



MEETING OF THE CITY COUNCIL

City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, August 3, 2010, 6:00 p.m.

The City Council may take action on any of the following agenda items as presented or modified prior to or during the meeting, and items necessary or convenient to effectuate the agenda items.

- I. MEETING CALLED TO ORDER
- II. PLEDGE OF ALLEGIANCE – Led by Mayor Charles Rose
- III. ROLL CALL
- IV. CITIZEN PARTICIPATION – 3 minute time limit

PRESENTATIONS

1. Reserve Firefighter Badge presentation to Lane Wilda by Mayor Rose
2. Salida Fire Department presentation by Fire Chief Don Taylor

V. SCHEDULED ITEMS

1. **Consent Agenda** (Janella Martinez) **Section 1**
 - a. Approval of Agenda
 - b. Approval of Minutes: July 6, 2010
 - c. City Property requests: W is for Wolves
2. **Appeal of the HPC decision regarding windows at 130 W. 1st Street –** **Section 2**
(Dara MacDonald)
3. **Water Shed Protection District – Public Hearing, 2nd reading – cont'd** **Section 3**
(Karl Hanlon) Ordinance 2010-06 designating a Water Shed Protection District and adding a new Article VII “Watershed Protection” to Chapter 13 of the Salida Municipal Code.
4. **Administrator/City Attorney/Deputy City Clerk** **Section 4**
 - a. Administrator’s Report – Jack Lewis
 - b. City Attorney Report – Karp, Neu, Hanlon, PC
 1. Update on request for reconsideration of prior Council action on Medical Marijuana.

Agenda August 3, 2010

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The order of agenda items listed above are approximate and intended as a guideline for the City Council. Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk, 448 E. 1st Street, Ste. 112, Salida, CO 81201, 719-539-2311 at least 48 hours in advance.

- c. Deputy City Clerk Report – Janella Martincz

5. Elected Official Reports

- a. City Treasurer – Eileen Rogers
- b. Mayor – Charles Rose
- c. City Council- Keith Baker, Scott Damman, Jim McCormick, Jay Moore, Steven Stewart, and Tom Yerkey.

VI. EXECUTIVE SESSION –

- 1. For a conference with the City attorney for the purpose of receiving legal advice on specific legal questions under C. R. S. Section 24-6-402(4)(c);

AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: To discuss pending litigation.

- 2. For the purpose of determining positions relative to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R. S. Section 24-6-402 (4)(c);

AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: To discuss pending litigation.

- 3. For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: and specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Personnel matters.

VII. ADJOURN –

[SEAL]

Mayor

City Clerk



CITY COUNCIL AGENDA ITEM

MEETING DATE: August 3, 2010

AGENDA ITEM TITLE: 130 W. First Street Appeal – An appeal of a decision rendered by the Salida Historic Preservation Commission regarding a Major Certificate of Appropriateness application for windows at 130 W. First Street.

PRESENTED BY: Dara MacDonald, Community Development Director

APPLICANT:

The owners of the property at 130 W. First Street and applicant for the original application and filing of the appeal are William and Margaret Barton, 14003 CR 220, Salida, CO 81201.

REQUEST:

The owner has requested an appeal of a decision made by the Historic Preservation Commission. As described in Table 16-A of the Salida Municipal Code (“SMC”), the decision of the Historic Preservation Commission (“HPC”) may be appealed to the City Council.

The process for an appeal hearing is described in Section 16-2-60(e) of the SMC:

(e) Appeal Hearing.

(1) Evidence. Formal Rules of Evidence shall not be followed during hearings. The chairman shall have the power to decide what evidence is material to the appeal. Written documents presented at the hearing shall be made part of the record, and public testimony shall be taken if the appeal required public notice. The burden of persuasion on appeal shall rest with the appellant.

(2) Basis of a Decision. An appealing body shall not have the authority to override the provisions of this Land Use Code. Any decision shall include a basis for the decision and cite specific sections of this Code.

(3) Recording. Audio recordings of the hearing shall be necessary. A written summary of the audio recording shall be made in a timely fashion following the hearing. Whenever a written verbatim transcript of such recording is requested by the appellant or when a transcript is furnished by the City pursuant to court order, the cost of preparing the transcript shall be borne in full by the appellant.

(4) Notice of Decision. The appropriate appealing body shall hear all relevant evidence, and within a reasonable time and in no event more than fifteen (15) days thereafter, shall

render its decision. The appealing body may reverse, modify or confirm the order, decision or interpretation. All decisions on appeal shall be reduced to writing, contain a concise listing of facts and reasons supporting the same and shall be promptly mailed by regular mail to the appellant.

PROJECT DESCRIPTION:

The HPC held a public hearing on June 24, 2010 to consider the application of the owner for a variety of improvements to their building on W. First Street. The HPC approved the application subject to the 10 conditions. The owners are appealing the fifth condition regarding the four windows above the storefront that overlook First Street:

That the four second story windows are restored or replaced per Older Than Dirt's recommendation and disallowing the use of metal clad windows.

The owners would like the City Council to modify this part of the decision by the HPC such that they would be allowed to install metal-clad wooden windows in these openings.

The appeal request, original application, staff report, decision letter and minutes from the June 24th meeting have been included with this cover memo.

SCOPE OF THE APPEAL:

The appeal application indicates that the owners would like to appeal the section of the draft *Downtown Design Guidelines* referencing window standards. This document is in draft form only and has not yet been adopted by the HPC as the official policy of the City. The City Council must base its appellate decision on the current Land Use Code and guidelines. Pursuant to Section 16-2-60 of the Salida Municipal Code ("SMC"), the City Council can only consider an order, decision or interpretation rendered by the HPC on appeal. SMC Section 16-2-60(e)(II) states that an appealing body shall not have the authority to override the authority of the Land Use Code, which in this case incorporates the existing *Downtown Design Guidelines*. Thus the City Council is only able to consider an appeal of the action taken by the HPC during the hearing on June 24, 2010. It is beyond the scope of the City Council to strike down all or a portion of the *Downtown Design Guidelines* as part of its decision.

The HPC has been drafting new design guidelines for several months. It is anticipated that these will be considered by the HPC during a public hearing on August 26th and forwarded to the City Council for review in September. Those public hearings would be the appropriate time to comment on any suggested changes to the draft guidelines.

RECOMMENDED ACTION:

Following a public hearing, a member of the City Council should make a motion to reverse, modify or confirm the June 24, 2010 decision of the Salida Historic Preservation Commission regarding a Major Certificate of Appropriateness application for windows above the storefront at 130 W. First Street, stating the facts and reasons for supporting that decision.

Attach: 130 W. First Street Letter of Decision
130 W. First Street Major COA Application Staff Report, 05/12/10
130 W. First Street – Appeal Application, 07/09/10
130 W. First Street Application for a Major Certificate of Appropriateness,
2/22/10
Historic Preservation Commission minutes, 6/24/10

DESIGN GUIDELINES

WINDOWS

Windows are one of the most important design elements in a building. Their appearance, craftsmanship, embodied energy and other qualities make them worthy of special consideration. Keeping the original windows in an historic building is most desirable.

ALL BUILDINGS

1. In all cases, it is incumbent upon the applicant to complete an evaluation of the condition of the extant windows and provide a detailed report justifying treatment options including replacement (if applicable). This survey should be completed early in the rehabilitation planning process so that all treatment options can be fully explored. This inspection shall be completed by a qualified historic preservation specialist.
2. The applicant shall provide a physical sample of a proposed replacement window and finish.
3. Any performance enhancing features (e.g., screens, weather stripping, storm windows, glazing) shall not detract from the original appearance of the windows.
4. When nothing remains of the original windows, the use of modern materials such as metal clad windows may be acceptable.

CONTRIBUTING BUILDINGS

1. Original windows shall be retained and repaired unless a survey determines they are beyond repair. Given the special constraints of rehabilitating an historic building, a graduated approach to window treatment shall be based on whether the treatment is to a façade with prominent visibility from a public street primary, or a non character-defining façade or one that is not visible from the street such as the rear. Treatment options within a façade are to be considered on a window-by-window basis.
2. The **primary street-facing façade** or **prominently visible facade**, which fronts the street and exhibits the main character-defining elements of the building, will see the most strict window treatment requirements, which is to repair only, unless the following criteria are met.
 - Poorly executed and irreversible past repair work.
 - Missing previous extant window.

- Past inappropriate window replacement.

Replacement windows shall match *exactly* the appearance, function and materials of the original glazing, including leaded and stained glass windows.

Repair of the original windows, the preferred option, shall match the appearance of the original window, including glazing.

3. The **less prominent façades**, if present, are those which face an alley and do not typically contain all the details of the primary façade, yet are still visible from the street. These facades allow for in-kind window replacement, if a qualified historic preservation specialist determines that the original windows are beyond repair.

Replacement windows must match the appearance, function and materials of the original.

Repair requirements are those indicated for the Primary Façade.



June 25, 2010

William and Margaret Barton
14003 C.R. 220
Salida, CO 81201

Re: Approval - Certificate of Appropriateness application for 130 W. First Street

Dear Mr. and Mrs. Barton,

On June 24, 2010, the Salida Historic Preservation Commission approved your Major Certificate of Appropriateness on the following external work that is being proposed for the structure at 130 W. First Street

1. Front Façade

- a. Replace both doors
- b. Repaint painted surfaces
- c. Install raised panel store front façade over existing brick and aluminum trim
- d. Apply new head piece and corbels above transom windows
- e. Install new transom windows with clear non-reflective glass, restore jambs and stops
- f. Restore cornice and frieze
- g. Replicate three finials with Fypon finials as approved for 138 W. First Street
- b. Install new Semco metal clad, wooden replica windows in existing second floor openings
- i. Install solid wood trim around doors and windows

2. East Wall

- a. Restore northernmost window opening to original dimension and install metal frame window with clear fire rated glass.
- b. Paint wall flashing caps

3. Rear Wall

- a. Rebuild top half of wall
- b. Construct block and brick mechanical chase in center of back wall
- c. Install new wood doors and windows

4. Back Deck

- a. Reinforce deck with more wooden braces
- b. Sand and stain decking boards
- c. Replace railing with solid wood decorative elements

This approval is subject to the following conditions:

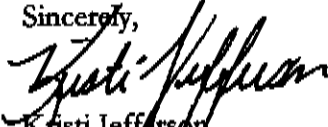
- a. That the approval is for the plans submitted with the changes noted by staff including that the height of the kickplate is 30" and the doors on the front façade are $\frac{3}{4}$ light.
- b. That the mid-band cornice will extend over the brick column on the west end of the front façade rather than placing a finial in this location.
- c. That additional modifications to the exterior will require a new application and further review.
- d. That this approval expires in three years if the work has not been substantially completed.
- e. That the four second story windows are restored or replaced per Older Than Dirt's recommendation and disallowing the use of metal clad windows.
- f. That a clarifying detail of the kickplate is submitted to staff for review per the discussions during the meeting.
- g. That the headpiece is reconfigured to a simplified design like historical evidence shows and eliminating the corbels with no finial on the midlevel.
- h. That the finials are constructed and installed to match the historic photo.
- i. That the applicant submit for staff review, detailed drawings of the vertical mill work on either side of the doorway to match proportions of those shown in historic photos including base and shoe detail that relates to the raised panel kickplates.
- j. The two existing window openings on the east wall will be bricked in with matching bricks and only the northernmost window will be replaced with a one-hour fire-rated window.

The approval is based on the submitted text and drawings reviewed by the HPC. You are advised that unmet code provisions, or code provisions that are not specifically listed as conditions of approval, do not, in any way, create a waiver or other relaxation of the lawful requirements of the City of Salida Municipal Code or state law.

If you wish to appeal the decision of the Historic Preservation Commission please refer to Section 16-2-60 of the Salida Municipal Code. The appeal must be submitted within fifteen (15) days of the Historic Preservation Commission decision.

Thanks for working with the Commission and if you have any questions, feel free to contact me (719) 530-2626.

Sincerely,



Kristi Jefferson
Planning Technician



STAFF REPORT

MEETING DATE: June 24, 2010

AGENDA ITEM TITLE: 130 West First Street- Major Certificate of Appropriateness Application

AGENDA SECTION: Public Hearing

REQUEST: The request is to receive a Certificate of Appropriateness on the following external work that is being proposed for the structure:

1. **Front Façade**
 - a. Replace both doors
 - b. Repaint painted surfaces
 - c. Install raised panel store front façade over existing brick and aluminum trim
 - d. Apply new head piece and corbels above transom windows
 - e. Install new transom windows with clear non-reflective glass, restore jambs and stops
 - f. Restore cornice and frieze
 - g. Replicate three finials with Fypon finials as approved for 138 W. First Street
 - h. Install new Semco metal clad, wooden replica windows in existing second floor openings
 - i. Install solid wood trim around doors and windows

2. **East Wall**
 - a. Restore northernmost window opening to original dimension and install metal frame window with clear fire rated glass.
 - b. Paint wall flashing caps

3. **Rear Wall**
 - a. Rebuild top half of wall
 - b. Construct block and brick mechanical chase in center of back wall
 - c. Install new wood doors and windows

4. **Back Deck**
 - a. Reinforce deck with more wooden braces
 - b. Sand and stain decking boards
 - c. Replace railing with solid wood decorative elements

APPLICANT:

The applicants are William and Margaret Barton, 14003 C.R. 220, Salida, CO 81201.

LOCATION:

The property is described as Lor 21, Block 5, of the original Town (now City) of Salida, Chaffee County and is also known as 130 West First Street.

PROCESS:

A major certificate of appropriateness (CA) shall be reviewed and ruled upon by the Historic Preservation Commission at a regular or special meeting to be conducted within thirty-one days from the date the application was determined complete, or within a longer time period as necessary to reasonably accommodate the application on an HPC agenda.

The Commission shall approve, approve with conditions, or deny the application, or remand it back to the applicant with instructions for modification or additional information or action.

OBSERVATIONS:

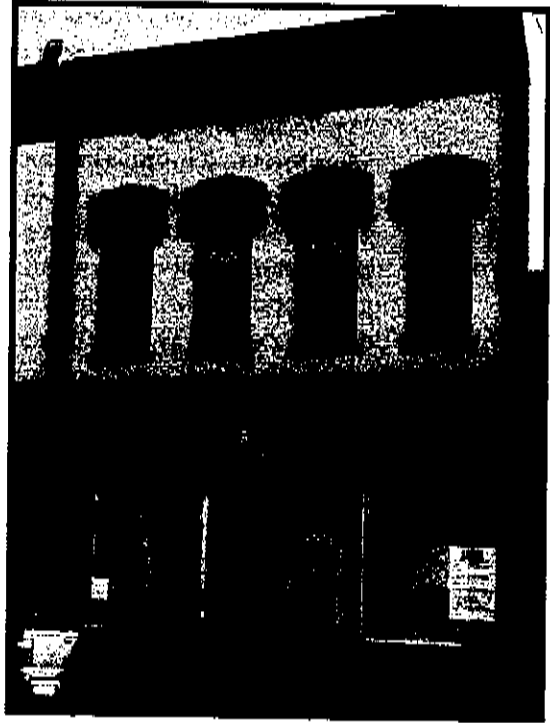
1. The subject property is located within the historic district and is located within the Central Business (C-2) District.
2. The building is considered a contributing building to the downtown historic district. According to the Architectural Inventory for this property: "the building displays moderate historic physical integrity. The cornice and upper story windows are intact, as well as the clerestory of the first story and the configuration of the storefront. The brick has been painted and the display windows and kickplates of the storefront have been modified since the building was constructed."
3. The applicant is interested in doing extensive exterior renovations by renovating the front facade by replacing the two front doors with wood and glass doors, repainting existing painted surfaces, new kickplate, apply new head piece and corbels above transom windows, install new glass in transom windows, restore cornice and frieze, install new windows in second floor openings and install new wood trim around the doors and windows. East wall renovations include painting the flashing caps and restoring the northernmost window opening to original dimension and install metal frame window with clear fire rated glass with a fire rating of at least one hour. When the smaller windows were installed the upper part of the window openings were bricked in and the applicant is proposing to remove the brick and install the window in the original opening. The remaining small aluminum window and the two bricked-in windows will remain at this time. North wall renovations include rebuilding the top half of the wall, installing new wood clad doors and windows, constructing a new mechanical chase and reinforcing the rear deck with wooden braces. Decking boards will be sanded and stained and the railings will be replaced with solid wood decorative elements.
4. Rehabilitation is defined by the Secretary of the Interior's Standards as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

REVIEW STANDARDS:

1. **Conformance with Certificate of Appropriateness Review Standards for a contributing building (Section 16-18- 80(a)) using the draft Design Guidelines in the review:**
 - A. Architectural Character. Whether and/or to what extent the proposed work will preserve, protect, change, diminish, disguise, obscure, detract from or destroy the appearance or

structural integrity of the historic features, design, materials, character or value of the structure or site.

- * The applicants are requesting to remove four (4) existing windows on the second floor of the front façade and install double-hung metal-clad, wood replica windows. A letter has been provided from Older Than Dirt Construction, LLC that recommends total window replacement as an acceptable alternative given the condition of the existing windows. The applicants are proposing to repair and paint the original brick work above the windows and sand and seal the original sills.



Front façade-130 W. First Street

- * The two exterior doors on the first floor are not original and will be replaced with $\frac{3}{4}$ light raised panel doors and the applicant has submitted a sample of the door detail. The submitted plans show $\frac{1}{2}$ light doors, however the applicants have corrected that and stated their intent is to install $\frac{3}{4}$ light doors. The Salida design guidelines Part 3, section C, Doors #5, when replacing a door, use a design that has an appearance similar to the original door.

- * The existing transom glass will be replaced with a clear non-reflective glass and the jambs and stops will be restored or replaced.

- * The brick veneer kickplates will be covered with raised panel painted wood similar to the raised panel at 127 East First Street (photo attached). Also, the detail is shown on the piece that was submitted with the application. The plans indicate that the kickplate is 24" in height; however, they are in fact 30" in height. The applicants have acknowledged that they intent to cover the entire 30" kickplate and do not intend to replace the storefront windows. The Salida Design Guidelines Part 3, section A., # 4 states to retain the kickplate as a decorative panel. If the original kickplate is missing, develop a compatible design. Wood window trim will be installed over the existing aluminum trim and will be similar to the vertical trim detail found at the "In the Current Imports" building, 112 East First Street (photo attached).



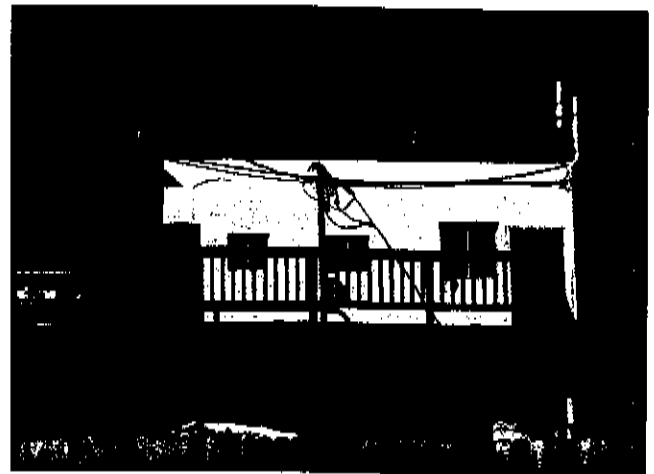
East wall-130 W. First Street

- * East wall renovations include painting the flashing caps and removing the northernmost aluminum window and installing one (1) new metal window in the original opening that has a fire rating of at least one hour. The applicants have stated that the rated glass will be clear, without metal mesh commonly

seen in rated glass. The fire rating is necessary in this location because the window is located on a shared property line. The remaining windows on this wall will not be rehabilitated at this time.

