Planning Commission Regular Meeting

448 E. 1st Street, Room 190 Salida, Colorado 81201
September 9, 2025 at 6:00 PM

Agenda

Email public comments to: planning@cityofsalida.com
Zoom meeting online participation registration must be submitted no later than 12:00 PM the day of the meeting at: https://zoom.us/webinar/register/WN_xjx49yp6TRKd4wWX5LzyUw
After registering, you will receive a confirmation email containing information about joining the webinar.
To watch live meetings:http://www.youtube.com/@cityofsalidacolorado

Call to Order by Chairman

Roll Call

Approval of the Minutes

1. Approve Minutes of August 25, 2025

Unscheduled Citizens

Amendment(s) to Agenda

New Business

Public Hearings

Public Hearings will follow the following procedure: A. Open Public Hearing B. Proof of Publication C. Staff Review of Application/Proposal D. Applicant's Presentation (if applicable) E. Public Input F. Close Public Hearing G. Commission Discussion H. Commission Decision or Recommendation

2. Recommendation of Proposed City of Salida South Ark Annexation

3. Recommendation on Proposed R-2 Zoning for the City of Salida 2.17 Acre South Ark Annexation

Updates

Unfinished Business

Commissioners' Comments

Adjourn

Alternate Notice

**An alternate can only vote on, or make a motion on an agenda item if they are designated as a voting member at the beginning of an agenda item. If there is a vacant seat or a conflict of

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the Community Development Office at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2628 at least 48 hours in advance.

interest, the Chairman shall designate the alternate that will vote on the matter. If a Voting member shows up late to a meeting, they cannot vote on the agenda item if the alternate has been designated.

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the Community Development Office at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2628 at least 48 hours in advance.

Planning Commission Regular Meeting

448 E. 1st Street, Room 190 Salida, Colorado 81201
August 25, 2025 at 6:00 PM

Draft Minutes

Email public comments to: planning@cityofsalida.com Please register for the Planning Commission Meeting:
https://zoom.us/webinar/register/WN_xjx49yp6TRKd4wWX5LzyUw
After registering, you will receive a confirmation email containing information about joining the webinar.
To watch live meetings: http://www.youtube.com/@cityofsalidacolorado

Call to Order by Chair - 6:00 PM

Roll Call

Present: Follet (Chair), Bomer (Vice Chair), Kriebel, Derwingson, Bush, Layton
Absent: Walsh, Riggs (alternates)
Staff: Almquist, Poissant, Hodges, Sherwood, Legal – Williams (online)

Approval of the Minutes

1. Approve Minutes of August 12, 2025

Motion by Bush, second by Bomer to approve the Minutes of August 12, 2025

MOTION APPROVED 6-0

Unscheduled Citizens – None

Amendments to Agenda - None

Unfinished Business

Public Hearings

Public Hearings will follow the following procedure: A. Open Public Hearing B. Proof of Publication C. Staff Review of Application/Proposal D. Applicant's Presentation (if applicable) E. Public Input F. Close Public Hearing G. Commission Discussion H. Commission Decision or Recommendation

2. Continuation of public hearing from August 12, 2025: Repeal and Replace Existing Chapter 16 - Land Use and Development Code of the City of Salida Municipal Code

Presenters: Bill Almquist (Director), Matt Goebel (consultant)

Public Comment:

1. Pete Poorman – 203 Cottonwood Circle

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the Community Development Office at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530- 2628 at least 48 hours in advance.

Motion by Kriebel, second by Bomer to recommend that City Council approve the repeal and replacement of Chapter 16 - Land Use and Development Code of the City of Salida Municipal Code with the new code as currently written

MOTION APPROVED 6-0

3. Continuation of public hearing: Repeal and Replace Existing Official Zoning Map of the City of Salida

Presenters: Bill Almquist (Director), Matt Goebel (consultant)

Public Comment:

1. Ben Gilling
2. Doug Peltier – 540 W. Sackett Ave.
3. Pete Poorman – 203 Cottonwood Circle

Motion by Kriebel, second by Bomer to recommend that City Council approve the repeal and replacement of the official zoning map of the City of Salida with the following revisions:

1. **Change the proposed zoning designation of the half-block located between H Street and G Street and between East 4th Street and the alley to MD.**

MOTION APPROVED 6-0

New Business – None

Updates

Upcoming meeting dates: Regular Meetings on both Sept. 9th and Sept. 22nd

Commissioners' Comments

Adjourn – 8:02 PM

Motion to adjourn by Bomer, second by Derwingson

MOTION APPROVED 6-0

Alternate Notice

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

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the Community Development Office at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530- 2628 at least 48 hours in advance.

PLANNING COMMISSION STAFF REPORT

MEETING DATE: September 9, 2025

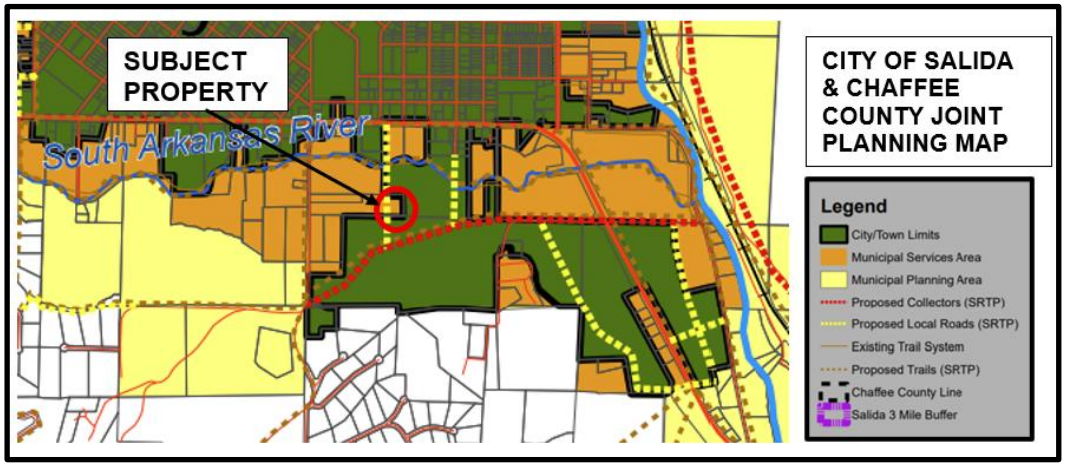
AGENDA ITEM TITLE: Recommendation on Proposed City of Salida 2.17 Acre South Ark Annexation

