



CITY COUNCIL ACTION FORM

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

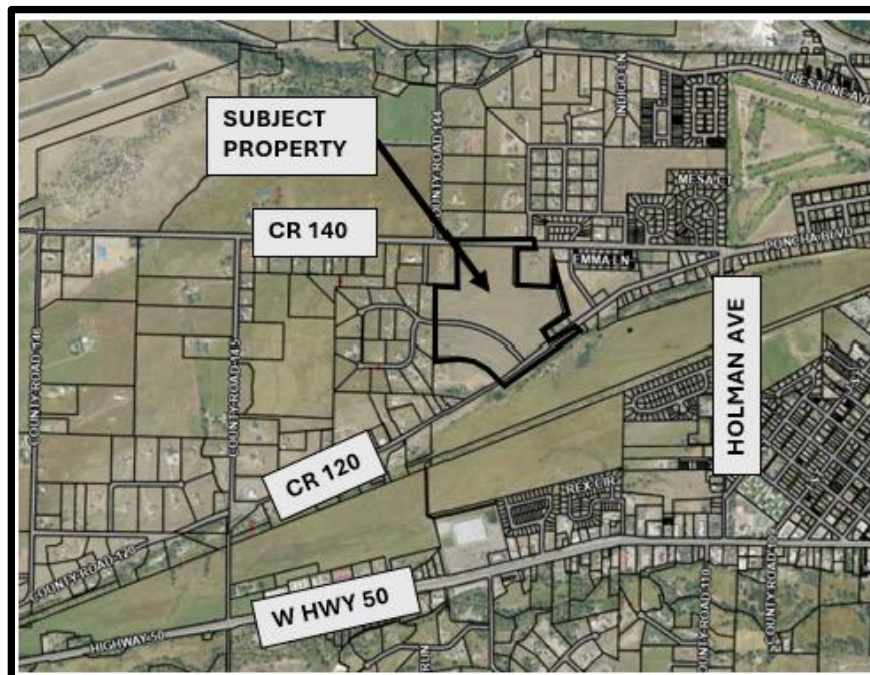
AGENDA ITEM

Ordinance 2024-14: Second reading and public hearing on the proposed zoning of High Density Residential (R-3) for the Salida Quality Farms, LLC / Meadowlark Drive Annexation.

BACKGROUND:

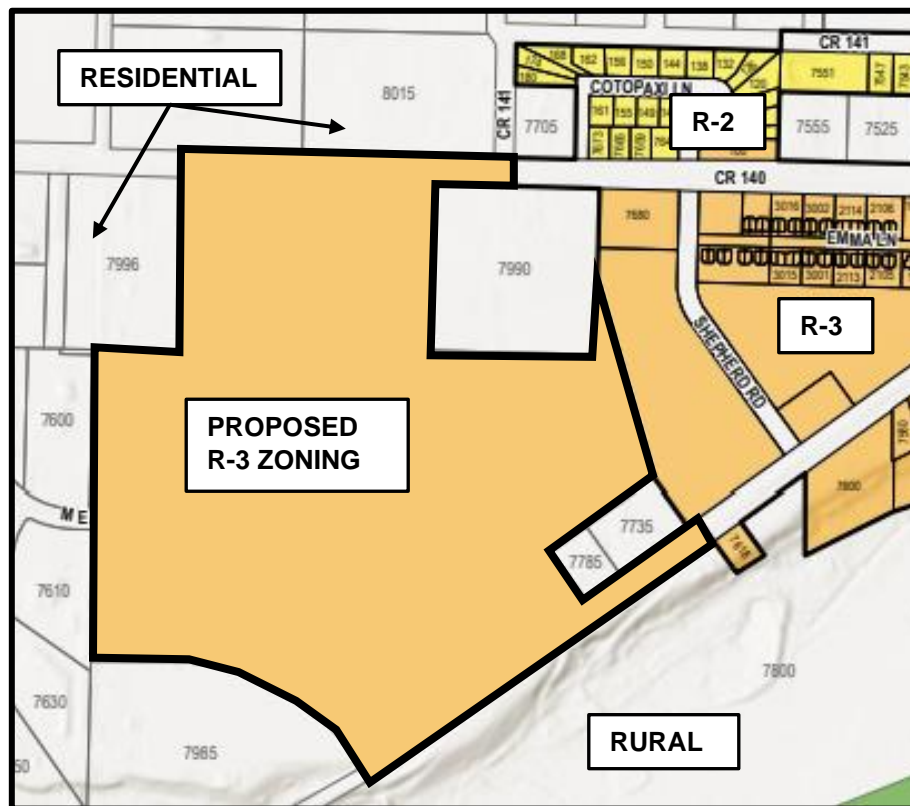
Following approval of the Salida Quality Farms, LLC / Meadowlark Drive Annexation of a 43.02-acre property plus portions of the CR 120 and CR 140 rights-of-way (48.98 acres total) into the City of Salida, the applicant James L. Treat, representing Salida Quality Farms, LLC has requested a designation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

