



BOARD OF ADJUSTMENT REGULAR MEETING

City Council Chambers, 448 E. 1st Street, Salida, CO

Monday, July 27, 2020 - 6:00 PM

Email public comments to: publiccomment@cityofsalida.com

Please register for the Board of Adjustment meeting: <https://attendee.gotowebinar.com/rt/1909092342220683277>

AGENDA

CALL TO ORDER BY CHAIRMAN

ROLL CALL

APPROVAL OF THE MINUTES

- 1. Draft BOA Minutes - May 26, 2020

UNSCHEDULED CITIZENS

AMENDMENT(S) TO AGENDA

PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- | | | |
|---|---|--|
| A. Open Public Hearing | D. Applicant's Presentation (if applicable) | G. Commission Discussion |
| B. Proof of Publication | E. Public Input | H. Commission Decision or Recommendation |
| C. Staff Review of Application/Proposal | F. Close Public Hearing | |

- 2. Chaffee County Complex - Variance Request - The purpose of the request is to receive: (A) a variance in the number of required on-site parking spaces for a future campus building addition; and (B) a variance in maximum access/parking coverage, in anticipation of the proposed addition.

UNFINISHED BUSINESS

NEW BUSINESS

BOARD COMMENTS

ADJOURN

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the Community Development Department at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2626 at least 48 hours in advance.

MEETING DATE: Monday, May 26, 2020
MEETING TIME: 6:00 PM
MEETING LOCATION: City Council Chambers, 448 E. First Street, Suite 190, Salida, CO

Present: Follet, Bomer, Denning, Kriebel, Mendelson, Steimle, Walker, Van Nimwegen, Jefferson, Almquist, Attorney Nina Williams

Absent: Dockery, Chambers

AGENDA SECTION:

I. CALL TO ORDER BY Follet: - 6:01 PM

II. ROLL CALL:

III. APPROVAL OF THE MINUTES – February 24, 2020 – Denning made a motion to approve the minutes as written. **Kriebel** seconded the motion. All were in favor and the motion carried.

IV. UNSCHEDULED CITIZENS – None

V. AMENDMENTS TO AGENDA - None

VI. PUBLIC HEARINGS –

1. **Bourget Variance Application** - The purpose of the request is to receive a variance from the minimum setback of twenty (20) feet required for the rear yard setback of the primary structure. The applicant is requesting a minimum allowed rear yard setback of 5' to build an attached garage to the proposed primary structure at 326 Crestone Avenue, Unit C.

A. Open Public Hearing: 6:08 PM

B. Staff Review of Application. **Jefferson** gave an overview of the application and explained that the applicant could build a detached garage with a 5' rear setback. He is requesting the variance so that he can build an attached garage to the primary residence because of access and easement constraints. Staff recommended approval of the variance.

C. Applicant's Presentation: Property owner, Mark Bourget explained why he is needing a variance for the attached garage and that he has already looked at a variety of configuration options to no avail, and that he was available to answer questions.

D. Public Input: Nancy Wallace, 929 W. Third Street, asked for clarification about the use of the garages and number and type of trees to screen the property from properties below. Stephanie Perko, 953 W. Third Street, also asked for clarification regarding screening and expressed a desire for additional landscaping and expressed concern about drainage coming down the hill from a neighboring property lot.

E. Closed Public Hearing - 7:10 PM

F. Board Discussion –Follet opened the discussion and the BOA reviewed each of the review standards. Discussion focused largely on the dimensions, number of bays, and location of the proposed garage and the idea that the applicant was indeed creating some of the challenge due to its size. The issue of what was considered “reasonable” was discussed at length. **Follet** reminded the Board that design of a proposed structure was not exactly in the purview of the Board, but rather that the focus was on whether the proposal met the criteria for the variance. **Van**

Nimwegen acknowledged that the applicant could technically separate the primary structure and the garage by just a few inches or a few feet (with the appropriate fire rated walls) to accomplish their intent and leave the garage where it is—but that such a solution would not allow the Board to condition any trees or fencing to protect nearby neighbors. **Mendelson** questioned the engineer’s report regarding the stability of the slope in that location due to the existing river rock and expressed concern that the proposed garage and existing dwellings are too close to the escarpment. **Kreibel** suggested tabling the request in order to look at the site closer and to allow for additional engineering analyses. **Follet** noted that there was significant information provided already and felt that the Board could make a decision given what was available and the request in front of them. **Bomer** mentioned concern about drainage down to the neighboring properties and screening that could reduce injury to the neighborhood. **Jefferson** noted that on-site drainage was required to be addressed via the development, regardless, per the code. The applicant echoed the comments of **Van Nimwegen** that they could build the garage detached from the house but that they preferred to do it attached.

G. Board decision - A motion was made by **Bomer** to approve the variance request with the following conditions:

- In order to minimize the adverse effects from the proposed variance on other land in the neighborhood the conditions are as follows:
 1. A 6’ tall privacy fence be built along the rear property line.
 2. A minimum of 12 trees be planted evenly spaced to provide screening along the rear property line.

Kriebel seconded the motion. **Mendelson** and **Walker** voted against and with a vote of 5 to 2 the motion carried.

IX. UNFINISHED BUSINESS-

X. NEW BUSINESS- **Van Nimwegen** mentioned that staff was expecting to have the latest installment of the Land Use Code updates soon and that could be covered in the next work session (June 9); that the E. Crestone Avenue requests were slated for June 22nd; and a variance request from Chaffee County was also expected to be before the Board soon. He also mentioned that Council recently approved the use of public ROW downtown for businesses to expand into temporarily, given the current health restrictions due to COVID.

XI. BOARD COMMENTS- **Steimle** noted that he wouldn’t be available on June 12 but would be available on June 9.

XII. ADJOURN: With no further business to come before the Board of Adjustment, the meeting adjourned at 7:51 pm, with **Bomer** making the motion and **Denning** seconding.



BOARD OF ADJUSTMENT STAFF REPORT

MEETING DATE: July 27, 2020
AGENDA ITEM TITLE: Chaffee County Variance Application, 104 Crestone Avenue
AGENDA SECTION: Public Hearing
STAFF: Bill Almquist

REQUEST:

The purpose of the request is to receive: (A) a variance for the number of required on-site parking spaces for a future County campus building addition; and (B) a variance for the maximum allowable uncovered parking/access coverage, in anticipation of the proposed addition and related maintenance access. The site is zoned Single-Family Residential (R-1).

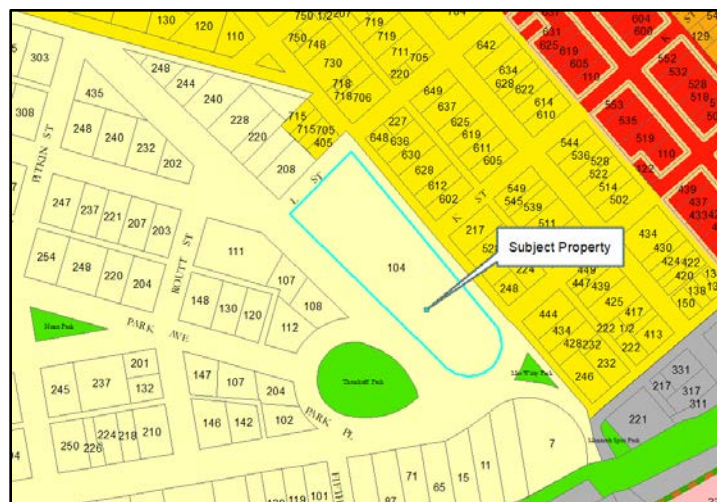
Though no formal building permit for the addition has yet been submitted, the applicant would like to know if the variance requests may be granted prior to moving forward with the development proposal. Specifically, the applicant is interested in knowing whether newly created diagonal parking spaces within City right-of-way around Thonhoff Park and along the west side of Crestone Avenue (total of 39 spaces) may be applied towards the parking requirements for the addition, thereby avoiding having to provide parking within existing open space on the site. The applicant would also like to know if the coverage limit may be further exceeded for the purpose of: (1) building additional parking where the EMS storage garages currently reside along Third Street; and (2) building an access lane from Crestone Ave to the rear of the Chaffee County Administrative Building (CCAB), since the future building addition would eliminate the existing access to the rear of the CCAB.

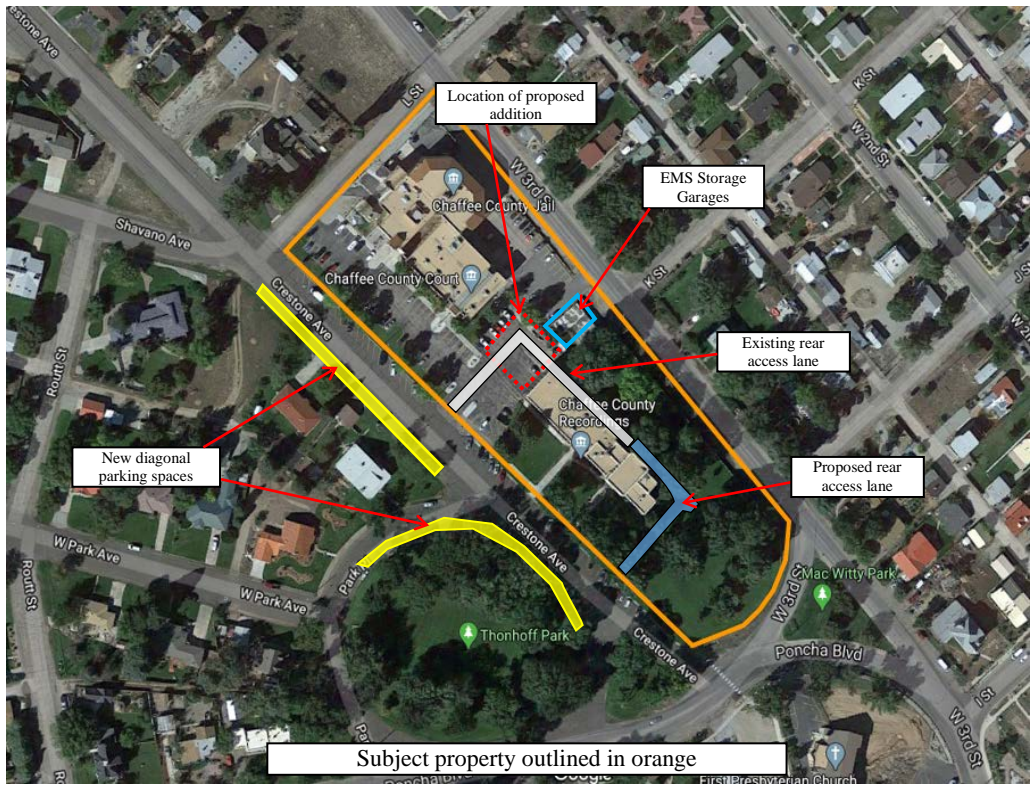
APPLICANT:

The applicant is Chaffee County, P.O. Box 699, Salida CO 81201.

LOCATION:

The subject property is located at 104 Crestone Ave, the Chaffee County Administrative Building—a 3.75 ac lot legally known as Exempt Property Strip B Block 4 of Eddy Brothers Addition, City of Salida, Chaffee County, Colorado.





PROCESS:

Variations are addressed in the City’s Code of Ordinances, Section 16-4-180, “Zoning Variations.” Variations from the standards of the underlying zone district shall be authorized only for maximum height, minimum floor area, maximum lot coverage, maximum lot size, minimum setbacks and parking requirements.

The Board of Adjustment holds a public hearing after fifteen days advance notice of the hearing. The public hearing shall be held, at which any person may appear or be represented by agent or attorney. The Board may prescribe appropriate conditions and safeguards in conformity with the Zoning Code.

OBSERVATIONS:

- The subject property currently has 92 on-site parking spaces. There are an additional 52 diagonal spaces on the east side of Crestone Avenue that informally serve the County campus [which includes the CCAB, the Judicial Facility (Court), and Jail].
- According to staff observations, and as noted in the County’s written response, parking on-site and along the east side of Crestone Avenue is generally at its peak when jury duty selection and Board of County Commissioners meetings are scheduled at the same time. At those times, parallel spaces around Thonhoff Park and on the west side of Crestone Avenue (across from the Court and Jail) can occasionally serve as overflow parking.
- Per Table 16-D, the campus addition will require a future Limited Impact Review in front of Planning Commission. The proposed addition is approximately 15,000 square feet in area and would house additional office and Commissioners’ Chambers space. Given the 1 parking space per 400 s.f. requirement for government buildings, the addition would require a total of 38 new spaces. The addition would also permanently eliminate nine spaces located between the existing CCAB and court building. As part of the concept site plan, the County is proposing to demolish

the EMS storage garages along Third Street to create ten new spaces in that location. The resulting net gain of one space means that 37 additional new spaces would need to be identified.

- The County acknowledges that “a minimum of 30 – 35 on-site parking spaces out of the total 92 existing on-site spaces will be closed off for safety and construction workspace for 9 to 12 months...” These spaces would include those behind the construction zone (along Third Street) and directly in front, between the existing buildings.
- City of Salida Public Works has recently created 23 diagonal parking spaces along the northern and eastern perimeter of Thonhoff Park, and 16 diagonal parking spaces along the western side of Crestone Avenue, across the from the Court and Jail. It is these 39 new spaces that the applicant is requesting to have applied towards parking for the future addition (the application states 37). For reference, this striping has resulted in approximately 20 more spaces than what was previously available with parallel parking in those areas. Additional parallel parking spaces are also available on the east and south perimeter of the park and the other side of Park Place.



