city has identified several areas of vacant residential parcels for infill development. In fact, the majority of land identified for infill has been identified for residential development. *Most of the vacant residential land exists to the west of the city and much of it exists within the city’s Municipal Services Area*, which would require annexation to develop it to city standards.” (Page 3-8) (emphasis added)

It should be noted that, though it is generally accepted as good planning to focus the majority of density in the core of the city where infrastructure and development already exists, there are some significant barriers to this ideal here in Salida. For one, our city center is also an historic downtown district, which is quite restrictive on the nature and amount of redevelopment that can happen there. Also, most lots near the core area of town are already smaller in size, individually-owned, and developed with housing units at or close to the allowed maximum density. It stands that some of the most developable areas in the City, where the most housing is able to be provided, are either within our commercial districts or in certain locations near or at the edge of town—especially near adequately designed transportation corridors. The boundaries of the MSA were intentionally and specifically created around these areas.



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Magnification of subject property within the MSA

Staff finds the following Comprehensive Plan Policy and Action Items most relevant to this zoning request:

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

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

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



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Action LU&G-I.2.a - Encourage projects to use maximum density allowances to make the best use of the available infrastructure.

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

Action LU&G-II.1.b – Any proposal for annexation will be evaluated with an expectation of urban density levels, inclusion of connections to pedestrian and bicycle corridors, water availability, and promotion of innovative, creative and energy efficient design.

Action LU&G-V.3.a – Work with the County to develop land use policies to maintain agricultural lands, develop appropriate sites to urban density and mitigate negative effects of sprawl development.

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

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

Action H-II.1.c – Seek changes to the Land Use Code to ensure that affordable housing is interspersed throughout the city, maintaining diversity in existing neighborhoods.

Action LU&G-I.2.c. is particularly relevant to the request in that it speaks directly to focusing new development within the Municipal Services Area (MSA)—where considerable infrastructural investments have been made and services are already available “to...limit sprawl development *around* the city” (i.e outside of the



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MSA/into other County areas). The Comp Plan even addresses the fiscal benefits of focusing higher levels of development within certain parts of the MSA:

“In some cases, like for streets, water and sewer lines, there is a better economy of scale for encouraging development to occur around existing infrastructure and higher density development.” (Page 3-9)

Given the above guidance, staff finds that applying a zoning of Single-Family Residential (R-1)—which encourages low-density development and the least efficient use of existing services—to the property would seem contradictory to the intentions of the Comprehensive Plan. Since the property is both within the MSA and located along a high-capacity transportation corridor/collector road (CR 140), staff finds that the applicants’ request to zone the property Medium Density Residential (R-2)—which allows for a mix of housing types at slightly greater overall densities—is not only consistent with the Comprehensive Plan but also strikes the right balance between the varying goals of the Plan, especially with the recommended conditions of the annexation agreement if R-2 zoning is applied.

2. Consistency with Purpose of Zone District: The proposed amendment shall be consistent with the purpose of the zone district to which the property is to be designated.

Staff Review:

Per the City of Salida land use code, the purpose of the Medium Density Residential (R-2) zone district is:

“...to provide for residential neighborhoods comprised of detached single-family dwellings, duplex dwellings, and multi-family residences on smaller



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lots than are permitted in the Single-Family Residential (R-1) zone district, allowing for slightly greater overall densities.”

The applicants’ stated intent to build a variety of housing types, and the conceptual subdivision design provided, is consistent with the above purpose. No formal proposal has been submitted, however, and any future land use proposal will need to go through the appropriate review process, including a Major Impact Review for a major subdivision. This standard is met.