AGENDA SECTION: Public Hearing - Action Item

Background

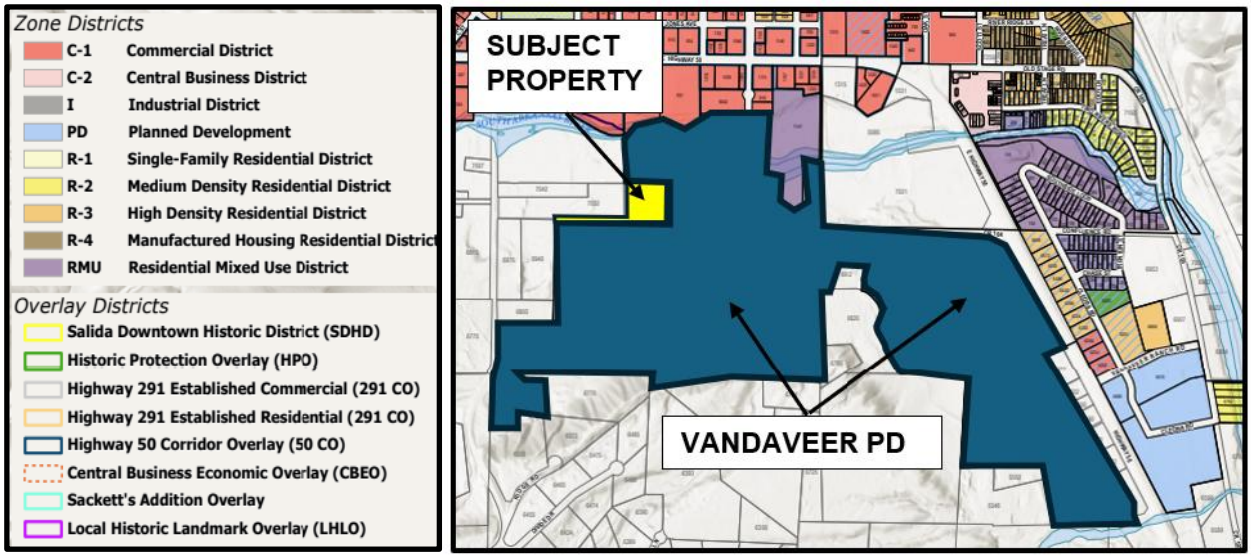
The applicant, City of Salida, is requesting annexation and zoning of a 2.17-acre property comprised of two parcels (1.97 acres and 0.20 acre) located adjacent to the South Ark Neighborhood Sub Area within the Vandaveer Ranch Planned Development. The larger parcel was purchased by the City in 2022 and is deed restricted for "active park and recreational purposes, such as multi-use fields, and other incidental or access related purposes." The smaller parcel has no restrictions having previously served as an access easement.

Land that is wholly owned by the City may be annexed by ordinance without meeting contiguity, time, or notice requirements under state law. The ordinance must state that the property is owned by the City and is not solely a public street or right-of-way. The City must confirm clear title and that the parcel is not subject to annexation restrictions under any applicable intergovernmental agreement. (See Attached memo from City of Salida legal consultant.) The property lies within the Salida Municipal Services Area.



Once eligibility is confirmed, the City may proceed to draft the annexation ordinance. C.R.S. § 31-12-106(3) authorizes annexation of municipally owned land without the notice and hearing requirements in §§ 31-12-108 and 31-12-109. Any publication or mailing of notice for such annexations is done as a matter of City policy, not because it is required by state law. A notice was placed in the paper and on site for the public hearings as required by city ordinance.

CITY OF SALIDA ZONING MAP



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 for a city-owned property include:

- Staff reviews the draft annexation plat and prepares staff reports.
- Planning Commission holds a public hearing to review the annexation and recommended zoning designation of the property and makes recommendations to City Council (City code requirement).
- City Council reviews and acts on the annexation of City-owned property.
- City Council reviews and acts on the proposed zoning.

RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:

- Salida Fire Department: No concerns.
- Salida Police Department: No concerns.
- Salida Parks and Recreation Department: No concerns.
- Public Works Department and City Engineering Consultants: No concerns.
- Salida Finance Department: No concerns.
- Salida School District: No comment.
- Xcel Energy: No concerns.
- ATMOS Energy: No comment.
- Visionary Broadband: No comment.
- Chaffee County Planning Department: No comment.
- Chaffee County Building Department: No concerns.

Staff Recommendation

Staff recommends approval of the proposed annexation.

A Commissioner should state, **"I move to recommend City Council _____ the annexation of approximately 2.17 acres of property known as the City of Salida South Ark Annexation, followed by a second and a roll call and vote.**

Attachments: City of Salida South Ark Annexation Draft Annexation Plat
Memo from city legal consultant

PUBLIC NOTICE
NOTICE OF PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION AND CITY COUNCIL FOR THE CITY OF SALIDA CONCERNING ANNEXATION AND ZONING APPLICATIONS

TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE that on **September 9, 2025** 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. Zoom meeting online participation registration must be submitted no later than 12:00 PM the day of the meeting at: https://zoom.us/webinar/register/WN_xjx49yp6TRKd4wWX5LzyUw

The hearing is regarding applications for the **City of Salida 2.17Acre South Ark Annexation and Zoning** submitted by and on behalf of the City of Salida. The parcel is located south of Highway 50 between County Roads 104 and 107.

The City intends to annex and zone the subject property, which was purchased in 2022. The general purpose of the hearings is to review the annexation map and supportive information and to consider the zoning the property R-2 Low Density Residential, which permits park and open space uses. The sales agreement deed restriction limits the use of the parcel to "active park and recreational uses."

