



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Kristi Jefferson - Senior Planner	August 16, 2022

### ITEM

Ordinance 2022-15: First Reading on the proposed Newman Annexation of the property located at 7680 C.R. 140.

### BACKGROUND

The applicant, Christopher Newman submitted a complete application on May 31, 2022 to annex his property located at 7680 C.R. 140, along with an application for zoning to be considered during a separate hearing.



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

- 1/6th of the perimeter of a proposed annexation must be contiguous with the City of Salida;



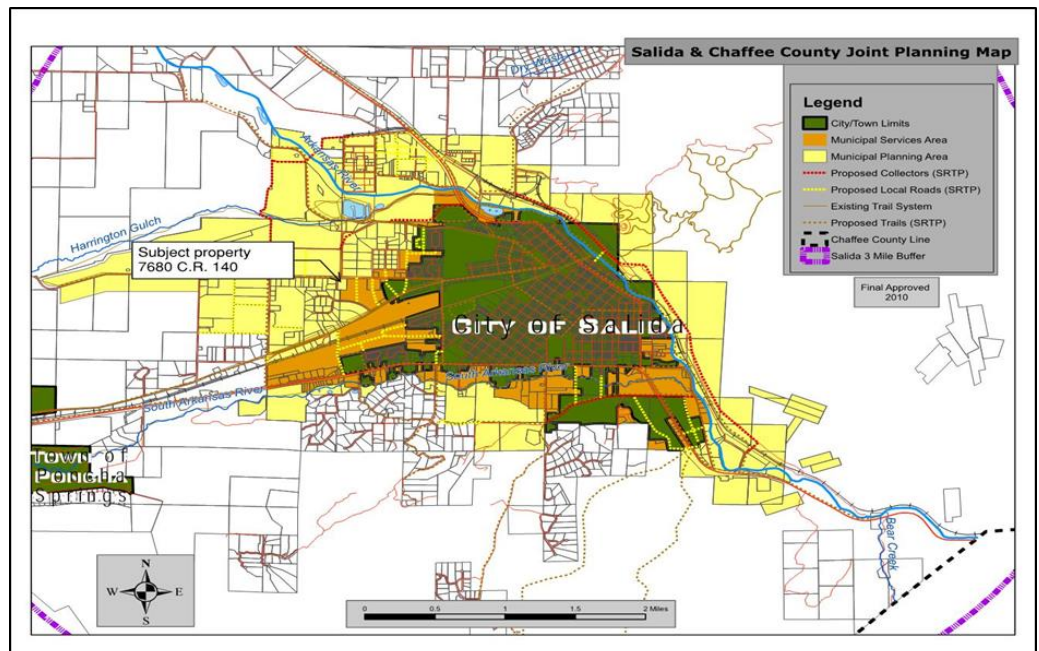
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- Staff reviews the petition for compliance with city and state statutes and Council adopts a resolution stating the petition is valid and sets a public hearing date that is no less than 30 days and no greater than 60 days from the resolution date;
  - On July 19, 2022 City Council adopted Resolution 2022-31 finding the Annexation petition in compliance with city and state statutes and set the public hearing date for September 6, 2022.
- The (City Council) public hearing is advertised in the newspaper for four consecutive weeks;
- The Planning Commission holds a public hearing to review the annexation and recommend the zoning designation of the property;
- Council holds the public hearing on the annexation petition;
- Council reviews and possibly approves an annexation agreement; and
- Council holds a public hearing to review and possibly approves the proposed zoning.

## FINDINGS OF FACT:

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





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municipal utilities and infrastructure, within the parameters set forth in the Salida Municipal Code and Salida Comprehensive Plan, which may be amended from time to time.”

The annexation of the property is consistent with the vision and goals set forth in the Comprehensive Land Use Plan. Specifically, to promote new development projects that contain a variety of housing, including affordable units. The applicant will be required to meet the Inclusionary Housing Ordinance with new development on the property.

In addition, the proposal will provide for a logical extension of the City boundary to support the demand for residentially-zoned land, which will provide housing opportunities.

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

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

Proposed Action	Planning Commission Recommendation	City Council First Reading	City Council Final Action
Annexation Ordinance 2022-15	07/25/22	08/16/2022	09/06/2022
Resolution on Findings of Fact			09/06/2022
Annexation Agreement Resolution 2022-			09/06/2022
Zoning Ordinance 2022-16	07/25/22	08/16/2022	09/06/2022

**Annexation Agreement:** On September 6, 2022 staff will propose an annexation agreement that will incorporate the Inclusionary Housing, Open Space and Fair Contributions to Public School site requirements.

### RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:

- Salida Fire Department: Fire Chief, Doug Bess, responded “No issues with Fire.”
- Salida Police Department: Police Chief, Russ Johnson, responded “No issues from PD.”
- Chaffee County Development Services: Principal Planner Greg Laudenslager, responded “We have no objections to this annexation and zoning request at 7680 CR 140. Additionally, this application for increased density on municipal water/sewer meets many goals of the 2020 Chaffee County Comprehensive Plan.”



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- Salida Public Works Department: Public Works Director David Lady, responded “No concerns, however, can you please pass along to the property owner that DSI will be gearing up to put in curb/gutter/sidewalk on the north side (which would have to be crossed to install water to this property). Additionally, they will be paving 140 after that. It would be very ideal and much less expensive for them to have the service installed in the next month or so. No meter or connection prior to SFD’s being payed.

### **PLANNING COMMISSION RECOMMENDATION**

A public hearing with the Planning Commission was held July 25, 2022 and the Commission recommended Council approve the proposed Newman Annexation with staffs recommended conditions.