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

Staff Review:

The in-City zone districts closest to the subject property are mostly zoned R-3, High Density Residential. The Angelview development located across CR 140 just to the southeast of the subject property consists of rowhouse condominiums, and Cochetopa Estates (located 500 feet away to the east) is a mix of single-family homes and duplexes on smaller lots. As mentioned above, there are other properties within city limits that are zoned R-3 and R-2 less than ¼ mile to the north and east which are also built out with a variety of uses including single-family homes, duplexes, multi-family apartments, and even churches. There is also a narrow band of Single-Family Residential (R-1) along Poncha Blvd a little over a ¼ mile away to the east. The variety of development permitted by the proposed zoning amendment (and indicated in the applicants’ conceptual design) would be compatible with existing zone districts, land uses, and mixed housing character of nearby properties within city limits.



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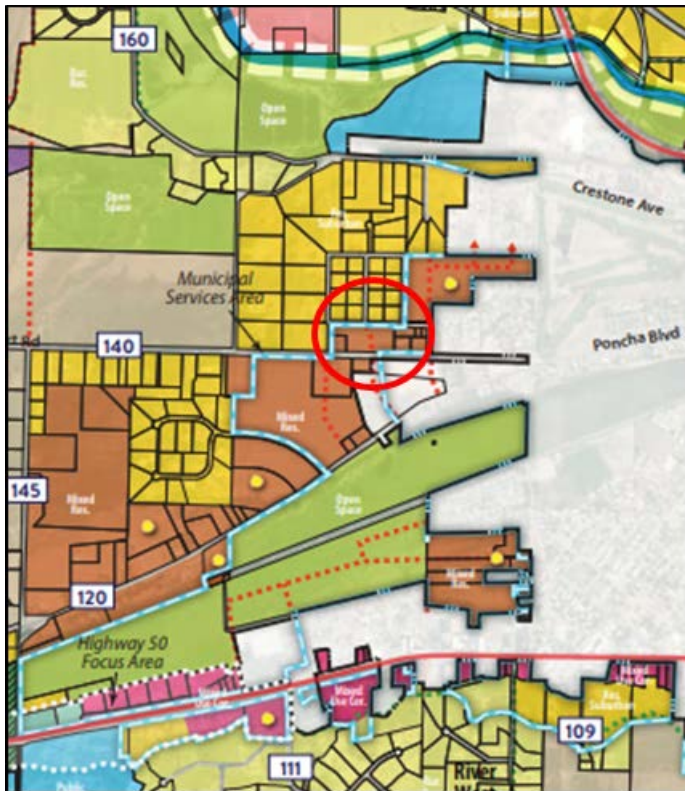
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Although it is not clear that this review standard is meant to addresses compatibility with zone districts and uses specifically within city limits, it is important to note that the subject property also sits at the edge of the Municipal Service Area surrounded largely by properties within the county, and compatibility with those zone districts and uses should certainly be taken into consideration. While it is possible that other adjacent properties *within* the MSA may annex and redevelop at higher densities at some point in the near future, the majority of the properties *outside* the MSA (especially north and west of CR 141) will likely exist with relatively lower densities for quite some time, especially given their current (RES) Residential zoning and the lack of available services. The applicants' willingness to limit lots along CR 141 to single-family use on larger lots provides a reasonable transition between these two areas. The County's recently adopted Comprehensive Plan and Future Land Use Map (FLUM) also draws a distinction between properties inside the MSA and those outside of the MSA when it comes to expected *future* density. The Salida Sub-Area FLUM, designation definitions, and future density ranges are shown below:



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



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The subject property and the adjacent properties east and west are designated “Mixed Residential,” while the properties across CR 141 to the north and west (outside the MSA) are designated “Suburban Residential.” The density range for Mixed Residential represents a four-fold increase from the future Suburban Residential and existing Residential (RES) zones. (For comparison, the maximum allowable density within Salida’s R-2 zone works out to approximately 13 DU/Acre¹). It is evident that both the City and County Comprehensive Plans have contemplated the important role that properties *within* the MSA can play to prevent sprawl in areas *outside* the MSA, while meeting housing and other needs.

