



## PLANNING COMMISSION STAFF REPORT

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**MEETING DATE:** July 9, 2024  
**AGENDA ITEM TITLE:** Recommendation on Proposed Suesse Annexation  
**AGENDA SECTION:** Public Hearing

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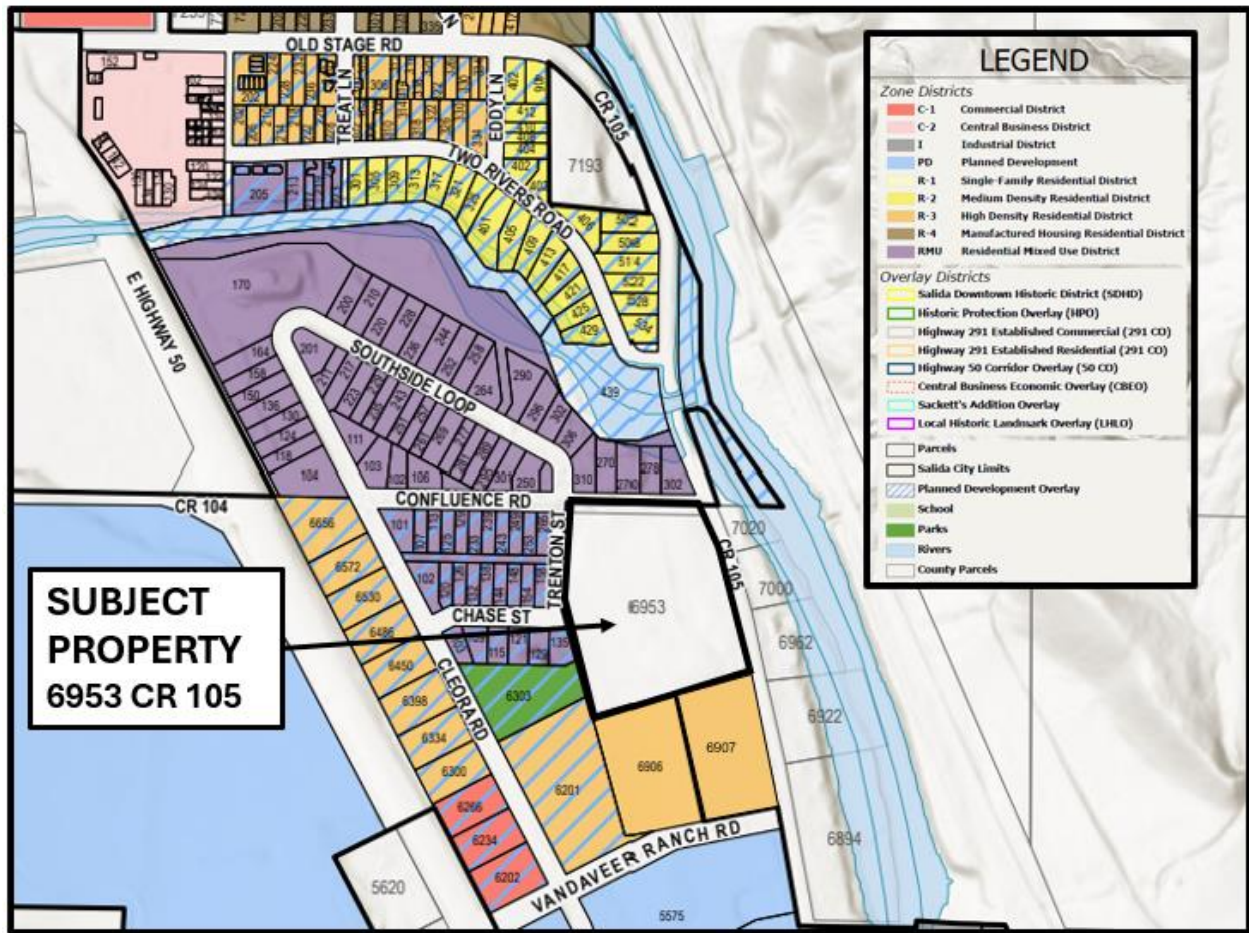
### REQUEST / BACKGROUND:

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



**Vicinity Map**

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



**PROCESS:**

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

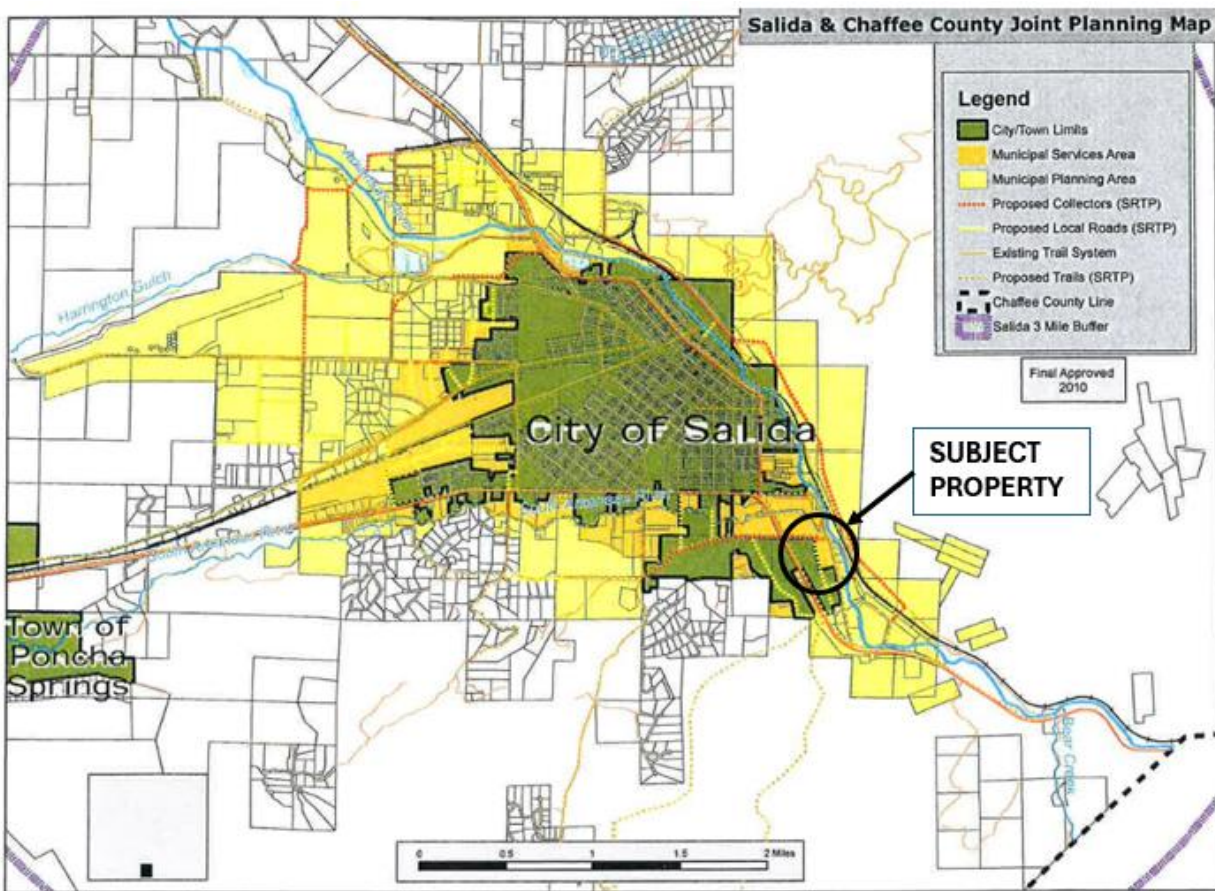
- A minimum of 1/6<sup>th</sup> (16.67%) of the perimeter of the proposed annexation must be contiguous with the City of Salida city limits.
- Staff reviews the petition for compliance with city and state statutes.
- City Council adopts a resolution stating the petition is valid and sets a public hearing date that is no less than 30 days and no greater than 60 days from the resolution date.
- The City Council public hearing is advertised in the newspaper for four consecutive weeks.
- Planning Commission holds a public hearing to review the annexation and recommend the zoning designation of the property.
- City Council holds a public hearing on the annexation petition.
- City Council reviews and acts on an annexation agreement.
- City Council holds a public hearing to review and act on the proposed zoning.