- ★ The applicants are proposing to restore or replicate the original finials and restore the cornice, frieze and corbels and install a new head piece raised panel and corbel. The new head piece raised panel and corbels will look similar to the head piece raised panel and corbels found at 113 East Sackett Street (photo attached). The finials will match the Fypon finials approved (but not yet installed) for the neighboring building at 138 W. First Street. The finial to be placed on the brick column adjacent to the westerly doorway from the street will be cut so that it is flush with the wall since there is not adequate depth for the full width of the finial in this location. The finials at the top of the building will be very similar to those shown in the historic photos submitted with the application. Those photos do not show any finial on the brick column adjacent to the westerly doorway from the street, rather it appears that the mid-band cornice overlapped the top of this column in the past. Staff would recommend that this is a more appropriate solution than placing a finial in this location.
- ★ The improvements to the front façade and east side of the building will contribute to the overall integrity and vitality of the downtown. The proposed work would contribute to the pedestrian-friendly street presence. The historic features will be preserved where possible and replicated when preservation is not possible. The renovations to this building will be an enhancement to the Downtown Historic District.

- ★ The rear façade second floor renovations include; installing one (1) wooden sliding glass door, covering one (1) non-historic window with the mechanical chase, installing one wood window and one (1) new ½ light wooden door. The entire rear wall of the second floor reframed and covered with matching brick veneer. The existing deck will be reinforced with 4 x 6 structural bracing, the railing will be replaced with a decorative railing (applicant provided sample), structural knee braces will be added to support the deck and a wood trellis will be constructed above the deck.



Rear façade -130 W. First Street

- ★ The rear façade first floor renovations include; mechanical chase to be rebuilt in the center of the structure and finished with a brick veneer. The existing utilities will be remounted on the new chase.
- ★ There is no original fabric remaining on the rear façade and it is not visible from a public street. It is shielded from view from the alley by a privacy fence. The proposed changes will be an improvement to the property and will not detract from the appearance of the structure.

B. **Original Materials.** Whether original designs, materials, finishes and construction techniques that characterize the historic value and appearance of a structure or site can be retained, restored or repaired as opposed to replaced, and whether replacement designs, materials or finishes can match and/or accurately replicate the originals.

✱ Salida Design Guidelines – Part 3 Rehabilitation Guidelines states that, “while preservation or repair of the original feature is the preferred alternative, in-kind replacement is also an option. Replacement should occur only if the existing historic material is beyond repair. If replacement is necessary, the new materials should be in-kind, which means they match that being replaced in material, design, color, texture, and other visual qualities”.

✱ The applicants are proposing to retain as much of the original materials as possible and if they aren't able to restore those they will replace them with like material. Older Than Dirt Construction, LLC has found that restoration of the existing second story windows on the primary façade is not practical given the current condition of the windows. The applicants have proposed to replace these windows with Semco double-hung wood windows with metal cladding for reduced maintenance on this south-western exposure.

C. **Minimum Change.** Whether and/or to what extent the proposed work will require more than a minimal change to the historic appearance, materials or integrity of the structure or site.

✱ The original materials that remain such as the cornice will be restored. Other elements such as the kickplates and doors to the street will be replaced or covered with new wood elements that are more characteristic of the original style of the building as shown in the historic photos.

D. **New Construction.** New additions, exterior alterations and related work shall not destroy or detract from the existing historic structure and materials to the maximum extent feasible, and such new work or alterations shall be differentiated from, but compatible with, the existing size, scale and exterior architectural features of the structure or site so as to protect its historic identity and integrity.

✱ New construction is not proposed with this application with the exception of the rear wall chase. The exterior alterations will not destroy or detract from the historic structure.

E. **Historic Appearance.** Work that will protect or return the original historic appearance of a structure or site, especially where documented by photographs, historic research or other credible evidence, shall be encouraged and favored.

✱ This application does not propose to return the original historic appearance. However, as seen in the historic photos, the new kickplate, doors and vertical elements between the windows are more compatible with the original materials and design of the façade than the elements that are there today.

- * The proposed mid-band cornice is more elaborate than what is shown in the 1937 photos submitted by the applicant. However, it is not clear if what is shown in the photos was original. The proposed cornice will be compatible with the mid-band cornice recently approved and installed at the neighboring property, 138 W. First Street.

F. Work Necessary. Whether the proposed work is required or necessary to comply with a building, fire or other health/safety code.

- * The proposed work will comply with all existing building, fire and other health/safety codes. Expansion of the window opening on the east elevation is triggering compliance with current building codes for fire resistance on property lines. It is a requirement of the building code that openings on shared property lines be rated for fire safety. This is what is driving the use of an inoperable metal window in this location.

RECOMMENDED FINDINGS:

1. That the application is in compliance with the review standards for contributing structures in the historic district because the changes will be compatible with the historic district and will enhance the overall district.

RECOMMENDED ACTION:

Based upon the observations, review standards, and findings outlined above, staff recommends the following:

That the Commission recommend approval for a Certificate of Appropriateness on the external work that is being proposed for the front façade, the east wall and the rear of the structure subject to the following conditions:

1. That the approval is for the plans submitted with the changes noted by staff including that the height of the kickplate is 30" and the doors on the front façade are ¾ light.
2. That the mid-band cornice will extend over the brick column on the west end of the front façade rather than placing a finial in this location.
3. That additional modifications to the exterior will require a new application and further review.
4. That this approval expires in three years if the work has not been substantially completed.

RECOMMENDED MOTION:

That the recommended findings be made and the recommended action be taken.

Attachment: Application
Architectural Inventory Form for 130 West First Street



APPEAL APPLICATION

448 East First Street, Suite 112
Salida, CO 81201

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

Email: planning@cityofsalida.com

An order, decision or interpretation rendered by the City Administrator or his or her designee, and Commission or any Board may be appealed to the designated body outlined in Table 16-A of the Salida Municipal Code. Decisions by the designated body shall be final and may not be appealed further except in court.

A. APPEAL PROCESS (City Code Section 16-2-60)

1. Submittal of complete application of appeal within fifteen (15) days of the date of postmark on the order, decision or interpretation.
2. Staff Review. Schedule hearing within thirty-one (31) days.
3. Forward report to Applicant and reviewing body.
4. Notice of hearing provided to applicant at least fifteen (15) days prior to the bearing.
5. Hearing conducted by reviewing body and action taken.
6. Notice of decision shall be issued within fifteen (15) days of the bearing.

B. APPLICATION CONTENTS

Ten (10) copies are required of all application materials.

- 1. **General Development Application**
- 2. **Written Letter of Appeal.** A written letter must be submitted setting forth in plain and concise language:
 - a. **Facts and reasons.** The facts and reasons for the appeal, including any relevant citations to any rule, regulation or code section relied upon.
 - b. **Copy.** A copy of the order, decision or interpretation being appealed if the same was issued in writing.
- 3. **Optional Showing.** The applicant may include any drawings, photos, diagrams, sketches, etc. which are relevant to the proposed appeal.
- 4. **Application Fee.** \$150 cash or check made out to City of Salida.
- 6. **Special Fee and Cost Reimbursement Agreement completed.**
- 7. **Outside Review Deposit.** In the event the City must retain professional services to process or evaluate an application, the applicant shall bear the costs for the review, including consultants and attorney review time. A deposit of \$300.00 to cover the reasonable anticipated costs for outside professional services may be required from the applicant at the time of the application.

D. SALIDA MUNICIPAL CODE SECTION 16, ARTICLE 2-60

Sec. 16-2-60. Appeals process.

(a) Appeal. An order, decision or interpretation rendered by the Administrator, any Commission or any Board may be appealed to the designated body outlined in Table 16-A. Decisions by the designated body shall be final and may not be appealed further except in court.

| TABLE 16-A Appealing Body From Specific Orders, Decisions or Interpretations | | |
|---|---|--|
| Decision Appealed From: | Type of Land Development Application | Decision Appealed To: |
| Administrator | Interpretation Verification of zoning compliance Reuse, change in use or further development Sign permits and comprehensive sign plans | Planning Commission |
| Board of Adjustment | Variance | Court system |
| Board of Appeals | Appeal | Court system |
| Building Official | Interpretation of codes enforced by the Building Official | Board of Appeals* |
| City Council | Amendment to Official Zoning Map or text of Code Overall development plan or final development plan Annexation Minor and major subdivision - final plat Designation of a historic district or landmark Off-premises sign | Court system |
| Fire Chief | Interpretation of codes enforced by the Fire Chief | Board of Appeals* |
| Historic Preservation Commission (HPC) | Certificate of Appropriateness – minor Certificate of Appropriateness – major | HPC - Whole Commission City Council |
| Planning Commission | Conditional use Creative sign Comprehensive sign plans for multiple owners Sketch plan Preliminary plat | City Council |
| Planning Chair | Subdivision exemption | Planning Commission |
| * Refer to Chapter 18, Article VIII, Building Regulations, Appeals Process for additional information | | |

(b) Appeal Contents. The appeal shall be in the form of a written letter of appeal delivered or postmarked to the Administrator within fifteen (15) days of the date the interpretation or decision was first postmarked. Such notice shall identify the date and nature of the order, decision or interpretation at issue and set forth in plain and concise language the:

(1) **Facts and Reasons.** The facts and reasons for the appeal, including any relevant citation to any rule, regulation or Code section relied upon.

(2) **Copy.** A copy of the order, decision or interpretation being appealed if the same was issued in writing.

(c) **Actions Following Receipt of Appeal.** Upon receipt of the appeal, the Administrator shall schedule the appeal for a regular or special meeting of the appropriate body within thirty-one (31) days of the filing of the notice to appeal.

(d) **Notice.** Written notice of the time, date and location of the hearing shall be sent by regular mail to the appellant not less than fifteen (15) days prior to the hearing. In cases where a decision rendered during a public hearing is being appealed, notice shall be provided as outlined in Subsection 16-10-50(b), Manner of Notice, of this Chapter.

(e) **Appeal Hearing.**

(1) **Evidence.** Formal Rules of Evidence shall not be followed during hearings. The chairman shall have the power to decide what evidence is material to the appeal. Written documents presented at the hearing shall be made part of the record, and public testimony shall be taken if the appeal required public notice. The burden of persuasion on appeal shall rest with the appellant.

(2) **Basis of a Decision.** An appealing body shall not have the authority to override the provisions of this Land Use Code. Any decision shall include a basis for the decision and cite specific sections of this Code.

(3) **Recording.** Audio recordings of the hearing shall be necessary. A written summary of the audio recording shall be made in a timely fashion following the hearing. Whenever a written verbatim transcript of such recording is requested by the appellant or when a transcript is furnished by the City pursuant to court order, the cost of preparing the transcript shall be borne in full by the appellant.

(4) **Notice of Decision.** The appropriate appealing body shall bear all relevant evidence, and within a reasonable time and in no event more than fifteen (15) days thereafter, shall render its decision. The appealing body may reverse, modify or confirm the order, decision or interpretation. All decisions on appeal shall be reduced to writing, contain a concise listing of facts and reasons supporting the same and shall be promptly mailed by regular mail to the appellant. (Ord. 03, 2002 §9-3-2; Ord. 01, 2005 §1; Ord. 2005-07 §1; Ord. 2006-01 §2; Ord. 2006-08 §4; Ord. 2007-11 §§2, 3)



GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112

Salida, CO 81201

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

Email: planning@cityofsalida.com

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

- | | |
|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Overall Development Plan – Major |
| <input type="checkbox"/> Building Permit Application | <input type="checkbox"/> Overall Development Plan – Minor |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision Exemption |
| <input checked="" type="checkbox"/> Certificate of Appropriateness ~ <i>Appeal</i> | <input type="checkbox"/> Subdivision - Minor |
| <input type="checkbox"/> Final Planned Development – Major | <input type="checkbox"/> Subdivision - Major |
| <input type="checkbox"/> Final Planned Development – Minor | <input type="checkbox"/> Text Amendment to Land Use Code |
| <input type="checkbox"/> Historic Landmark/District | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Map Amendment to Land Use Code (Zoning/Rezoning) | <input type="checkbox"/> Other: _____ |

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

A. Applicant Information

Name of Applicant: WILLIAM & MARGARET BARTON

Mailing Address: 14003 CER 220 Salida, CO 81201

Telephone Number: (719) 221-2953 FAX: 539-5300

Email Address: peggydup@aol.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: Union Hotel (1/2)

Street Address: 130 West 1st Street

Street Address: 11

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: *William Barton* Date: 7/9/10

Signature of property owner: *Margaret Barton* Date: 7/9/10

Staff Use Only

Permit #: _____ Staff member assigned: _____ Public meeting Date: _____

Staff Comments: _____

Fee: _____ Receipt #: _____

WILLIAM AND MARGARET BARTON · 221-2953
HISTORIC BUILDING:
130 WEST 1ST STREET
SALIDA, CO

OUR APPEAL IS BASED ON 2ND STORY WINDOW REPLACEMENT RESTRICTIONS THAT THE HPC HAS ADOPTED AS GUIDELINES FOR HISTORIC DOWNTOWN SALIDA.

SEE PAGE 29 IN GUIDELINES FOR WINDOWS

WE APPEAL NOT JUST FOR OURSELVES BUT ALSO ON BEHALF OF ALL HISTORIC BUILDING OWNERS WHO ARE INVOLVED IN RESTORATION PROJECTS DOWNTOWN. WE BELIEVE IN HISTORIC PRESERVATION.

IF THE EXISTING WINDOWS HAVE HISTORIC VALUE, ACCORDING TO HPC GUIDELINES AND THEY ARE NOT WORTHY OF RESTORATION, THEN THEY MUST BE REPLACED WITH WOODEN REPLICA WINDOWS AND WOODEN SCREENS ONLY.

WE ARE ADDRESSING 2ND STORY WINDOWS THAT HAVE BEEN EXAMINED BY HPC'S DESIGNATED PROFESSIONAL INSPECTOR AND RESTORER OF HISTORIC WINDOWS.

IN OUR CASE, THE 2ND STORY WINDOWS, THE RECOMMENDATION WAS TO RESTORE OR RELACE BECAUSE THEY WERE IN A SEVERE STATE OF DISREPAIR.

OUR PLAN IS TO REPLACE THE FAILED WINDOWS WITH METAL CLAD WOODEN REPLICA WINDOWS. THE EXPOSURE IS SOUTH WESTERLY CAUSING CONTINUOUS SEVERE SUN DAMAGE TO PAINT AND WOOD.

THE STYLE, PROPORTION, AND PROFILE OF A METAL CLAD REPLICA DOUBLE HUNG WINDOW IS THE SAME AS A RESTORED WINDOW MEETING HISTORIC PRESERVATION STANDARDS.

THE APPEARANCE OF A REPLICA METAL CLAD WOOD DOUBLE HUNG WINDOW WITH OR WITHOUT A SCREEN IS INDISTINGUISHABLE FROM THAT OF A WOODEN PAINTED WINDOW WHEN VIEWED FROM STREET LEVEL. WITH AN EXTERIOR SCREEN

IT'S A MOOT POINT. THE MAINTENANCE OF A WOODEN PAINTED WINDOW, WOODEN SCREEN, AND WOODEN STORM WINDOW WITH THIS EXPOSURE IS COSTLY AND REQUIRES CONSTANT MAINTENANCE OR YOU ARE FINED BY THE CITY THAT PATROLS FOR FAILED PAINT ON HISTORIC BUILDINGS.

DENVER GUIDELINES ALLOW METAL CLAD WINDOWS IN THEIR HISTORIC DISTRICT WHETHER FAILED OR NOT. THE NATIONAL PARK SERVICE, FOR TAX CREDIT PURPOSES, PERMITS THE SAME REPLACEMENT WITH REPLICA METAL CLAD WINDOWS.

WE SUBMIT THAT A CHANGE IN THE GUIDELINES BE MADE TO ALLOW OWNERS TO MAKE A CHOICE THAT MEETS THEIR NEEDS AND BUDGET ON ALL 2ND STORY WINDOWS.

THAT OWNERS BE ALLOWED A CHOICE TO REPLACE WINDOWS WITH EITHER REPLICA METAL CLAD WOOD WINDOWS OR ALL WOOD WINDOWS.

IT COULD BE ARGUED AND BEGS THE QUESTION THAT THIS APPLIES TO ALL 2ND STORY WINDOWS, WHETHER FAILED OR NOT.

WHO WANTS TO OWN A BUILDING PAYING FOR THE RESTORATION OF SINGLE PANED GLASS WINDOWS THAT ARE A SAFETY HAZARD, ENERGY INEFFICIENT, SOUND INEFFICIENT, REQUIRING A CUSTOM MADE STORM WINDOW AND A CUSTOM MADE SCREEN ALL TO BE PAINTED AND MAINTAINED? IT'S HARD TO FATHOM WHEN HISTORICALLY CORRECT WINDOWS ARE AVAILABLE THAT SOLVE ALL THESE ISSUES.

MANY OWNERS PURCHASED HISTORIC BUILDINGS BEFORE THE NEW WINDOW GUIDELINES WERE WRITTEN.

EXAMPLES:

THE BOAT HOUSE, THE PALACE HOTEL

WE DID.

RESTORING A HISTORIC BUILDING IS A COMMUNITY SERVICE. TAXES AND RENT IN SALIDA ARE NOT IN BALANCE WITH THE COSTS OF HISTORIC RESTORATION. THE GUIDELINES AS WRITTEN ARE NOT IN BALANCE WITH THE ECONOMICS OF OUR TOWN AND TIMES. PEOPLE WHO HAVE PURCHASED OR RENT IN OUR

HISTORIC DISTRICT WANT QUALITY, FUNCTIONAL, SAFE AND LOW MAINTENANCE WINDOWS.

GUIDELINES ARE WRITTEN BY A TOWN'S HPC TO SUPPORT AND AID HISTORIC PRESERVATION. THEY ARE REQUIRED TO REFLECT THE ECONOMIC DEMOGRAPHIC OF THEIR TOWN, BE FLEXIBLE, AND ADAPT GUIDELINES THAT ARE BENEFICIAL TO THE ECONOMIC DEVELOPMENT OF THEIR COMMUNITY. HISTORIC BUILDINGS IN OUR DOWNTOWN IF NOT BROUGHT UP TO COMPETITIVE STANDARDS WILL NOT MAKE OUR DOWNTOWN A VIABLE AND DESIRABLE PLACE TO LIVE. ECONOMIC HARDSHIP, SPECIFIC CLIMATE CONSIDERATIONS, SAFETY, ENVIRONMENTAL EFFICIENCY, AND PRACTICAL MAINTENANCE NEED TO BE INCLUDED IN THE EQUATION IN BALANCE WITH HISTORIC AESTHETICS.