Staff finds that the applicants’ proposal to zone the property R-2, allowing for a mix of housing including single-family, duplexes, and even multi-family units is compatible with the surrounding zone districts and uses—especially those within city limits, as well as those within the Municipal Services Area along the CR 140 transportation corridor. Furthermore, the applicants’ proffered condition to develop single-family homes on R-1 minimum lot sizes on the northern portion of the site provides compatibility with the properties across CR 141 (outside the MSA) and a gradual transition to the other housing types allowed in the R-2 district. In concert with the other conditions recommended for the site and addressed in the annexation agreement, this standard is met.

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

¹ These numbers are all *gross* density calculations, however, and it is noted that public roads and infrastructure reduce the developability of parcels, often by as much as 25% or more within a subdivision.



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

RESPONSES FROM REFERRAL DEPARTMENTS AND AGENCIES:

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



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intergovernmental agreement, and those discussions have led to some of the recommended conditions of the annexation agreement. The Chaffee County Board of Commissioners has also provided a comment letter which is included in the hearing packet.

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



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STAFF FINDINGS AND RECOMMENDATION:

Staff finds that the applicants' zoning request is consistent with the review standards for Rezoning found at Sec. 16-4-210 and recommends that City Council approve the proposed zoning to Medium-Density Residential (R-2). Staff also notes that the conditions recommended for inclusion in the annexation agreement, should the property be zoned R-2, will help strike an appropriate balance between the varied housing types, densities, and zone districts found in the area.

RECOMMENDED MOTION:

"I make a motion to recommend the City Council approve the proposed zoning of the subject site to R-2, Medium-Density Residential District, as it meets the applicable review standards for a zoning/rezoning, pursuant to Salida Municipal Code Section 16-4-210."

Attachments:

Proof of publication

Ordinance No. 2021-06

Application for Zoning

Email from applicant from 03/26/21

Conceptual Subdivision Design (dated 03/26/21)

Draft PC Meeting Minutes from 03/22/21

Public Comments received thus far

Letter from Huckstep Law, LLC

Letter from CCOBC (and revision per Jon Roorda email 03/19/21)

**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/63869525411224369>. 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 UPCHURCH 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 part of or interest in any land owned in whole or in part by the City of Salida, Colorado;

c. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other municipality, county, city, or town, or any other political subdivision of the State of Colorado;

d. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

e. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

f. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

g. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

h. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

i. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

j. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

k. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

l. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

m. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

n. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

o. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

p. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

q. The area proposed to be annexed is not a part of or interest in any land owned in whole or in part by any other political subdivision of the State of Colorado;

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Annexation Act of 1966, 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 1966, 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 §§ 10-9-10 through 10-9-40, 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/63869525411224369>. 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° 04' 32" E, A DISTANCE OF 13.90 FEET, THENCE S 67° 04' 32" E, 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 A 1" 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° 58' 54" 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 FEET 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

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 06
SERIES OF 2021**

AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE UPCHURCH ANNEXATION AS MEDIUM DENSITY RESIDENTIAL (R-2) ZONE DISTRICT

WHEREAS, on December 14, 2021, Tory and Clee Upchurch (“Petitioners”), filed a General Development Application to commence proceedings to annex to the City of Salida (the “City”) a certain unincorporated tract of land comprised of 5.32 acres located north of County Road 140 and south of County Road 141, Salida, County of Chaffee, State of Colorado (the “Property”), and being more particularly described on Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, by Ordinance No. 05, Series of 2021 the City of Salida annexed the Upchurch Annexation to the City; and

WHEREAS, Petitioner has filed an application to zone the Property within the Medium Density Residential (R-2) zone district.

WHEREAS, as required by the Salida Municipal Code, the public hearing on the zoning application for the Upchurch Annexation was held on April 20, 2021 at a regularly scheduled meeting of the Salida City Council.