**FINDINGS OF FACT:**

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

1. The proposed annexation meets the required 1/6<sup>th</sup> 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 municipal utilities and infrastructure, within the parameters set forth in the Salida Municipal Code and Salida Comprehensive Plan, which may be amended from time to time.”



4. The 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.

## **DISCUSSION OF APPLICANT'S REQUEST**

Response to the conditions stated in the petitioner's Letter of Intent:

- 1) Cost-shares for any non-contiguous road or bridge improvements are not anticipated at this time but may become a factor if needed to mitigate impacts of future development.
- 2) The Annexation Agreement will acknowledge and document the following items:
  - a) the City's intent to serve the property with appropriate public utilities;
  - b) all applicable cost recovery agreements and payment terms and conditions;
  - c) the city acknowledges and allows use of the existing well until failure, after which time the owner shall connect to city water;
  - d) the city acknowledges that existing agricultural uses are allowed to continue and existing associated structures may remain on the property; and
  - e) the city acknowledges that a 0.27-acre Confluence Road dedication was made by the owner free from any compensation.
- 3) The following items shall be addressed with future application(s) for development:
  - a) dedication of appropriate road rights-of-way;
  - b) dedication of parks and open space and / or payment of fees-in-lieu;
  - c) affordable and inclusionary housing requirements;
  - d) building envelopes and plans and permit requirements; and
  - e) other standard fees (system development, school, etc.) as applicable.
- 4) The following items require specific actions to be approved:
  - a) Council approval.
  - b) Various land development tools are or will be available to accommodate retention of existing structures and uses (e.g., under a future anticipated agricultural zone district, or with a Planned Development, etc.).
  - c) An application for a short term rental permit is subject to availability and must be approved by the Deputy City Clerk.

## **RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:**

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

- Xcel Energy: No major concerns. Response letter attached.
- ATMOS Energy: No comment.
- Visionary Broadband: No response.
- Chaffee County Planning Department: The appropriate road annexations should be completed.
- Chaffee County Building Department: No concerns at this time.

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission recommend City Council approve the proposed annexation, subject to the conditions listed below.

**RECOMMENDED MOTION:**

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

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

Attachments: Proof of publication  
 Agency Reviews  
 Annexation Application and Plat Submittal

**PUBLIC NOTICE  
NOTICE OF PUBLIC HEARING BEFORE  
THE PLANNING COMMISSION  
FOR THE CITY OF SALIDA CONCERNING  
ANNEXATION AND ZONING  
APPLICATIONS**

**TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE** that on **July 9, 2024** at or about the hour of 6:00 p.m., a public hearing will be conducted by the **City of Salida Planning Commission** at City Council Chambers, 448 East First Street, Suite 190, Salida, Colorado and online at the following link: <https://attendee.gotowebinar.com/rt/1909092342220683277>

The hearing is regarding applications for the Suesse Annexation and Zoning submitted by Ned Suesse as per previous Pre-annexation Agreement for the 5.59-acre property located at 6953 County Road 105 (Parcel Number 380709100081) and a 0.27-acre portion of Confluence Road right-of-way.

The City is currently considering the petition to annex and zone the subject property. The general purpose of the hearings is to review the annexation map and supportive information and to consider the applicant's request to zone the property High Density Residential (R-3).

Any recommendation by the Planning Commission for the Annexation and Zoning shall be forwarded to the **City Council for review and a public hearing** scheduled for **August 20, 2024**, at or about the hour of 6:00 p.m. at City Council Chambers and online at the following link: <https://attendee.gotowebinar.com/register/6382995264411204366>.

Interested persons are encouraged to attend the public hearings. Further information on the applications may be obtained from the Community Development Department by contacting [carolyn.poissant@cityofsalida.com](mailto:carolyn.poissant@cityofsalida.com) (719) 530-2628.