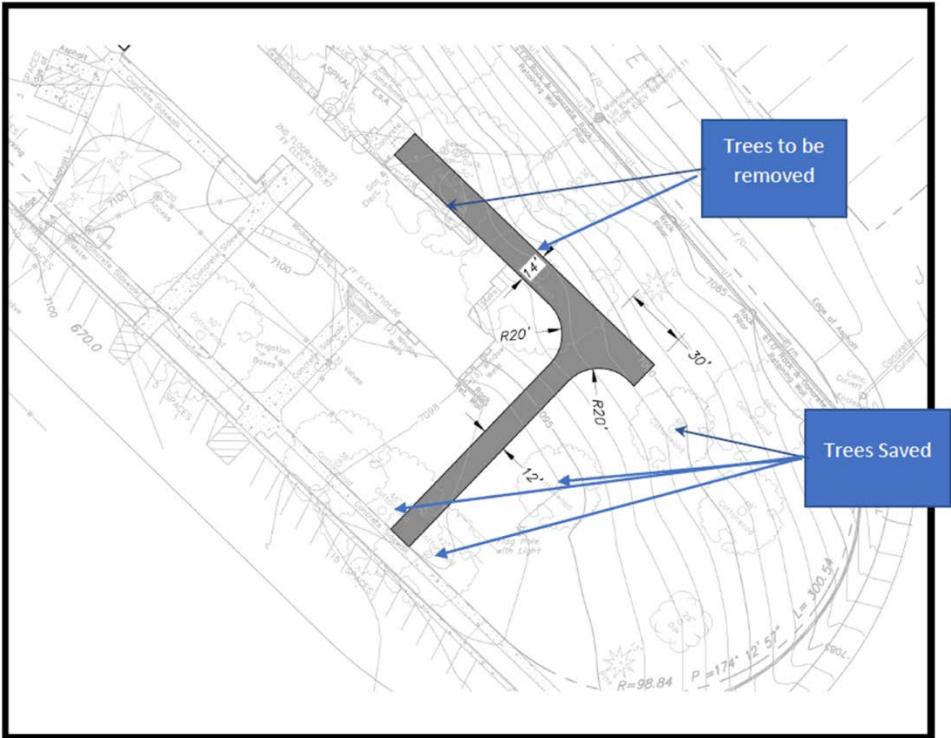
Newly-striped diagonal parking around Thonhoff Park



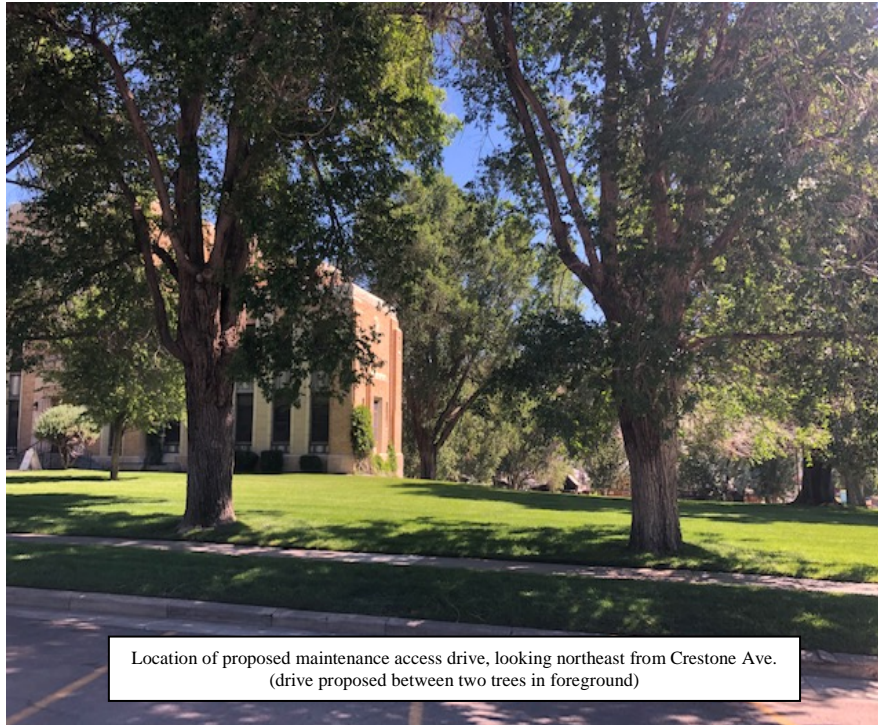
Newly-striped diagonal parking on west side of Crestone Ave across from Judicial Facility

- The subject property is located within the Single-Family Residential (R-1) zone district. The maximum parking/access coverage in the R-1 district is 10%. The existing parking/access coverage on the subject site is currently ~18%. The applicant is requesting a variance to increase the amount of parking access coverage by approximately 8,400 sf (~5%) in order to accommodate additional on-site parking spaces along Third Street, as well as a new maintenance access drive between Crestone Avenue and the rear of the CCAB.
- Existing maintenance access to the rear of the building is anticipated to be eliminated with the addition that is proposed between the existing buildings. The applicant states that a maintenance access drive is necessary for a variety of purposes, such as: staging during future construction, building maintenance, freight deliveries, voting machine storage and loading, access to transformer and generator, access to the trash enclosure, and basement storage.
- The applicant had originally proposed an access drive with attached parking lot (to meet on-site parking requirements) just southeast of the CCAB. This proposal would have required the removal of six large trees and considerably more paving. Significant public opposition to the removal of those trees was demonstrated via a petition that was signed by over 500 individuals and published in The Mountain Mail. Subsequent discussions with the City regarding the potential for counting the newly-created diagonal parking spaces towards future parking requirements led the County to revise their application to include only the maintenance access drive in that location. According to the revised application, this proposal will retain four out of the six trees originally slated for removal with the parking lot.
- A tree assessment report for the campus was commissioned by Chaffee County and compiled by Landscape Resource Consulting. Among other findings, the report recommends that one additional subject tree (not affected by the proposed maintenance access drive) be removed due to poor health.

Proposed Access Lane to the Rear of the Chaffee County Courthouse



*Via Chaffee County



REQUIRED SHOWING FOR VARIANCES (Section 16-4-180):

The applicant shall demonstrate the following to the Board of Adjustment before a variance may be authorized:

1. **Special Circumstances Exist.** There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood.

Applicant's response:

(A- Parking Requirements) *The Courthouse Campus has historically utilized on-street parking for a significant portion of its parking needs, this has allowed the campus to maintain significant green space on the campus. Allowing the addition of new angled parking spaces along Thonhoff Park will save 4 large trees on the campus and minimize the impact to green space for parking.*

(B- Parking/ Access Coverage) *The Courthouse campus pre-exists the original City Zoning. The proper zoning for a government campus would have been C-1 or a special government center zoning, not an R-1 low-density single-family house zoning.*

- **Staff comments:** The subject property is unique in that it is a government facility that receives substantial public use and employs a considerable number of people, but is located on property zoned Single-Family Residential (R-1). To meet parking requirements for any future addition, the most likely location to add parking on site would be within the green space to the southeast of the CCAB. This area, however, holds historic and environmental significance to the community for its park-like atmosphere and canopy of large trees.

Staff notes that an excess of parking/access coverage currently exists and has been permitted in the past due to the public use of the property. The R-1 zoning and corresponding coverage limits are clearly not compatible with the current and historical uses on this site. For reference, of all the City zoning districts, only R-1 and R-2 zones require less than 25% parking/access lot coverage. Staff agrees that special circumstances exist.

2. **Not Result of Applicant.** The special circumstances and conditions have not resulted from any action of the applicant.

Applicant's response:

(A- Parking Requirements) *The zoning is not the result of the applicant and neither is the code that does not consider the historical use of off-site parking.*

(B- Parking/ Access Coverage) *The zoning is not the result of the applicant. This has been recognized by previous councils and P&Z as the 1968, 1999 and 2002 additions were added to grant variances for this reason.*

- **Staff comments:** It is correct that the County offices pre-dated the City's modern zoning districts, and that the use and zoning may not be compatible. However, it should also be noted that the need for additional parking spaces and additional parking/access coverage (due to a proposed future addition) would indeed be the result of the applicant's actions. The County *could* choose to locate said building on another County property. At the same time, as the applicant has stated within their application, this would not be most efficient use of services nor the most environmentally-conscious option—as individuals would likely be forced to drive to a separate facility to do County business.

3. **Strict Application Deprives Reasonable Use.** The special circumstances and conditions are such that the strict application of the provisions of this Chapter would deprive the applicant a reasonable use of the land or building.

Applicant's response:

(A- Parking Requirements) *Applying the code using R-1 zoning deprives the County and its citizens reasonable use of the land as a government campus facility.*

(B- Parking/Access Coverage) *Applying the code using R-1 zoning deprives the County and its citizens reasonable use of the land as a government campus facility. The building addition requires additional coverage for the rear lane and the replacement of the old EMS garage with a parking area for the Sheriff's office. The rear lane is required to load voting machines, trash, freight and building maintenance.*

- **Staff comments:** Staff believes that strictly applying minimum parking standards may not deprive reasonable use of the land, but it could have a significant impact on the historically-enjoyed park-like setting of that half of the County campus. And if expanding the capacity of County services and office space can be considered “reasonable use,” then strictly applying R-1 zone district parking/access coverage standards to the government campus which has existed in this location for many decades would indeed deprive the County reasonable use of the land or building—especially when taking into account a growing population. Staff also acknowledges the applicant’s assertion that additional parking and access areas will be needed for staging during construction, and an expansion of the coverage would be required for those uses.

Communities must often balance the need for public services with the protection of historic and environmental resources. In this case, staff certainly recognizes the value to the public of the trees and green space southeast of the existing CCAB. Staff also recognizes the importance of government functions and the practical use and maintenance of government buildings. Staff discussed with the applicant the option of constructing access to the rear of the building via Third Street, in order to keep the green space to the southeast of the buildings untouched, but was informed by the applicant that such an option would not be feasible.

In the end, staff feels that eliminating the need for an on-site parking lot in the green space while still ensuring access to the rear of the building via a relatively narrow drive lane is an acceptable compromise between competing values. Furthermore, staff notes that an access drive will not be encumbered by parked cars in the same way that a parking lot would be, and therefore enjoyment of the green space would be significantly less impacted. Recommended conditions of approval intended to further reduce the visual and physical impact to the green space are included later in the report.

4. **Variance Necessary to Provide Reasonable Use.** The granting of the variance is necessary to provide the applicant a reasonable use of the land or building.

Applicant’s response:

(A- Parking Requirements) *The necessary building expansion to serve the growing population of the county with quality government services is denied if the R-1 zoning is applied and historical off-street parking to preserve trees and green spaces is denied.*

(B- Parking/Access Coverage) *The necessary building expansion is required to provide quality service to the citizens of Chaffee County. Denial could result in a County building being built in a location that would have a much higher environmental impact and would not be accessible by walking or bicycle. Likely it would be outside the City limits.*

- **Staff comments:** If expanding the capacity of County services and office space can be considered “reasonable use,” and that expansion is conditional upon relaxation of certain parking and/or coverage requirements, then the requested variances are necessary to provide reasonable use. A variance to parking requirements is being requested to avoid construction of an additional parking lot on the green portion of the site. Staff believes that applying a specific number of the nearby public parking spaces (around Thonhoff Park and along Crestone Ave) in exchange for retaining that green space and preserving some trees is a fair and reasonable trade-off/use.

A variance to parking/access coverage is also being requested to accommodate the on-site parking along Third Street and for the rear access lane. The applicant has stated the importance of maintaining access to the rear of the CCAB. Though it is unclear whether the applicant could provide a comparable design that would maintain access via the existing location (where the building addition is proposed), staff acknowledges that the design would have to be revised substantially and would likely have additional impacts to other dimensional standards (such as height or parking spaces) and physical features. By granting a variance to parking/access coverage in the amount requested, the applicant avoids having to request a similar variance for a parking lot within the green space, and can have access to the rear of the CCAB for important public functions and maintenance. The variance allows the County to expand their current stated building needs with only minimally affecting the existing green space.

5. **Minimum Variance.** The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building.

Applicant’s response:

(A- Parking Requirements) *Counting the new additional angled parking installed by the City as a portion of the parking required for the new building is the minimum variance and minimum impact to the campus green space and the neighborhood as historically most of the parking has been on-street. The angled parking will serve to reduce traffic speeds on the wide streets improving pedestrian safety.*

(B- Parking/ Access Coverage) *By maximizing the off-street parking, this is the minimum variance to functionally add the needed building addition.*

- **Staff comments:** Allowing for the 39 additional newly-striped parking spaces to count towards the parking requirements for the proposed building addition would eliminate the need for an additional parking lot to the southeast of the existing buildings.

In addition to applying the off-site parking spaces towards the parking requirements, increasing the additional parking/access coverage for the parking along Third Street and the rear access drive also allows for the construction of (and access to) the building as conceptualized, while eliminating the need for the additional parking lot. Staff agrees that this is the minimum variance necessary to make possible the reasonable use of the land or building.

- 6. **No Injury to the Neighborhood.** The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare or the environment.