Recommendations by the Planning Commission for the Annexation and Zoning shall be forwarded to **City Council for review and public hearing scheduled for October 7, 2025.** Zoom meeting online participation registration must be submitted no later than 12:00 PM the day of the meeting at: https://zoom.us/webinar/register/WN_IJIzc-mlQTggcTEDomhRz5A

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 (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.

Published in The Mountain Mail August 22, 2025.

CITY OF SALIDA 2.17 ACRE SOUTH ARK ANNEXATION TO THE CITY OF SALIDA

LOCATED WITHIN A PORTION OF LOT 2 ARMSTRONG–CITY OF SALIDA BOUNDARY LINE ADJUSTMENT AND WITHIN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN CHAFFEE COUNTY, COLORADO

CITY COUNCIL APPROVAL

WHEREAS, THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY THE CITY OF SALIDA, AS OWNERS OF 100 PERCENT OF THE AREA TO BE ANNEXED, EXCEPTING PUBLIC STREETS; AND
WHEREAS, THE CITY COUNCIL BY RESOLUTION ADOPTED ON _____, 20__, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENT OF SECTION 31-12-107(1),
WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON _____, 20__, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE CITY COUNCIL ADOPTED RESOLUTION NO._____(SERIES 20__), DETERMINING THAT THE ANNEXATION ELECTION WAS NOT REQUIRED; AND
WHEREAS, ON _____, 20__ THE CITY COUNCIL ADOPTED ORDINANCE NO._____(SERIES 20__) APPROVING AND ANNEXING CITY OF SALIDA ANNEXATION TO THE CITY OF SALIDA'.
NOW, THEREFORE, THE CITY COUNCIL OF SALIDA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE '***CITY OF SALIDA 2.17 ACRE SOUTH ARK ANNEXATION TO THE CITY OF SALIDA***' AS DESCRIBED HEREIN, TO WIT:

A TRACT OF LAND LOCATED WITHIN A PORTION OF LOT 2 OF THE ARMSTRONG-CITY OF SALIDA BOUNDARY LINE ADJUSTMENT AS RECORDED AT RECEPTION NO. 483414 AND WITHIN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE EAST 1/16TH CORNER BETWEEN SAID SECTION 5 AND SECTION 8, BEING MARKED BY A 2 ½" ALUMINUM CAP STAMPED LS 37937, ALSO BEING THE SOUTHEASTERLY CORNER OF THE TRACT OF LAND DESCRIBED IN QUIET TITLE DECREE AT RECEPTION NO. 487560, FROM WHENCE THE SOUTHEAST CORNER OF SAID SECTION 5, BEING MARKED BY A B.L.M. BRASS CAP, BEARS SOUTH 89°03'54" EAST, A DISTANCE OF 1335.20 FEET;
THENCE NORTH 89°03'54" WEST, ALONG THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 868.49 FEET TO THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 364295;
THENCE NORTH 01°02'05" EAST, A DISTANCE OF 8.11 FEET TO THE SOUTH LINE OF LOT 1 OF THE SAID ARMSTRONG-CITY OF SALIDA BOUNDARY LINE ADJUSTMENT;
THENCE SOUTH 89°21'03" EAST, ALONG SAID SOUTH LINE OF LOT 1, A DISTANCE OF 489.07 FEET;
THENCE SOUTH 89°29'23" EAST, ALONG SAID SOUTH LINE OF LOT 1, A DISTANCE OF 85.92 FEET TO THE COMMON CORNER OF SAID LOT 1 AND LOT 2 OF THE SAID ARMSTRONG-CITY OF SALIDA BOUNDARY LINE ADJUSTMENT;
THENCE NORTH 00°07'47" WEST, A DISTANCE OF 292.16 FEET;
THENCE SOUTH 89°03'53" EAST, A DISTANCE OF 294.61 FEET;
THENCE SOUTH 00°07'11" WEST, A DISTANCE OF 303.33 FEET TO THE POINT OF BEGINNING.
CONTAINING 2.17 ACRES

SIGNED THIS ____ DAY OF _____, 20__.

CITY OF SALIDA

BY:_____
MAYOR

CERTIFICATION OF TITLE

I _____, A LICENSED TITLE INSURANCE AGENT IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE PROPERTY HEREBY DEDICATED AND AS SHOWN AND DESCRIBED ON THIS PLAT AND FOUND TITLE VESTED IN THE CITY OF SALIDA, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT AS LISTED BELOW:

_____

_____

_____

DATED THIS ____ DAY OF _____, 20__.

_____
TITLE AGENT

CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THIS ANNEXATION MAP ALONG WITH THE ORIGINAL ANNEXATION ORDINANCE FOR THE CITY OF SALIDA ANNEXATION WERE ACCEPTED FOR FILING IN MY OFFICE ON THIS ____ DAY OF _____, 20__, AND IS DULY RECORDED.

_____
CITY CLERK

CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP ALONG WITH A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE CITY OF SALIDA ANNEXATION WERE ACCEPTED FOR FILING IN MY OFFICE AT _____ __.M. ON THIS _____ DAY OF _____, 20__ UNDER RECEPTION NUMBER _____.

_____
CHAFFEE COUNTY CLERK AND RECORDER

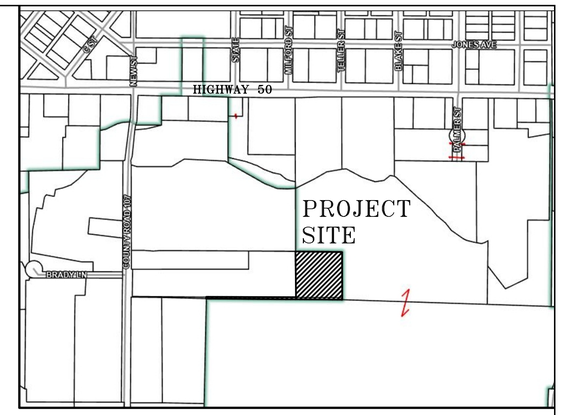
LEGEND

- FOUND MONUMENT AS NOTED
- 1 1/2" ALUM. CAP ON #5 REBAR LS 16117
- 1 1/2" ALUMINUM CAP LS 37937
- FENCE
- SALIDA CITY LIMITS