### **STAFF RECOMMENDATION**

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

1. Owner shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the Salida Municipal Code at the time of building permit submittal for additional units constructed on the property.
2. Owner agrees to pay at the time of building permit all applicable fees for the property in the amounts set forth pursuant to the Salida Municipal Code, or as hereafter amended, namely the building plan review; water and sewer system development fees; and the Fair Contribution to School Sites per Section 16-6-140 of the Salida Municipal Code (SMC)).
3. Fees in lieu of open space shall be provided, in an amount then in effect, at the time of issuance of a building permit for new residential units constructed on the property.

### **SUGGESTED MOTION**

A council person should make the motion to “approve Ordinance 2022-15 on first reading and set the second reading and public hearing for September 6, 2022.”

Attachments: Ordinance 2022-15

Agency review

Draft Minutes from the July 25, 2022 Planning Commission meeting

Newman Annexation petition and Annexation plat

**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 15  
SERIES OF 2022**

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

WHEREAS, on May 31, 2022, representatives (the “Owners”) of the Newman Annexation 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 1 acre located at 7680 C.R. 140, Salida, in the County of Chaffee, State of Colorado, and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, pursuant to C.R.S. §31-12-108, the City Council by Resolution No. 31, Series of 2022 specified that the City Council would hold a hearing on the proposed annexation at its regular meeting on September 6, 2022, commencing at the hour of 6 p.m. in the City Council Chambers, 448 East First Street, Salida, Colorado; and

WHEREAS, pursuant to C.R.S. §31-12-108 to -110, the City Council on September 6, 2022 held a duly-noticed public hearing to consider the proposed annexation; and

WHEREAS, notice of such hearing was published on July 22, 2022, July 29, 2022, August 5, 2022, and August 12, 2022 in *The Mountain Mail* newspaper; and

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

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

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

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

1. The City incorporates the foregoing recitals as findings and determinations by the City Council.
2. The City hereby approves the annexation of Property described on Exhibit A, attached hereto with the following conditions of approval, and such real Property is hereby annexed to and made a part of the City of Salida.

1. Owner shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the Salida Municipal Code at the time of building permit submittal for additional units constructed on the property.
2. Owner agrees to pay at the time of building permit all applicable fees for the property in the amounts set forth pursuant to the Salida Municipal Code, or as hereafter amended, namely the building plan review; water and sewer system development fees; and the Fair Contribution to School Sites per Section 16-6-140 of the Salida Municipal Code (SMC).
3. Fees in lieu of open space shall be provided, in an amount then in effect, at the time of issuance of a building permit for new residential units constructed on the property.

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

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

INTRODUCED ON FIRST READING, on August 16, 2022, ADOPTED and set for second reading and public hearing on the 6<sup>th</sup> day of September, 2022.

CITY OF SALIDA, COLORADO

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Dan Shore, Mayor

[SEAL]

ATTEST:

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City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the \_\_\_\_ day of \_\_\_\_\_, 2022, and BY TITLE ONLY, after final adoption on the \_\_\_\_ day of \_\_\_\_\_, 2022.

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City Clerk/Deputy City Clerk

## **EXHIBIT A**

A tract of land located in the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 6, Township 49 North, Range 9 East of the New Mexico Principal Meridian, Chaffee County, Colorado, described as follows:

Beginning at a point on the south boundary of County Road No. 140 from whence the north quarter corner of said Section 6 bears North  $87^{\circ}19'$  East 1008.0 feet (said quarter corner is located 14.82 feet due south of a brass capped witness corner), also from said beginning point the northwest corner of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 6 bears North  $79^{\circ}23'14''$  West 319.37 feet;

Thence proceeding around the tract herein described South  $88^{\circ}55'09''$  East along the south boundary of said County Road 140 a distance of 242.0 feet;

Thence leaving said south roadway boundary South  $01^{\circ}04'51''$  West 180.0 feet;

Thence North  $88^{\circ}55'09''$  West 242.0 feet;

Thence North  $01^{\circ}04'51''$  East 180.0 feet to the point of beginning.

Directions are based on solar observation.

Also known by the following address:

7680 County Road 140, Salida, CO 81201

And assessor's schedule or parcel number: 380706200002

**From:** [David Lady](#)  
**To:** ["Kristi Jefferson"](#); ["Doug Bess"](#); ["Kathy Rohrich"](#); ["Russ Johnson"](#)  
**Subject:** RE: Agency review - 7680 C.R. 140  
**Date:** Wednesday, June 29, 2022 11:35:54 AM  
**Attachments:** [image001.png](#)

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No concerns, however, can you please pass along to the property owner that DSI will be gearing up to put in curb/gutter/sidewalk on the north side (which would have to be crossed to install water to this property). Additionally, they will be paving 140 after that. It would be very ideal and much less expensive for them to have the service installed in the next month or so. No meter or connection prior to SFD's being payed.

David Lady, P.E., Director of Public Works  
340 W. Hwy 291  
Salida, CO 81201  
719-539-6257  
[david.lady@cityofsalida.com](mailto:david.lady@cityofsalida.com)

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**From:** Kristi Jefferson [mailto:kristi.jefferson@cityofsalida.com]  
**Sent:** Tuesday, June 28, 2022 11:17 AM  
**To:** 'Doug Bess' <doug.bess@cityofsalida.com>; 'Kathy Rohrich' <kathy.rohrich@cityofsalida.com>; 'Russ Johnson' <rjohnson@salidapolice.com>; 'David Lady' <david.lady@cityofsalida.com>  
**Subject:** Agency review - 7680 C.R. 140

Attached is the review of an annexation and zoning request from the property owner at 7680 County Road 140. Please let me know if you have any concerns with the requests.