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

1. The aforementioned recitals are hereby fully incorporated herein.
2. The Property described on Exhibit A is hereby zoned Medium Density Residential (R-2).
3. Promptly following adoption of this Ordinance, the City Administrator shall cause the terms of this Ordinance to be incorporated into the Official Zoning Map of the City pursuant to Section 16-4-210 of the Salida Municipal Code. The signed original copy of the Zoning Map shall be filed with the City Clerk. The Clerk shall also record a certified copy of this Ordinance with the Chaffee County Clerk and Recorder. The City staff is further directed to comply with all provisions of the Salida Land Use Regulations, SMC §16-1-10, *et seq.*, to implement the provisions of this Ordinance.

INTRODUCED ON FIRST READING, on April 6, 2021, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City

Council on the ____ day of _____, 2021 and set for second reading and public hearing on the 20th day of April, 2021.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED
PUBLISHED IN FULL, by the City Council on the 209th 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

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:

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

PREPARED BY:





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 (Interpretation) | |
| <input type="checkbox"/> Certificate of Approval | <input checked="" type="checkbox"/> Major Impact Review: (Type) <u>R2 Zoning</u> |
| <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
Telephone Number: 512.826.6152 FAX: _____
Email Address: toryup@gmail.com
Power of Attorney/ Authorized Representative: Ravi Reddy, Bill Hussey
(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)

B. Site Data

Name of Development: Upchurch Development
Street Address: Between CR 140 and CR 141 North of Sheppard Rd
Legal Description: Lot _____ Block _____ Subdivision _____ (attach description)

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

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

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

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



LIMITED IMPACT & MAJOR IMPACT SUBMITTAL REQUIREMENTS

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

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

1. PROCEDURE (Section 16-3-80)

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

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

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

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

☐ 7. Developments involving construction shall provide the following information:

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

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

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

c. Parking spaces;

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

e. Drainage improvements and drainage easements;

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

g. Any other improvements;

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

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

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

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

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

c. Profiles for municipal water lines; and

d. Street plans and profiles.

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

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

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

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

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

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

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

(iv) Engineering specifications for any improvements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. **Consistency with Comprehensive Plan.** The use shall be consistent with the City's Comprehensive Plan.

We will request to be zoned R2 which matches the existing zoning of the surrounding developments along CR 140. Utilities are available adjacent to the property and we will be extended along CR 140 and CR 141.

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

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

Any future development will meet R2 Zoning requirements and site development standards.

- b. **Site Development Standards.** The parking, landscaping, sign and improvements standards.

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

We are building residential units which are compatible with the surrounding developments.

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

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

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

We provide public facilities and propose any necessary improvements.

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

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

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

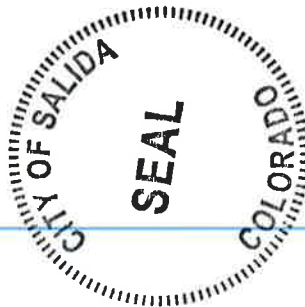
Date: 04/01/2021

By


City Administrator

ATTEST


Deputy City Clerk

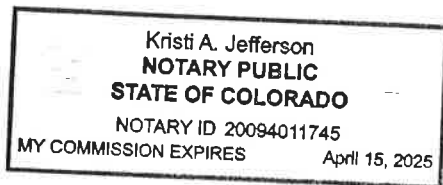


STATE OF COLORADO)
 ss.
COUNTY OF CHAFFEE)

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

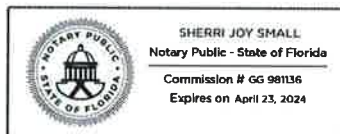
Date: 12/14/2020

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.