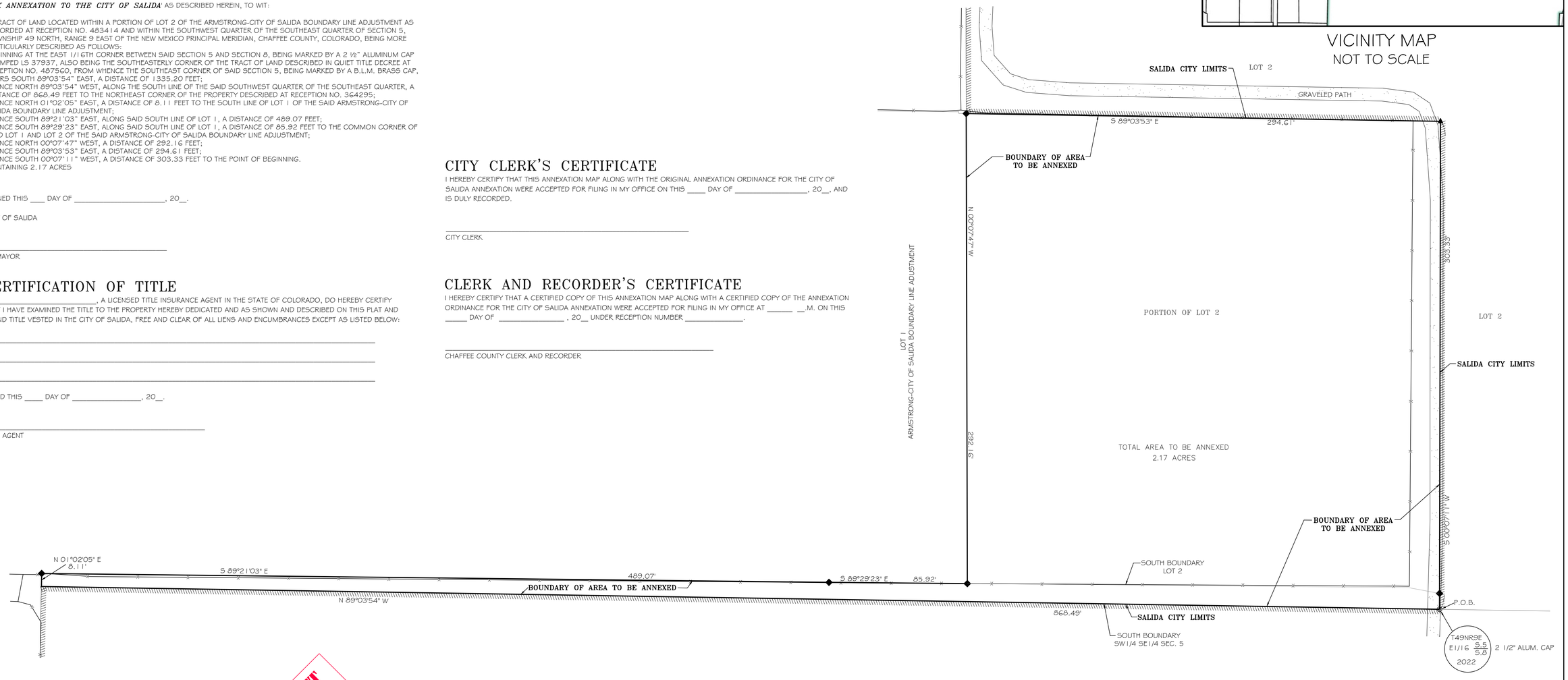
N W E S

0 30 60 90

SCALE
1" = 30'



VICINITY MAP
NOT TO SCALE



LAND SURVEYOR'S CERTIFICATE

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

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

COLORADO LICENSED SYDNEY ARTHUR SCHIEREN 37937 PROFESSIONAL LAND SURVEYOR

PRELIMINARY DRAFT
NOT APPROVED FOR REVIEW BY CLIENT AND AGENCY ONLY

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.

GENERAL NOTES

1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTHERN BOUNDARY OF SUBJECT PROPERTY BETWEEN A 1 1/2" ALUMINUM CAP STAMPED LS 16117 AND A 1 1/2" ALUMINUM CAP STAMPED LS 37937 HAVING A BEARING OF SOUTH 89°03'53" EAST
3) TOTAL AREA TO BE ANNEXED= 2.17 ACRES +/-
4) THIS ANNEXATION SUBJECT TO THE TERMS & CONDITIONS AS SET FORTH IN THE ANNEXATION AGREEMENT RECORDED AT RECEPTION NO._____

TOTAL PERIMETER OF LAND TO BE ANNEXED	2341.69 FT
CONTIGUOUS BOUNDARY WITH CITY OF SALIDA	1466.43 FT
CONTIGUOUS BOUNDARY REQUIREMENT 1/6=16.7%	63%

REVISED:	
DATE: JULY 16, 2025	
JOB # 22040	
DATE: DECEMBER 2, 2024	
SHEET 1 OF 1	

CITY OF SALIDA 2.17 ACRE SOUTH ARK ANNEXATION TO THE CITY OF SALIDA
LOCATED WITHIN A PORTION OF LOT 2 ARMSTRONG–CITY OF SALIDA BOUNDARY LINE ADJUSTMENT AND WITHIN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN CHAFFEE COUNTY, COLORADO

LANDMARK SURVEYING & MAPPING
P.O. BOX 668 SALIDA, CO 81201
PH 719.539.4021 FAX 719.539.4031

EXHIBIT A – LEGAL DESCRIPTION

A TRACT OF LAND LOCATED WITHIN A PORTION OF LOT 2 OF THE ARMSTRONG-CITY OF SALIDA BOUNDARY LINE ADJUSTMENT AS RECORDED AT RECEPTION NO. 483414 AND WITHIN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST 1/16TH CORNER BETWEEN SAID SECTION 5 AND SECTION 8, BEING MARKED BY A 2 ½" ALUMINUM CAP STAMPED LS 37937, ALSO BEING THE SOUTHEASTERLY CORNER OF THE TRACT OF LAND DESCRIBED IN QUIET TITLE DECREE AT RECEPTION NO. 487560, FROM WHENCE THE SOUTHEAST CORNER OF SAID SECTION 5, BEING MARKED BY A B.L.M. BRASS CAP, BEARS SOUTH 89°03'54" EAST, A DISTANCE OF 1335.20 FEET;