Kristi Jefferson  
Senior Planner  
City of Salida  
448 E. First Street  
Suite 112  
Salida, CO 81201  
(719) 530-2626



*Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.*

**From:** [Doug Bess](#)  
**To:** [Russ Johnson](#)  
**Cc:** [Kristi Jefferson](#); [Kathy Rohrich](#); [David Lady](#)  
**Subject:** Re: Agency review - 7680 C.R. 140  
**Date:** Wednesday, June 29, 2022 9:15:18 AM  
**Attachments:** [image001.png](#)

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No issues from Fire.

On Tue, Jun 28, 2022 at 1:28 PM Russ Johnson <[rjohnson@salidapolice.com](mailto:rjohnson@salidapolice.com)> wrote:

No Issues from PD.

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**From:** Kristi Jefferson <[kristi.jefferson@cityofsalida.com](mailto:kristi.jefferson@cityofsalida.com)>  
**Sent:** Tuesday, June 28, 2022 11:17 AM  
**To:** 'Doug Bess' <[doug.bess@cityofsalida.com](mailto:doug.bess@cityofsalida.com)>; 'Kathy Rohrich' <[kathy.rohrich@cityofsalida.com](mailto:kathy.rohrich@cityofsalida.com)>; Russ Johnson <[rjohnson@salidapolice.com](mailto:rjohnson@salidapolice.com)>; 'David Lady' <[david.lady@cityofsalida.com](mailto:david.lady@cityofsalida.com)>  
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**From:** [Russ Johnson](#)  
**To:** [Kristi Jefferson](#); ["Doug Bess"](#); ["Kathy Rohrich"](#); ["David Lady"](#)  
**Subject:** RE: Agency review - 7680 C.R. 140  
**Date:** Tuesday, June 28, 2022 1:28:56 PM  
**Attachments:** [image001.png](#)

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No Issues from PD.

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**From:** Kristi Jefferson <kristi.jefferson@cityofsalida.com>  
**Sent:** Tuesday, June 28, 2022 11:17 AM  
**To:** 'Doug Bess' <doug.bess@cityofsalida.com>; 'Kathy Rohrich' <kathy.rohrich@cityofsalida.com>; Russ Johnson <rjohnson@salidapolice.com>; 'David Lady' <david.lady@cityofsalida.com>  
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**From:** [glaudenslager@chaffeecounty.org](mailto:glaudenslager@chaffeecounty.org)  
**To:** "Kristi Jefferson"; [jroorda@chaffeecounty.org](mailto:jroorda@chaffeecounty.org); [cbarton@chaffeecounty.org](mailto:cbarton@chaffeecounty.org)  
**Subject:** RE: Agency review - 7680 C.R. 140  
**Date:** Wednesday, June 29, 2022 10:34:52 AM  
**Attachments:** [image001.png](#)

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Hi Kristi, thank you for sending this over for review. We have **NO OBJECTIONS** to this annexation and zoning request at 7680 CR 140. Additionally, this application for increased density on municipal water/sewer meets many goals of the 2020 Chaffee County Comprehensive Plan.

Thank you Kristi!

Greg

**Greg Laudenslager**

Chaffee County Planning  
Principal Planner  
Desk: (719)530-5571  
Cell: (719)239-4042

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**From:** Kristi Jefferson <[kristi.jefferson@cityofsalida.com](mailto:kristi.jefferson@cityofsalida.com)>  
**Sent:** Tuesday, June 28, 2022 11:22 AM  
**To:** [glaudenslager@chaffeecounty.org](mailto:glaudenslager@chaffeecounty.org); [jroorda@chaffeecounty.org](mailto:jroorda@chaffeecounty.org); [cbarton@chaffeecounty.org](mailto:cbarton@chaffeecounty.org)  
**Subject:** Agency review - 7680 C.R. 140

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# PLANNING COMMISSION REGULAR MEETING

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

July 25, 2022 - 6:00 PM

## MINUTES

Email public comments to: [publiccomment@cityofsalida.com](mailto: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 Michelle Walker  
Alternate Commissioner Brian Colby

##### ABSENT

Commissioner Dave Haynes  
Alternate Commissioner Aaron Derwingson

### APPROVAL OF THE MINUTES

1. June 27, 2022- Draft Minutes

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

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

### THE MOTION PASSED.

### UNSCHEDULED CITIZENS- N/A

### AMENDMENT(S) TO AGENDA- N/A

### 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 |

2. **Salida Fire Station Annexation** - The City of Salida is requesting approval to annex the 2.94 acres located at 611 Oak Street.

A. **Open Public hearing – 6:01pm**

B. **Proof of Publication -Yes**

C. **Staff Review of Application –**

Planner Dunleavy reviews the application and recommends approval.

D. **Applicant's Presentation –**

Fire Chief Bess and Architect, Seth Clark, were present to answer questions.

Commissioners asked the applicants whether:

- The Stage and Rail Trail along the property would be conserved
- The City was collaborating with the School District

Chief Bess and Seth Clark confirmed that the Stage and Rail Trail are part of the design team plans and that the School District has their own design team.

**E. Public Input – N/A**

**F. Close Public Hearing – 6:07pm**

**G. Commissioner Discussion –**

**H. Commission Recommendation –**

Motion made by Vice-Chair Bomer to recommend City Council approve the Salida Fire Station Annexation application, Seconded by Commissioner Dockery.