Applicant’s response:

(A- Parking Requirements) *The neighborhood has expressed its desire to preserve as much green space on campus as possible. This request continues the historical off-site parking that has existed since the construction of the building and minimizes the environmental impact of parking for the project.*

(B- Parking/Access Coverage) *The rear lane is designed to miss 4 of the trees the previous parking lot design would have removed. The two trees to be removed for the lane will be removed with or without the lane due to their age, size and proximity to the historic courthouse. Four new trees will be planted to increase tree diversity and provide age diversity for the longer-term health of the tree coverage on the campus.*

- **Staff comments:** With the granting of variances to both the parking requirement (to include off-site parking) and parking/access coverage (for the expanded parking along Third Street and the new maintenance access drive), staff feels that the proposed addition and associated features will not be injurious to the surrounding neighborhood nor detrimental to the public welfare or the environment. There are ample parking spaces within the right-of-way around Thonhoff Park and along Crestone Avenue to handle the vast majority of overflow spaces that could be needed for the County buildings, including that which is proposed. Though the rear access drive will certainly have some impact to the existing green space and at least a couple of the large trees on the site, staff also recognizes that: (1) an access drive would be visually and physically less impactful than a parking lot; (2) as noted in the attached tree assessment report, over time some of the older trees will likely need to be removed for safety in this public location; (3) removing two older and larger trees is less impactful than removing six; and (4) the County’s proposal to plant at least four new trees will provide greater species and age diversity to the trees on the campus property.

Specifically in regards to the aesthetic and environmental impact of the drive lane, staff recommends as conditions of approval:

- Prior to construction of the drive lane, the applicant shall submit construction plans to City staff for administrative review.
- Prior to submittal, the applicant shall investigate alternatives to paving the drive lane, such as heavy-duty porous pavers, “grass-crete,” or at least using colored asphalt that will blend in with the surrounding green space.
- The access drive lane shall not be for use by the general public, nor shall it be used for the storage of vehicles. The applicant shall put a gate up at the entrance to the access drive and shall sign the drive (on the gate and/or on the surface of the drive with “No Parking”).

Staff also sees a potential issue with building the entrance to the access drive between the two southern-most trees along Crestone Avenue. Locating the 12-foot drive lane there could inadvertently yet significantly impact the root zones of both

trees, potentially leading to their premature demise. Therefore, staff recommends the following condition of approval:

- The applicant shall demonstrate (via a certified arborist’s analysis) that the drive lane can be constructed in the proposed location without significantly impacting the root zones of the two adjacent trees. If the proposed drive lane cannot be constructed without such impact, then the applicant shall locate the entrance of the drive lane where the southern-most tree along Crestone Avenue currently resides, so as to increase the likelihood that at least one of the two trees will be preserved.

Staff notes that the Public Works Director cannot recommend moving the entrance much more to the southeast than stated above, as planned future realignment of Crestone Avenue at Poncha Blvd may create challenges with such location. Public Works also notes that the drive lane cut in this location will eliminate 3-4 parking spaces along Crestone Avenue.

Lastly, staff recognizes that virtually any development within the existing green space will likely have *some* impact on the surrounding trees. Furthermore, the tree assessment report recommends the removal of one additional tree in the subject area. The applicant’s proposal to plant four new trees to replace the two they intend to remove via the drive lane is reasonable and forward-thinking; however, there is no guarantee that with such development that only two trees will be impacted.

Therefore, staff recommends the following conditions of approval:

- The applicant shall make a good-faith effort to protect other nearby trees by installing root zone protection fencing as part of the access lane construction process.
- The applicant shall plant and maintain, within the green space, two new trees for every tree that needs to be removed as part of the proposed development and related tree assessment report.

7. **Consistency with Code.** The granting of the variance is consistent with the general purposes and intent of this Land Use Code.

Applicant’s response: (None)

- **Staff Comments:** The applicant’s proposals would comply with all other aspects of the zoning code.

REVIEW AGENCY COMMENTS:

Fire Chief, Doug Bess: *Fire Department has no concerns.*

Public Works Director, David Lady: *3-4 Public Parking stalls will be impacted as a result of the driveway cut in the proposed location on Crestone Ave. It was identified by the applicant that parking is in high demand along Crestone Avenue. Future realignment of Crestone Ave at Poncha Blvd may impact the driveway location and alignment.*

REQUIRED ACTIONS BY THE BOARD:

1. The Board shall confirm that adequate notice was provided and a fee paid.
2. The Board shall conduct a public hearing.
3. The Board shall make findings regarding points 1 through 8 of the above section.

RECOMMENDED FINDINGS:

- That the variance request is in substantial conformance with Section 16-4-180(e) Required Showing for Variances, because the variance will allow the highest and best use of the property, (with recommended conditions), will not be injurious to neighbors, maintenance is feasible, and is in keeping with the general purposes of the Code.

STAFF RECOMMENDATION:

Staff recommends the Board of Adjustment **APPROVE, WITH CONDITIONS**, Chaffee County’s request for a variance to parking standards on the site to count specific off-site parking spaces and the County’s request for a variance to parking/access coverage standards on the site to allow for an additional on-site parking spaces along Third Street and an access lane connecting Crestone Avenue and the rear of the building.

RECOMMENDED MOTION: “I make a motion to approve the Chaffee County Variance requests as they meet the review standards for Zoning Variances, subject to the following conditions:”

1. Prior to construction of the drive lane, the applicant shall submit construction plans to City staff for administrative review.
2. Prior to submittal, the applicant shall investigate alternatives to paving the drive lane, such as heavy-duty porous pavers, “grass-crete,” or at least using colored asphalt that will blend in with the surrounding green space.
3. The access drive lane shall not be for use by the general public, nor shall it be used for the storage of vehicles. The applicant shall put a gate up at the entrance to the access drive and shall sign the drive (on the gate and/or on the surface of the drive with “No Parking”).
4. The applicant shall demonstrate (via a certified arborist’s analysis) that the drive lane can be constructed in the proposed location without significantly impacting the root zones of the two adjacent trees. If the proposed drive lane cannot be constructed without such impact, then the applicant shall locate the entrance of the drive lane where the southern-most tree along Crestone Avenue currently resides, so as to increase the likelihood that at least one of the two trees will be preserved.
5. The applicant shall make a good-faith effort to protect other nearby trees by installing root zone protection fencing as part of the access lane construction process.
6. The applicant shall plant and maintain, within the green space, two new trees for every tree that needs to be removed as part of the proposed development and related tree assessment report.

If the Board recommends denial of the request, the findings for denial must be stated.

If approved, all variances shall expire twelve (12) months from the date of issuance if no building permit has been issued to establish the variation authorized, or if the variation does not require a building permit, unless the variation is established, ongoing, and in operation. Such time period shall not be altered by transfer of ownership.

BECAUSE THIS APPLICATION IS FOR A VARIANCE, THE SALIDA BOARD OF ADJUSTMENT SHALL MAKE THE FINAL DECISION ON THIS APPLICATION. THE DECISION OF THE BOARD OF ADJUSTMENT MAY BE APPEALED WITHIN 15 DAYS OF THE DECISION AS SET FORTH IN SECTION 16-2-70 OF THE LAND USE CODE.

- Attachments:
- Revised application materials
 - Conceptual building addition plans
 - County parking needs analysis and initial parking lot plan
 - Tree assessment report by Landscape Resource Consulting
 - Advertisement in opposition to removing trees from The Mountain Mail
 - Proof of Publication
 - Public Comment

REVISED VARIANCE APPLICATION (7/7/2020)



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

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

A. Applicant Information

Name of Applicant: Chaffee County Government

Mailing Address: PO Box 699, Salida, CO 81201

Telephone Number: 719.530.5563 FAX: _____

Email Address: dtom@chaffeecounty.org

Power of Attorney/ Authorized Representative: Daniel Tom Assistant County Attorney
(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: Chaffee County Courthouse

Street Address: 104 Crestone Ave.

Legal Description: Lot _____ Block _____ Subdivision _____ (attach description)
SEE ATTACHED SURVEY DWG. NO. L-19-03

Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge.

Signature of applicant/agent Date 7/14/20

Signature of property owner _____ Date _____



VARIANCE APPLICATION

448 East First Street, Suite 112
Salida, CO 81201
Phone: 719-530-2626 Fax: 719-539-5271
Email: planning@cityofsalida.com

A. TYPE OF VARIANCE REQUESTED (Fill In Applicable Requests)

1. Variance from Maximum Height: Existing Height (in feet): Proposed Height (in feet):

2. Minimum Variance from Floor Area: Required Floor Area: Proposed Floor Area:

3. Variance from Maximum Lot Coverage: Allowed Parking Coverage:10% Existing Parking Coverage: 25%
Proposed Lot Coverage: 35%

4. Variance from Parking Requirements: Existing Spaces: Required Spaces:
Total Spaces Proposed: Percent Reduction Proposed:

5. Variance from Minimum Setback Requirements

a. Setback Variance Information:

- i. Type of setback: Front yard Rear yard Side yard
ii. Which direction: North South East West
Northeast Northwest Southeast Southwest
iii. Type of Building: Principal Accessory Building
iv. Current Setback:
v. Proposed Setback:
vi. Required Setback:

b. Second Setback Variance Information (if applicable):

- i. Type of setback: Front yard Rear yard Side yard
ii. Which direction: North South East West
Northeast Northwest Southeast Southwest
iii. Type of Building: Principal Accessory Building
iv. Current Setback:
v. Proposed Setback:
vi. Required Setback:

6. Variance from Land Use Code Section: 16-4-200 zone district standards, table 16F Parking Coverage

B. DEVELOPMENT PROCESS (City Code Section 16-4-180)

- 1. Pre-Application Conference. Optional.
- 2. Submit Application.
- 3. Staff Review. Schedule Hearing. Forward Report to Applicant and Board.
- 4. Public Notice Provided For Hearing.
- 5. Public Hearing Conducted by Board and Action Taken.



C. APPLICATION CONTENTS

A digital copy of all application materials is required.

- 1. **General Development Application**
- 2. **Site Plan.** A site plan of the subject property, showing existing and proposed features, buildings, etc. which are relevant to the review of the application. **The copies shall only be accepted on 8½" x 11", 11" x 17" or 24"x 36" paper.**
- 3. **Required Showing.** The applicant shall indicate the way the proposal meets the required showing as outlined in the application.
- 4. **Public Notice**
 - a) List. A list shall be submitted by the applicant to the city of adjoining property owners' names and addresses. A property owner is considered adjoining if it is within 175 feet of the subject property regardless of public ways. The list shall be created using the current Chaffee County tax records.
 - b) Postage Paid Envelopes. Each name on the list shall be written on a postage-paid envelope. Postage is required for up to one ounce. Return Address shall be: City of Salida, 448 E. First Street, Suite 112, Salida, CO 81201.
 - c) Applicant is responsible for posting the property and submittal of proof of posting the public notice.
- 5. **Application Fee.** \$500 cash or check made out to City of Salida.

Variance Request:

Chaffee County like many Colorado counties is experiencing tremendous growth. The Colorado Department of Local Affairs currently estimates that Chaffee County has a population of 20,024 people. Due to Chaffee County’s location and proximity to plentiful natural resources, it is expected that Chaffee County’s population will continue to increase, which is supported by the historical data showing population increases in Chaffee County since 2010.

In order to meet the needs of a growing population in 2021 Chaffee County is planning to expand the Chaffee County Administrative Building (CCAB), located at 104 Crestone, Salida.

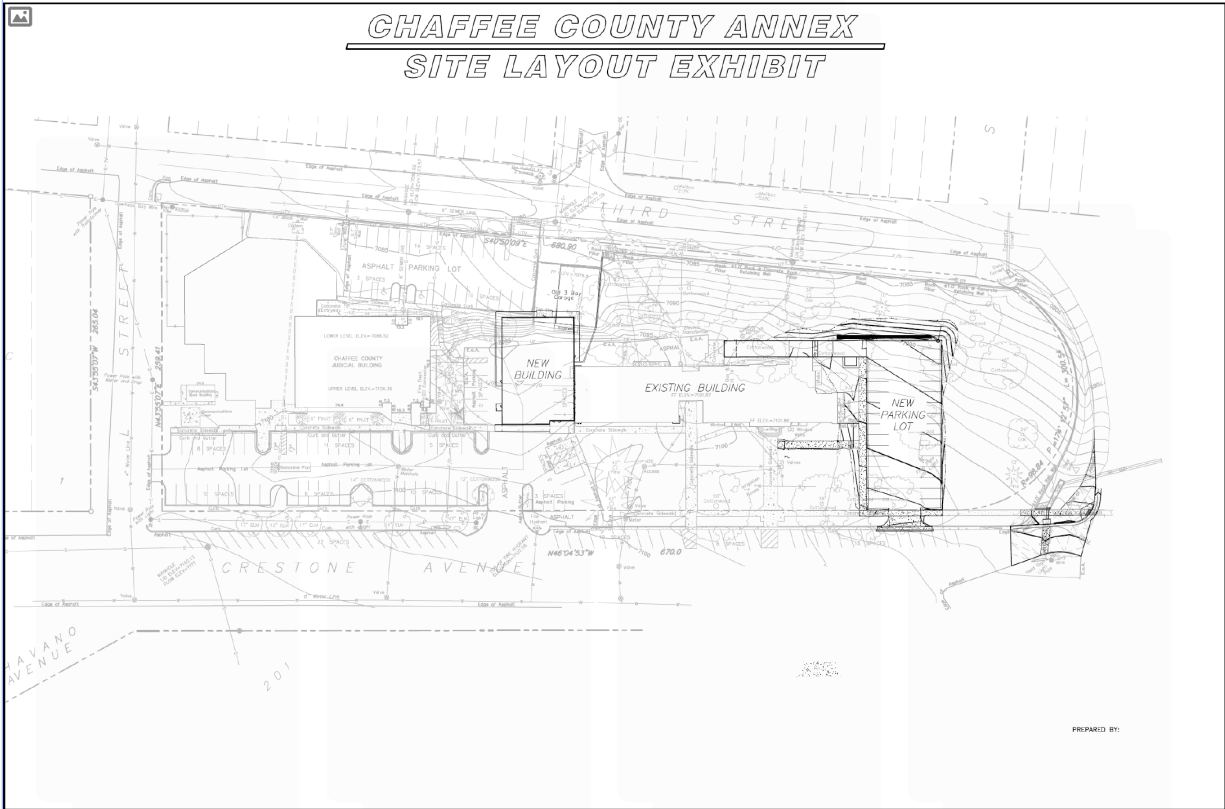
The County considered the following criteria for where to build the expansion of offices; operational efficiency, convenience of service to the public, construction costs, walkability and bicycle access to services and environmental impact of construction. It was clear that for all the criteria, expansion of office space on the existing campus site is the best choice.