THENCE NORTH 89°03'54" WEST, ALONG THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 868.49 FEET TO THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NO. 364295;

THENCE NORTH 01°02'05" EAST, A DISTANCE OF 8.11 FEET TO THE SOUTH LINE OF LOT 1 OF THE SAID ARMSTRONG-CITY OF SALIDA BOUNDARY LINE ADJUSTMENT;

THENCE SOUTH 89°21'03" EAST, ALONG SAID SOUTH LINE OF LOT 1, A DISTANCE OF 489.07 FEET;

THENCE SOUTH 89°29'23" EAST, ALONG SAID SOUTH LINE OF LOT 1, A DISTANCE OF 85.92 FEET TO THE COMMON CORNER OF SAID LOT 1 AND LOT 2 OF THE SAID ARMSTRONG-CITY OF SALIDA BOUNDARY LINE ADJUSTMENT;

THENCE NORTH 00°07'47" WEST, A DISTANCE OF 292.16 FEET;

THENCE SOUTH 89°03'53" EAST, A DISTANCE OF 294.61 FEET;

THENCE SOUTH 00°07'11" WEST, A DISTANCE OF 303.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.17 ACRES

REVISED:	*CITY OF SALIDA 2.17 ACRE SOUTH ARK ANNEXATION TO THE CITY OF SALIDA*
	LOCATED WITHIN A PORTION OF LOT 2 ARMSTRONG–CITY OF SALIDA BOUNDARY LINE ADJUSTMENT AND WITHIN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN CHAFFEE COUNTY, COLORADO
JOB # 22040	LANDMARK SURVEYING & MAPPING
DATE: DECEMBER 2, 2024	P.O. BOX 668 SALIDA, CO 81201
SHEET 1 OF 2	PH 719.539.4021 FAX 719.539.4031

Wilson Williams Fellman Dittman

Memorandum

To: Bill Almquist, Community Development Directory and Christy Doon, City Administrator

From: Nina Williams and Michael Farrington, City Attorney's Office

Date: July 30, 2025; Updated August 15, 2025.

Subject: Procedural Requirements and Timeline for Enclave and City Owned Property Annexation

Introduction

Colorado law allows municipalities to annex certain properties by ordinance without the need for a landowner petition, election, or public hearing. These streamlined procedures apply to two categories of land: (1) unincorporated enclaves that have been entirely surrounded by city boundaries for at least three years, and (2) land solely owned by the municipality that lies outside its incorporated limits.[1]

Both procedures are authorized under C.R.S. § 31-12-106 and exempt the City from many of the requirements that apply to standard annexations, such as contiguity analysis, landowner consent, and formal hearings under state law.[2] However, the City must still meet certain minimum procedural steps, including preparing an ordinance, publishing notice, and coordinating zoning and recordation.[3]

This outline provides a step-by-step summary of the legal process for annexing enclave and City-owned land into the City of Salida (the "City") under current law.

Procedure and Timeline

The Colorado Constitution provides the foundational authority for streamlined annexations: "No unincorporated area may be annexed to a municipality unless one of the following conditions first has been met: … [t]he area is entirely surrounded by or is solely owned by the annexing municipality."[4] Colorado law allows both enclave areas and municipally owned land to be annexed by ordinance, without the need for a petition, resolution of intent, or public hearing.[5] However, several procedural steps must still be followed to ensure the process is legally sound and properly noticed. These include verifying eligibility, publishing notice (for enclave annexations only), preparing an ordinance, coordinating zoning, and completing filings with the County. The overview below describes each of these steps and provides a general timeline for completing the process.

Step 1 – Confirm Eligibility for Enclave Annexation or City-Owned Property.

A. Enclave Annexation (C.R.S. § 31-12-106(1))

Before proceeding, the City must confirm that the area qualifies as an enclave under state law. Specifically, the area must have been entirely surrounded by the City's boundaries for at least

[1] C.R.S. § 31-12-106.
[2] C.R.S. §§ 31-12-104 through 31-12-109.
[3] C.R.S. § 31-12-106(1) & (3).
[4] Colo. Const. art. II, § 30(1)(c).
[5] C.R.S. § 31-12-106.

three years at the time of annexation. This three-year period must be uninterrupted and fully enclosed meaning the area cannot be merely bordered by public rights-of-way or separated by non-municipal boundaries. For enclaves over 50 acres and 100 residents, a transition committee may be required before proceeding with annexation.[6] If the area meets these criteria, it is eligible for annexation by ordinance under C.R.S. 31-12-106(1), without the need for a petition, resolution of intent, or public hearing.[7]

B. Municipally Owned Land (C.R.S. § 31-12-106(3))

Land that is wholly owned by the City may be annexed by ordinance without meeting contiguity, time, or notice requirements under state law.[8] The ordinance must state that the property is owned by the City and is not solely a public street or right-of-way. The City must confirm clear title and that the parcel is not subject to annexation restrictions under any applicable intergovernmental agreement.

Once eligibility is confirmed, the City may proceed to draft the annexation ordinance. C.R.S. § 31-12-106(3) authorizes annexation of municipally owned land without the notice and hearing requirements in §§ 31-12-108 and 31-12-109. Any publication or mailing of notice for such annexations is done as a matter of City policy, not because it is required by state law.

Step 2 – Draft Ordinance Ordering Annexation.

Once eligibility is confirmed, the City may prepare a single ordinance to annex the subject property. This is the only legislative action required under law.[9] No resolution of intent or petition is needed.