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

**THE MOTION PASSED.**

3. **Salida Fire Station zoning** - The City of Salida is requesting a zoning designation of Commercial (C-1), should the property be annexed.

**A. Open Public hearing – 6:08pm**

**B. Proof of Publication -Yes**

**C. Staff Review of Application –**

Planner Dunleavy explained the request to rezone the property to Commercial (C1) and recommends approval.

**D. Applicant's Presentation –**

Fire Chief Bess and Seth Clark were present to answer questions.

**E. Public Input – N/A**

**F. Close Public Hearing – 6:14pm**

**G. Commissioner Discussion –**

Commissioners asked about the difference between commercial and institutional zoning and whether a new institutional zoning would be a possibility for that lot in the future.

**H. Commission Recommendation –**

Motion made by Vice-Chair Bomer to recommend City Council approve the Salida Fire Station Annexation Zoning application, Seconded by Commissioner Kriebel.

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

**THE MOTION PASSED.**

4. **Newman Annexation** - The applicant, Christopher Newman, is requesting approval to annex his 1 acre property located at 7680 C.R. 140.

**A. Open Public hearing – 6:14pm**

**B. Proof of Publication -Yes**

**C. Staff Review of Application –**

Planner Jefferson reviewed the application and recommended approval, subject to the following recommended conditions to be included in the annexation agreement:

1. Owner shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the Salida Municipal Code at the time of building permit submittal for additional units constructed on the property.
2. Owner agrees to pay at the time of building permit all applicable fees for the property in the amounts set forth pursuant to the Salida Municipal Code, or as hereafter amended, namely the building plan review; water and sewer system development fees; and the Fair Contribution to School Sites per Section 16-6-140 of the Salida Municipal Code (SMC)).
3. Fees in lieu of open space shall be provided, in an amount then in effect, at the time of issuance of a building permit for new residential units constructed on the property

**D. Applicant's Presentation –**

The applicant, Christopher Newman was not present.

**E. Public Input – N/A**

**F. Close Public Hearing – 6:24pm**

**G. Commissioner Discussion –**

Commissioners discussed the following:

- Whether the property was a natural extension of the City's municipal boundary and whether it meets the requirements for annexation.
- The failing septic system and the proximity the property is to municipal water and sewer.
- The benefit of this property being annexed into the City of Salida.
- Whether the property is in the municipal services area.

**H. Commission Recommendation –**

Motion made by Vice-Chair Bomer to recommend City Council approve the Newman Annexation application, with the three (3) conditions recommended by staff. The motion was Seconded by Alternate Commissioner Colby.

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

**THE MOTION PASSED.**

5. **Major Impact Review -Newman Zoning** - The applicant, Christopher Newman, is requesting a zoning designation of High Density Residential (R-3) should the property be annexed.

**A. Open Public hearing – 6:31pm**

**B. Proof of Publication -Yes**

**C. Staff Review of Application –**

Planner, Jefferson, reviewed the request from the applicant to be rezoned Residential (R-3). Staff supports the High Density R-3 zoning that would allow for 20 units on the property.

Commissioners asked:

- If there was a plan in place for that area.
- Whether all future projects in that area would be zoned R2 and R3.
- Will there be design standards set in place for future developments.

**D. Applicant's Presentation –**

The applicant, Christopher Newman was not present or online.

**E. Public Input – N/A**

**F. Close Public Hearing – 6:43pm**

**G. Commissioner Discussion –**

Commissioners discussed the following:

- The updates to the new land use code
- The current codes in regards to Major Subdivisions
- The sustainability of high density residential building

**H. Commission Recommendation –**

Motion made by Commissioner Kriebel, to recommend City Council approve the Newman Annexation Zoning application. The motion was Seconded by Commissioner Walker.

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

**THE MOTION PASSED.**

- 6. Major Impact Review - West End Subdivision Rezone** - The applicant Tory Upchurch is requesting to rezone Lot 15 of the West End Subdivision from Medium Density Residential (R-2) to High Density Residential (R-3).

**A. Open Public hearing – 6:49pm**

**B. Proof of Publication -Yes**

**C. Staff Review of Application –**

Planner Dunleavy reviews request to rezone a parcel of the Upchurch property to R3. The purpose of the request is so the applicant, Tory Upchurch, can build 6 deed restricted units on Lot 15 instead of 5 deed restricted units.

Staff believes that this request is compatible with the existing structures and recommends approval contingent on approval from the Department of Public Works.

Commissioners asked staff the following:

- Whether the lot would still be eligible for the 6<sup>th</sup> deed restricted unit if it was not rezoned
- If the lot was rezoned to R-3, would there be room for 7 deed restricted units.

**D. Applicant's Presentation –**

Applicant, Tory Upchurch, was online and available to answer questions.

Commissioners asked the applicant the following:

- Whether there was a 7<sup>th</sup> deed restricted unit in the budget for this project.

Tory Upchurch responded that they will be building the affordable units at the same time and then donate them to Chaffee Housing Trust. The Housing Trust would then be responsible for filling the homes. Tory Upchurch explained that finances are an issue for the 7th unit.

Commissioners asked if there are different designs for the different units in the Upchurch Property.

Tory Upchurch confirmed that there are a variance in designs but it would not be eligible for the deed restricted units.

Director Almquist talked about the possibility of adding an Accessory Dwelling Unit to the property down the line.

**E. Public Input – N/A**

**F. Close Public Hearing – 7:06pm**

**G. Commissioner Discussion –**

Commissioners discussed the following:

- Can commission recommend that any additional units built on that lot should also be deed restricted?
- Whether the deed restricted homes are rented or are they for sale.
- The language of the annexation agreement for the deed restriction units.