AS A BUILDER AND CRAFTSMAN FOR 40 YEARS AND MY WIFE A FORMER HP COMMISSIONER, WE FEEL COMPELLED TO SPEAK ON BEHALF OF THE RESTORATION AND REVITALIZATION OF OUR DOWNTOWN AND BUILDING OWNERS. THE RESTRICTIONS AND COSTS THAT CURRENT GUIDELINES IMPOSE ARE HINDERING THE ECONOMIC GROWTH AND REDEVELOPMENT OF OUR DOWNTOWN. THEY ARE AN UNNECESSARY BURDEN TO PRESENT AND FUTURE HISTORIC BUILDING OWNERS.

THANK YOU FOR YOUR TIME AND CONSIDERATION.

The **less prominent façades**, if present, are those which face an alley yet are highly visible from the street, and do not typically contain all the embellishments and design elements of the primary façade. These façades allow for in-kind window replacement, if a qualified historic preservation specialist determines that the original windows are beyond repair. Replacement and repair requirements are those indicated for the Primary Façade.



230 F St, McKenna Building – The left side of the building has undergone an inappropriate window replacement.

Guidelines

1. Repair of the original windows is the preferred option.

- Repairs shall match the appearance of the original window, including glazing.
- 2. Preserve the functional and decorative features of a historic window.**
- Features important to the character of a window include its frame, sash, muntins, mullions, glazing, sills, heads, jambs, moldings, operation and groupings of windows. Repair frames

and sashes rather than replacing them, whenever conditions permit.

3. Preserve the position, number and arrangement of historic windows in a building wall.

- Enclosing a historic window opening in a key character-defining facade is inappropriate, as is adding a new window opening. This is especially important on primary façades where the historic ratio of solid-to-void is a character-defining feature.
- Existing windows should remain uncovered, even if they are no longer used.
- Greater flexibility in installing new windows may be considered on rear walls.

4. Preserve the size and proportion of a historic window opening.

- Reducing an original opening to accommodate a smaller window or increasing it to receive a larger window is inappropriate.
- Making a window opening into a door opening is preferable to installing a new door opening.

5. Preserve the historic ratio of window openings to solid wall on a primary facade.

- Significantly increasing the amount of glass on a character-defining facade will negatively affect the integrity of the structure.

6. Replacement windows shall match exactly the appearance, function and materials of the original including glazing, including leaded and stained or painted glass.

- a. Match a replacement window to the original in its design.



GENERAL DEVELOPMENT APPLICATION

124 "E" Street
P.O. Box 417, Salida, CO 81201
Phone: 719-539-4555 Fax: 719-539-5271
Email: planning@cityofsalida.com

1. TYPE OF PROJECT

- Annexation
- Building Permit Application
- Conditional Use Permit
- Certificate of Appropriateness
- Final Planned Development – Major
- Final Planned Development – Minor
- Historic Landmark/District
- Map Amendment to Land Use Code (Zoning/Rezoning)
- Overall Development Plan – Major
- Overall Development Plan – Minor
- Subdivision Exemption
- Subdivision - Minor
- Subdivision - Major
- Text Amendment to Land Use Code
- Variance
- Other: _____

2. GENERAL DATA

A. Applicant Information

Name of Applicant: WILLIAM & MARGARET BARTON

Mailing Address: 14003 C.R. 220 SALIDA, CO

Telephone Number: 719-539-5300 FAX: SAME

Email Address: peggychip@aol.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: OLD UNION HOTEL BLDG.

Street Address: 130 W. 1st SALIDA

Legal Description: Lot 21 Block 5 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 William H. Barton Date 5-12-10

Signature of property owner William H. Barton Date 5-12-10

Operable
Window w/ leaded
glass

Staff Use Only

Permit #: _____ Staff member assigned: _____ Public meeting Date: _____

Staff Comments: _____

Fee: _____ Receipt #: _____

DESCRIPTION ON PROJECTS EXTERIOR: FRONT FACADE -

- REPLACE 2 FRONT DOORS WITH PAINTED WOODEN DOORS WITH RAISED PANEL BOTTOM & GLASS ABOVE.
- REPAINT ALL CURRENTLY PAINTED SURFACES
- INSTALL RAISED PANEL (PLYWOOD & SOLID WOOD TRIM) ALONG STORE FRONT FACE - PAINTED FINISH
- APPLY NEW HEAD PIECE & CORBELS ABOVE TRANSOM WINDOWS THESE PIECES WILL BE CONSTRUCTED WITH PLYWOOD & SOLID WOOD
- INSTALL NEW TRANSOM WINDOWS WITH CLEAR NON-REFLECTIVE GLASS & RESTORE JAMBS & STOPS WITH SOLID WOOD (PAINTED)
- RESTORE CORNICE & FRIEZE BY SANDING, FILLING & PAINTING
- HANG NEW WINDOWS IN 2ND FLOOR OPENINGS WITH SEMCO DOUBLE HUNG REPLICAS
- INSTALL SOLID WOOD TRIM (PAINTED) AROUND DOORS, WINDOWS

EAST WALL -

- INSTALL SEMCO DOUBLE HUNG WINDOWS IN OLD WINDOW OPENINGS
- PAINT WALL FLASHING CAPS (wood w/ metal clad)

REAR WALL

- REBUILD TOP HALF OF WALL - POUR CONCRETE BEAM, FRAME DOUBLE STUD WALL, STUCCO FINISH WITH BRICK ACCENTS
- CONSTRUCT BLOCK & BRICK MECHANICAL CHASE IN CENTER OF BACK WALL
- INSTALL NEW WOOD DOORS & WINDOWS - PAINTED

BACK DECK

- REINFORCE DECK WITH MORE WOODEN BRACES
- SAND & STAIN DECKING BOARDS
- REPLACE RAILINGS WITH SOLID WOOD DECORATIVE ELEMENTS

OLDER THAN DIRT



CONSTRUCTION LLC

Mike and Colleen Perschbacher 1416 G Street Salida, CO 81201
Phone/Fax 719-539-6177 olderthandirtconst@hotmail.com

June 13, 2010

To whom it may concern,

At the request of Chip and Peggy Barton, Older Than Dirt Construction examined the 4 original windows facing 1st Street, in the second story of the building located at 130 West 1st St. Salida, CO on June 11, 2010. The purpose of the examination was to develop a restoration plan based on the condition of the windows. Budgeting, energy efficiency, ventilation, sound mitigation, and exterior appearance were taken into consideration.

Existing conditions

The windows do not have weight pockets but rather used sash pins to hold open the lower sash with the upper fixed in place. Given the age of the building (counter weighted windows were readily available), this is a reflection of a lower priced (quality) window.

The jambs and sashes are in poor to fair condition and reflect the harsh southwest sun exposure as well as lack of past maintenance. One of the lower sashes has been totally replaced; it does not match the original sashes both in size and molding profile. This sash is too narrow for the jamb opening and it does not raise and lower as intended. The upper and lower sashes, of this window, do not meet properly and cannot be weather sealed. The meeting rails on upper sashes in three of the windows have sagged due to the weight of the glass (a common problem) and no longer meet the lower sash as intended. All of the exterior wood shows severe weather checking.

Recommendations

While restoration is possible (as with all windows) it is not deemed practical in this case. At least one new sash will be needed to replace the "new" sash and most of the remaining sashes would need replacement parts to repair sagging and weather checking. This work would not address energy, sound or budget concerns. We would therefore recommend one of the following, either of which will match the historic appearance while addressing previously mentioned concerns;

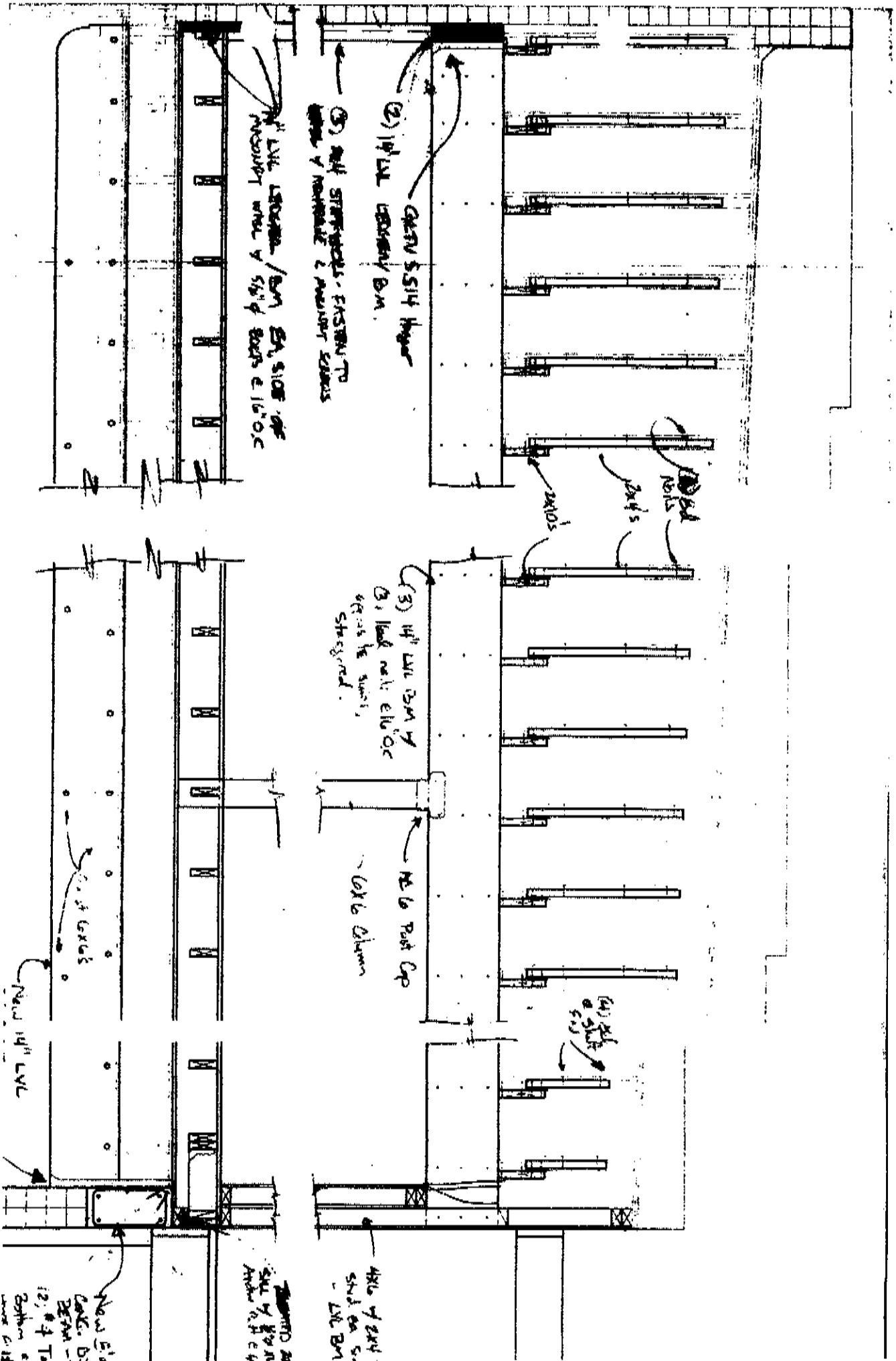
- Jamb restoration in conjunction with new thickened (1 3/4" vs. 1 3/8") wood sashes to allow for the installation of thermo-pane glass. This is possible because of the lack of counterweights; the added weight of the sash can be mitigated by tension springs as well as sash pins, the upper sashes would be fixed in place by screens under them.
- Total window replacement with historically appropriate wood windows.

If you have any questions please feel free to call for clarification.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Perschbacher", followed by a horizontal line extending to the right.

Mike Perschbacher



② 14" LVL CEILING BM.
 ③ SELF STRENGTHING - FASTEN TO
 WALLS & NON-LOADING & NON-SUPPORT EXTERIORS

③ 14" LVL BM w/
 ② 1 load nail: e1/8" OC
 against the wall,
 staggered.

1/2" x 6" Post Cap
 1" x 6" Column

4" x 6" of 2x4
 SHD on 5"
 - LVL BM

THROTTLED BY
 SILL OF 2x4 IN
 AREA OF R. # 4

New 5'1
 CONC. D
 BEAM -
 12" x 4 To
 Bottom of
 level 2.14

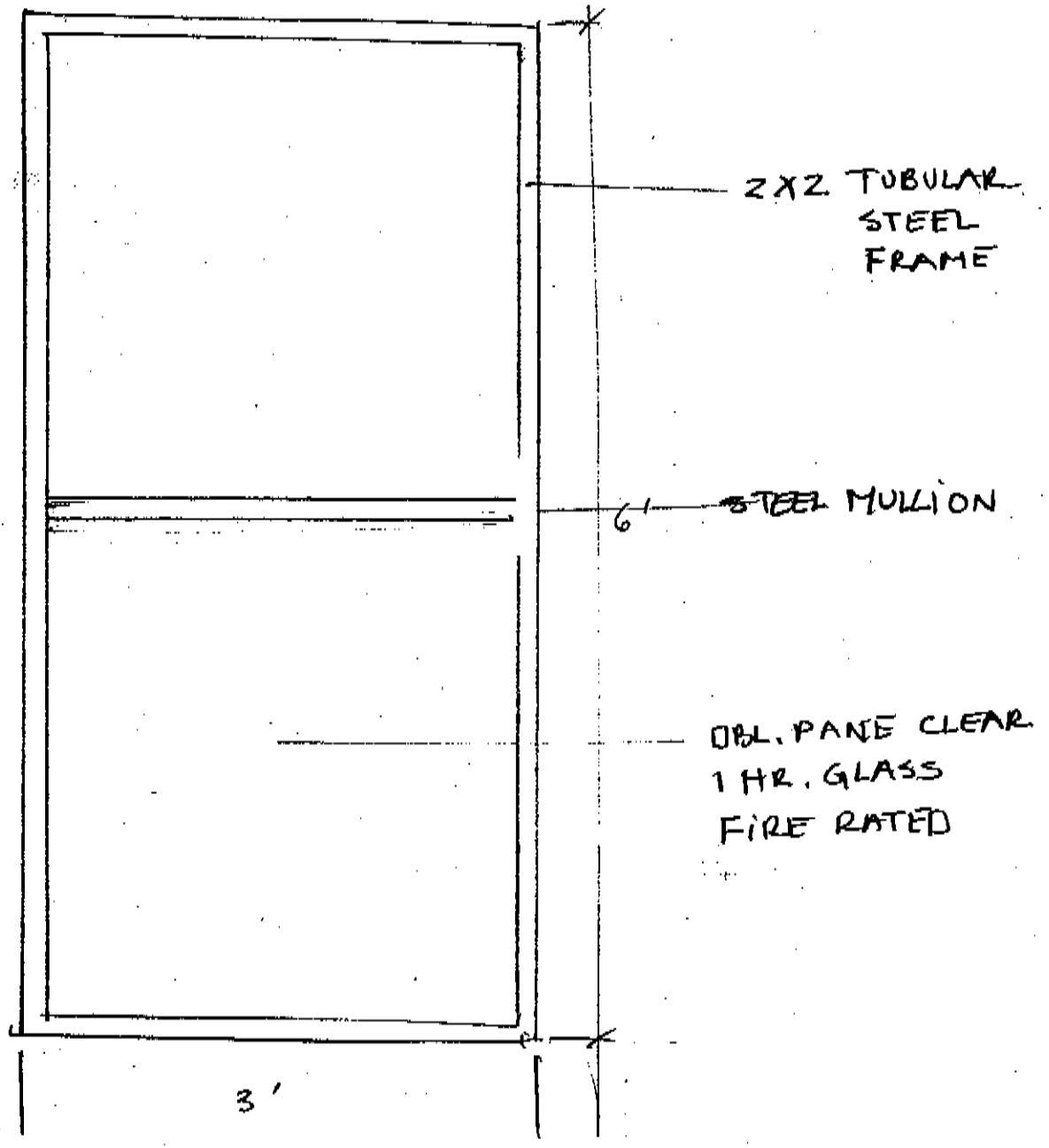
New 14" LVL

1" x 6" GRG

WOOD
 NAILS
 BRAYS

(4) 2x4
 @ 5'13"

1 HR FIRE WINDOW FIXED



Proposed Remodel of 130 W. 1st St.
2 Studio Apartments/Egress has been resolved

- **Front Side (South Wall)**
 - **Paint & Restore Front Façade Brick & Trim**
 - **Fabricate & Install New Head Piece (Douglas Fir) Frame & Raised Panel**
 - **Replace Doors (Douglas Fir Frame with tempered Glass**
 - **Fabricate & Install New Transom Piece (D.Fir)**
 - **Install New Glass in Transom Windows**

- **East Wall**
 - **Remove Existing Aluminum Windows**
 - **Install One 1 HR Fire Rated Fixed Window in North Quadrant of East Wall in Existing Brick Opening (1) window**

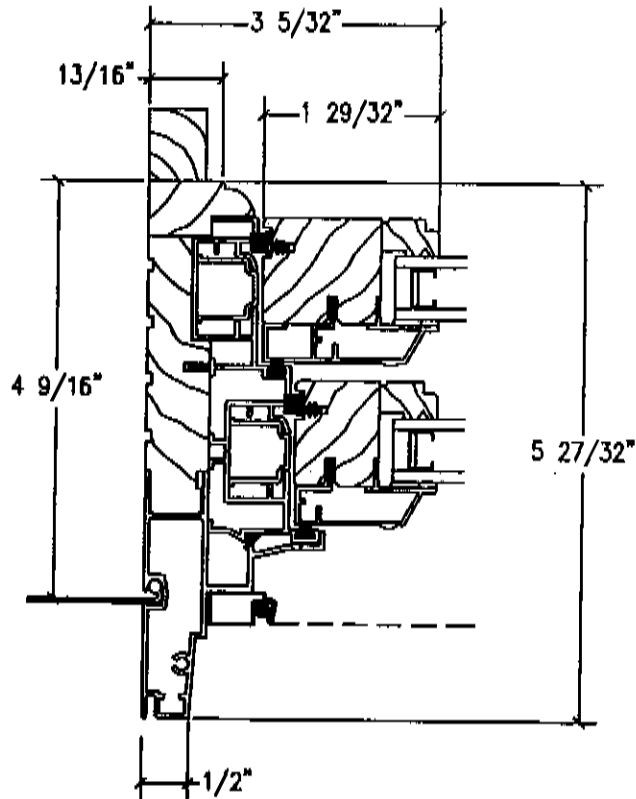
- **North Wall**
 - **Demo Top Half of Existing Brick Wall (stuccoed)**
 - **Pour New Lintel (concrete)**
 - **Rebuild Wall from Lintel to Roof with Double 2 x 4 Wall with 2" Separation**
 - **Install New Wood Clad Doors & Window**
 - **Re-Stucco Entire Wall**
 - **Add Structural Bracing to Existing Deck – (Milled 4 x 6)**
 - **Replace Existing Railing with Decorative Railing**
 - **Add wood Framed Trellis Above Deck**
 - **Build New Mechanical Chase (2 x 4 Frame, Plywood Sheathed & Brick Veneered**
 - **Remount Mechanicals (HVAC Unit, Elec. Meters)**