<u>The ordinance should include the following:</u>

- A legal description of the property to be annexed
- A map showing the boundaries of the area and its relationship to existing City limits
- A statement that the annexation is desirable and necessary for the City
- A declaration that the property qualifies for annexation under C.R.S. § 31-12-106, specifying whether it is an enclave or municipally owned
- For City-owned land, a statement confirming that the property is not solely a public street or right-of-way[10]

Salida may consider the ordinance on first and second reading at regularly scheduled Council meetings. The ordinance should be carefully reviewed for consistency between the legal description, annexation map, and referenced eligibility findings.

Step 3 - Impact Report.

[6] See C.R.S. § 31-12-106(1.1).
[7] C.R.S. 31-12-106(1.1)(a)(I).
[8] C.R.S. §§ 31-12-108 and 109.
[9] C.R.S. § 31-12-106.
[10] C.R.S. § 31-12-106(3).

If the area to be annexed is ***ten acres or more***, the City must prepare an annexation impact report at least 25 days before the date of second reading of the ordinance. This requirement applies to both enclave annexations and municipally owned land annexations unless waived by agreement with the Board of County Commissioners.[11]
The impact report must include:

- A map of the annexation area and surrounding properties;
- A description of existing and proposed land uses;
- Plans for extension of municipal services;
- A statement on how the annexation will be financed;
- Information regarding special districts within the area; and
- A summary of impacts to affected school districts.

A copy of the report must be filed with the Board of County Commissioners **within five days of completion**. If the area is less than ten acres or the County waives the report, this step may be skipped.

Step 4 - Provide Notice.

Note: Notice is only required for an enclave annexation, city owned property does not require notice per C.R.S. § 31-12-106(3).

A. For Enclave Annexations

Before considering the ordinance on first or second reading, the City must ensure that the ordinance has been properly noticed according to the annexation statutes. At the outset, this requires having determined the dates on which the ordinance will be considered for first and second reading. Once those dates have been determined, the City Clerk shall publish "once a week for four successive weeks in some newspaper of general circulation in the area proposed to be annexed" a copy of the resolution or petition to be considered together with the dates and times of the City Council meetings.[12]

Crucially, the initial publication of the notice shall be at least thirty days prior to the date of the second reading.[13] Additionally, a copy of the published notice, together with a copy of the resolution or petition, must also be sent by registered mail by the clerk to the Board of County Commissioners and to the County Attorney and to any special district or school district having territory within the area to be annexed at least twenty-five days prior to the date of the second reading.[14]

B. For Municipality Owned Land

For municipally owned land annexations, no statutory publication or mailing is required under § 31-12-106(3). The City may, at its discretion, follow the same four-week publication and 25-day mailing practice used for enclave annexations.

Step 5 - First and Second Reading of Ordinance.

[11] See C.R.S. § 31-12-108.5.
[12] C.R.S. 31-12-108(2).
[13] *Id*.
[14] *Id*.

As long as at least thirty days have elapsed between first publication of the notice (for enclave annexations) and second reading, first and second readings can proceed in the normal fashion for ordinances, with no additional rules. The specific hearing requirements applicable to typical annexations do not apply to enclave or City owned property annexations.[15] This means the City does not need to hold public hearings or follow the stricter notice requirements, but Salida should notice as usual for enclave annexations.

Step 6 - Zoning of Land to be Annexed.

Additionally, the City should be mindful of the fact that most annexations occur concurrently with proceedings regarding the zoning of the land to be annexed. While this can create complications with respect to typical annexations, those concerns prove less challenging with enclave annexations. The City must ensure that the annexed enclave is brought under the City's zoning provisions within ninety days from the effective date of the annexation ordinance.[16]

We recommend, from a practical standpoint, placing the zoning ordinance for first and second reading on the same two City Council meeting dates where the annexation ordinance will be considered. As a reminder, make sure to also schedule and notice the Planning Commission's review of the zoning, before City Council's consideration. This step is an important part of making sure that the annexation is correct from both a legal and practical standpoint.

Step 7 - Filing with the County Clerk and Recorder.

The final step in the streamlined annexation process is for the City to file the annexation with the City Clerk and the County Clerk and Recorder. Specifically, the City must: "[f]ile one copy of the annexation map with the original of the annexation ordinance in the office of the clerk of the annexing municipality;" and "[f]ile for recording three certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area with the county clerk and recorder of each county affected."[17] These filings should be made as soon as practicable after the passage of the annexation ordinance on second reading. The annexation is operative as of the effective date of the annexing ordinance provided that both filing requirements are met. Once again, it is very important that the recorded documents are matched correctly, so ensure that the maps, legal descriptions, and ordinance match each other, this will save a number of hours later.

[15] C.R.S. 31-12-106.
[16] C.R.S. § 31-12-115(2)
[17] C.R.S. 31-12-113.