**H. Commission Recommendation –**

Motion made by Alternate Commissioner Colby, to recommend City Council approve the West End Subdivision Rezone application. The motion was Seconded by Commissioner Walker.

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

**THE MOTION PASSED.**

**UPDATES**

Director Almquist updated the Planning Commission on the RV Rental Park Program

**COMMISSIONERS' COMMENTS**

Commissioners requested a work session to discuss variances and the new land use code.

**ADJOURN**

With no further business to come before the Commission, the meeting adjourned at 7:24 pm



## GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112

Salida, CO 81201

Phone: 719-530-2626 Fax: 719-539-5271

Email: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Annexation           | <input type="checkbox"/> Administrative Review:<br>(Type) _____ |
| <input type="checkbox"/> Pre-Annexation Agreement        |   |
| <input type="checkbox"/> Variance                        | <input type="checkbox"/> Limited Impact Review:<br>(Type) _____ |
| <input type="checkbox"/> Appeal Application              |   |
| <input type="checkbox"/> Certificate of Approval         | <input type="checkbox"/> Major Impact Review:<br>(Type) _____   |
| <input type="checkbox"/> Creative Sign Permit            |   |
| <input type="checkbox"/> Historic Landmark/District      | <input type="checkbox"/> Other: _____                           |
| <input type="checkbox"/> License to Encroach             |   |
| <input type="checkbox"/> Text Amendment to Land Use Code |   |
| <input type="checkbox"/> Watershed Protection Permit     |   |
| <input type="checkbox"/> Conditional Use                 |   |

### 2. GENERAL DATA (To be completed by the applicant)

#### A. Applicant Information

Name of Applicant: CHRISTOPHER NEWMAN

Mailing Address: 7680 COUNTY ROAD 140, SALIDA, CO, 81201

Telephone Number: 314-503-4200 FAX: \_\_\_\_\_

Email Address: Newman.Chris.P@gmail.com

Power of Attorney/ Authorized Representative: \_\_\_\_\_  
(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: Newman Annexation & Zoning

Street Address: 7680 C.R. 140

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 \_\_\_\_\_ Date \_\_\_\_\_

Signature of property owner [Signature] Date 5/31/2022



## ANNEXATION APPLICATION

448 East First Street, Suite 112

Salida, CO 81201

Phone: 719-530-2626 Fax: 719-539-5271

Email: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)

### 1. PROCEDURE (City Code Section 16-9-20)

#### A. Development Process

1. Pre-Application Conference. Optional.
2. Submit Application.
3. Staff Review for Completeness.
4. Resolution to Accept Application to City Council
5. Establish Public Hearing Date before Council per Colorado Municipal Annexation Act of 1965.
6. Staff Evaluation of Application and Annexation Agreement (if applicable)
7. Establish Public Hearing Date Before the Planning Commission.
8. Public Notice Provided For Hearings.
9. Public Hearing Conducted by Commission.
10. Annexation Ordinance to City Council for 1<sup>st</sup> and 2<sup>nd</sup> Reading.

### 2. APPLICATION CONTENTS (City Code Section 16-9-40) – ~~10~~ (10) copies of application materials

#### 1. General Development Application

#### 2. Annexation Petition

#### 3. Annexation Map. The preferred scale of the map is one (1) inch equals one hundred (100) feet; the minimum allowable scale is one (1) inch equals two hundred (200) feet. Sheet size shall be twenty-four (24) inches by thirty-six (36) inches. If it is necessary to draw the map on more than one (1) sheet, a sheet index shall be placed on the first sheet. The annexation map shall contain the following:

- a. Annexation Name
- b. Legal description. Legal description of the perimeter
- c. Names and addresses. Names and addresses of the owners, subdivider, land planner and land surveyor registered in the State.
- d. Scale
- e. North arrow
- f. Date. The date the map was prepared.
- g. Boundary lines and dimensions. Boundary lines of the proposed annexation. Distinction of the boundary that is contiguous to the City and the length of the same boundary on the map, including required showing of contiguity in feet.
- h. Platted lots. Lot and block numbers if the area is already platted.
- i. Improvements and easements. The location and dimensions of all existing and proposed streets, alleys, easements, ditches and utilities within or adjacent to the proposed annexation.
- j. Vicinity map. The vicinity map shall show the location of the proposed annexation, in relation to the City.
- k. Acreage. Total acreage to be annexed.
- l. Certificates. Certificates required to appear on the final annexation plat are described in Section 16-9-40 of the Land Use Code.

#### 4. Narrative. Written narrative of how the petition meets the city's review standards.

#### 5. Digital Copy. A digital copy of the plat compatible with the City GIS shall be submitted.

#### 6. Application Fee \$3,000 cash or check made out to City of Salida (\$1,000 application fee + \$2,000 retainer for attorney's fees)

**7. Public Notice.**

- a) 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.