The new Chaffee County Administration Building Expansion (CCABE) is planned to take place between the “1968 Administration” addition to the CCAB and the “1991 Court Facility”. The new addition will be a 16,000 square feet expansion to the CCAB with a walk out basement Sheriff’s Office on 3rd Street and a two-story addition with an entrance on Crestone Avenue. The construction of the building is scheduled for Spring 2021.

The County in discussions with the City initially understood it would have to meet the off-street parking requirements for the new building with an addition of 38 on-site spaces. The design team worked for several months reviewing parking options and determined the best option was to increase the 3rd street parking by 12 spaces by removing the existing old EMS garage and building 26 new spaces on the east lawn of the CCAB, which would also provide the rear access to the CCAB basement. Section 16-8-10 Table 16J of the City code requires additional off-street parking for the CCAB expansion.

To ensure adequate access and services to the public during the construction phase the project team determined it would be necessary to address parking and the existing CCAB basement access prior to the start of construction by providing additional parking and a new basement facility access. The team determined that additional parking and the basement access needed to be completed in the summer/fall of 2020 in preparation for the construction in the spring of 2021.

During the CCABE construction a minimum of 30 – 35 on-site parking spaces out of the total 92 existing on-site spaces will be closed off for safety and construction workspace for 9 to 12 months (there are 52 angled on street spaces on Crestone Avenue that also serve the campus. These parking spaces serve the CCAB, Courthouse and Jail for the 95 employees and the public visitors to the campus. During the expansion, the public must be able to safely access critical governmental services, such as the court, elections, Sheriff’s Office and Jail, District Attorney, Assessor, Clerk & Recorder, Treasurer, Board of County Commissioners and other County departments housed on the campus. Parking at the current facility is already at its maximum during peak periods during Court jury selection and County Commissioner meetings. The existing access to the “CCAB basement” which is used for deliveries, maintenance and voting machine storage will be blocked during construction and permanently by the new CCABE building.



New Building & Initial Parking Concept

The only option for access is a new access lane on the east side of the CCAB due to the elevation difference between the basement and 3rd street. This was part of the logic for the previously proposed on-site parking expansion because the rear lane access could also serve as the back out central lane of the parking lot.

The County prepared a variance application and began discussions with the City in May for increased parking coverage of 7.5% for the new parking lots (Section 16-4-200 Table 16F parking coverage) as R1 is limited to 10%. The existing parking coverage approved by previous campus expansions in 1968, 1991 and 2002 is 18%, with the variance, the parking coverage would have been increased to 25%.

There was an immediate public outcry regarding the required removal of 6 trees to build the parking lot. The County and City have worked together to find a solution to reduce the impact to trees on the site. The City Public Works Director suggested increasing the off-site parking by striping angled parking around a portion of Thonoff park which would provide the required 38 additional parking spaces. The spaces have been striped and are currently in use as of June 26th.

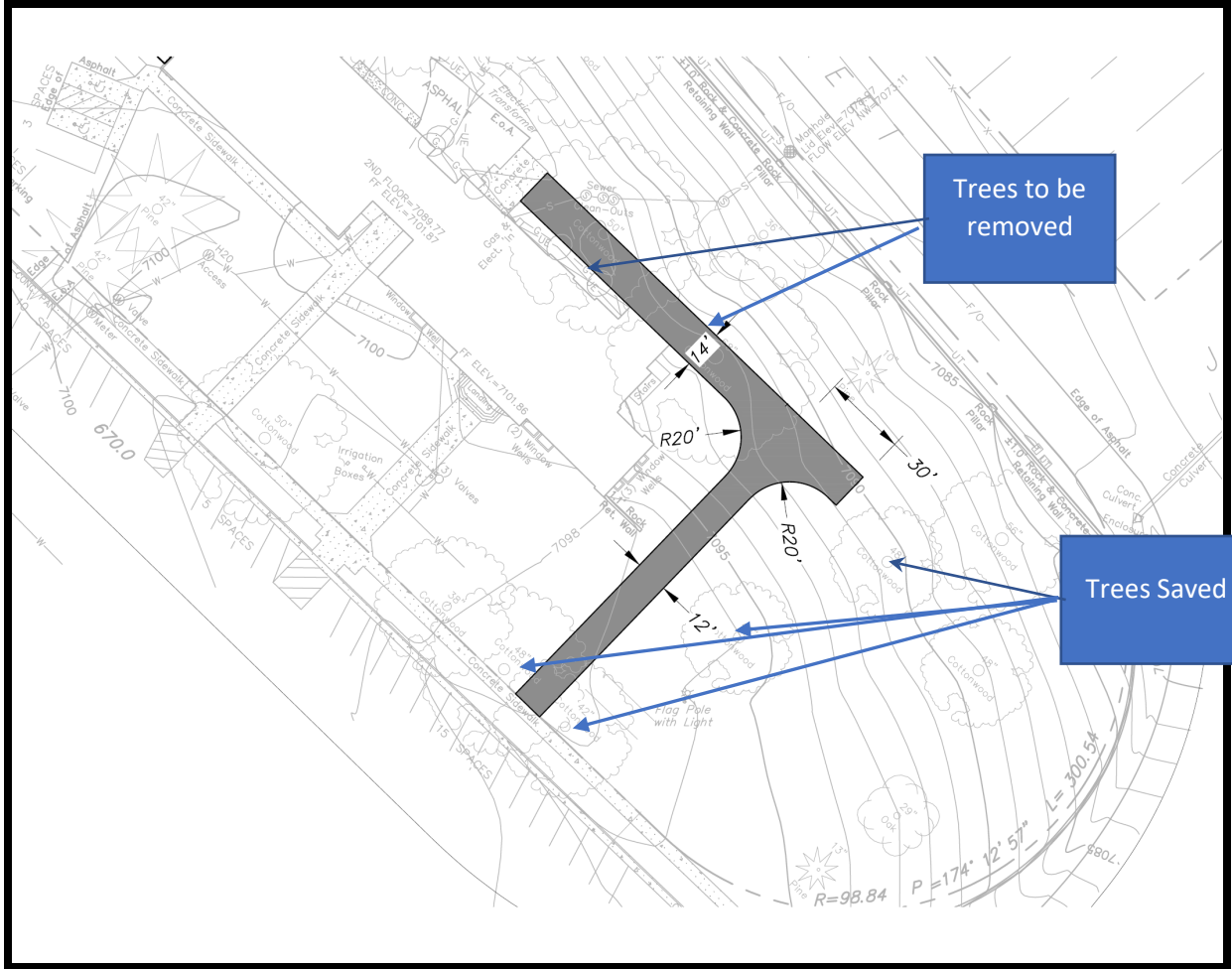
On the recommendation of City Staff, The County has modified its original variance request. This variance request is as follows:

1. To allow for the new striped angled off-site parking at Thonoff Park which provides 37 new spaces to count as a portion of the parking requirement new CCABE. Section 16-8-80 Table 16 J

requires Off-Street parking. This variance request would approve the 37 new angled off-site spaces to count toward the required parking.

- a. Special Circumstances Exist:
 - i. The Courthouse Campus has historically utilized on-street parking for a significant portion of its parking needs, this has allowed the campus to maintain significant green space on the campus. Allowing the addition of new angled parking spaces along Thonoff Park will save 4 large trees on the campus and minimize the impact to green space for parking.
- b. Not the result of the Applicant:
 - i. The zoning is not the result of the applicant and neither is the code that does not consider the historical use of off-site parking.
- c. Strict Application deprives reasonable use:
 - i. Applying the code using R1 zoning deprives the County and its citizens reasonable use of the land as a government campus facility.
- d. Variance is required to provide reasonable use:
 - i. The necessary building expansion to serve the growing population of the county with quality government services is denied if the R1 zoning is applied and historical off-street parking to preserve trees and green spaces is denied.
- e. Minimum Variance:
 - i. Counting the new additional angled parking installed by the City as a portion of the parking required for the new building is the minimum variance and minimum impact to the campus green space and the neighborhood as historically most of the parking has been on street. The angled parking will serve to reduce traffic speeds on the wide streets improving pedestrian safety.
- f. No Injury to the neighborhood:
 - i. The neighborhood has expressed its desire to preserve as much green space on campus as possible. This request continues the historical off-site parking that has existed since the construction of the building and minimizes the environmental impact of parking for the project.

2. The second variance request is for on-site parking coverage. Section 16-4-200 Table 16F parking coverage in R1 is limited to 10%. The existing approved parking coverage for the campus site is 18%. The new parking area that will be added off of 3rd Street in the location of the old EMS garage will add to the parking coverage (***This currently approved as structural coverage on site***) and the rear lane access for the existing CCAB basement which will also count towards Uncovered Parking/Access coverage 16-4-200 Table 16f. These two areas will increase the coverage from the existing 18% by 5% to 23% for the campus. This revised plan reduces the number of trees to be removed to two trees that are against the back of the building. The need for an access to the rear lane is an absolute requirement and there is no other viable option. A preliminary landscape plan was prepared for the previous parking lot concept which would have planted 8 new trees to replace the 6 trees removed, improving the diversity of trees and adding younger trees to a campus of old trees with limited additional life. Four new trees will be planted to offset the loss of the two trees that are necessary to remove.



Current Rear Lane Design

- a. Special Circumstances Exist:
 - i. The Courthouse campus pre-exists the original City Zoning. The proper zoning for a government campus would have been C1 or a special government center zoning, not an R1 low-density single-family house zoning.
- b. Not the result of the Applicant:
 - i. The zoning is not the result of the applicant. This has been recognized by previous councils and P&Z as the 1968, 1999 and 2002 additions were added to grant variances for this reason.
- c. Strict Application deprives reasonable use:
 - i. Applying the code using R1 zoning deprives the County and its citizens reasonable use of the land as a government campus facility.
 - ii. The building addition requires additional coverage for the rear lane and the replacement of the old EMS garage with a parking area for the Sheriff's office.
 - iii. The rear lane is required to load voting machines, trash, freight and building maintenance.
 - iv. Large mature trees against the building are a hazard and are recommended for removal.

- d. Variance is required to provide reasonable use:
 - i. The necessary building expansion is required to provide quality service to the citizens of Chaffee County. Denial could result in a County building being built in a location that would have a much higher environmental impact and would not be accessible by walking or bicycle. Likely it would be outside the City Limits.
- e. Minimum Variance:
 - i. By maximizing the off-street parking, this is the minimum variance to functionally add the needed building addition.
- f. No Injury to the neighborhood:
 - i. The rear lane is designed to miss 4 of the trees the previous parking lot design would have removed. The two trees to be removed for the lane will be removed with or without the lane due to their age, size and proximity to the historic courthouse. Four new trees will be planted to increase tree diversity and provide age diversity for the longer-term health of the tree coverage on the campus.

The existing Campus conditions are:

- Campus Size: 168,420 square feet 3.87 acres
- Existing Parking Coverage: 30,266 square feet 18 percent (previously approved campus expansions)
- New Parking & Rear Access Coverage 8,400 square feet 5% percent (new increase)
- **Total Proposed Parking and Access Coverage 23%**

Section 16-4-180 of the Code allows for Zoning Variances and the Code specifically authorizes variances for parking requirements. Before the Board of Adjustment authorized a variance, the applicant shall demonstrate the following:

Special Circumstances Exist:

There are special circumstances/conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood.

The original Courthouse was constructed on the 3.87-acre property in 1936 and predates any known zoning map in Salida. The earliest zoning map that we can locate is 1946. The map shows the Courthouse site has been zoned R-1 single family residential from the time of this historic map.