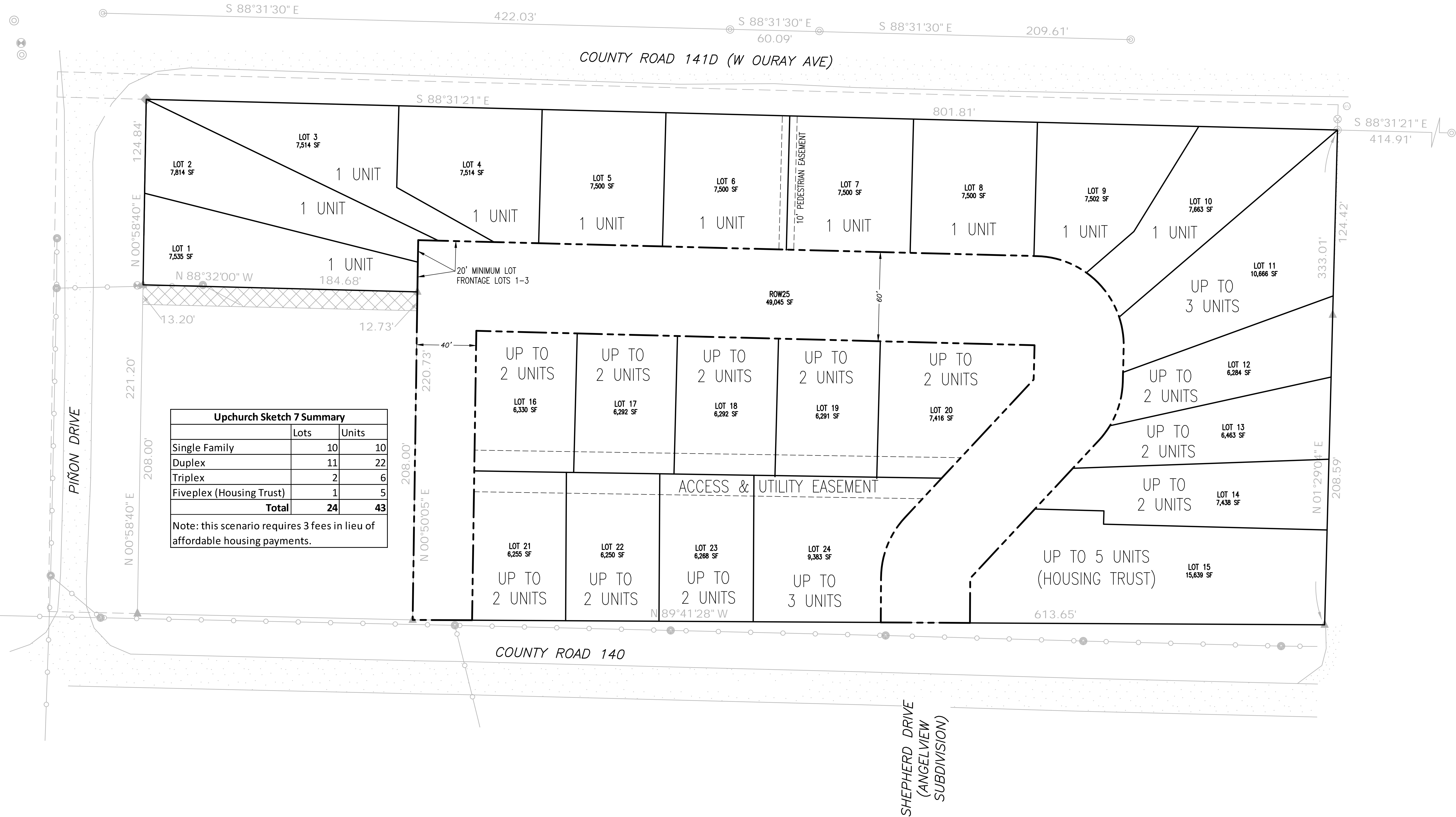
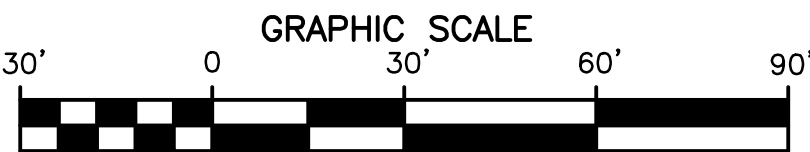
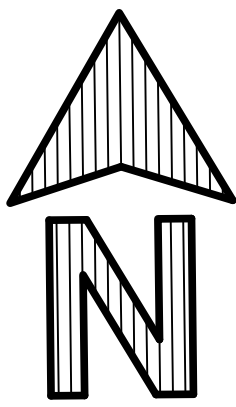
Tory
512.826.6152