Chip Berton

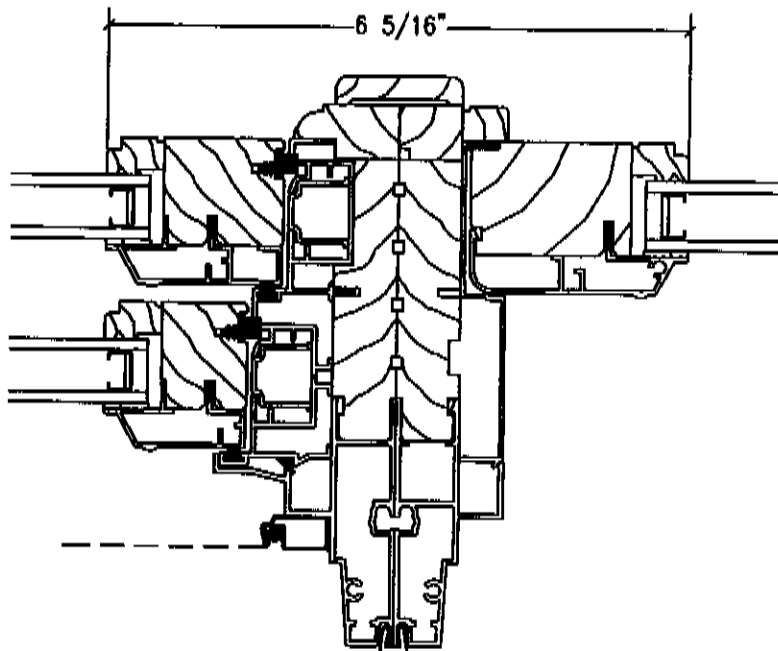
SEMCO
WINDOWS & DOORS

Double Hung
Triple Picture Cross Sections

SCALE: 6" = 1'-0"



JAMB SECTION

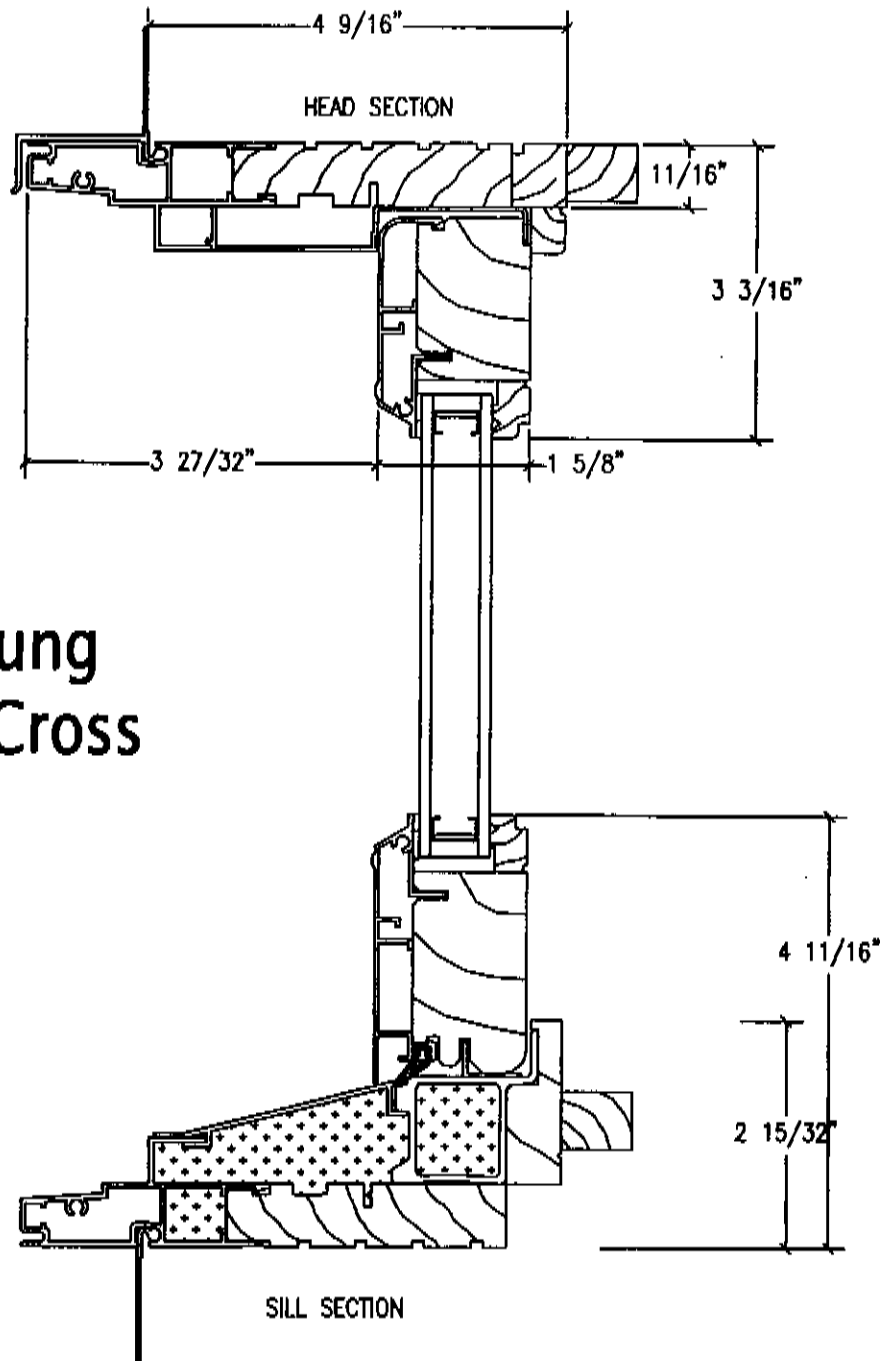


MULL SECTION

SCALE: 6" = 1'-0"

SEMCO

WINDOWS ■ DOORS



**Double Hung
Triple Picture Cross
Sections**

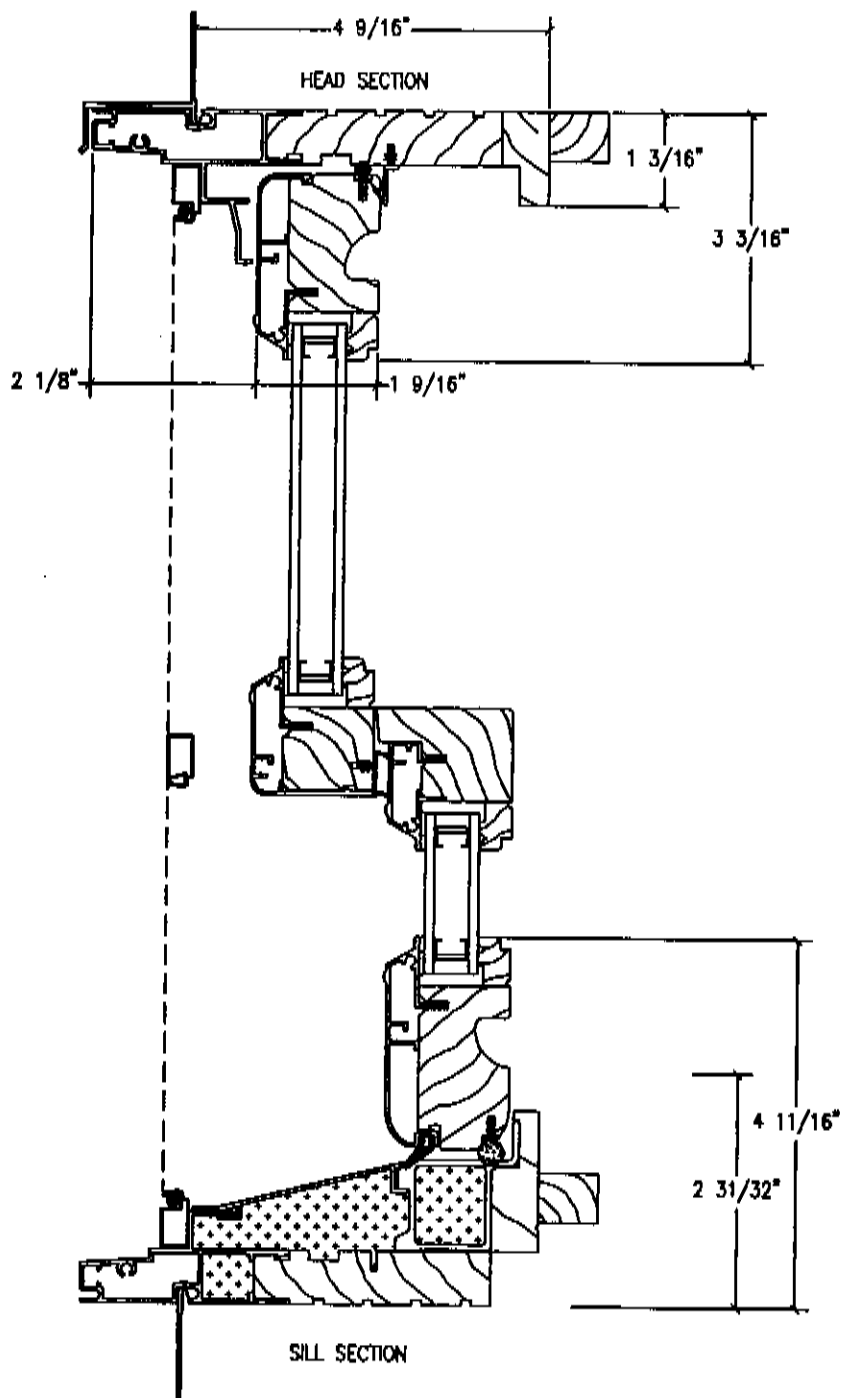


SEMCO
WINDOWS & DOORS

**Double Hung
Triple Picture Cross Section!**

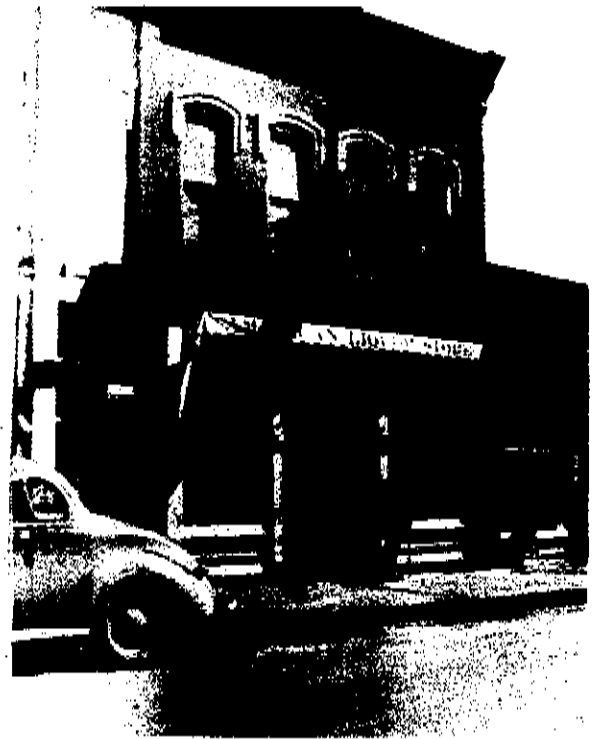


SCALE: 6" = 1'-0"





union block 1937





Donna Nevens Collection

Denver and Rio Scenic Line Band members march eastbound on First Street approaching F Street in curb-hugging lines as they dodge "road apples" dropped by horses ahead. To the right of the Union Hotel is an assayer and chemist. Henry's Place, a saloon, is in the fame building. Manful's Barber Shop is at the right. All the buildings remain except the saloon.

List of Current Exterior Materials and Finishes For 130 West 1st ST. Old Union Hotel

Façade

painted brick and painted wood

Front Windows

1st floor windows are all fixed, single pane glass and not original aluminum molding

2nd floor windows are degraded painted wood, single pane, double hung and not original

Entry

kick-plates dark rough brick and not original

front door and secondary door not original

Cornice, Corbels, Frieze

at roof line are original and painted wood with some missing elements

Secondary Cornice painted wood 1X10 and not original

East Wall

original brick , 2 original windows filled in with brick and 2 replaced with smaller aluminum windows

North Wall

stucco finish over brick with significant cracking and spalling

1st floor solid wood door and sliding wood door exist on both not original

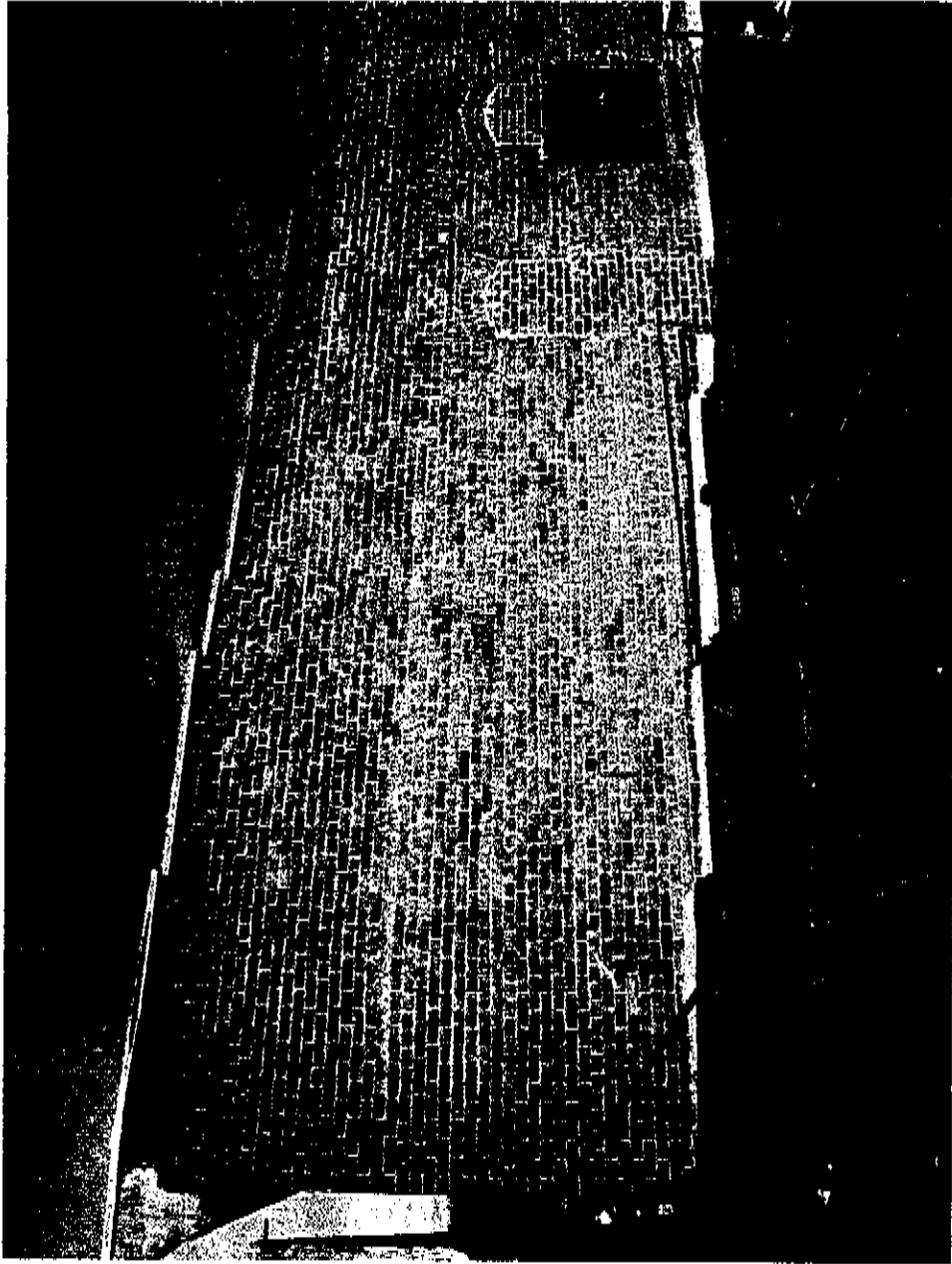
2nd floor deck and staircase both treated lumber and not original