The property is located on Meadowlark Drive, between CR 120 and CR 140, as shown on the vicinity map below. A complete legal description is included as Exhibit A with the annexation application.



Vicinity Map

Surrounding Land Uses and Zoning: The site is currently zoned RES (Residential Zone District) in Chaffee County. The majority of the properties to the north, south, and west remain in Chaffee County and are zoned RES with the exception of the properties south of County Road 120, which are zoned RUR (Rural). A portion of the properties to the east are within the city limits and are zoned High Density Residential (R-3).

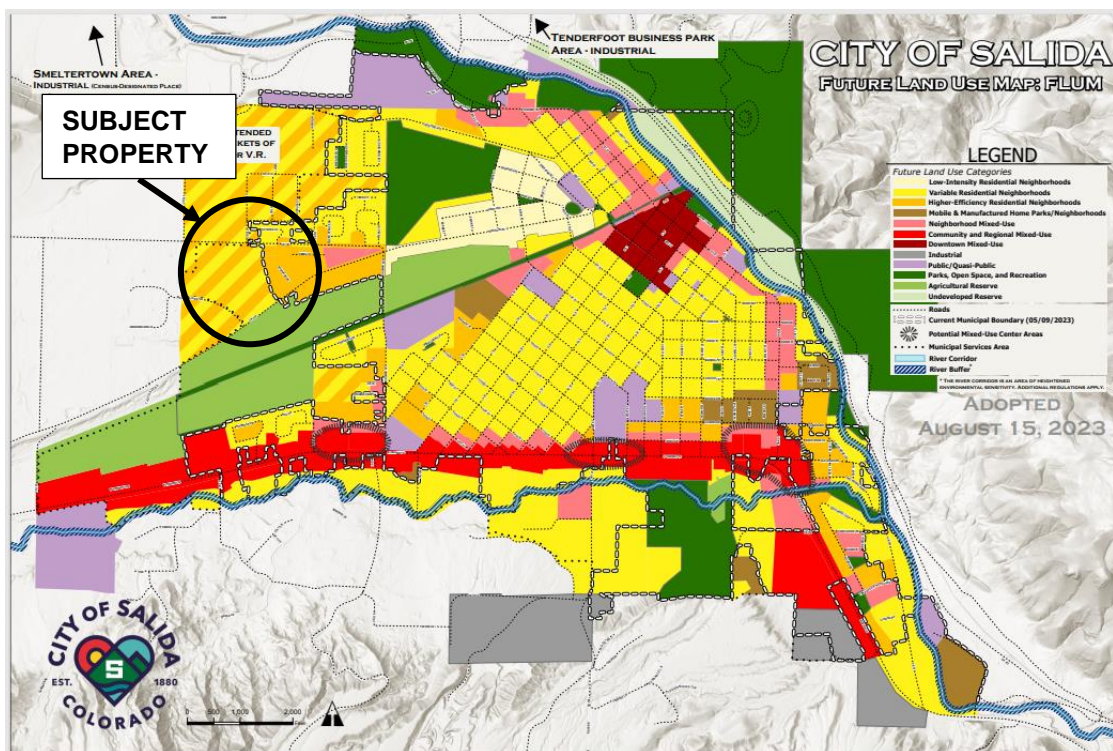


Zone Districts	
C-1	Commercial District
C-2	Central Business District
I	Industrial District
PD	Planned Development
R-1	Single-Family Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
R-4	Manufactured Housing Residential District
RMU	Residential Mixed Use District

REVIEW STANDARDS FOR ZONING MAP AMENDMENTS (Section 16-4-210):

- Consistency with the Comprehensive Plan.** The proposed amendment shall be consistent with the Comprehensive Plan.
 - The Comprehensive Plan indicates:

- New development shall be within the Municipal Services Area (MSA) and be developed at maximum densities to make the best use of available infrastructure.
 - The proposed annexation lies within the MSA or MSA expansion area and will accommodate urban densities.
- Proposals should include connections to pedestrian and bicycle corridors, have sufficient water, and promote innovative and energy efficient design.
 - The Conceptual Plans include an 8-foot concrete shared use path network throughout the proposed development. Additional appropriate public right-of-way improvements (including sidewalks) meeting city standards will be required upon development of the property. City water will be provided and updated electrical / energy code requirements will be in effect.
- Zoning should continue existing patterns of development.
 - Zoning of High-Density Residential (R-3) would be consistent with the zoning found in the adjacent properties and would continue the regular pattern of zone district application.
- The proposed zoning conforms with the city's Future Land Use Map, which calls for either Variable Residential Neighborhoods or Higher-Efficiency Residential Neighborhoods, which is consistent with the proposed zone designation.



FUTURE LAND USE MAP - ADOPTED AUGUST 15, 2023

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.

- Per the land use code, 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. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, among other uses.
 - The proposed zoning has the capability for providing a variety of relatively high-density residential developments. A park dedication and a shared use path network are also indicated on the Concept Plans, which complements the request to zone the subject property High-Density Residential (R-3).

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.

- The proposed zoning classification of High Density Residential (R-3) is consistent and compatible with the zoning of the adjacent Angelview Subdivision properties as well as anticipated future land use patterns.

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 Official Zoning Map have occurred.

- The proposed zoning is occurring because of the requirement to zone the property when annexed into the City in accordance with Section 16-4-50 of the Land Use and Development Code.

PLANNING COMMISSION RECOMMENDATION

A public hearing with the Planning Commission was held July 9, 2024. The Commission unanimously (7-0) recommended Council approve the proposed zoning of the Salida Quality Farms, LLC / Meadowlark Drive Annexation to High Density Residential (R-3) as it meets the applicable review standards.

STAFF RECOMMENDATION

Staff recommends approval of the proposed zoning to High Density Residential (R-3) as it complies with intent of the Comprehensive Plan and Future Land Use Map.

MOTION

A City Councilmember should state, "I move to _____ Ordinance 2024-14, an ordinance of the City of Salida, Colorado zoning certain real property known as the Salida Quality Farms, LLC / Meadowlark Drive Annexation, as High Density Residential (R-3)," followed by a second and a roll call and vote.

Attachments: Ordinance 2024-14
Application materials

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 14
SERIES OF 2024**

AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE SALIDA QUALITY FARMS, LLC / MEADOWLARK DRIVE ANNEXATION AS HIGH DENSITY RESIDENTIAL (R-3) ZONE DISTRICT

WHEREAS, on June 5, 2024, representatives of Salida Quality Farms, LLC, 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 described as Meadowlark Subdivision Exemption Plat Lots 1 and 2, located on Meadowlark Drive along with portions of County Road 120 and County Road 140, comprised of a total of 48.98 acres 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, by Ordinance No.13, Series of 2024 the City of Salida annexed the Salida Quality Farms, LLC / Meadowlark Drive Annexation to the City; and;

WHEREAS, Petitioner has filed an application to zone the Property within the High Density Residential (R-3) zone district, and on July 9, 2024 the City of Salida Planning Commission considered the zoning application for the Property at a duly noticed public hearing and recommended that the City Council zone it as High Density Residential (R-3); and

WHEREAS, as required by the Salida Municipal Code, the public hearing on the zoning application for the Salida Quality Farms, LLC / Meadowlark Drive Annexation will be held on August 20, 2024 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 R-3 High Density Residential.
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 the 6th day of August, 2024, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 9th day of August, 2024, and set for second reading and public hearing on the 20th day of August, 2024.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the 20th day of August, 2024.

CITY OF SALIDA, COLORADO

Mayor

[SEAL]

ATTEST:

City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the 9th day of August, 2024, and BY TITLE ONLY, after final adoption on the 23rd day of August, 2024.