20036 UPCHURCH CONCEPT 210326 R2.pdf

104K

UPCHURCH ANNEXATION SUBDIVISION SKETCH PLAN #7



| Upchurch Sketch 7 Summary | | |
|---|------|-------|
| | Lots | Units |
| Single Family | 10 | 10 |
| Duplex | 11 | 22 |
| Triplex | 2 | 6 |
| Fiveplex (Housing Trust) | 1 | 5 |
| Total | 24 | 43 |
| Note: this scenario requires 3 fees in lieu of affordable housing payments. | | |

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

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

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

James Jacobson PE
Sharon Jacobson

Sent from my iPad

Begin forwarded message:

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

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

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

Cc: upchurch-annexation@googlegroups.com

Subject: Proposed Upchurch Annexation along Co Rds 140 and 141

Hello,

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

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

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

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

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

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

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

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

Thank you for your consideration.

James Jacobson, PE
Sharon Jacobson



Bill Almquist <bill.almquist@cityofsalida.com>

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 | rickdavidson633@earthlink.com |
| 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 Brigitte 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 KENZIE | 8105 COUNTY RD 141 | SALIDA, CO 81201 | ED KENZIE N/A |
| 17 Karen Bott | 8115 CR 144 | Salida, CO 81201 | |
| 18 Jernica Barry | 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 Gordie Maxine | 8455 CR 160 | Salida, CO 81201 | _____ |
| 24 Robert MASSINE | 8455 CR 160 | SALIDA, CO 81201 | scarlettammoss@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 | |
| <div>4. Fences, hedges, walls & berms taller than 6 feet shall be subject to the setbacks on the property.</div> <div>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</div> <div>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</div> <div>7. Lots fronting on a cul-de-sac have a 25 foot minimum frontage setback (Section 7.3.2.D)</div> | | | | | | | |



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www.hucksteplaw.com • info@hucksteplaw.com
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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 Schneider
GEOSPATIAL

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

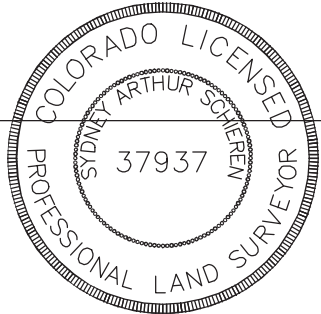
GENERAL NOTES

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

Marcella Bradford

From: bgray@chaffeecounty.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@chaffeecounty.org>
Subject: {Disarmed} FW: Hot Off the Press! Through the Roof PFR

Hi Becky!