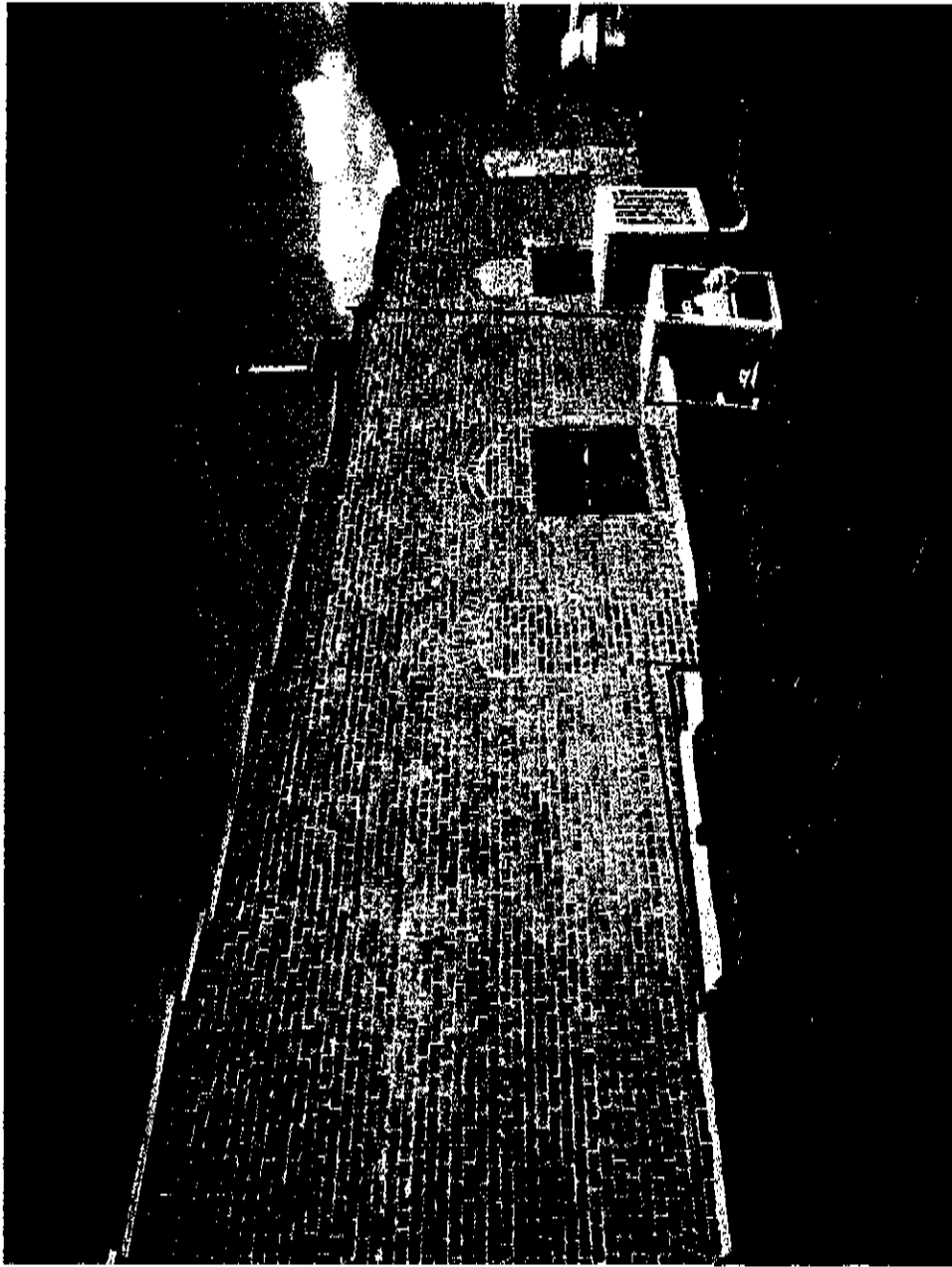
(2) wood doors not and original

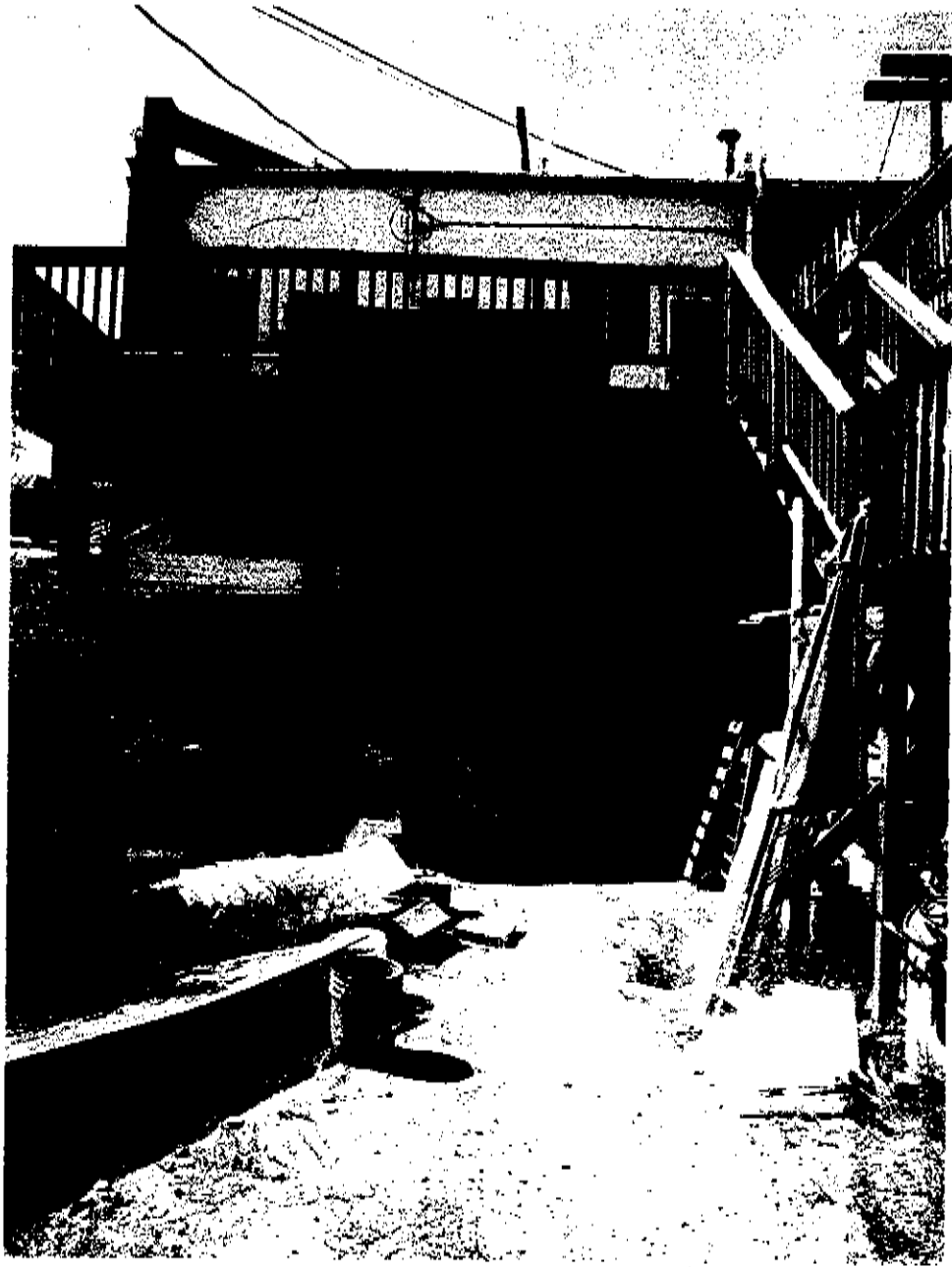
(2) aluminum windows and not original











CHANGE THAT VARIES FROM THESE CONSTRUCTION DOCUMENTS

DO NOT SCALE THESE DRAWINGS. LOCATION OF ALL UTILITIES SUCH AS ELECTRICAL, GAS, CABLE TV, WATER AND SEPTIC SHALL BE VERIFIED BEFORE EXCAVATION BEGINS.

ALL WORK CONNECTED WITH THIS PROJECT BY ANY TRADE INVOLVED SHALL BE OF THE HIGHEST QUALITY ATTAINABLE IN ACCORDANCE WITH THE PROFESSIONAL PRACTICE TRADE

NORTH F STREET

NORTH G STREET

WEST 1ST STREET

ALLEY

PROPERTY LINE

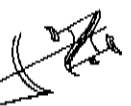
DRIFT, PARKING

EXIST. FENCE

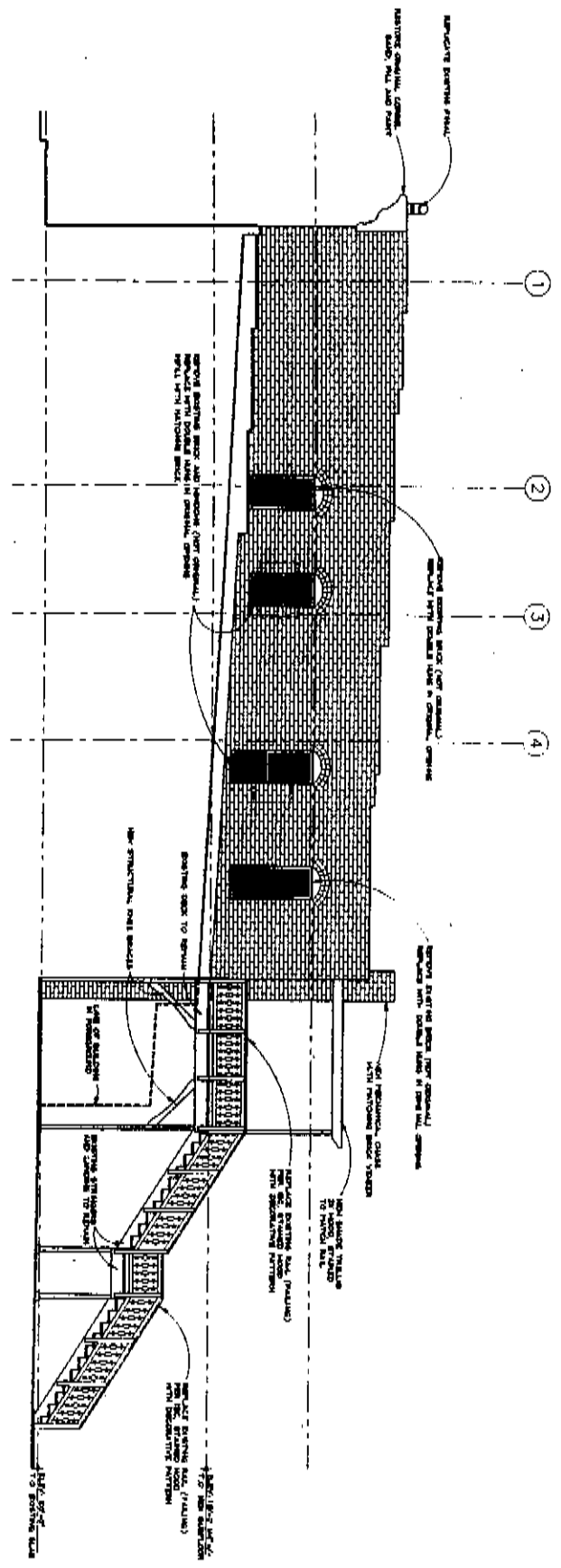
EXIST. STAIR

DRIFT, DECK

EXISTING BUILDING ENVELOPE TO REMAIN THE SAME

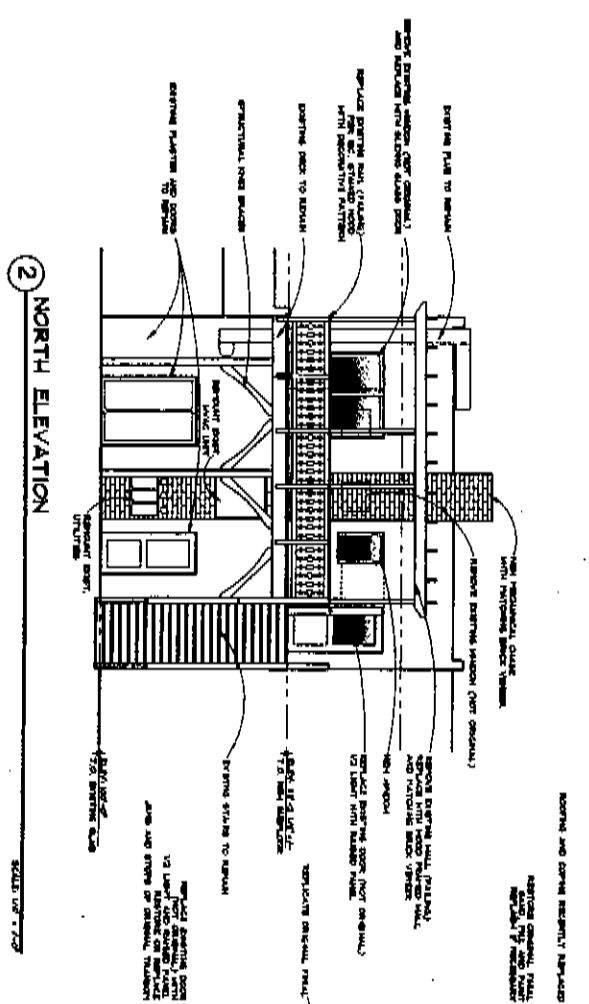


BITE PLAN



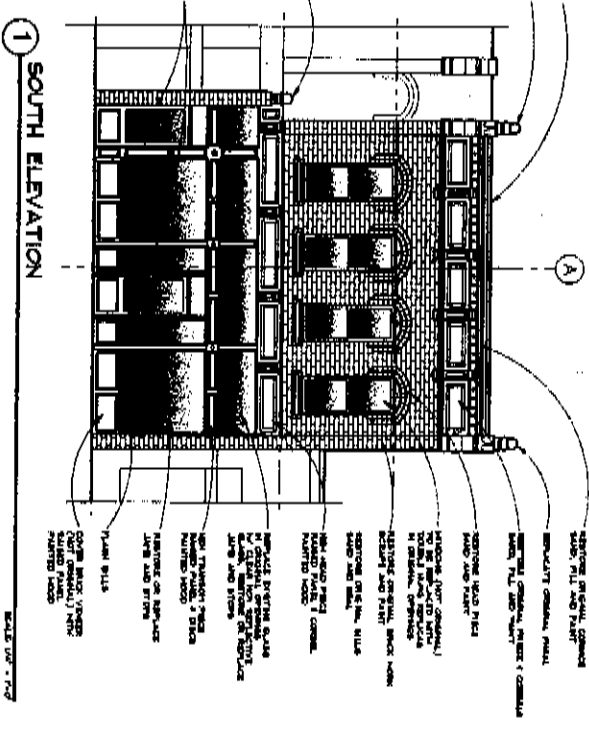
3 EAST ELEVATION

SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION

SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION

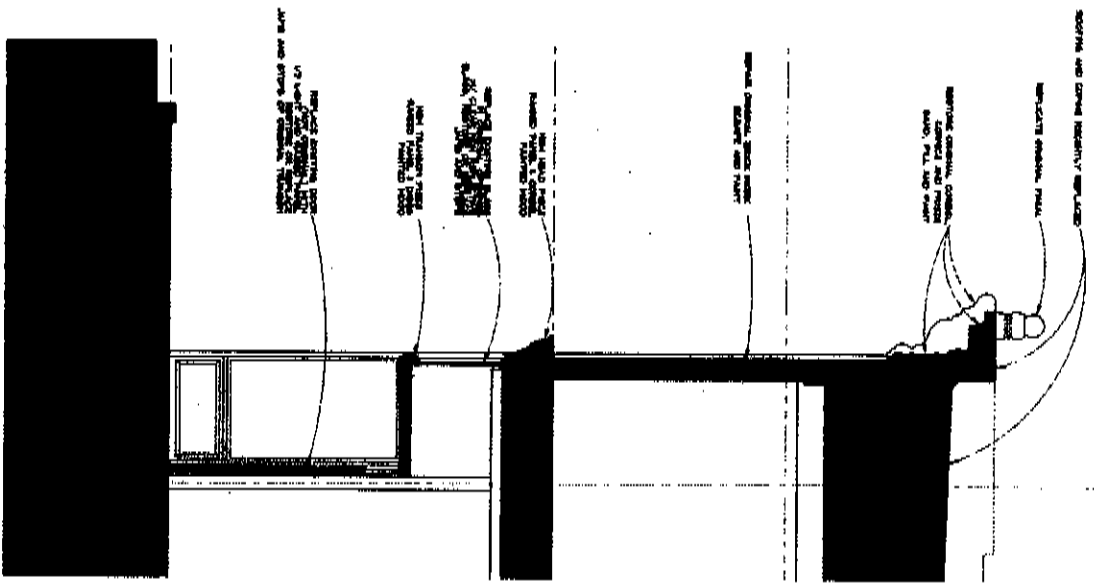
SCALE: 1/8" = 1'-0"

| | | |
|--|--|---|
| <p>DATE: 08/11/11</p> <p>PROJECT: THE UNION HOTEL</p> <p>NO. 100</p> <p>11/11/11</p> | <p>A RENOVATION AND REMODEL FOR:</p> <p>THE UNION HOTEL</p> <p>130 WEST FIRST STREET SALIDA, COLORADO</p> | <p>WAGNER DESIGN STUDIO</p> <p>2740 ACME LAKE, SUITE 304 • STEARNOY SPRINGS, CO 80497</p> <p>PHONE : 970 846 6965 • E MAIL: info@wagnerdesignstudio.com</p> |
|--|--|---|