\*Please note that it is inappropriate to personally contact individual City Councilors or Planning Commissioners, outside of the public hearing, while an application is pending. Such contact is considered ex parte communication and will have to be disclosed as part of the public hearings on the matter. If you have any questions/comments, you should email or write a letter to staff, or present your concerns at the public meeting via the above GoToWebinar link so your comments can be made part of the record.

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**Right of Way & Permits**  
1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303.571.3284  
Donna.L.George@xcelenergy.com

June 18, 2024

City of Salida  
448 East First Street, Suite 112  
Salida, CO 81201

Attn: Carolyn Poissant

**Re: Suesse Annexation**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plans for **Suesse Annexation**. PSCo owns and operates existing overhead electric distribution facilities located in this area. The City of Salida must send us notification after approval of the proposed annexation has been finalized. This notification should be sent to Ashley Valdez, the Area Manager at [Ashley.R.Valdez@xcelenergy.com](mailto:Ashley.R.Valdez@xcelenergy.com). This will allow our mapping department to make the necessary updates to our mapping system.

The property owner/developer/contractor must complete the application process for any new electric service, or modification to existing facilities via [xcelenergy.com/InstallAndConnect](https://xcelenergy.com/InstallAndConnect). It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

For additional easements that may need to be acquired by separate PSCo document (i.e. transformer), the Designer must contact a Right-of-Way Agent.

As a safety precaution, PSCo would like to remind the developer to contact Colorado 811 for utility locates prior to construction.

Donna George  
Right of Way and Permits  
Public Service Company of Colorado dba Xcel Energy  
Office: 303-571-3306 – Email: [Donna.L.George@xcelenergy.com](mailto:Donna.L.George@xcelenergy.com)

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

Salida City Council:

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

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

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

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

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

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

Sincerely,



Ned Suesse





# GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112

Salida, CO 81201

Phone: 719-539-4555 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"/> Limited Impact Review:<br>(Type) _____                    |
| <input type="checkbox"/> Appeal Application (Interpretation) | <input checked="" type="checkbox"/> Major Impact Review:<br>(Type) <u>Rezoning</u> |
| <input type="checkbox"/> Certificate of Approval             | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Creative Sign Permit                |  |
| <input type="checkbox"/> Historic Landmark/District          |  |
| <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: NED SUESSE

Mailing Address: 6953 CR 105, SALIDA, CO 81201

Telephone Number: 719-338-4077 FAX: \_\_\_\_\_

Email Address: NED @ NED SUESSE, 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: SUESSE ANNEXATION

Street Address: 6953 CR 105

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 [Signature] Date 5/22/24

Signature of property owner \_\_\_\_\_ Date \_\_\_\_\_

**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.

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

## ANNEXATION PETITION

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### "INSERT A"

(Description of territory proposed for annexation)

Lot No. 1  
TRIPLE T RANCH MINOR SUBDIVISION  
per Plat filed November 30, 2015 at Reception No. 423912  
Chaffee County, Colorado

also know by street and number as: 6953 County Road 105, Salida CO 81201

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

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As an owner of property located in unincorporated Chaffee County, fire protection services are generally provided by the South Arkansas Fire Protection District (SAFPD). These services are supported by a mill levy, specifically for the SAFP, on your property tax bill. Once a property is annexed into the City of Salida, certain 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. It is the responsibility of the property owner to request that their land be excluded from the special taxing district during the annexation process. The petition to exclude land from the special taxing district should be submitted to the SAFP if you would like to have your property considered for exclusion by the South Arkansas Fire Protection District Board.

Petitions need to meet the requirements of Section 32-1501(1), C.R.S., in the following respects:

- A. Include a "legal description of the property"
- B. The petition/request must include notarized signature of the property owner(s)

You may mail or deliver a notarized copy of the request letter along with a full legal description of the property or properties (a copy of vesting deeds(s) will suffice) directly to the District, at 124 E Street, P.O. Box 393, Salida, CO 81201

The District incurs legal fees for exclusions in the range of \$650 - \$1000. A \$500 deposit for legal fees will be required up front.