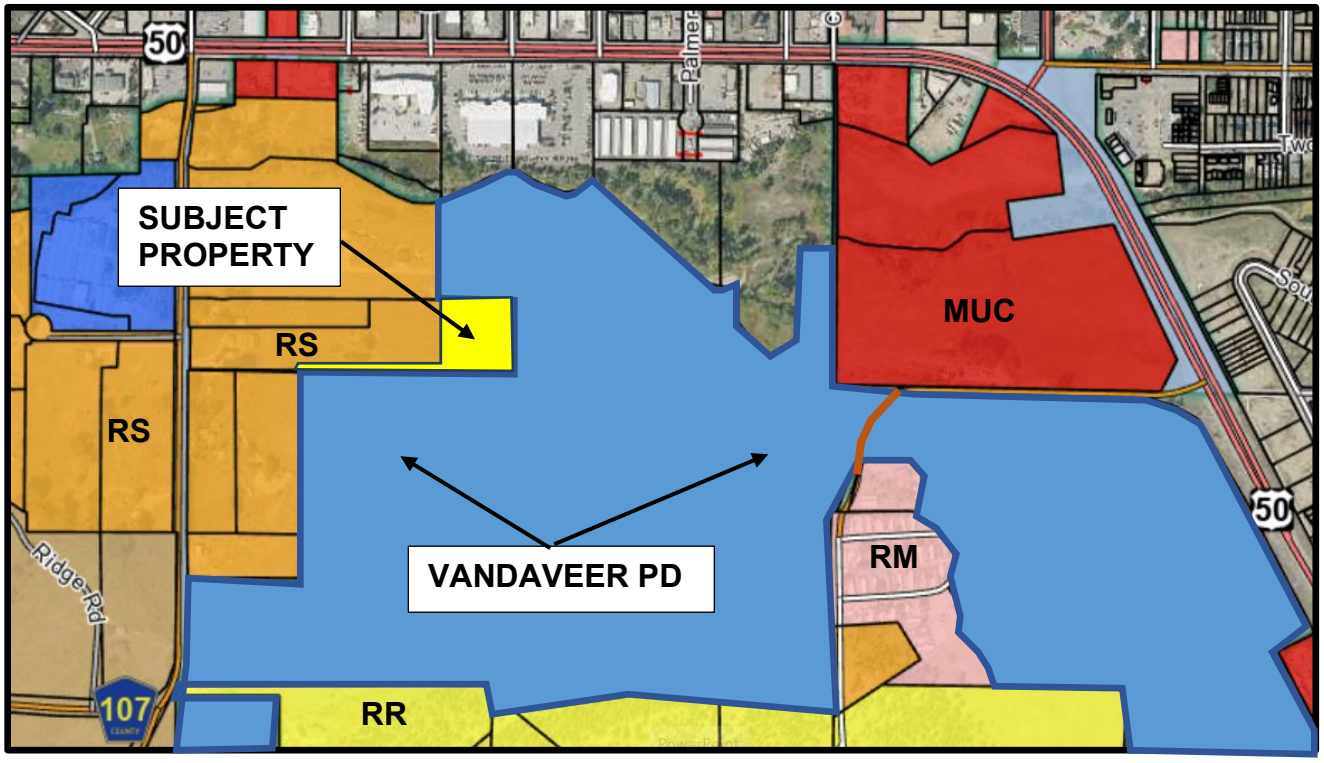
PLANNING COMMISSION STAFF REPORT

MEETING DATE:	September 9, 2025
AGENDA ITEM TITLE:	Recommendation on Proposed R-2 Zoning for the City of Salida 2.17 Acre South Ark Annexation
AGENDA SECTION:	Public Hearing – Action Item

REQUEST / BACKGROUND

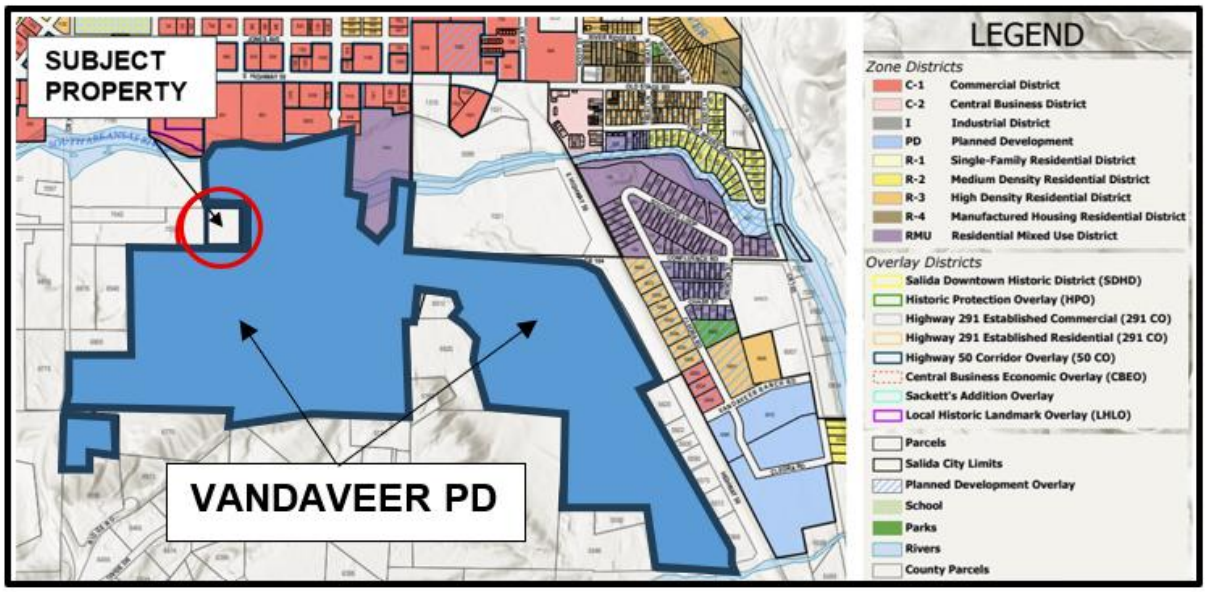
Following approval of the annexation, the City of Salida requests zoning the 2.17-acre property R-2 Low-Density Residential, which is a zone district compatible with the surroundings that allows park and recreational uses. The larger parcel is deed restricted for recreational uses. One or both parcels may be requested to be rezoned to Open Space under the proposed land use code. It most likely will not be necessary to incorporate them into the Vandaveer PD.

Vicinity / Chaffee County Zoning Map



Surrounding Land Use and Zoning: The site is currently zoned RS (Residential Suburban) zone district in Chaffee County. Properties to the west remain in Chaffee County and are zoned RS (Residential Suburban). The remaining surrounding properties are within city limits and are part of the Vandaveer Planned Development.