**8. Petition for Exclusion from the South Arkansas Fire Protection District**

**9. Special Fee and Cost Reimbursement Agreement completed**

## ANNEXATION PETITION

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### TO THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, GREETINGS:

The undersigned hereby petition(s) the City of Salida to annex to the City of Salida the territory shown on the map(s) attached hereto and described on the attachment hereto:

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

In support of this petition, the undersigned state(s) and allege(s) as follows, to wit:

1. That it is desirable and necessary that the above-described territory be annexed to the City of Salida.
2. That petitioners are landowners of one hundred percent (100%) of the territory, excluding streets and alleys, herein proposed for annexation to the City of Salida.
3. That no less than one-sixth of the aggregate external boundaries of the above-described territory hereby petitioned to the City of Salida is contiguous to the City limits of the City of Salida.
4. Accompanying this petition are two mylars and twenty copies of the annexation map.
5. That a community of interest exists between the above-described territory and the City of Salida, and that the same is urban, or will be urbanized in the near future, and further that the said territory is integrated or is capable of being integrated in the City of Salida.
6. That the above-described territory does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Salida, was held within the twelve months preceding the filing of this petition.
7. That the above-described territory does not include any area included in another annexation proceeding involving city other than the City of Salida.
8. That the above-described territory is not presently a part of any incorporated city, city and county, or town.
9. That the above area described will (not) result in the detachment of the area from any school district and the attachment of the same to another school district.

## ANNEXATION PETITION

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**"INSERT A"**

(Description of territory proposed for annexation)

## **EXHIBIT A**

A tract of land located in the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 6, Township 49 North, Range 9 East of the New Mexico Principal Meridian, Chaffee County, Colorado, described as follows:

Beginning at a point on the south boundary of County Road No. 140 from whence the north quarter corner of said Section 6 bears North  $87^{\circ}19'$  East 1008.0 feet (said quarter corner is located 14.82 feet due south of a brass capped witness corner), also from said beginning point the northwest corner of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 6 bears North  $79^{\circ}23'14''$  West 319.37 feet;

Thence proceeding around the tract herein described South  $88^{\circ}55'09''$  East along the south boundary of said County Road 140 a distance of 242.0 feet;

Thence leaving said south roadway boundary South  $01^{\circ}04'51''$  West 180.0 feet;

Thence North  $88^{\circ}55'09''$  West 242.0 feet;

Thence North  $01^{\circ}04'51''$  East 180.0 feet to the point of beginning.

Directions are based on solar observation.


Also known by the following address:

7680 County Road 140, Salida, CO 81201

And assessor's schedule or parcel number: 380706200002

## ANNEXATION PETITION

This Section must be filled out if there are multiple properties/property owners petitioning annexation.

Signature of Petitioners Requesting Annexation to the City of Salida, Colorado	Date of Signature of Each Petitioner	Mailing Address of each Petitioner	Description of Property Included the Area Proposed for Annexation Owned by Each person Signing this Petition. (Attach separate sheet, if necessary)
	5/31/2022	7680 COUNTY RD 140, SALIDA, CO 81201	

## CITY OF SALIDA REVIEW STANDARDS FOR ANNEXATION

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A. General Purposes. It shall be the general purposes of the City in respect to annexation:

1. **Consider Costs and Benefits.** To annex contiguous lands for positive reasons, equitable to the City and not as a matter of right to a petitioner or petitioners. In consideration of any annexation the short-term and long-term costs and benefits to the area proposed to be annexed and the short-term and long-term costs and benefits to the City shall be weighed.
2. **Agreements.** Simultaneous with any ordinance approving the annexation of property into the city boundaries, the owner of the annexed property shall, if requested, enter an annexation agreement upon terms and conditions approved by the City Council, which annexation agreement shall detail a number issues, including but not limited to the subjects described below:
  - a. To require, as a condition of annexation of vacant lands, the dedication of lands for public sites within the land area of the territory being annexed. The location of the lands to be dedicated shall be designated by the City after conferring with any other public agency which might have an interest in such sites.
3. **Providing Public Facilities and Services.** Ensuring that adequate water supply, sewage disposal, storm drainage, solid waste disposal, electrical, road, park/recreation and trail and public safety facilities and services are provided. The annexor shall be required to provide evidence of the financial capability of the annexor to complete public and other improvements, including adequate guaranties and security.
4. **Provide for Orderly Development of the City.** To provide for the efficient, well-ordered and safe development of the City of Salida and to accommodate a variety of desirable residential, commercial, industrial and public land uses in an appropriate, efficient and attractive development pattern.
5. **Implement Comprehensive Plan.** To consider land for annexation that conforms with the purposes of the Comprehensive Plan. The annexor shall include a development plan for the property, which at a minimum shall demonstrate that the proposed development of the property is in general conformance with the Comprehensive Plan.
6. **Housing for the Community.**

To promote the construction of housing that is affordable to the community's workforce; retain opportunities for people that work in the City to also live in the City; maintain a balanced community that provides housing for people of all income levels; and ensure that housing options continue to be available for very low-income, low-income, moderate, middle-income residents, special needs populations, and a significant proportion of those who work or live in the City. All subsequent development at this property is required to include at least twelve and one-half (12.5) percent of the total number of residential dwelling units as affordable dwelling units, subject to the standards of Section 16-13-20 and other requirements of Article XIII – Inclusionary Housing of the Salida Municipal Code.

## **PETITION FOR EXCLUSION OF THE PROPERTY FROM THE SOUTH ARKANSAS FIRE PROTECTION DISTRICT**

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As an owner of property currently located in unincorporated Chaffee County, fire protection services are provided by the South Arkansas Fire Protection District (SAFPD). These services are supported by a tax, specifically for the SAFP, on your tax bill. Once a property is annexed into the City of Salida, fire protection services will be provided by the City.

If a property owner annexes into the City and does not petition the SAFP for exclusion from the district, the property owner(s) will continue to pay real property taxes to South Arkansas Fire Protection District. In essence, being taxed by both the SAFP and the City for fire protection service.

It is the responsibility of the property owner to exclude land from the special taxing district during the annexation process. The information on the following page should be submitted to the SAFP if you would like to have your property removed from their taxing district.