A-2

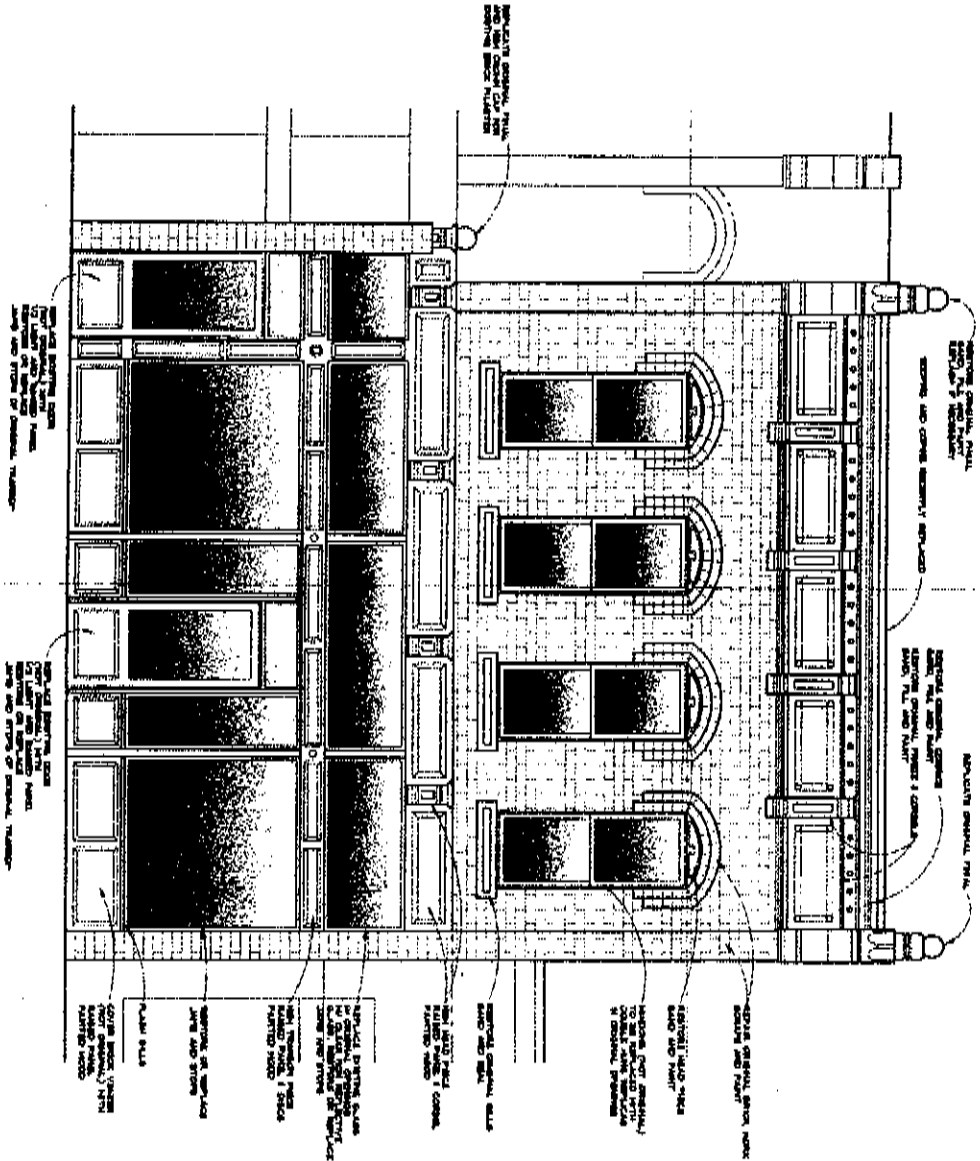
1 BUILDING SECTION

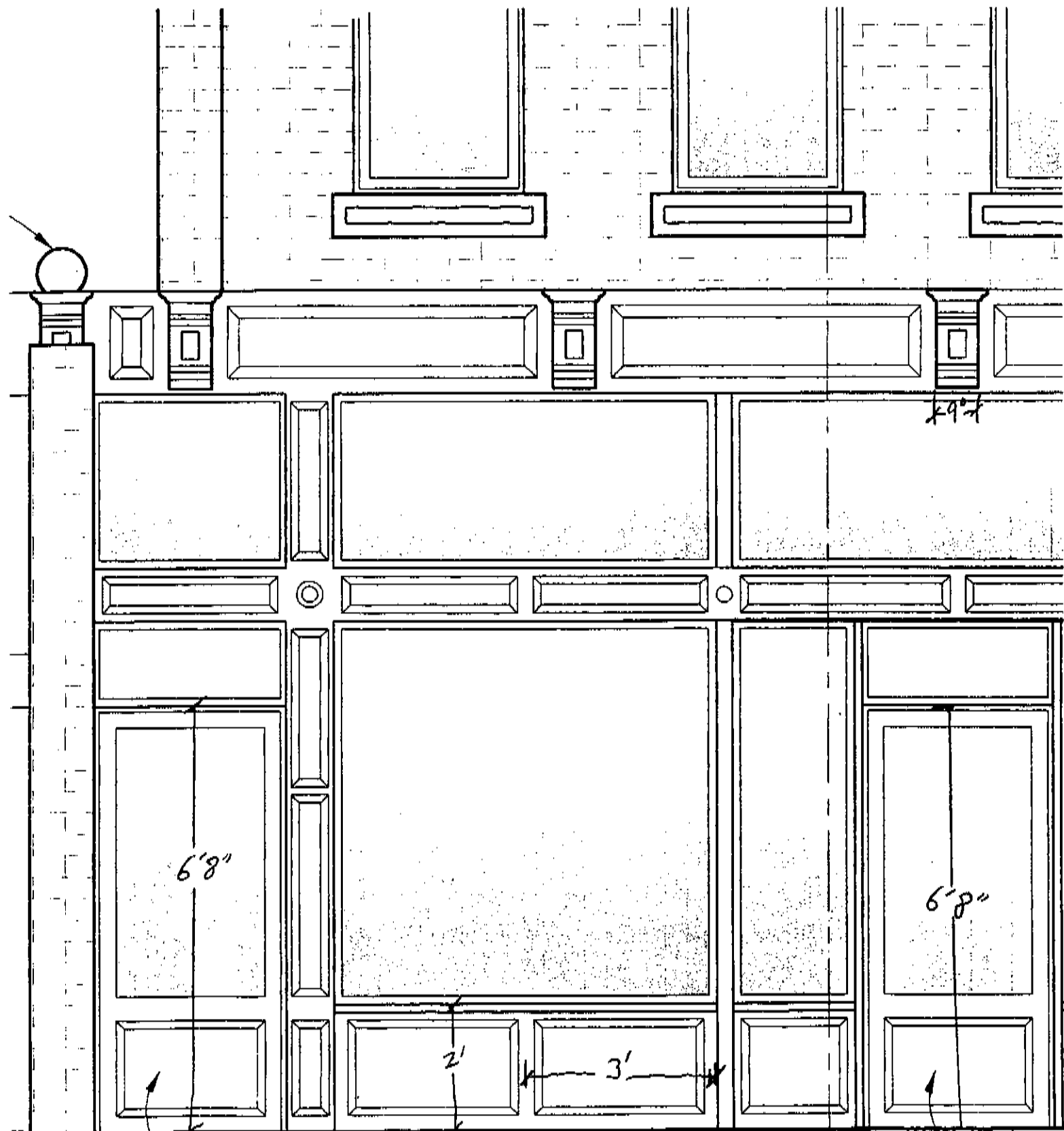
DATE: 07-17-12



2 SOUTH ELEVATION

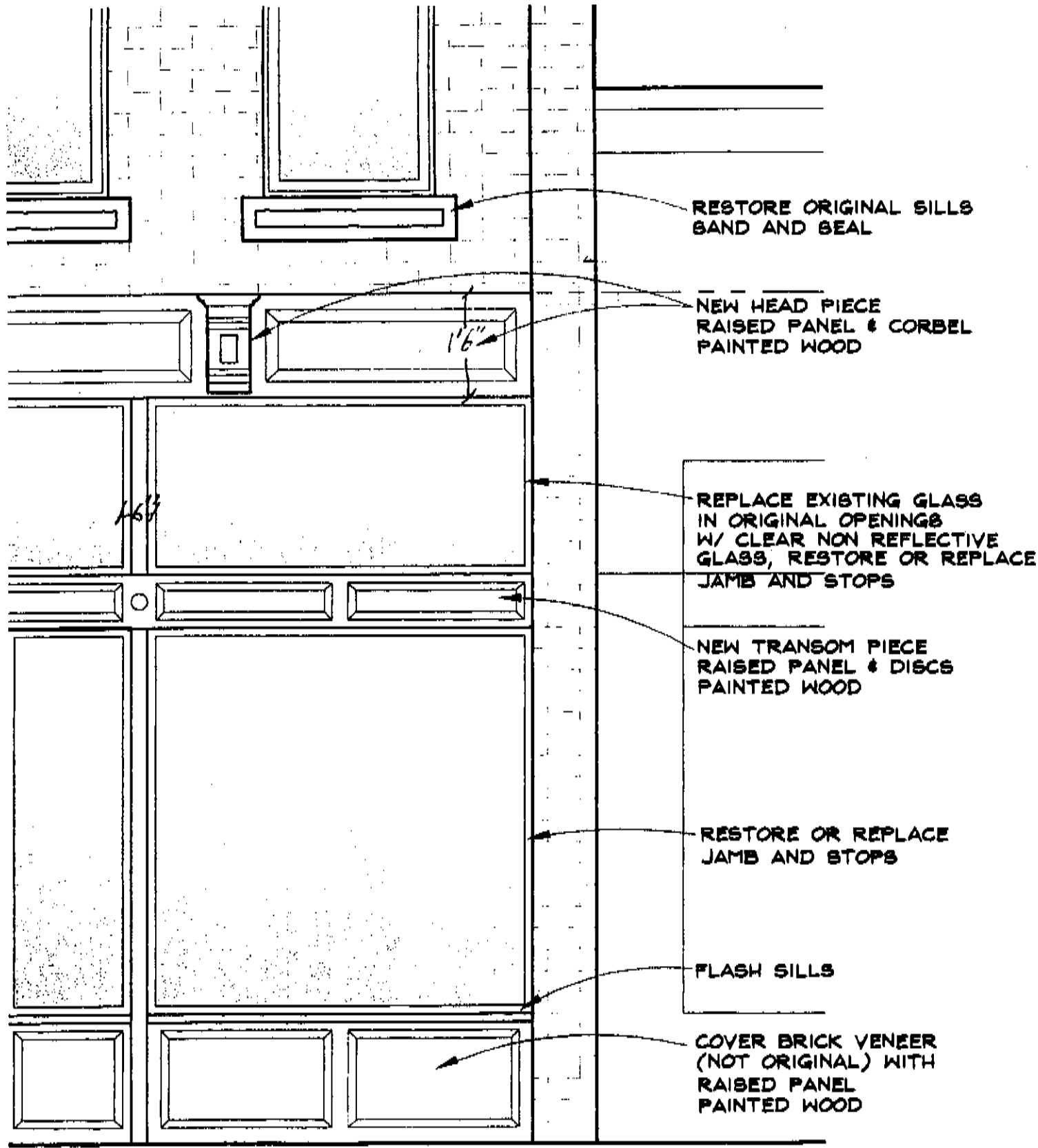
DATE: 07-17-12



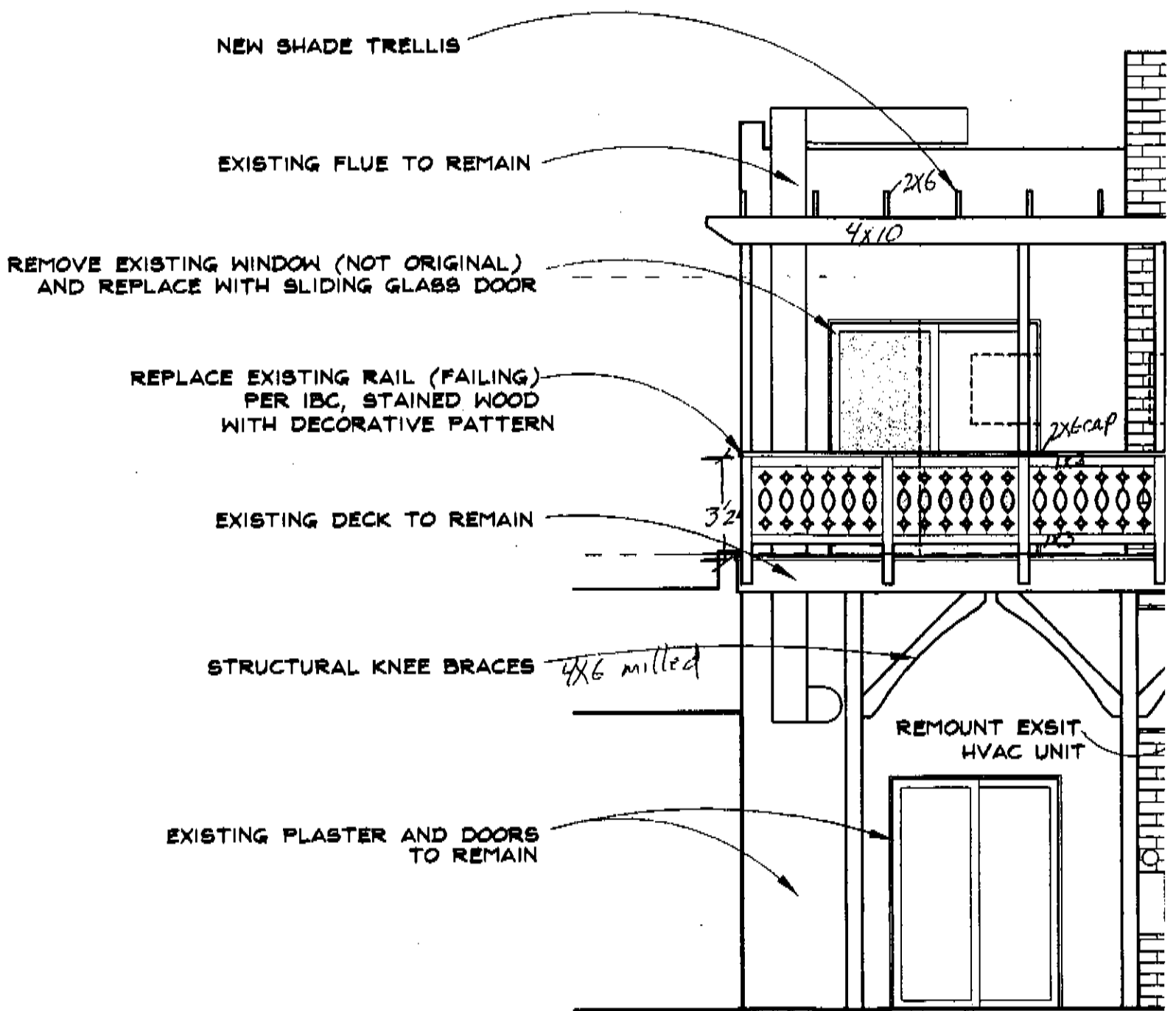


3' x 9" x
 REPLACE EXISTING DOOR
 (NOT ORIGINAL) WITH
 3/4" 1/2 LIGHT AND RAISED PANEL
 RESTORE OR REPLACE
 JAMB AND STOPS OF ORIGINAL TRANSOM

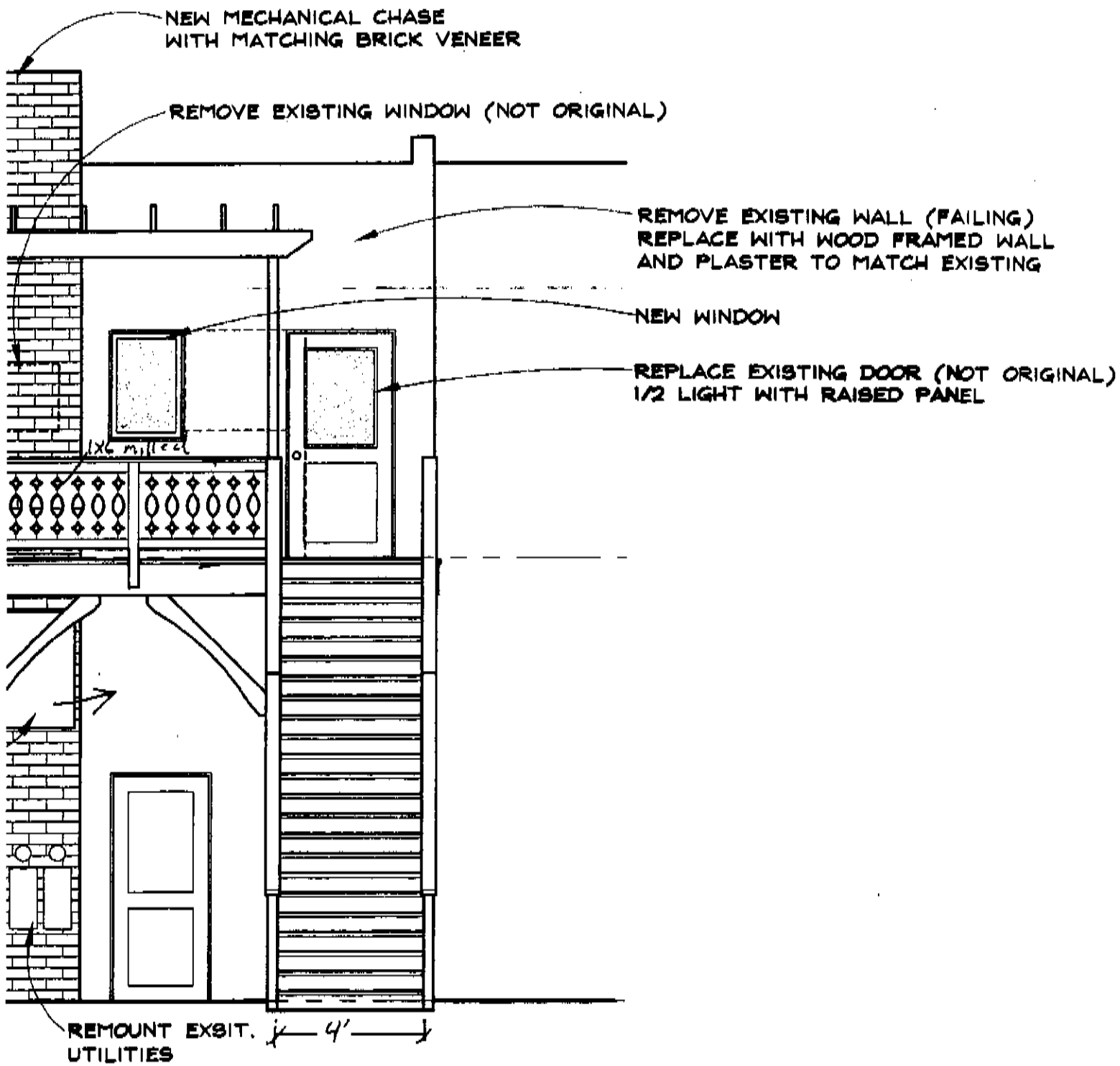
3' x
 REPLA
 (NOT
 1/2 LIG
 RESTO
 JAMB



CE EXISTING DOOR
 ORIGINAL) WITH
 HT AND RAISED PANEL
 RE OR REPLACE
 AND STOPS OF ORIGINAL TRANSOM



② NORTH ELEVATION



DN

SCALE: 1/4" = 1'-0"

11A EAST 51MS

1A11A 2011

WINDBOW VERI CUT



11A

11A

11A

11A

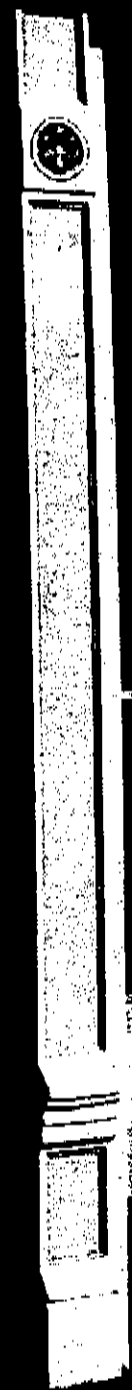
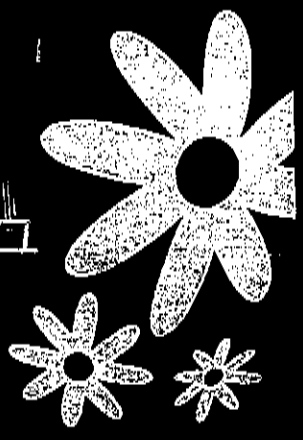
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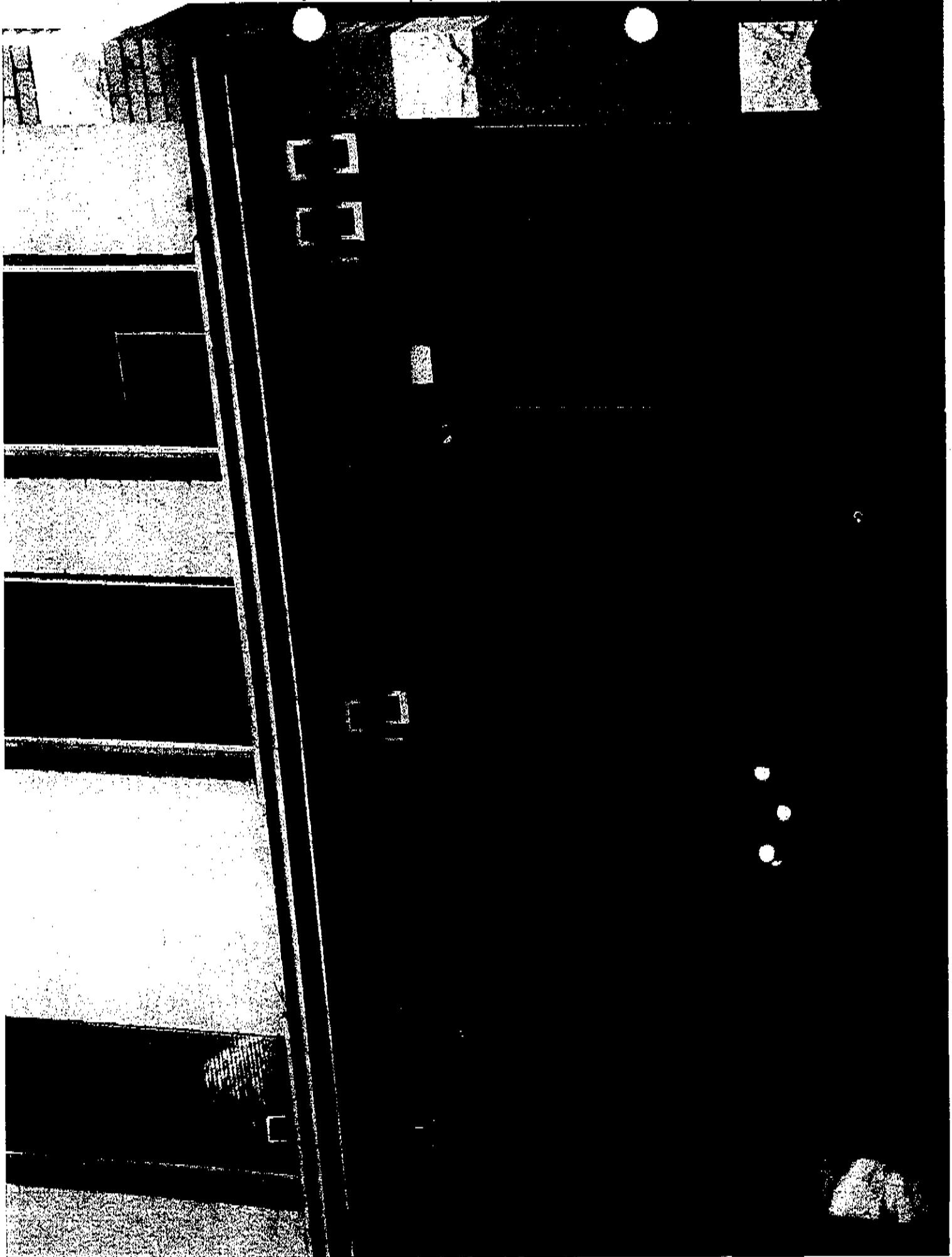
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molding details