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

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

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

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

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

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

Lisa

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

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

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

Dear All,

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

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

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

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

Best and be well,
Emily

Emily McKeigue
Managing Editor

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

www.lincolnst.edu

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

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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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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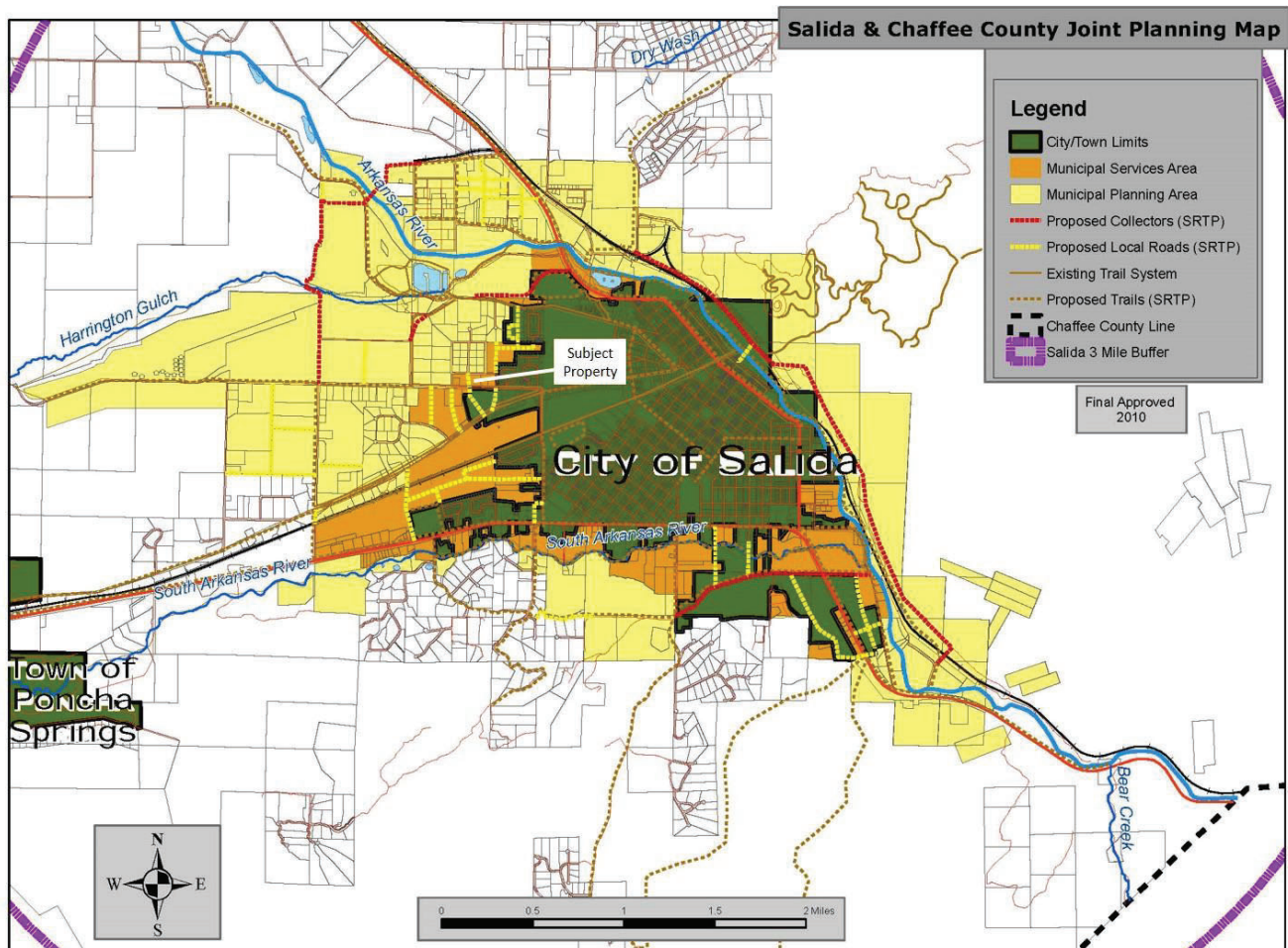
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Background on the Upchurch Annexation

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

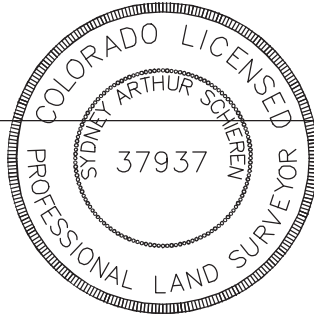
GENERAL NOTES

- 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> |
| | |
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| | |
| | |
| | |
| 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.



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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