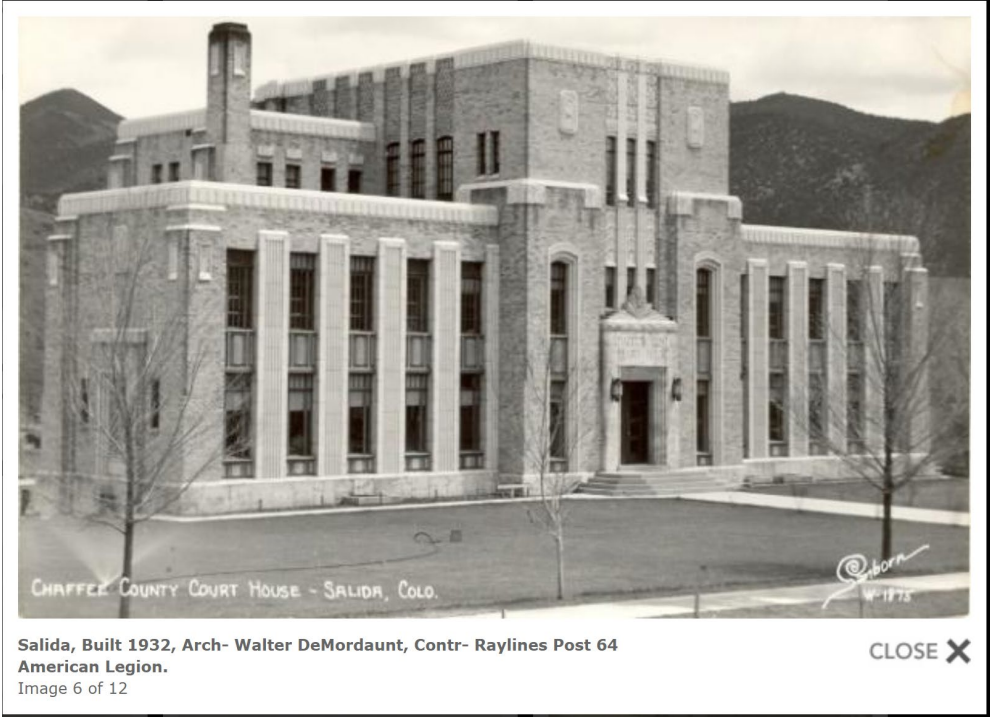
Government Administrative Facilities are a Limited Review in the current Zoning Code 16-4-200 Zoning District Standards Table 16F.

The City of Salida has historically recognized the County Campus ("Campus) as a necessary administrative facility and has recognized the value of having the Campus in the center of the City. The City has demonstrated its position in 1968, 1991 and 2002 by approving Campus expansions to meet the

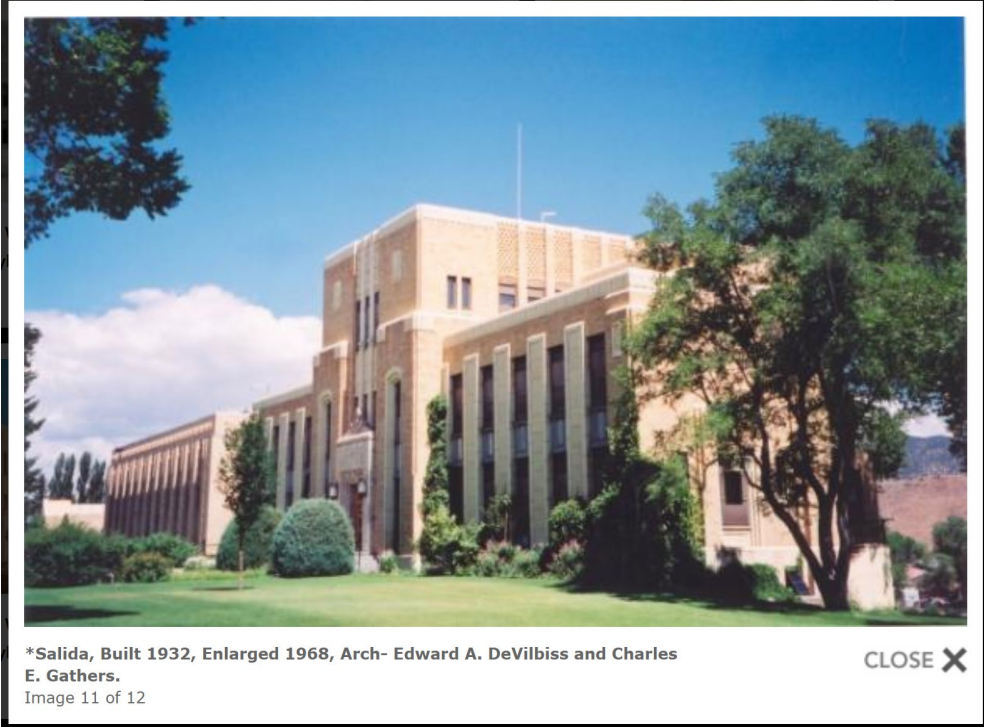
needs of a growing community. Parking has been expanded in 1968, 1991 and 2002 to accommodate these expansions. The land and building are special conditions, since they have historically been the hub of all major essential governmental services for Chaffee County. The property's use for governmental functions has predated the existence of any known City zoning code and the use of the building and property is essential for the public and unique in an R-1 zone. Allowing for the variance to increase parking lot coverage by 7.5% allows the County to maximize the use of the County site and allows the County to expand the CCAB allowing the community to access a majority of county services at one central location.

Additionally, the City has historically recognized the Campus, which has existed prior to a zoning code, as a special condition over the years as expansions and improvements to the Campus as shown in the photos below.

The original Chaffee County Courthouse on the Campus site was constructed in 1932.



In 1968 the Chaffee County Courthouse was enlarged with an attached addition on the north side.



In 1991 a detached Court facility was constructed north of the 1968 building addition, with a front parking lot.



In 2002, a new attached jail was built on to the north side of the 1991 Court facility with an expansion of the court front parking lot.



Not the Result of the Applicant: The special circumstances and conditions have not been the result of the applicant.

The applicant’s facility and Campus preceded zoning and has been recognized by the City as an acceptable and special condition throughout the history of the Campus. Since the Campus was zoned R-1 in 1946, each expansion has been treated as a special condition under the City’s Code. The City has modified its land use code several times in the history of the Campus and did not vary its position that the Campus should not continue to expand and grow with the community’s needs and did not take the opportunity to create an appropriate zone for the Campus.

If the Campus was zoned Commercial like Salida’s City Hall/Touber Building and as its historical use suggests, it would be in compliance with the current land use code. Salida’s prior City Hall is located at 124 E. St, which is zoned Central Business, if the Campus was zoned in a similar fashion, it would be in compliance with the current land use code.

Strict Application Deprives Reasonable Use.

There is significant interaction between the governmental departments on the Campus that are economical, efficient, environmentally green and service oriented by being co-located. The citizens of the community benefit from these in many ways that would not be possible if a new expansion were to be at a satellite Campus.

- Infill is greener than greenfield expansion to a satellite site. (density is green, sprawl is not)
- A single trip to a Campus with all the available services means fewer vehicle miles traveled by citizens.
- The walkable service area where citizens can bicycle or walk to the Campus eliminates vehicle miles traveled compared to a satellite Campus which requires vehicle trips. (this is a carbon reduction and a cost savings to citizens)
- No new municipal services are required such as new streets, water mains or sewer mains are required for the expansion. This is economical and green with regards to new infrastructure impacts and life cycle costs for the City. (saves money for taxpayers)
- Less taxpayer money will be expended by the County for an on-Campus expansion than a new Campus site.
- Strict application of the provision in the Code would significantly limit the County’s ability to provide and expand essential governmental services in one central location.

Lack of consideration for the historic and current use of the Campus and the economics and environmental considerations of on-site expansion deprives Chaffee County Government and the citizens of Chaffee County reasonable use of a critical public asset. Reasonable Use in this case includes access to services, economic considerations for city and county taxpayers and minimizing environmental impacts.

Variance Necessary to Provide Reasonable Use. The granting of the variance is necessary to provide the applicant a reasonable use of the land or building.

Granting of the variance allows the County to expand the existing CCAB and provide expanded parking spaces for the Campus as required. The variance will also allow the County to provide additional parking for employees and the public and alleviate on-street parking issues in the neighborhood as well as for users of Thonoff Park.

Without the variance the County will not be able to expand CCAB and meet the needs of the community at the current Campus.

Minimum Variance. The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building.

The variance request to increase the parking lot coverage 5% for a total parking lot coverage of 23% for the Campus. The request will allow the County to expand the CCAB and meet the Code’s off-street parking standards.

No Injury to the Neighborhood. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare.

The parking lot addition will abide by all design standards of the Code and provide additional parking space for users of the CCAB. The additional parking spaces will alleviate parking issues for the neighborhood. Additionally, the City’s Draft “Downtown Salida Parking Study” found that doing nothing about parking is not a good option. The study concludes that “per conservative estimations, parking demands are anticipated to exceed effective supplies by 2025.” Walker Consultant, Draft: Downtown Salida Parking Study, pg. 92 (October 3, 2019). One of Walker Consultant’s recommendation is to expand inventory of publicly available parking to increase inventory. While the Campus was not included in Walker Consultants study, the Campus is touching the boundaries of the parking study’s area. Increasing parking area by 7.5% would be consistent with the recommendations of the Draft Parking Study and would be consistent with the historical use of the Campus and would not cause any detriment to the surround land, property owners, or neighborhood.

Consistency with Code. The granting of the variance is consistent with the general purpose and intent of this Land Use Code.

The City has historical recognized the Campus as a necessary administrative facility and has recognized the value of having the Campus in the center of the City. The City has demonstrated its position in 1968, 1991 and 2002 by approving Campus expansions, including parking lots, to meet the needs of a growing community.

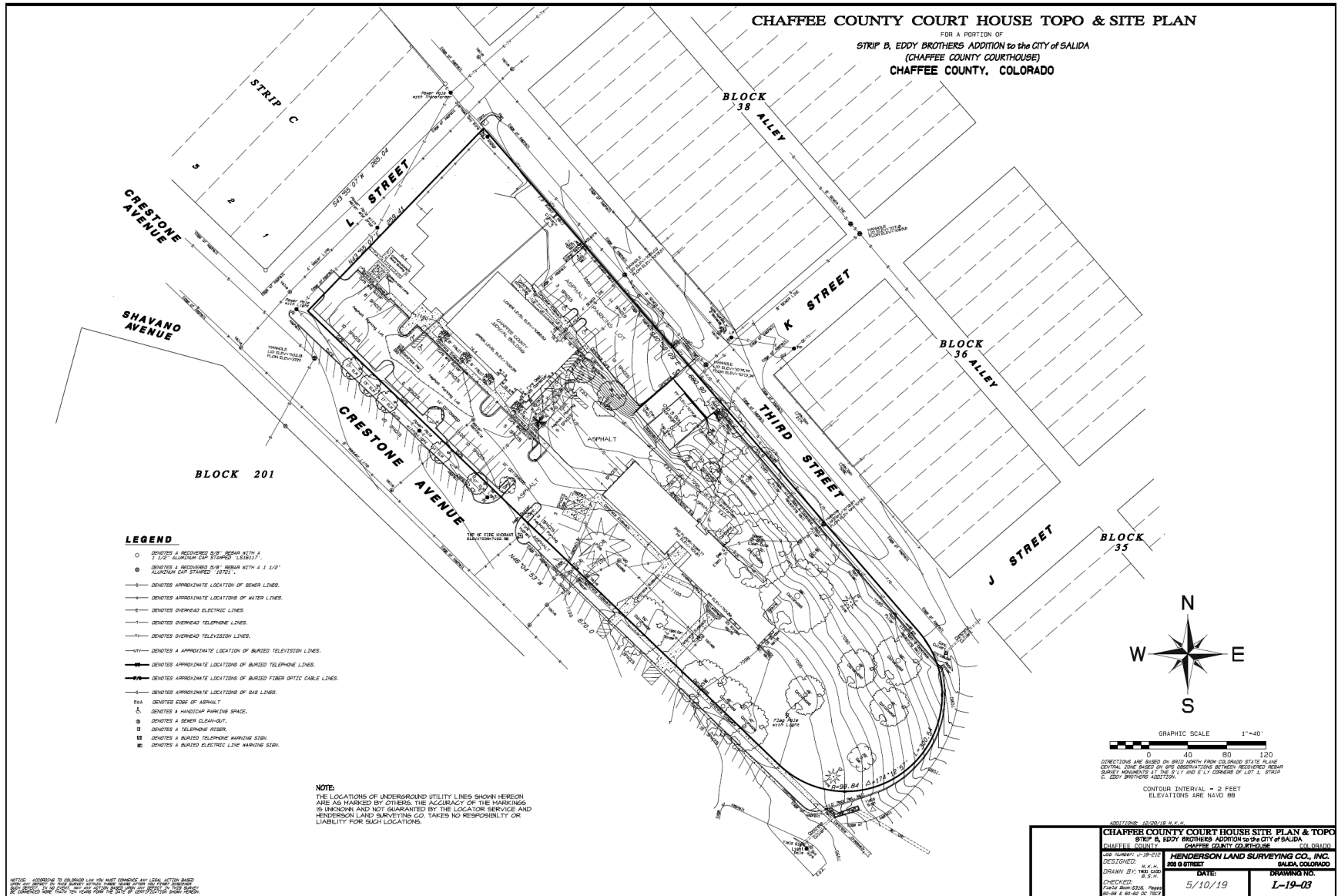
Additionally, the request is consistent with prior request for variances for parking requirements. The Board of Adjustment approved on August 26, 2013, First Presbyterian Church’s request for a Variance from the maximum lot coverage of 10% for parking and access. The Board of Adjustment granted the variance to the parking lot requirement unanimously. First Presbyterian Church’s request is almost identical to the County’s. The church is approximately

122 feet from the County's property. Both are zoned R-1 and both entities required a variance to R-1's requirement of a maximum lot coverage of 10% for parking, to allow for future building expansion. Approval of the County's request is consistent with the Code and historical application of this variance request.

Finally, the Board of Adjustment has heard many requests for variances to decrease the parking requirements.