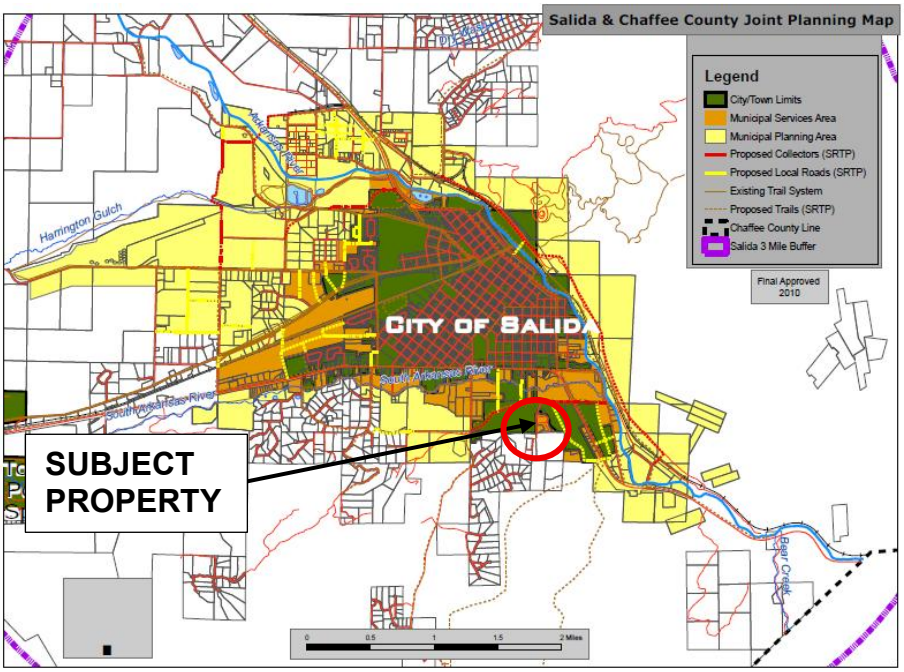
City of Salida Zoning Map



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

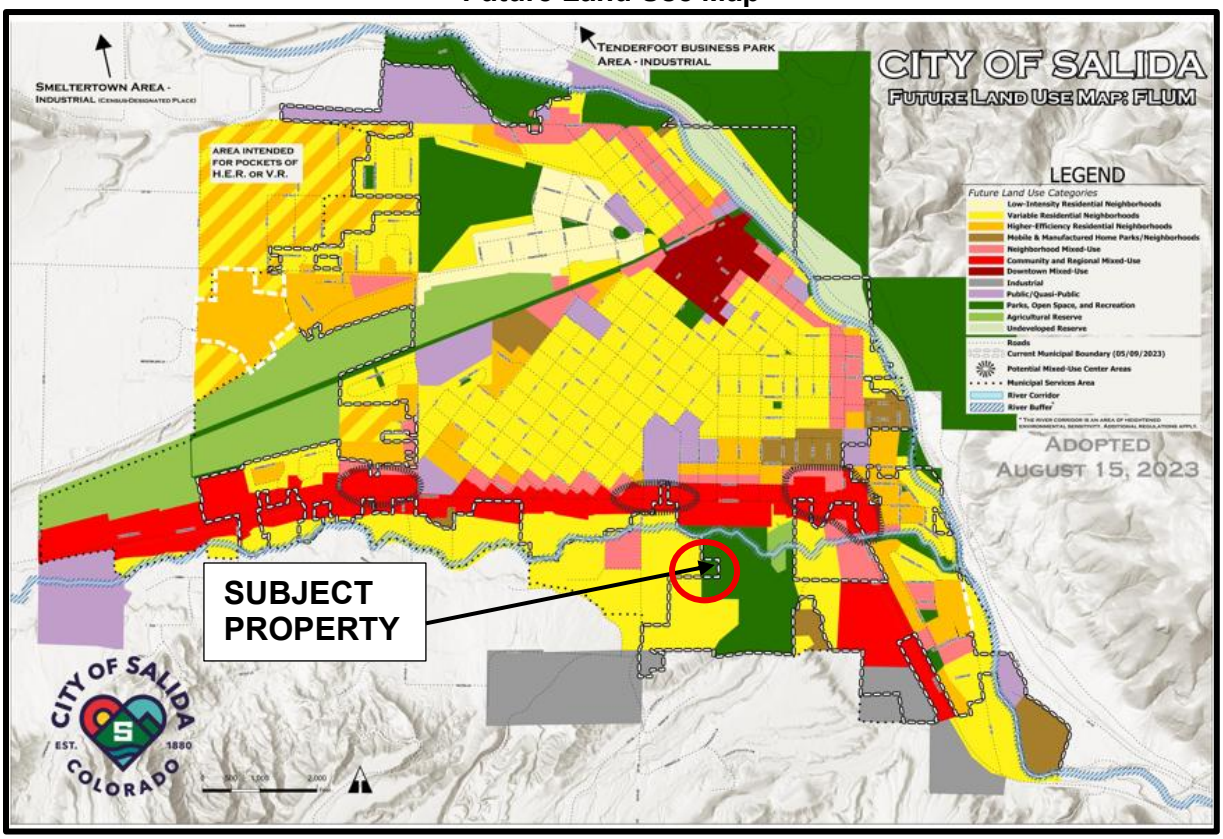
1. **Consistency with the Comprehensive Plan.** The proposed amendment shall be consistent with the Comprehensive Plan.

   - 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.



- Proposals should include connections to pedestrian and bicycle corridors, have sufficient water, and promote innovative and energy efficient design.
    - The property will be incorporated into existing and future recreational uses.
- Zoning should continue existing patterns of development.
    - Zoning of R-2 Low-Density Residential is consistent with the zoning found in the adjacent properties and will accommodate recreational uses as called for in the sales agreement deed restriction.
- The proposed zoning conforms with the city's Future Land Use Map, which calls for Parks, Recreation, and Open Space uses.

Future Land Use Map



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.
    - The purpose of the R-2 Low-Density Residential zone district is to provide for flexibility of low intensity uses. The current code does not have a specific zone district for public park and recreational uses.
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 R-2 Low Density Residential is consistent and compatible with the zoning and densities of the adjacent properties within the city.

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.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission recommend City Council approve the proposed zoning of the property as R-2 Low Density Residential as it is consistent with the comprehensive plan and will accommodate recreational uses intended for the site.

RECOMMENDED MOTION:

"I move to recommend City Council _____ the proposed zoning of the City of Salida South Ark 2.17 Acre property as proposed to be annexed to R-2 Low Density Residential Zone District, as it meets the applicable review standards."