City Clerk/Deputy City Clerk

EXHIBIT A

ANNEXATION PARCEL A – 1

ANNEXATION PARCEL A - 2

**LEGAL DESCRIPTION
OF
A TRACT OF LAND**

A - 1

ALL THAT TRACT OF LAND LOCATED IN THE NORTH HALF (N 1/2) OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE THE REFERENCE MONUMENT TO THE NORTH QUARTER CORNER OF SAID SECTION 6 BEARS NORTH 71°50'25" EAST, A DISTANCE OF 1067.19 FEET, SAID REFERENCE MONUMENT LIES 14.82 FEET DUE NORTH OF THE QUARTER CORNER AND IS MARKED BY A 2 1/2" ALUMINUM CAP WITNESS CORNER STAMPED LS 16117;
THENCE SOUTH 01°27'06" WEST, A DISTANCE OF 228.98 FEET;
THENCE NORTH 88°37'33" WEST, A DISTANCE OF 499.49 FEET;
THENCE SOUTH 09°16'37" EAST, A DISTANCE OF 993.48 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO.120;
THENCE SOUTH 35°52'34" EAST, A DISTANCE OF 78.90 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD NO.120;
THENCE NORTH 54°11'52" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 769.79 FEET;
THENCE NORTH 35°52'31" WEST, A DISTANCE OF 86.72 FEET TO SAID NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO.120;
THENCE SOUTH 54°14'56" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 379.80 FEET;
THENCE NORTH 35°43'57" WEST, A DISTANCE OF 175.58 FEET;
THENCE NORTH 54°19'23" EAST, A DISTANCE OF 379.80 FEET;
THENCE NORTH 16°04'31" WEST, A DISTANCE OF 622.98 FEET TO THE POINT OF BEGINNING.
CONTAINING 10.99 ACRES, MORE OR LESS.



**LEGAL DESCRIPTION
OF
A TRACT OF LAND**

A-2

ALL THAT TRACT OF LAND LOCATED IN THE NORTH HALF (N 1/2) OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT, MARKED BY A 1 1/2" ALUMINUM CAP STAMPED LS 16117, FROM WHENCE THE REFERENCE MONUMENT TO THE NORTH QUARTER CORNER OF SAID SECTION 6 BEARS NORTH 71°50'25" EAST, A DISTANCE OF 1,067.19 FEET, SAID REFERENCE MONUMENT LIES 14.82 FEET DUE NORTH OF THE QUARTER CORNER AND IS MARKED BY A 2 1/2" ALUMINUM CAP WITNESS CORNER STAMPED LS 16117;
THENCE SOUTH 01°27'06" WEST, A DISTANCE OF 228.98 FEET;
THENCE NORTH 88°37'33" WEST, A DISTANCE OF 499.49 FEET TO A #5 REBAR WITH STEEL TAG STAMPED LS 6753 AND THE TRUE POINT OF BEGINNING;
THENCE NORTH 01°14'55" EAST, A DISTANCE OF 505.90 FEET TO THE SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140;
THENCE SOUTH 88°30'09" EAST ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 246.18 FEET;
THENCE NORTH 01°00'32" EAST, A DISTANCE OF 81.14 FEET TO THE NORTH RIGHT-OF-WAY OF SAID CHAFFEE COUNTY ROAD 140;
THENCE NORTH 88°30'31" WEST, A DISTANCE OF 60.01 FEET;
THENCE NORTH 88°36'35" WEST, A DISTANCE OF 948.80 FEET, THIS AND THE PRECEDING COURSE ARE ALONG SAID NORTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140;
THENCE SOUTH 01°23'25" WEST, A DISTANCE OF 83.07 FEET TO SAID SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 140 AND THE NORTHWEST CORNER OF LOT 1, MEADOWLARK SUBDIVISION EXEMPTION;
THENCE SOUTH 01°28'16" WEST, A DISTANCE OF 529.30 FEET;
THENCE NORTH 88°38'51" WEST, A DISTANCE OF 238.72 FEET;
THENCE SOUTH 01°25'56" WEST, A DISTANCE OF 479.52 FEET;
THENCE SOUTH 01°12'14" WEST, A DISTANCE OF 59.87 FEET;
THENCE SOUTH 01°24'14" WEST, A DISTANCE OF 399.57 FEET TO THE SOUTHWEST CORNER OF LOT 2, MEADOWLARK SUBDIVISION EXEMPTION;
THENCE SOUTH 89°41'44" EAST, A DISTANCE OF 250.09 FEET TO A POINT OF CURVATURE;
THENCE SOUTHEASTERLY A DISTANCE OF 682.76 FEET ALONG A CURVE DEFLECTING TO THE RIGHT AND HAVING A RADIUS OF 679.60 FEET, A DELTA ANGLE OF 57°33'44", A CHORD BEARING OF SOUTH 60°54'52" EAST AND A CHORD LENGTH OF 654.41 FEET TO THE NORTHERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;
THENCE SOUTH 30°30'00" EAST, A DISTANCE OF 58.27 FEET TO THE SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;
THENCE NORTH 59°30'00" EAST, A DISTANCE OF 89.65 FEET;
THENCE NORTH 54°11'52" EAST, A DISTANCE OF 375.89 FEET, THIS AND THE PRECEDING COURSE ARE ALONG SAID SOUTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;
THENCE NORTH 35°52'34" WEST, A DISTANCE OF 78.90 FEET TO THE NORTH RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD 120;
THENCE NORTH 09°16'37" WEST, A DISTANCE OF 993.48 FEET TO THE POINT OF BEGINNING.
CONTAINING 37.99 ACRES, MORE OR LESS.