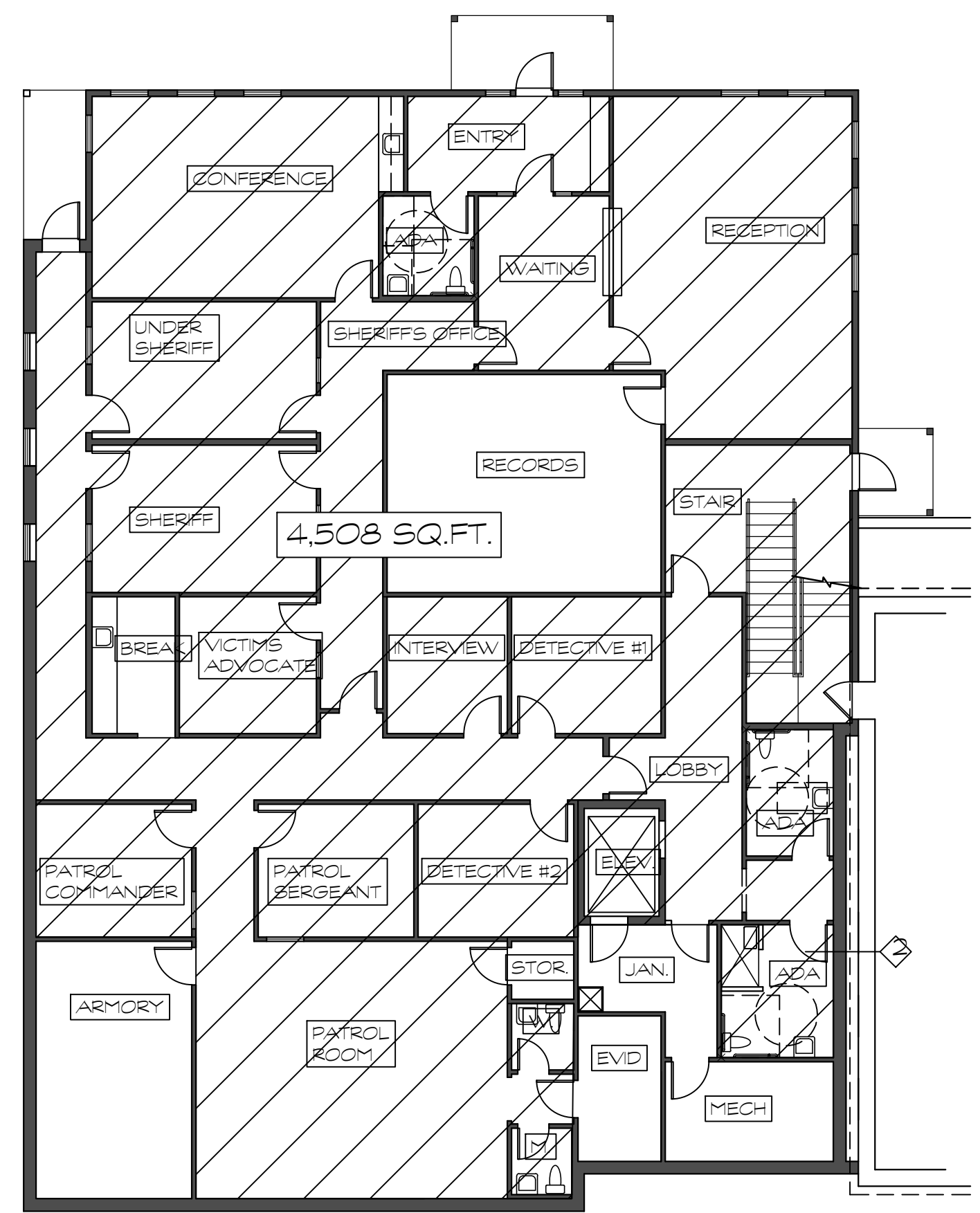
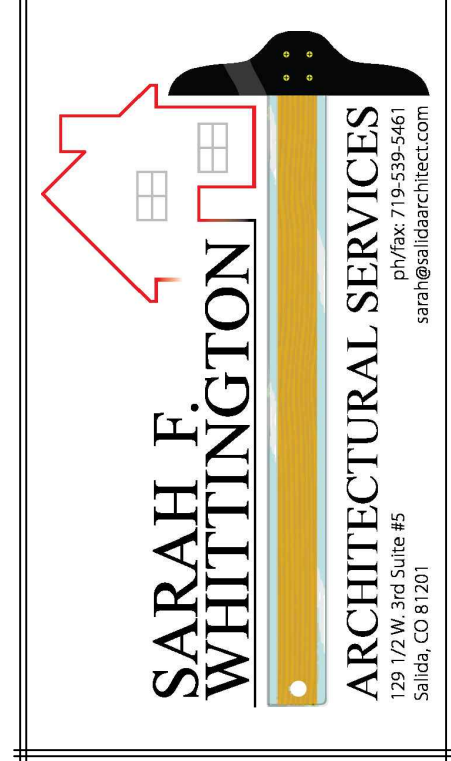
- March 25, 2019: Salida Regional Library requested to receive a variance to decrease by 50% the parking requirements. Variance was granted.
- May 27, 2014: Two's Early Learning School requested a variance from the parking requirements to decrease parking spaces from 17 to 11. Variance was granted.
- April 28, 2004: Montessori School requested to receive a variance from the parking requirements to decrease parking spaces from 25 to 12 spaces. Variance was granted.

The County provides these prior decisions to illustrate that most variances for parking requirements are to decrease the amount of parking. Here the County is requesting to increase parking in order to expand the CCAB. By increasing parking, the County will not be off-loading its parking responsibilities to the City and surrounding neighborhood.

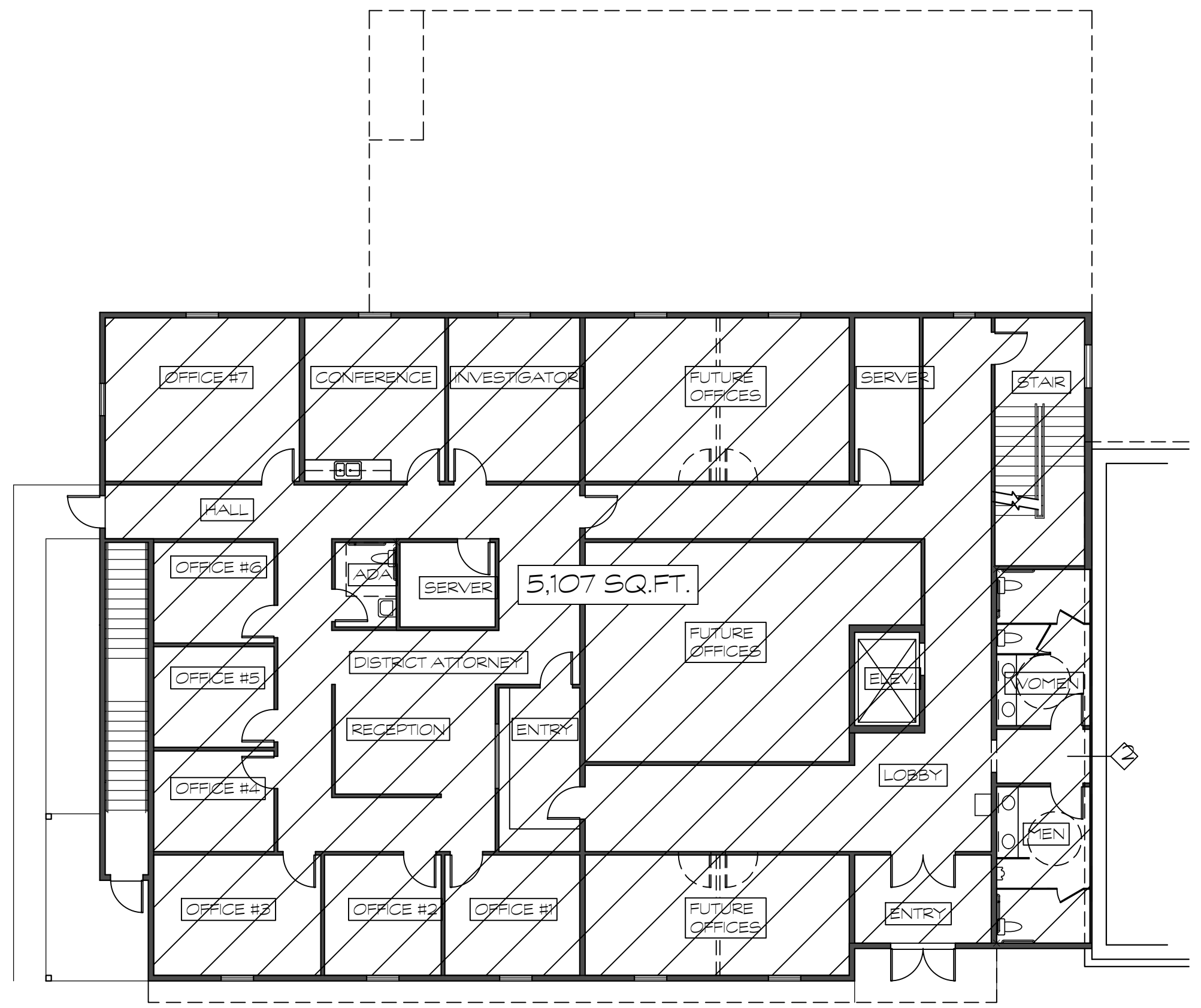


Survey- Existing Campus

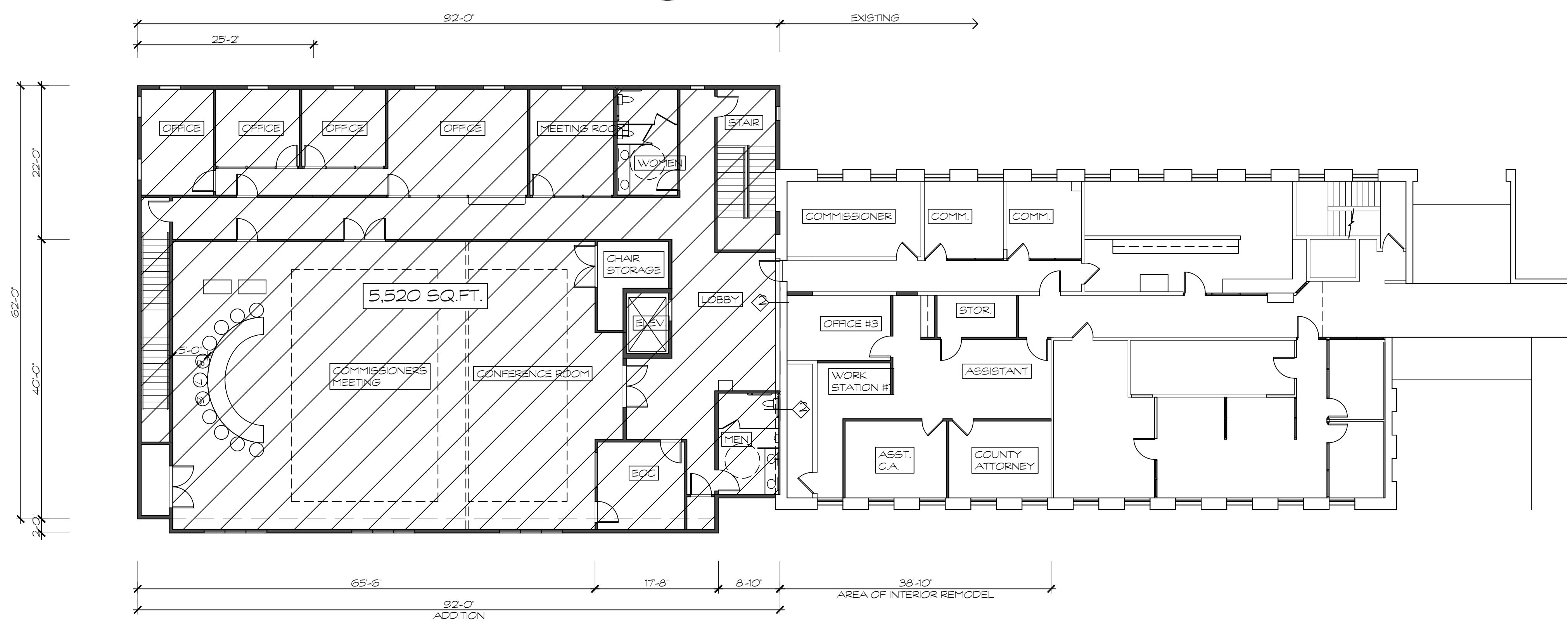
CONCEPTUAL BUILDING ADDITION PLANS



1 BASEMENT LEVEL DIAGRAM
3/32" = 1'-0"



2 MAIN LEVEL DIAGRAM
3/32" = 1'-0"



3 UPPER LEVEL DIAGRAM
3/32" = 1'-0"

Parking Calculations:

Upper level:	5,520 sq.ft.
Main level:	5,107 sq.ft.
Basement level:	4,508 sq.ft.
Total:	15,135 sq.ft. / 400 = 38 spaces

Chaffee County Annex Building
Addition & Remodel
104 Crestone Avenue
Salida, CO 81201