Mail the petition to the attorney for the South Arkansas Fire Protection District:

Michael Luedtke  
Hoskin Farina & Kampf, P.C.  
P.O. Box 40  
Grand Junction, CO 81502  
(970) 986-3400  
FAX: (970) 986-3401

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To whom it may concern,

I intend to use the property at 7680 County Road 140 in Salida, Colorado as the primary residence for myself and my family. The existing structures are to remain in place. We'd like to be able to replace the outdated septic system and connect to city water and sewer.

In the future, we have hopes of building additional units on the Eastern side of the property in order to provide additional housing for the community.

We are applying to be zoned R-3.

Please let me know if there is anything else that I can provide.

Thank you,

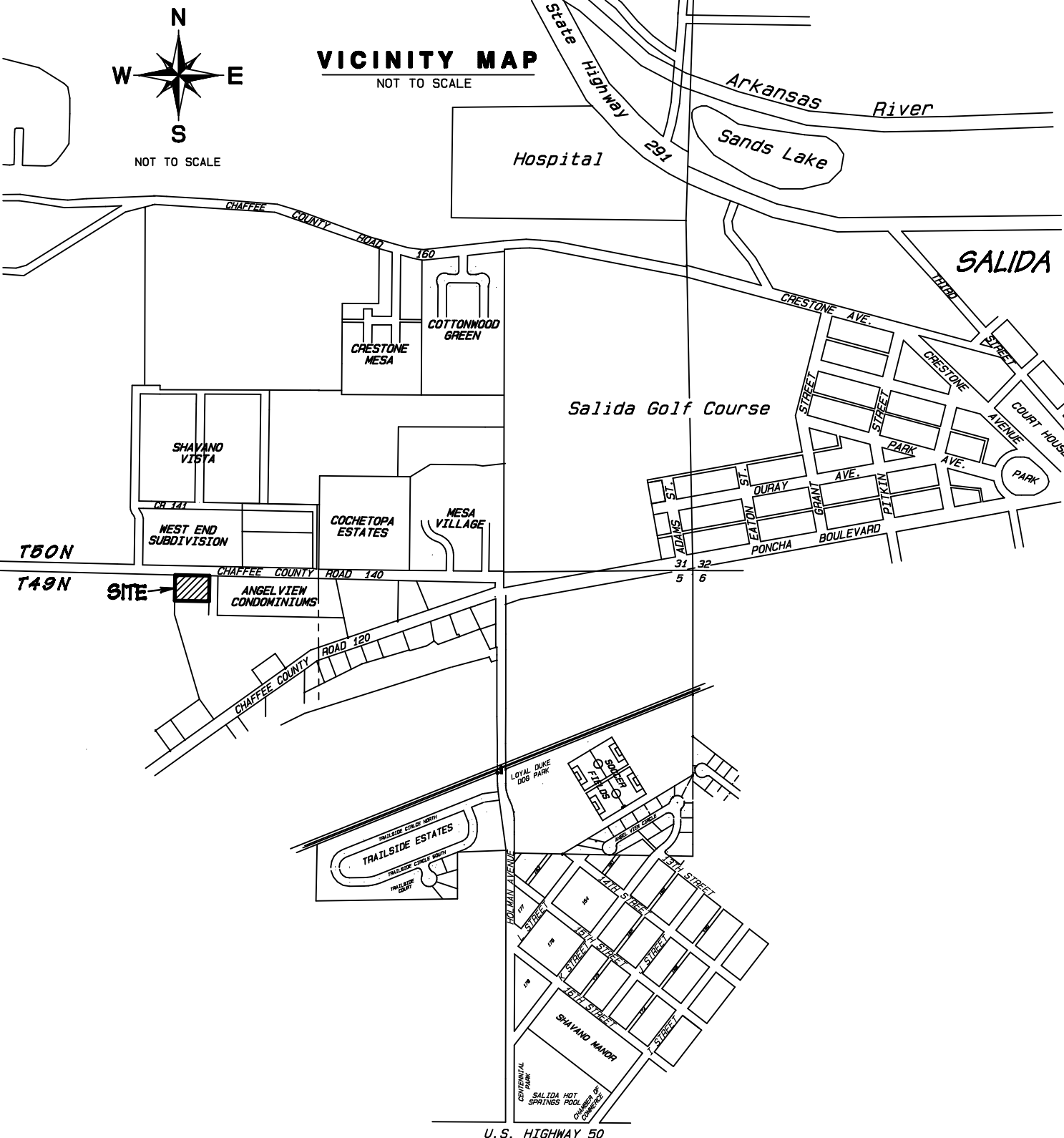
A handwritten signature in dark ink, appearing to be 'CN', with a long horizontal flourish extending to the right.

Christopher Newman

5/31/2022

NEWMAN ANNEXATION PLAT

LOCATED IN THE  
NE1/4 NW1/4 OF SECTION 6, T 49 N, R 9 E, N.M.P.M.  
CHAFFEE COUNTY, COLORADO



NEWMAN ANNEXATION TO THE CITY OF SALIDA CERTIFICATION:

WHEREAS THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX THE TERRITORY DESCRIBED HEREIN BY CHRISTOPHER PAUL NEWMAN AND ALEXANDRIA LIV PONDER NEWMAN, THE OWNERS OF 100% OF THE AREA TO BE ANNEXED;  
AND

WHEREAS, THE CITY COUNCIL BY RESOLUTION ADOPTED \_\_\_\_\_, 202\_\_\_\_, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIED WITH THE REQUIREMENTS OF SECTION 38-12-107(I), C.R.S., AND