PREPARED BY:





GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112

Salida, CO 81201

Phone: 719-539-4555 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"/> Appeal Application (Interpretation) | |
| <input type="checkbox"/> Certificate of Approval | <input type="checkbox"/> Limited Impact Review:
(Type) _____ |
| <input type="checkbox"/> Creative Sign Permit | |
| <input type="checkbox"/> Historic Landmark/District | <input checked="" type="checkbox"/> Major Impact Review:
(Type) <u>Rezone</u> |
| <input type="checkbox"/> License to Encroach | |
| <input type="checkbox"/> Text Amendment to Land Use Code | <input type="checkbox"/> Other: _____ |
| <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: Salida Quality Farms LLC (owner James L Treat)

Mailing Address: 225 G Street, Salida, CO 81201

Telephone Number: 719-539-4391 FAX: _____

Email Address: chaffee@title@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: Salida Quality Farms LLC

Street Address: Meadowlark Drive

Legal Description: Lot 1 & 2 Block _____ Subdivision Meadowlark (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: James L Treat Date 5-31-2024



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
3. Staff Review. Staff report or decision forwarded to the applicant (Administrative review)
4. Public Notice
5. Public Hearing with Planning Commission (Limited Impact and Major Impact Review Applications)
6. Public Notice
7. Hearing Conducted by City Council (Major Impact Review)

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

- ☒ 1. A General Development Application
- ☒ 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. **major impact only*
- ☒ 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 proof of posting the public notice.

- ☐ 6. 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).

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

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

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

☐ 11. 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.

The new development will be compatible with the traditional built neighborhood character as referred to in the City's Comprehensive Plan

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.

Development will conform to zoning for R-3 City of Salida.

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

Development will incorporate site development standards for parking, landscaping, sign and improvement 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.

Development will be compatible with the character of the neighboring uses and with parks, pathways and trails to enhance the residential mixed use pedestrian friendly character.

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.

Development will be respectful of the surrounding properties and not create a nuisance or undue impacts on 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.

Where public facilities are developed they will be in compliance with code. The designated park area will be designed, built and maintained by the City of Salida Parks & Recreation department in compliance with the Recreation Master plan which recognizes the large population of older adults in the western part of town and the importance of multi use parks appropriate to this population s health and welfare.

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.

Development will mitigate adverse impacts on the environment and strive to align facilities to maximize the scenic characteristics of the area.

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 Salida Quality Farms, LLC whose address is 225 G Street, Salida, CO 81201, (hereinafter "Petitioner");

W I T N E S S E T H:

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:

<u> </u>	Engineering review and advice
<u> X </u>	Legal review and advice
<u> X </u>	Preparation of plats or plans
<u> </u>	Inspections
<u> X </u>	Recording fees
<u> X </u>	Filing fees
<u> X </u>	Publication Costs
<u> </u>	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 \$5000 at the time of making the initial application for the Annexation and Zoning. 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: _____

By _____

City Administrator

ATTEST

City Clerk/Deputy City Clerk

STATE OF COLORADO)
 ss.
COUNTY OF CHAFFEE)

Acknowledged, subscribed, and sworn to before me this _____ day of _____,
20____, by _____, as City Administrator, and by
_____, as City Clerk, on behalf of the City of Salida.

WITNESS my hand and official seal.

My Commission expires: _____

Notary Public

James R. Hunt

[illegible]

WITNESS my hand and official seal.

LAURIE L DUFALA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20214041584
MY COMMISSION EXPIRES OCTOBER 21, 2025

4