gifts

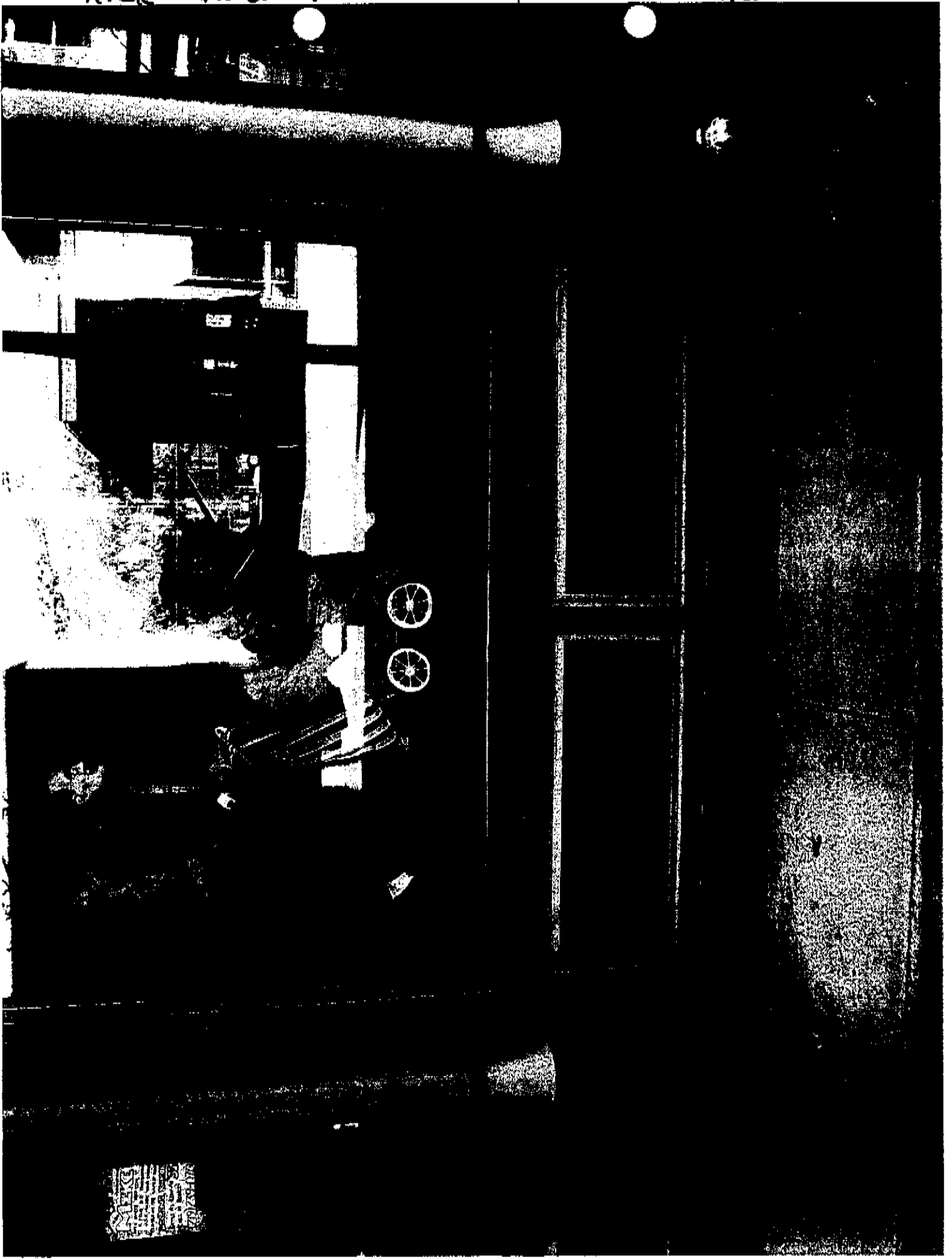


CORBEL & HEAD PIECE DETAIL 1/3 EAST SACKO -



KICK PANEL DETAIL

127 East First Street



MEETING DATE: Thursday, June 24, 2010
MEETING TIME: 5:00 p.m.
MEETING LOCATION: City Council Chambers, 448 East First Street, Suite 190, Salida, CO

Present: Powell, Walker, Alexander, Francis, Krebs, Jefferson, MacDonald
Absent: Beverley

I. CALL TO ORDER: Powell called the meeting to order at 5:00 pm

II. APPROVAL OF THE MINUTES – May 4, 2010 – Walker made the motion to approve the minutes and **Francis** seconded. All voters were in favor and the motion passed.

III. UNSCHEDULED CITIZENS

IV. AMENDMENT(S) TO AGENDA- Powell asked to discuss a number of outstanding items under Unfinished business

V. PUBLIC HEARINGS

1. **Union Block, Calvin Furniture & Second Hand Goods; William and Margaret Barton - Certificate of Appropriateness – 130 West First Street** - The request is to receive a Certificate of Appropriateness for exterior alterations on the front façade, east wall and the rear wall of the Union Block, Calvin Furniture & Second Hand Goods; at 130 West First Street.

- A. **Open Public Hearing – 5:05 p.m.**
- B. **Staff Review of Application:**

Jefferson- Presented the application for a Certificate of Appropriateness for the alterations to the north, south and east exterior walls at 130 West Sackett. **Jefferson** summarized the information in the staff report making a recommendation of approval with the following four conditions, (1) that the approval is for the plans submitted with the changes noted by staff including that the height of the kickplate is 30” and the doors on the front façade are ¾ light, (2) that the mid-band cornice will extend over the brick column on the west end of the front façade rather than placing a finial in this location, (3) that additional modifications to the exterior will require a new application and further review and (4) that this approval expires in three years if the work has not been substantially completed.

Walker stated that the staff report gave only one option from the Older Than Dirt Construction window evaluation and she wanted to clarify that Older Than Dirt actually gave two recommendations for the second story front facade windows. **MacDonald** explained that the reason only the total window replacement was used in the staff report was because the applicants were requesting to replace the windows and the restoration of the four windows would be cost prohibitive. **Francis** asked if Older Than Dirt is considered a professional historic reference and **MacDonald** said yes that they are very qualified because they have done a substantial amount of restoration work and have taught a class on window restoration. **Powell** stated that Older Than Dirt has also put on workshops funded by the State Historical Fund. **Alexander** stated that Mike Perschbacher is one of the best window restorers in the state.

- C. Applicant's Presentation: Ian Wagner of Steamboat Springs, architect for the applicants**, explained that the applicants would like to restore the front façade as close to its' original appearance as it appeared back in the late 19th century. The intent is to restore and repaint the frieze and cornice and repaint the brick. The existing aluminum cladding and trim around the windows will be replaced with painted wood trim. The non-original kickplate will be replaced with raised panel painted wood. The two replacement doors will be ¾ light raised panel painted wood doors. The plan for above the transom windows will be a new head piece with raised panels and small cornices that will be inspired by the original cornice but will be shortened and flashed with copper. The applicants would also like to flash the window sills with copper. The brick and plaster will be wire brushed and repainted and the finials will be restored and replaced.

The request for the east wall includes; the northernmost window will have the brick removed and a one-hour fire rated metal double hung window will be placed in the original opening, the two small altered windows will be removed and completely bricked in with matching brick and at this time the southernmost window will be left as is. **Powell** asked for clarifications on the windows on the east side and **Wagner** stated that there are 4 original openings and two have been bricked up and two have been shortened and replaced with aluminum sliding windows. The applicant is leaving the southernmost bricked opening, removing the brick from the northernmost bricked opening and installing a one-hour fire rated metal window and they requesting to brick in the two existing shortened openings. **Wagner** also told the Commission that in future, as funds allow, the applicant would like to install one hour double hung windows in the original openings. **Powell** asked why they want to brick in the openings and **Wagner** said that the metal windows are completely failing and need to be replaced but the applicants do not have the funds at this time to install the required one-hour fire rated windows. **Powell** expressed to the applicants that the State Historical Fund will grant monies for the restoration of windows. **Francis** asked for clarification on what exactly is being asked of the commission to approve for the east wall and **Wagner** explained that the applicant is requesting to remove all of the existing brick in the existing northernmost window and installing a one-hour fire rated double hung replica window and the remaining three openings will be bricked in. **Walker** asked that with this application are they only reviewing the replacement of one window for the east wall and an application will be submitted in the future for the remaining three windows and **Wagner** said yes.

Wagner explained the request for the rear wall; the second floor brick wall is failing and the bricks will be removed and replaced with a wood framed wall which will be plastered to match the first floor rear wall, covering a non-historic window and door and installing a wood sliding glass door and replacing a second existing non-historic window with a wood window and the existing door be replaced with ½ light wood door. The mechanical chase will also be rebuilt with reclaimed brick. The existing deck will be reinforced, sanded and re-stained and the railings will be replaced with new decorative wood panels.

Krebs asked if the applicants are proposing to install the Kolbe window that has been brought in as a sample or the proposed Semco metal clad windows that was supplied with the application. **Barton** stated that the Kolbe window was brought in as a sample of what the window will look like but they are requesting to use the proposed Semco metal

clad windows on the front façade. **Barton** brought in the proposed Semco window for the Commission to review.

Powell asked the applicant to clarify the details of the proposed kickplate. **Krebs** asked the applicants if they thought about taking out the brick veneer because covering the brick veneer with a raised panel may not look right and he wondered if the panels would stick out beyond the window sill and the columns. **William Barton** stated that he has thought about removing the brick but thought that going over the brick would work because everything will be uniformly built out and they are adding a copper sill.

Alexander thanked the applicants for the proposed work and asked about the proposed brick for bricking in the windows. **Barton** stated that they have some reclaimed bricks that will be used and the brick for the new chase will be built with bricks that came from 329 F Street where a two-story brick building was tore down. **Alexander** asked about the cleaning of the brick with a wire brush and if it is going to be done so that the new paint will adhere to it and **Barton** said yes. **Krebs** asked if they considered removing the paint and not repainting and **Barton** said that it would be cost prohibitive to do that.

Walker complimented the applicants on their thorough and professional application and the work that they are proposing. **Francis** asked if the corbels below the transom windows were original and **Wagner** said that it is hard to tell from the photos but originally there was a balcony which is no longer there and they felt that they needed something. **Wagner** stated that the intent was to replicate the corbels in the upper frieze but make them shorter and smaller. **Francis** explained that in the guidelines and the Secretary of Interior Standards it is discouraged to add something to a building that was not originally there even though it might be pleasing to the eye. **Francis** asked if there was stained glass in the upper transom windows and **Powell** said that she thought originally there was the Queen Anne style stained glass. **Powell** stated again that if the applicants were interested in the future they could apply for a grant from the State Historic Fund to put stained glass back into the transoms.

Powell asked what kind of work is needed to restore the cornice and frieze and **Wagner** said that they are just going to need to be scraped and repainted.

Powell asked about the plan for restoring or replacing the jamb and stops of the original transoms over the doors and asked if the plan is for the replacement to be the same style and **Wagner** said yes. **Fowell** asked what the plans were for the embossed decorations above the sash on the upper floor and **Barton** said that they are going to scrape and repaint. **Powell** asked if painting the wall flashing caps is for aesthetics and **Barton** said yes.

- D. Public Input:** **Beth Graham**, 318 Poncha Blvd. stated that restoring buildings is expensive and the economic hardship should be considered with this application. The HPC shouldn't make it so hard for people to rehabilitate their building. **Harry Singleton of Howard**, stated that he knows Mr. Barton's work and he is good at what he does. He also wanted to let the Commission know that they were very professional.
- E. Close Public Hearing: 6:00 p.m.**
- F. Commission Discussion:** **Powell** recommend that they take the elements in the staff report and go through each item individually and assess positions. **Walker** agrees with

the staff report but wanted to emphasize that this application addresses the replacement of one window on the east wall.

Krebs stated that he is pleased with the application and the restoration will be an asset to the Downtown Historic District. He explained that the Historic Preservation Commission supports restoration and rehabilitation but discourages creating false history.

Krebs is concerned with the kickplates and would like to see more detail. **Krebs** is also concerned that the new corbels will be creating false history and he suggested leaving the corbels off and leave the headpiece and **Francis** agreed. **Wagner** stated that the reason they added the corbels is because nothing is centered on the building and the pilaster just ends. **Powell** stated that there is photographic evidence of what the front facade looked like before 1937 and after the balcony was taken down. **Krebs** agreed with staff that there is no pictorial evidence that there was ever a finial on top of the column and he does not think a finial belongs there.

Krebs stated that the metal clad windows are inappropriate and would prefer the Kolbe window that is being used as a sample. **Barton** stated that the painted Kolbe window is similar to the proposed Semco windows. **Barton** explained that the Semco windows were purchased when they were building their house and the four windows were purchased for their downtown property which is why they are requesting to use them. **Barton** stated that he could add a casing around the window so that it has the look of a wood window. **Powell** asked if the screen is metal and **Ms. Barton** said that the screen is painted metal but from the street level you can not tell that they are metal. **Ms. Barton** stated that the Veazey building and the Hively block building both have metal windows. **Powell** said that with the cladding you can tell that they are not wood. **Powell** also explained that the windows at the Veazey building were installed before the Historic Preservation was in effect and the windows at the Hively Block the applicants were replacing aluminum sliders and not replacing historic windows.

Powell agreed with **Krebs** about the window requirement and added that if the windows are to be replaced they should be replaced in-kind with wood windows. She explained that the screens should also be wood. **Alexander** stated that the Historic Preservation Commission is charged with upholding the Secretary of Interior Standards and wood windows are a standard.

Powell stated that the applicant has an opportunity to return a number of major elements of the structure to its original beauty and return it to its historic appearance which is what the Historic Preservation Commission encourages.

Wagner stated that the applicant could possibly meet in the middle with the corbels and raised panel kickplate but they need to keep the windows because they have already been purchased. **Krebs** thanked Mr. **Wagner** for the consideration and he likes what he has proposed but he can't make a recommendation for approval of the four proposed metal-clad windows.

- G. Commission Decision:** **Krebs** made a motion to make the recommended findings and take the recommended action as submitted in the staff report with the following conditions:

- a. That the approval is for the plans submitted with the changes noted by staff including that the height of the kickplate is 30" and the doors on the front façade are ¾ light.
- b. That the mid-band cornice will extend over the brick column on the west end of the front façade rather than placing a finial in this location.
- c. That additional modifications to the exterior will require a new application and further review.
- d. That this approval expires in three years if the work has not been substantially completed.
- e. That the four second story windows are restored or replaced per Older Than Dirt's recommendation and disallowing the use of metal clad windows.
- f. That a clarifying detail of the kickplate is submitted to staff for review per the discussions during the meeting.
- g. That the headpiece is reconfigured to a simplified design like historical evidence shows and eliminating the corbels with no finial on the midlevel.
- b. That the finials are constructed and installed to match the historic photo.
- i. That the applicant submit for staff review, detailed drawings of the vertical mill work on either side of the doorway to match proportions of those shown in historic photos including hase and shoe detail that relates to the raised panel kickplates.
- j. The two existing window openings on the east wall will be bricked in with matching bricks and only the northernmost window will be replaced with a one-hour fire-rated window.

Alexander seconded the motion. All were in favor and the motion carried.

Barton asked who they would appeal to and **MacDonald** stated that an appeal would be heard by the City Council.

VI. UNFINISHED BUSINESS:

Downtown Design Guidelines: There was discussion on the design guidelines. **Powell** asked the Commission to proof the guidelines and let Dara or Kristi know of any errors by email. **Francis** asked about adding language regarding signage and **MacDonald** said that we could reference the sign ordinance. **Francis** said that the contributing and noncontributing building language needs to be clarified on page 8.

MacDonald asked the Commission if they wanted to review the economic hardship any further or have us send it on to our attorney. The Commission agreed that the section is ready for the attorney's review. **Francis** asked about a resource guide and **Powell** stated that she will try to put together a resource guide to add to the design guidelines. The resource guide will be a tool to help people to find websites.

Powell reminded the Commission of outstanding items including:

- a) The creation of a Historic Preservation Plan which would allow us to apply for Preserve America grants.
- b) Possible work Session with the City Council. **MacDonald** stated that at this time the City Council has other priorities.
- c) Working on trade certificates.
- d) Meet with the Tree Board about the Riverside Park improvements.
- e) Possibly having a work shop on roof top parapets and brick.

VII. NEW BUSINESS:

VIII. COMMISSIONER'S COMMENTS

IX. ADJOURN: The meeting was adjourned at 7:35 p.m.



Sander N. Karp
 James S. Neu
 Karl J. Hanlon
 Michael J. Sawyer
 Sander N. Fosnaught
 James S. Neu
 Karl J. Hanlon
 Michael J. Sawyer
 James F. Fosnaught

Anna S. Itenberg
 Cassia R. Furman
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Cassia R. Furman
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MEMORANDUM

TO: Mayor Rose and Salida City Council

FROM: Karp Neu Hanlon, P.C.

DATE: July 29, 2010

RE: Agenda Packet for August 3, 2010

The Watershed Protection Ordinance is set for Second Reading on August 3, 2010 at City Council's Regular Meeting. Included in the Packet is a revised Ordinance which is in "redline" form. This version incorporates changes suggested by Staff, the Regional Planning Commission and the County Planning Staff.

Council may approve reject or continue consideration of the Ordinance at its discretion.

ORDINANCE NO. 06
(Series of 2010)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, ADOPTING A NEW ARTICLE VII, AWATERSHED PROTECTION,@ TO CHAPTER 13 OF THE SALIDA MUNICIPAL CODE.

WHEREAS, the City of Salida operates its water and sewer facilities using water rights derived in part from and collected by the City at Pasquale Springs and various intakes on the South Arkansas River; and

WHEREAS, pursuant to C.R.S. '31-15-707(1)(b), the Salida City Council has the authority enact an ordinance to carry out its power to maintain and protect its watershed and waterworks from injury and water pollution, and for purposes of this authority, the City=s jurisdiction extends over the territory occupied by its waterworks and all reservoirs, streams, trenches, pipes, and drains used in and necessary for the construction, maintenance, and operation of the same and over the stream or source from which the water is taken for five miles above the point from which it is taken; and

WHEREAS, in accordance with this grant, the Salida City Council wishes to exercise its statutory authority to create a watershed protection district within and without its boundaries and to adopt regulations pertaining to activities in that defined area as set forth herein; and

WHEREAS, the City Council adopts the following regulations in order to promote the health, welfare and safety of the inhabitants of the City of Salida by maintaining and protecting the City=s watershed and waterworks from damage, harm or injury, and to prevent pollution of the City=s water supply without creating an undue hardship on activities that promote the protection of the City=s watershed and waterworks.

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

Section 1. The aforementioned recitals are hereby fully incorporated herein.

Section 2. A new Article VII, AWatershed Protection,@ jo Chapter 13 of the Salida Municipal Code is hereby adopted to read as follows.

Deleted:

CHAPTER 13
MUNICIPAL UTILITIES

Article VII
Watershed Protection

13-7-10. Purpose.

The purpose of this Article is to promote the health, welfare and safety of the inhabitants of the City of Salida by maintaining and protecting the City=s watershed and waterworks from damage, harm or injury, and preventing pollution of the City=s water supply, without creating an undue hardship on activities that promote the protection of the City=s watershed and waterworks.