WHEREAS, AFTER PUBLISHED NOTICE AND PUBLIC HEARING ON \_\_\_\_\_, 202\_\_\_\_, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE CITY COUNCIL ADOPTED RESOLUTION NUMBER \_\_\_\_\_ (SERIES OF 202\_\_\_\_), DETERMINING THAT THE ANNEXATION SATISFIED THE REQUIREMENTS OF SECTION 31-12-104 AND 105, C.R.S., AND THAT AN ANNEXATION ELECTION WAS NOT REQUIRED;  
AND

WHEREAS, ON \_\_\_\_\_, 202\_\_\_\_, THE CITY COUNCIL ADOPTED ORDINANCE NUMBER \_\_\_\_\_ (SERIES OF 202\_\_\_\_), APPROVING AND ANNEXING THE NEWMAN ANNEXATION TO THE CITY OF SALIDA.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE NEWMAN ANNEXATION DESCRIBED HEREIN; TO WIT, THE TERRITORY COMPRISING 1.0 ACRE, MORE OR LESS, AND BEING DESCRIBED AS FOLLOWS:

A tract of land located in the Northeast 1/4 of the Northwest 1/4 of Section 6, Township 49 North, Range 9 East of the New Mexico Principal Meridian, Chaffee County, Colorado, described as follows:  
Beginning at a point on the south boundary of County Road No. 140 from whence the north quarter corner of said Section 6 bears North 87°14' East 1008.0 feet (said quarter corner is located 14.82 feet due south of a brass capped witness corner), also from said beginning point the northwest corner of the Northeast 1/4 of said Section 6 bears North 79°23'14" West 319.37 feet;  
thence proceeding around the tract herein described South 88°55'09" East along the south boundary of said County Road 140 a distance of 242.0 feet;  
thence leaving said south roadway boundary South 1°04'51" West 180.0 feet;  
thence North 88°55'09" West 242.0 feet;  
thence North 1°04'51" East 180.0 feet to the point of beginning.  
Directions are based on solar observation.

SUBJECT TO THE TERMS AND CONDITIONS OF THE ANNEXATION AGREEMENT RECORDED AT RECEPTION NO. \_\_\_\_\_ OF THE CHAFFEE COUNTY RECORDS.

CITY OF SALIDA APPROVAL:

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_\_.

BY: \_\_\_\_\_  
MAYOR OF THE CITY OF SALIDA

ATTEST: \_\_\_\_\_  
CITY CLERK

OWNERS:

Christopher Paul Newman and Alexandria Liv Ponder Newman  
7680 County Road 140  
Salida, CO. 81201

OWNERS CERTIFICATE:

THIS IS TO CERTIFY THAT THE UNDERSIGNED, BEING THE OWNERS OF 100% OF THE PROPERTY DESCRIBED AND SHOWN HEREON DESIRE AND APPROVE OF THE ANNEXATION OF SAID PROPERTY TO THE CITY OF SALIDA.

Christopher Paul Newman  
Alexandria Liv Ponder Newman

STATE OF COLORADO }  
COUNTY OF CHAFFEE }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_\_.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DEED: 501'04'51" W 180.0 Meas: 501'04'51" W 180.65

CORPORATION LINE

SHEPHERD ROAD

LOT 3B-R

EMMA LANE

LOT 4

ANNEXATION BOUNDARY SUMMARY:

PERIMETER OF LAND TO BE ANNEXED ..... 844.0 feet  
ADJOINING PRESENT CORPORATION LINE ..... 664.0 feet  
REQUIRED ADJOINING 1/6TH ..... 140.7 feet

LAND SURVEYOR'S CERTIFICATE:

I, MICHAEL K. HENDERSON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS PERFORMED UNDER MY DIRECT SUPERVISION AND THE MONUMENTS SHOWN HEREON WERE RECOVERED AS INDICATED, AND THIS PLAT ACCURATELY REPRESENTS THE RESULTS OF SAID SURVEY TO THE BEST OF MY KNOWLEDGE. I FURTHER CERTIFY THAT AT LEAST ONE-SIXTH OF THE PERIMETER BOUNDARIES OF THE TRACT TO BE ANNEXED ARE ADJACENT TO THE PRESENT CITY OF SALIDA CORPORATION LINE.  
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_\_.

GENERAL LAND SURVEYOR'S NOTES:

1) ANNEXATION DESCRIPTION BASED ON FIRST AMERICAN TITLE INSURANCE COMPANY TITLE POLICY NO. 5011408-00634606 (CENTRAL COLORADO TITLE & ESCROW FILE NO. 21-16164) DATED NOVEMBER 23M 2021.  
2) DEED LINES ARE BASED ON AFOREMENTIONED PROPERTY DESCRIPTION AND ON THE LOCATIONS OF THE RECOVERED REBAR SURVEY MONUMENTS SHOWN AND DESCRIBED HEREON.

MICHAEL K. HENDERSON  
REG. L. S. NO. 16117  
STATE OF COLORADO

CITY OF SALIDA CLERK'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS EXECUTED ANNEXATION MAP, ALONG WITH THE ORIGINAL ANNEXATION ORDINANCE FOR THE NEWMAN ANNEXATION WAS ACCEPTED FOR FILING IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_\_.

CITY CLERK

CHAFFEE COUNTY CLERK & RECORDER'S CERTIFICATE:

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP AND A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE NEWMAN ANNEXATION TO THE CITY OF SALIDA, CHAFFEE COUNTY, COLORADO, WERE ACCEPTED AND FILED IN MY OFFICE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, UNDER RECEPTION NUMBER(S) \_\_\_\_\_.

CHAFFEE COUNTY CLERK AND RECORDER

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.