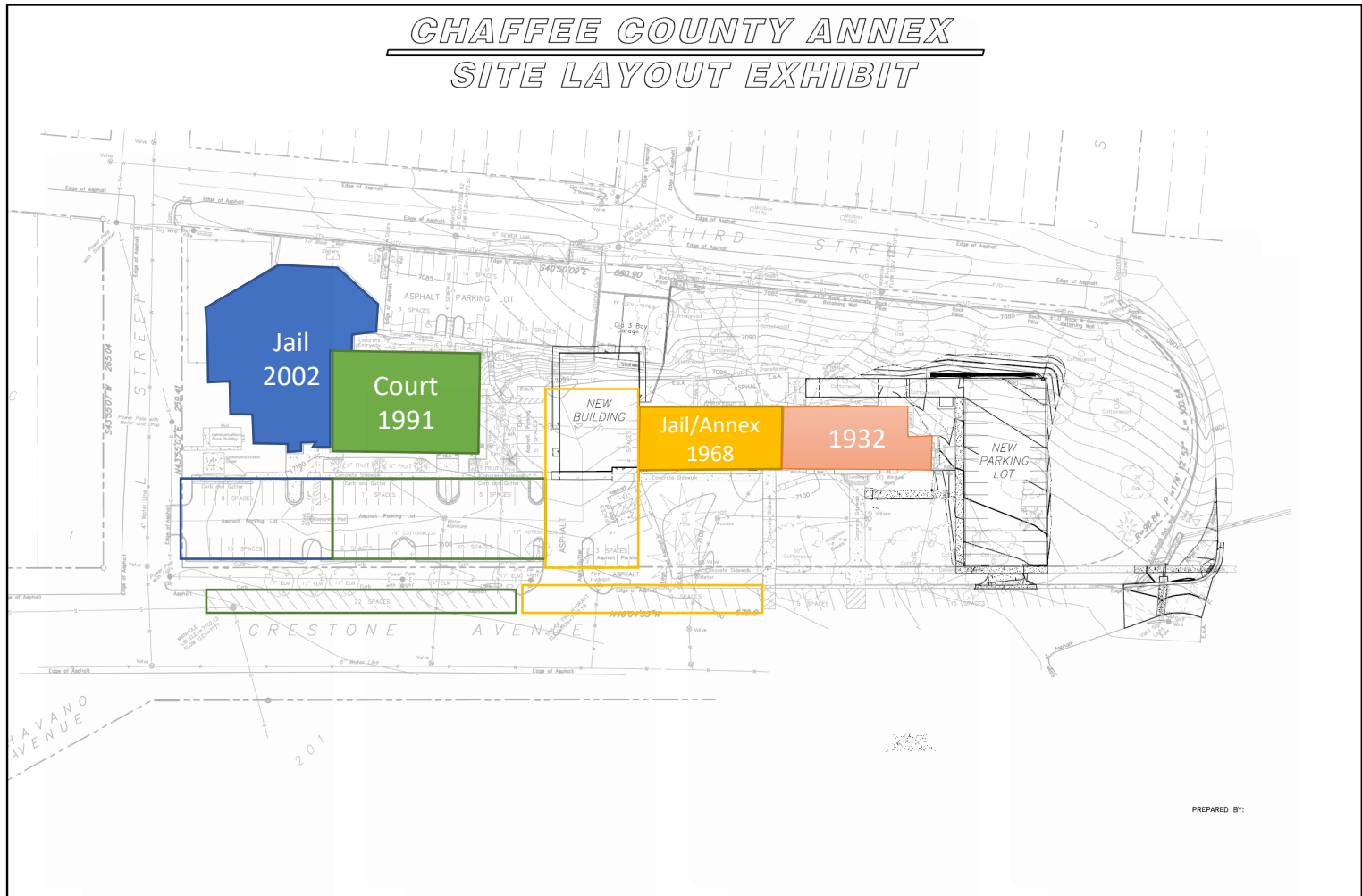
FLOOR PLAN
DIAGRAMS

X1
1 OF 1

JOB #

PARKING ANALYSIS AND INITIAL PARKING LOT PLAN

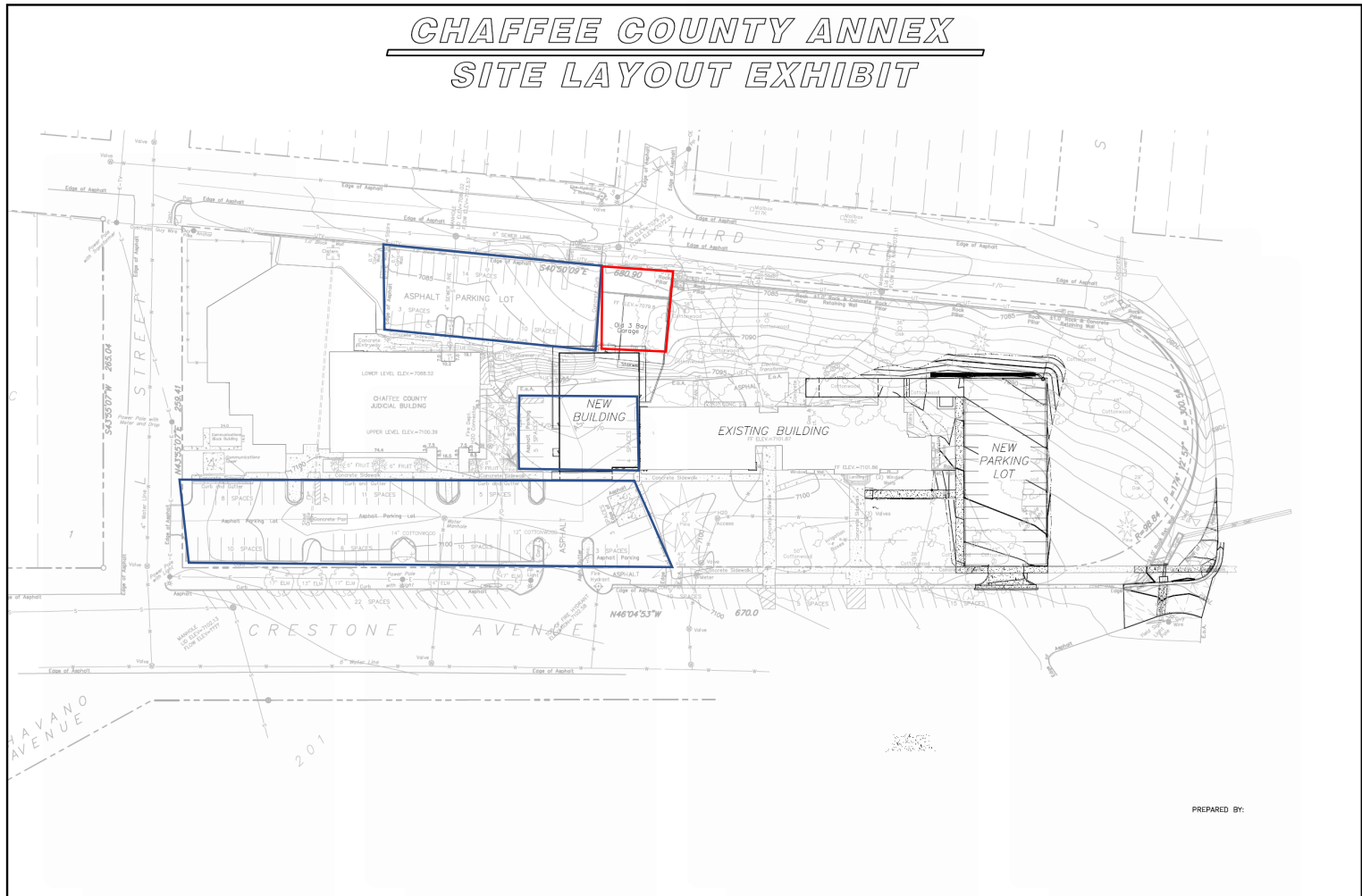
Parking Impact of New Annex



Building Annex Parking Lot

Bid Review & Recommendation

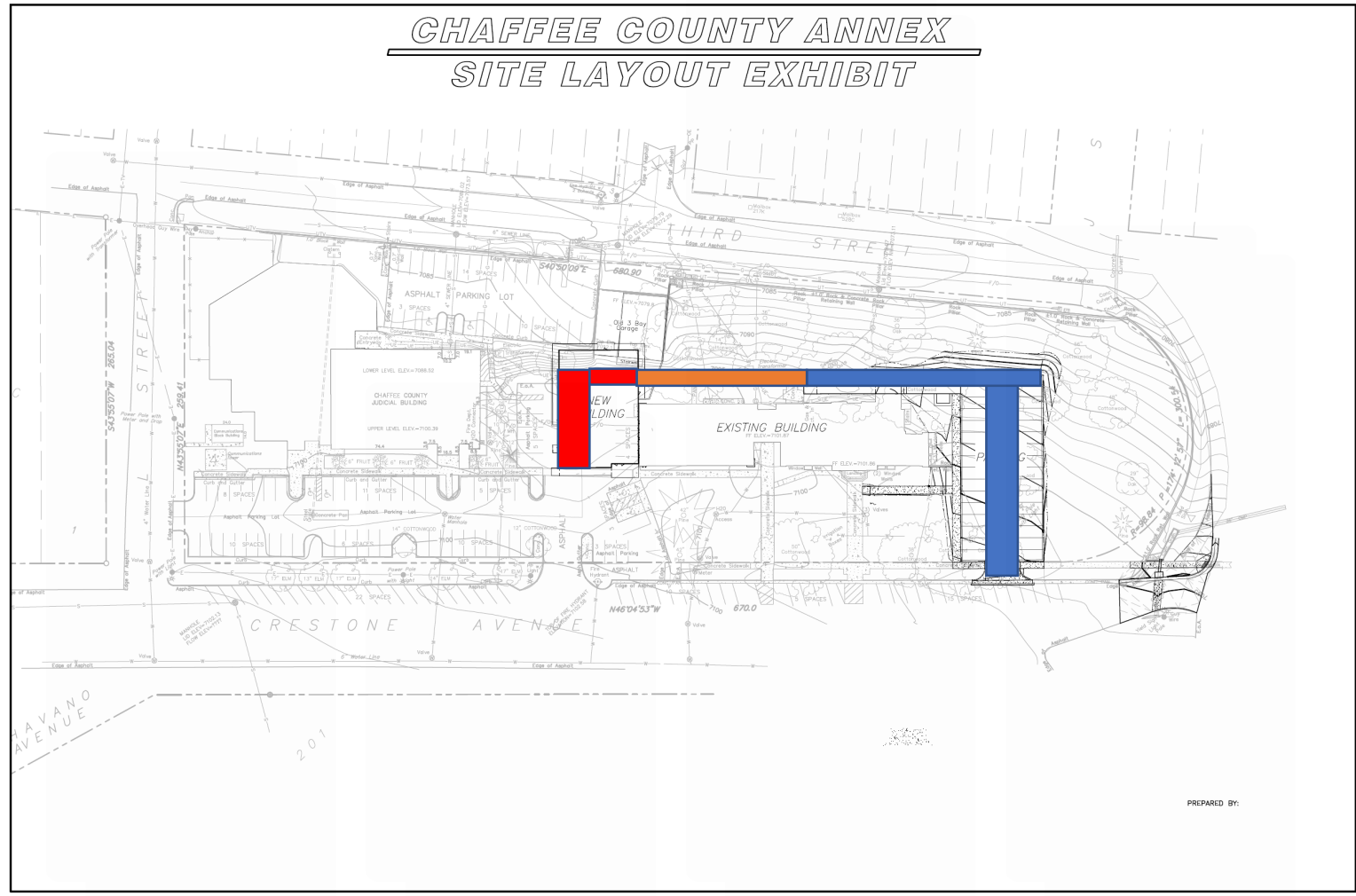
Parking Impact of New Annex



Parking Needs

- Annex building will eliminate 9 parking spaces.
- The new parking on 3rd Street with demolition of the EMS garage will gain us 10 spaces.
- Annex building will block access to rear lane of building. A new rear lane on the east side of Courthouse with or without the parking lot.
 - Maintenance
 - Freight deliveries
 - Voting machines storage and loading
 - Access to Transformer & Generator
 - Trash enclosure
 - Basement storage

Rear Lane Access Is Required 60% of the parking lot is the lane



Parking Needs

- City Code Requirement for new Building Annex

TABLE 16-J Off-Street Parking Standards by Use	
Community buildings; government administrative facilities, services and buildings	1 space per 400 s.f.