13-7-20. Definitions.

(a) As used in this Article, the following terms shall have the following meanings:

Best Management Practice means an effective means of preventing or reducing harmful effects of land use activities, and includes recommended methods, structures and practices designed to prevent or reduce pollution of the air, land and/or water from these activities. Best Management Practices may be found in various publications, manuals and documents of the Colorado Department of Public Health and Environment, Colorado Department of Transportation, and other sources that may be acceptable to the City of Salida.

Director means the City Administrator or his/her designee or representative.

Diversion or divert means removing water from its natural course or location, or controlling water in its natural course or location by means of a ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump, or any other structure or device.

Exigent circumstances means any situation where there is imminent danger of loss of life, harm by injury or damage to or destruction of property, or any other dangerous or harmful situation regarding the public health, safety and well being.

Mining or mineral resource extraction

- (1) *Mineral* means an inanimate constituent of the earth in a solid, liquid, or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into a useable form as a metal, metallic compound, or compound, or chemical, an energy source or a raw material for manufacturing or construction material, but does not include surface or subsurface water.
- (2) *Mining and extraction* mean any removal or development of a mineral from its natural occurrence on affected land or from a water course and includes, but is not limited to, drilling, blasting, scaling, crushing, tunneling, excavating, dredging, panning, or sluicing, and includes any tailings piles, tailing ponds, waste dumps or concentration, milling, evaporation or other on-site processing activities or any

buildings, structures or machinery used in such operation. AMining@ and Aextraction@ do not include hand panning or the use of battery powered concentrate wheels or mini-slucices.

Permit means any pormit issued pursuant to this Article.

Permittee means a person issued a permit.

Person means and shall include a firm, company, organization, partnership, entity, agency, corporation, association, or other organization acting as a group or unit as well as an individual. It shall also include an excutor, administrator, trustee, receiver, or other representative appointed according to law. Whenever the word Aperson@ is used in any section of this chapter prescribing a penalty or fine, as to firms, associations, and other organizations, the word shall include the partners, members, or agents who are responsible for any violation of such section hereof, and as to corporations, shall include the officers, agents, or members thereof who are responsible for any violation of this chapter. APerson@ includes the singular and the plural.

Pollutant means dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemicals, chemical waste, biological nutrient, biological material, temperature changes, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt or any industrial, municipal or agricultural waste.

Pollution means the people-made, people-induced or natural alteration of the physical, chemical, biological, or radiological integrity of water.

Watercourse means any and all rivers, streams, creeks, intermittent washes, gullies, tributaries, reservoirs, lakes, ponds, wetlands or other types of natural or people-made water bodies, including structures or devices to channel water to, or control or retain water within the watercourse, and further includes all groundwater tributary thereto.

Waterworks means all components of the City=s water supply system, including but not limited to all equipment, diversion structures, dams, canals, ditches, flumes, pipelines, conduits, reservoirs, drains, wells, pumps, buildings, structures, roads, watercourses and other facilities necessary for the construction, maintenance and operation of the water supply system.

Wetland means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands includes by illustration swamps, marshes, bogs and

similar areas.

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----- Section Break (Continuous) -----

13-7-30. Jurisdiction,

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Pursuant to Section 31-15-707(1)(b) C.R.S., the City=s jurisdiction under this Article shall extend over the territory occupied by the City=s waterworks and over the stream or source from which the water is taken for a distance of five (5) miles upstream from and/or above the point(s) at which water is diverted or impounded by the City.

13-7-40. Map,

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The City shall prepare, maintain, and update a map known as the AWaterworks Permit Map@ designating the area(s) subject to the City=s jurisdiction pursuant to this Chapter. The Waterworks Permit Map is incorporated herein by reference and shall be available for inspection at City Hall.

13-7-50. Interpretation and construction,

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Nothing in this Article shall infringe upon the authority of any other municipality, county, or other governmental entity to regulate land use or activities within their respective jurisdictions on lands outside the corporate limits of the City of Salida that are also within the City=s jurisdiction pursuant to this Article. Notwithstanding, any lawful regulations, permits or approvals issued by any state or federal agency, municipality, county, or any other governmental entity concerning land use or activities on land that is also within the City=s jurisdiction described in this Article shall not, in any way, infringe upon, limit, or supersede the terms and conditions of any permit validly issued pursuant to the provisions of this Article and the authority hereunder to regulate such activities and land use.

13-7-60. Regulated activities,

The City has determined that the activities set forth below may harm the City=s waterworks or pollute the City=s water supply. Subject to the exceptions provided for in Section 13-7-70 below, it shall be unlawful for any person to engage in any of the specified activities within the area of the City=s jurisdiction as defined in this Article without first obtaining a permit from the City authorizing such activity:

- (1) Excavation, dredging, filling, grading, or compaction of any topsoil, sand, rock, dirt, or other material over an area in excess of 0.5 acre. The area disturbed by the construction and maintenance of a driveway to a single family residence shall not be included in the calculation of the 0.5 acre threshold under this section;
- (2) Any surface or subsurface mining or mineral resource extraction, including any and all oil and/or natural gas extraction or mining;
- (3) Use of any restricted use pesticide (RUP), herbicide, fungicide, rodenticide,

insecticide or any other chemical for eradication or control of any plants or animals that is within one hundred (100) feet of any watercourse;

- (4) Removal of any vegetation or trees by any method over an area in excess of 0.5 acre;
- (5) Construction, maintenance and/or operation of any sewage treatment disposal system with an average design capacity greater than 2,000 gallons per day; provided that any sewage disposal system with an average design capacity less than or equal to 2,000 gallons per day is also subject to regulation under this Article if it is not installed, operated and maintained in compliance with all applicable laws, rules, regulations, permits, and Best Management Practices which condition is met if Chaffee County regulations are adhered to, or is located within one hundred (100) feet of any watercourse;
- (6) Any of the activities prohibited in this section regardless of the amount of acreage affected if such activities are located in or within one hundred (100) feet of any water course, and/or if such activity is associated with the construction of any water diversion, storage or conveyance structure, including but not limited to such structures as diversion headworks, dams, canals, ditches, flumes, pipelines, conduits, reservoirs, drains, wells, (excluding domestic wells serving less than three (3) residences) and pumps, and further including any equipment, buildings, structures, roads, and other facilities necessary for the construction, maintenance and operation of the structures.
- (7) Alteration, improvements or modifications of any watercourse;
- (8) Dumping, depositing or discharging any pollutant into any watercourse, or dumping, depositing or storing any pollutant on land within 100 feet of any watercourse;
- (9) Construction, maintenance and/or operation of a surface or subsurface tank that stores chemicals, chemical waste, biological nutrient or material, radioactive material, petroleum product, or any industrial, municipal or agricultural waste, excepting residential propane tanks and septic systems not covered under subsection (5) above;
- (10) Construction of any impervious surface with an aggregate area greater than 25,000 square feet that could direct any contamination or pollutant toward a watercourse or City waterworks;
- (11) Construction and operation of a feedlot unrelated to current farming and ranching operations;

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- (12) Any other activity that will cause material injury, damage or harm to the City=s water works or pollution of the City=s water supply as reasonably determined by the City based upon the written recommendation of a licensed engineer or qualified professional which specifies the cause and extent of such injury, damage, harm or pollution.

Any limitation on acreage imposed by this section includes the cumulative amount of acreage encompassed by any and all proposed activities by any person on any contiguous or noncontiguous parcels of land that are part of the same plan, project or development.

13-7-70. Activities which require no permit.....

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This Article shall not apply to and no permit shall be required for the following activities:

- (1) Any activity that is a lawful use of any land or structure, where such use and such structure existed prior to the time this Article was adopted by the City. Any change or enlargement of any pre-existing use of land, or changes to any pre-existing structure, made after adoption of this Article, including any modification, alteration or expansion, except ordinary maintenance, as determined by the City, is subject to the provisions of this Article. For purposes of clarification, any portion of any activity that has obtained approval from any state or federal agency, municipality, county or any other governmental entity, but that has not yet commenced, is not a pre-existing activity or use.
- (2) The following activities are allowed within the area of the City=s jurisdiction as defined in this Article, provided that there is adherence to Best Management Practices:
 - (a) Road maintenance by governmental entities.
 - (b) Construction or maintenance of farm or ranch roads, irrigation ditches or ponds, where such roads or ponds are constructed and maintained to assure that flow and circulation patterns and chemical and biological characteristics of all surface and groundwater resources are not impaired, and that any adverse effect on the aquatic environment will be otherwise minimized;
 - (c) Normal farming, silviculture, and ranching activities such as plowing, haying, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, upland soil and water conservation practices, or livestock grazing;
 - (d) Normal maintenance of ponds, bridges, riprap, and drainage and irrigation

ditches and related structures, including ditch burning whether by hand or with the use of equipment and machinery;

(e) Noxious weed or insect control;

(f) Removal of dead, insect infected or diseased trees;

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(g) Construction of a livestock water tank as defined in C.R.S. '35-49-105 (2006);

(h) Maintenance of wetlands;

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(i) Modifications to any watercourse for fisheries improvements or riparian habitat creation and/or restoration permitted by the Army Corps of Engineers;

(j) Emergency riparian work, provided that any permanent work shall be regulated if otherwise regulated by this ordinance; and

(k) Wildland fire mitigation and emergency firefighting activities; and

(l) Drilling of domestic wells serving less than three (3) residences.

13-7-80. Permit application,

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Any person proposing to undertake a regulated activity as set forth in Section 13-7-60 hereof shall file an application for a watershed permit with the office of the director on a form provided by the City Clerk. The application shall contain the following information:

- (1) Name, address, and verified signature of the applicant;
- (2) Name and address of the owner of the property on which the activity is proposed;
- (3) Verified consent of the owner of the property if different than that of the applicant;
- (4) The address and/or legal description of the property on which the activity is proposed;
- (5) A full and complete description of the proposed activity, including but not limited to, the acreage of the property, the acreage affected by the proposed activity, the proposed amount of diversion and/or storage, and any activity that may result in a discharge, spill or release of any pollutant into the City's waterworks or water supply;

- (6) A map explicitly depicting the location of the property and the proposed activity;
- (7) Identification and description of all water use anticipated to be necessary for the proposed activity, including but not limited to all water rights owned or to be used by the applicant, amount of consumptive use, location and timing of any expected return flows resulting from diversions, and the amount and type of discharge;
- (8) Identification and description of any impact that the activity may reasonably have on the City=s waterworks and on the quality of the City=s water supply;
- (9) Identification and description of all measures that shall be taken to prevent injury, damage or harm to the City=s waterworks and pollution of the City=s water supply, including compliance with all applicable Best Management Practices; and
- (10) Any other information required by the director to properly evaluate the application, as reasonably determined by the director.

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13-7-90. Permit fee,

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Each application for a permit shall be accompanied by payment in full or a fee, as established by resolution of City Council, and as may be adjusted from time to time.

13-7-100. Permit duration,

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A permit issued pursuant to this Article shall be valid for two years from the date of issuance.

13-7-110. Permit suspension or revocation; temporary suspension,

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A permit may be suspended or revoked at any time for a violation of any compliance order issued by the director or for a violation of any of the terms or conditions of the permit or the provisions of this Article, subject to notice to the permit holder and a hearing by the City Council. If exigent circumstances exist that require immediate suspension, as determined by the director, the director may immediately suspend a permit for a period not to exceed fourteen (14) days. In the case of such a summary suspension by the director, the permittee, upon written request, shall be entitled to a hearing before City Council as soon as is reasonable possible.

13-7-120. Permit transfer,

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Permits issued hereunder are to a specific user for a specific activity. No permit shall be transferred or assigned to any other person, different premises or a new, different or changed operation. Any such change shall require a new permit application.

13-7-130. Permit review; burden; issuance or denial,.....

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(a) Within thirty (30) days following the filing of a completed application, which shall not be considered complete until all necessary information required by this Article is provided, the Director shall review the application and classify the proposed activity according to its impact on either the City's waterworks and/or the quality of the City's water supply. In evaluating each application, the Director may consider, but is not limited to, the following factors:

- (1) Nature and type of the proposed activity;
- (2) Proximity of the proposed activity to a watercourse and whether it is located within a floodway;
- (3) Nature and type of the soils, rock or other material;
- (4) Nature and type of vegetation;
- (5) Scope and stability of the land;
- (6) Any increase of effect in or on the fire hazard;
- (7) Nature, type and amount of effluents or pollutants reasonably anticipated from the proposed activity discharged either into a watercourse or underground;
- (8) Nature, type and amount of each regularly processed new material;
- (9) Nature, type and amount of each regularly produced product;
- (10) Nature and type of any and all erosion control measures;
- (11) Any anticipated impact on the waterworks or water quality of the City's water supply resulting in any way from the activity, including but not limited to direct discharges, nonpoint or indirect discharges, reduction in flows within a watercourse, or the concentration of any pollutant.
- (12) Amount and type of mechanized or motorized vehicles associated with the activity;
- (13) Any water rights obtained, needed, necessary or related to the proposed activity;
- (14) Any permits or other governmental or private approval required to proceed with the proposed activity or already obtained where such permits or approvals are based on

standards at least as stringent; and

- (15) Economic impact in relation to the risks and benefits to watershed protection; and
- (16) Cumulative effect of the proposed activity with other activities.

(b) The burden shall be upon the applicant to demonstrate, by preponderance of the evidence and in compliance with the provisions of this Article, that the activity will not harm, damage or injure the City=s waterworks or pollute the City=s water supply.

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(c) If the Director determines that the proposed activity will not have any harmful impact on the City=s waterworks or water supply, then the Director shall recommend to City Council that a permit be issued, and whether any conditions should apply. If the Director determines that the applicant has not met its burden with respect to the impact on either the City=s waterworks and/or the City=s water supply, then the Director shall identify such negative impact(s) and shall state the reasons for recommending denial of a permit. City Council shall consider such recommendation and may issue the permit, with or without conditions, upon a determination that the requirements of this Article have been satisfied, or may deny the permit application at a hearing as set forth in Article 13-7-180.

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13-7-140. Permit terms and conditions,

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(d) . Any person whose permit application is denied, or who is not satisfied with any conditions of approval, shall be entitled to a hearing as provided in this Article.¶

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The City Council may prescribe any terms and conditions in the issuance of any permit in accordance with any provisions of this Article and as the City Council deem necessary to prevent harm, damage or injury to the City=s waterworks and/or the pollution of the City=s water supply, including compliance with all applicable Best Management Practices. The City Council may also make any permit conditional upon the applicant obtaining any and all necessary permits and other governmental or private approvals or obtaining financial security for performances or requirements of the permit. This Article allows the City to limit discharge of water pollutants to prevent nuisances and prevent damage, harm or injury to the City=s waterworks or pollution of the City=s water supply. It does not allow the City to authorize a discharge of pollutants into State waters, which is the jurisdiction of the Water Quality Control Commission.

13-7-150. Performance bond,

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The City Council may require as a condition of any permit issued hereunder that the permittee obtain a performance bond in an amount necessary to ensure completion of all measures required to prevent both injury to the City=s waterworks and the pollution of the City=s water supply. The City Council may also require as a part of the performance bond an additional amount necessary to clean up or mitigate the effects of any spill, release or discharge by the permittee. This section shall not apply to or have any effect upon the provisions of Section 34-32-109(6) C.R.S.

13-7-160. Containment facilities; reporting requirements,

Deleted: .

Each permittee shall provide and maintain at its expense any facilities necessary to prevent and contain any spill, release or discharge of any pollutant that may cause damage, harm or injury to the City=s waterworks or pollution to the City=s water supply. Any such spill, release or discharge shall be reported immediately to the Director and to all other persons or entities that may be affected thereby. The permittee shall inform the Director as to the location, the nature and type of the pollutant, concentration, volume, and any measures taken to contain or remediate the spill, release or discharge and to assure that such discharge does not occur again. Within five (5) days of such discharge the permittee shall submit a written report to the Director explaining the spill, release or discharge including a description of measures which have and shall be taken to prevent recurrence.

13-7-170. Site inspections,

Deleted: .

Whenever necessary to assure compliance with any terms or conditions of the permit or the provisions of this Article, the Director has the right to enter the property to make an inspection. Refusal by the permittee to allow such right of entry to inspect the property shall constitute sufficient grounds to suspend or revoke the permit by the Director. Upon such refusal, or if exigent circumstances are present that require immediate entry, the Director may obtain a search warrant from a court of competent jurisdiction, including the municipal court of the City, entitling the Director to enter and inspect the property. Upon obtaining a search warrant, or if exigent circumstances exist, the Director may use such reasonable force as is necessary to enter and inspect the property.

13-7-180. Hearings by the City Council on applications,

Deleted: .

(a) The City Council shall schedule a hearing and publish notice of a hearing at least fourteen (14) days prior to the date set for hearing. At such hearing, the applicant (and/or the applicant=s attorney, consultants, and representatives) and the Director (and/or City attorney, special counsel, consultants and representatives) may make a presentation and/or present information and evidence. All interested parties may also testify or present information and evidence. The applicant shall have the burden of establishing by a preponderance of the evidence that the proposed activity will not injure, harm or damage the City=s waterworks or pollute the City=s water supply. The City Council shall, within thirty (30) days of the close of the hearing issue a decision on the permit, including findings related to such decision. The council=s decision shall be the final action by the City.

Deleted: (a) Any applicant whose application for a permit is denied, or who is otherwise aggrieved by any conditions of approval may, within fourteen (14) days of the City Council=s action on the permit, file with the City clerk a written request for a public hearing before City Council on the application.

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13-7-190. Hearings,

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Testimony, evidence and information presented at all hearings held pursuant to this Article

shall be open to the public and quasi-judicial in form, under oath and recorded.

13-7-200. Compliance order,

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Whenever the Director determines that any permittee has violated or is violating any terms or conditions of a permit or the provisions of this Article, the Director may issue an order requiring the permittee to comply within a specified period of time. Any violation of the compliance order by the permittee shall be cause for the suspension or revocation of the permit. Whenever the Director determines that a person is proceeding with a prohibited activity under Section 13-7-60 hereof without permit, the Director may issue an order requiring the person to cease and desist such activity until such a time as a permit is obtained pursuant to this Article.

13-7-210. Legal action,

Deleted: .

If any person violates any provision of this Article, in addition to utilization of the enforcement and penalty powers of the City, the City may commence an action for appropriate legal or equitable relief in a court of competent jurisdiction, including the municipal court. In addition to the penalties provided herein, the City shall be entitled to reasonable expert fees and attorneys= fees and costs of litigation.

.....
INTRODUCED ON FIRST READING, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 6th day of July, 2010 and set for second reading and public hearing on the 20th day of July, 2010.

Deleted: 13-7-220. Judicial review of City Council=s decision.¶
¶
An applicant or permittee may appeal any final decision of City Council to the municipal court in accordance with applicable judicial appeals procedure. ¶

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the 20th day of July, 2010.

CITY OF SALIDA, COLORADO

Charles Rose, Mayor

[SEAL]

ATTEST:

| Janella Martinez, Deputy City Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the ____ day of _____, 2010, and BY TITLE ONLY, after final adoption on the ____ day of _____, 2010.

| _____
Janella Martinez, Deputy City Clerk