- The new building requires 26 onsite spaces
- The existing campus recently has used on-street off-site parking for a significant portion of the parking needs.
 - 92 spaces on-site
 - 52 frontage angled on-street
 - 22 Parallel Thonoff Park Spaces (unofficial)

Parking Needs

- Analysis of Peak Parking Demand

PARKING DEMAND

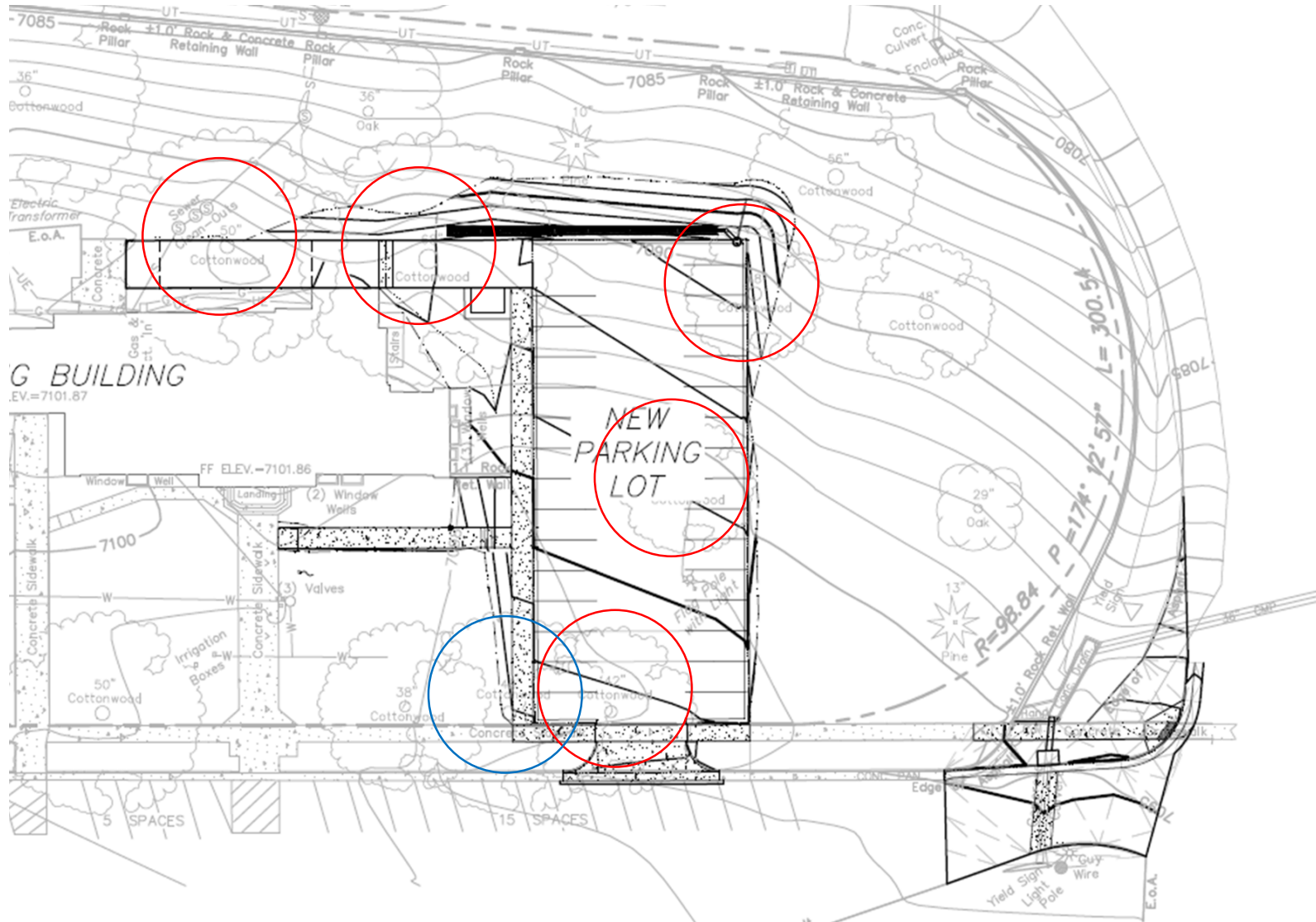
Employees On-Site	
Administration Building	50
Jail-Dispatch	10
Court	10
Sheriff-Records-Probation	15
County Vehicles	10
Employee Parking	95
Daytime Estimated Visitor Demand Peak Hour	
Assessor	2
Building Department	4
Combined Courts	60
Clerk & Recorder	5
County Administration	1
County Attorney	0
County Commissioners mtg	30
Development Services	1
Emergency Management	0
Environmental Health	0
Finance Human Resources	1
Sheriff	3
Treasurer	2
	107
Total Estimated Peak Parking	202

EXISTING AND PROPOSED PARKING

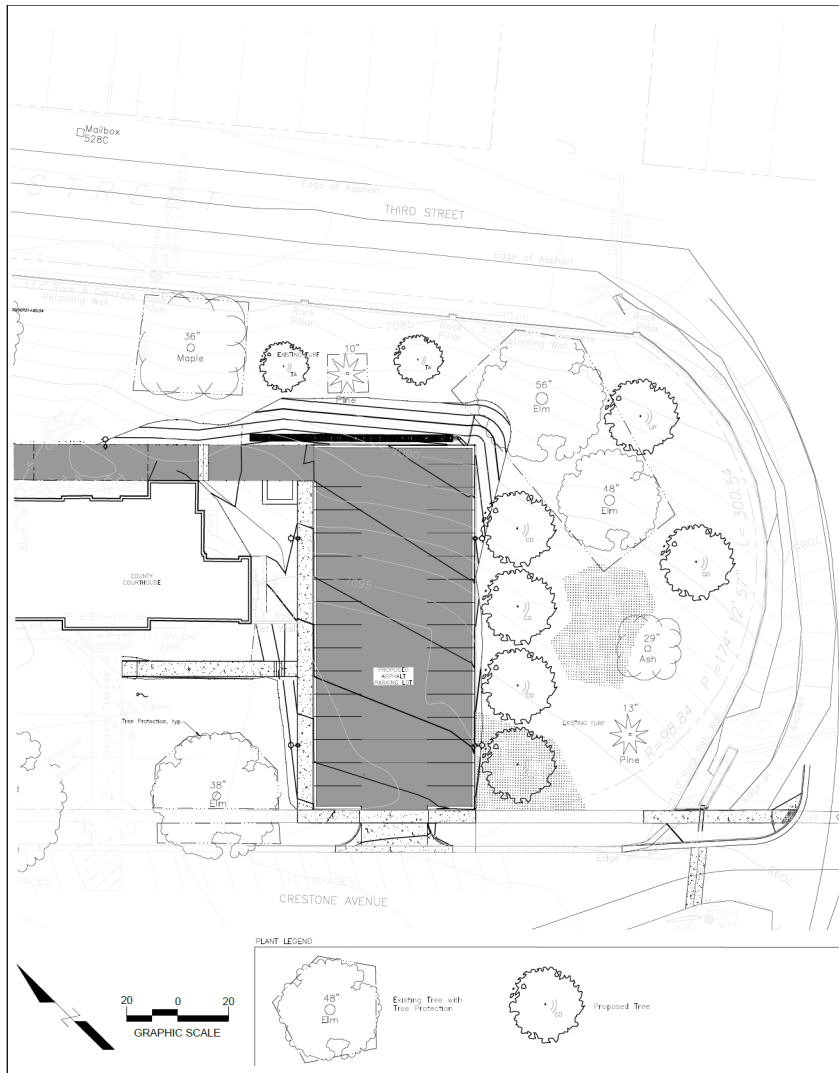
Location Description	Existing Parking		New Plan w/New Parking Lot		changes
	On-Site	Street	On-Site	Street	
Court/Jail On-Site	52	22	52	22	0
Admin		30		24	-6
Between Admin/Court	9		0		-9
Bldg Dept/ADA	6		6		0
Rear Lot	27		37		10
New East Parking Lot				28	28
Thonoff Park Parallel Parking		25		25	0
	94	52	95	74	23
Total Spaces On-Site + Street		146		169	

Note that on court days which many times are Concurrent with BOCC meeting days 60 people are interviewed for jury duty and 30 people may attend a BOCC meeting for a total of 90 spaces required. The proposed parking lot does not create an excess of parking spaces, it just keeps the under-parked campus from a parking crisis providing 167 spaces for 202 peak demand for spaces.

Parking Lot Layout



Tree Replacement



Chaffee County Courthouse Parking Lot Plant Schedule							
Key	Botanical Name	Common Name	Quantity	Size	Root Spacing	Root Spacing	Cultivar
Deciduous Trees							
CO	<i>Celtis occidentalis</i>	Common Hackberry	4	2"	B&B	(As Shown)	
GD	<i>Gymnocladus dioica</i>	Kentucky Coffeetree	1	2"	B&B	(As Shown)	'Espresso'
TA	<i>Tilia americana</i>	American Linden	2	2"	B&B	(As Shown)	
UP	<i>Ulmus americana</i>	Princeton Elm	1	2"	B&B	(As Shown)	'Princeton'

GENERAL NOTES:

1. Base plan provided by Crabtree Group, Salt Lake, CO. Contractor to field verify all existing conditions and measurements prior to beginning work. Any discrepancies between these contract documents and existing conditions shall be brought to the attention of the Landscape Architect immediately. Landscape Architect is not responsible for errors or omissions subject to preparation or documentation of survey.
2. Contractor is responsible for determining means and methods of construction. These drawings may indicate a range of proposed improvements, type of site alteration, etc. for delineation of expected site alterations. However, final project shall be determined in the field. Should the type or disturbance exceed those shown within these construction documents, the Landscape Architect should be contacted for resolution.
3. Contractor is responsible for repairing all site areas disturbed by contractor outside of limit lines depicted on drawings to a state better than or equal to those conditions existing prior to commencement of construction or to an additional cost to owner.
4. Contractor is responsible for maintaining a complete, up-to-date set of drawings and specifications at the construction site at all times.

PLANTING NOTES:

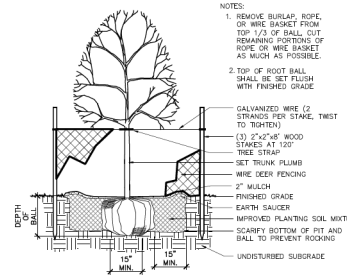
1. Contractor shall be responsible for becoming aware of all natural existing conditions, pipes and structures, etc. prior to building and construction.
2. See details for planting methods, requirements, materials, excavation and protection.
3. Plant names may be abbreviated on drawings. Refer to plant schedule and legend for symbols, common and botanical names, cultivars, sizes and other details.
4. If provided, plant quantities are for information only. Contractor is responsible to do their own quantity takeoffs for all plant material and sizes shown on the drawings.
5. Contractor is responsible to "test" all areas of the site and adjacent areas where disturbed to a condition that meets or exceeds conditions prior to disturbance.

PLANT PROTECTION AND REMOVAL NOTES:

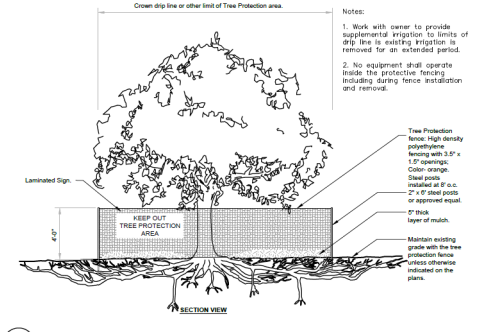
1. Plant symbols as indicated on drawings do not indicate actual depths. Contractor shall verify as field prior to start of construction. Plant protection fencing shall be placed outside of edge of actual depths or as directed by Landscape Architect in field.
2. Protection fencing shall be maintained throughout construction unless otherwise directed by Landscape Architect.
3. Trees indicated for removal shall be completely removed including stumps and roots and filling of depressions with suitable soil fill.

SITE LIMIT NOTES:

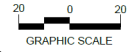
1. Locate and verify dimensions prior to construction. Bring discrepancies to the attention of the Landscape Architect for clarification.



1 DECIDUOUS TREE PLANTING WITH VERTICAL STAKE
Scale: 1/2" = 1'-0"



2 TREE PROTECTION
Scale: NTS



Sheet Title: Parking Plan
Scale: 1/2"=1'-0"
Drawn By: EWB
File: 2024_100.dwg
Job Number: 2024

For Set
 For Construction
 As Bld

Revisions:
Date: _____ By: _____

Tree Protection and Planting Plan

Chaffee County Courthouse Parking Lot

104 Crestone Avenue
Salt Lake, CO 84121

Mountain Aspect
Landscape Architecture, LLC
104 Crestone Avenue
Salt Lake, UT 84121
Phone: 313.777.1000
www.mountainaspect.com

SHEET

L100

CHAFFEE COUNTY ANNEX PARKING DECISION MATRIX				SCORE "5" HIGH - "1" LOW			
DECISION FACTORS	EMPLOYEE & CITIZEN SAFETY	PARKING CONVENIENCE EMPLOYEE & CITIZENS	REAR FACILITY/ CLERK ACCESS	SAVE 6 ELM TREES	8 TREE REPLACEMENT LONG TERM QUALITY	NEIGHBOR IMPACT FOR UNDER-PARKING	OVERALL SCORE TOTAL
BUILD PARKING LOT AND REAR LANE AS DESIGNED	5	5	5	0	4	4	23
BUILD REAR LANE ONLY AND NO PARKING EXPANSION	3	2	5	1	4	1	16
BUILD REAR LANE AND USE CHURCH PARKING LOT	2	2	5	1	4	2	16
USE CHURCH PARKING LOT AND DON'T BUILD REAR LANE	2	2	0	5	2	2	13
DO NOTHING FOR ACCESS OR PARKING	1	1	0	5	0	0	7

TREE ASSESSMENT REPORT BY LANDSCAPE RESOURCE CONSULTING

Tree Assessment and Mitigation Report



Prepared for:

Chaffee County
P.O. Box 699
104 Crestone Avenue
2nd Floor
Salida, CO 81201
July 8, 2020

Project Address:

104 Crestone Avenue
Salida, CO 81201



Landscape Resource Consulting, LLC

Fort Collins, CO 970.689.9028

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Supporting Information:

- Landscape Resource Consulting Photographs
- Subject Tree Chart
- Explanation of Tree Appraisal Values
- Glossary
- Certificate of Performance
- Credentials and Reports and Cases

SUMMARY:

Six Elm (*Ulmus spp.*) trees are located in the construction area of a proposed parking lot on the east side of the main Chaffee County Building. This parking lot has been proposed and designed to meet the growing needs of the County as well as to meet parking space requirements prescribed by the City of Salida, CO. As currently designed, all six trees will likely need to be removed for construction to commence. All subject trees require extensive pruning and treatment for a variety of pests and diseases. One of the subject trees should be immediately removed. The financial cost to create a comprehensive management program specifically for the subject Elm trees will be substantial. The County would likely be best served to create a management plan for remaining trees and ensure that any newly planted trees are diverse in genus and species, as well as included in a tree management plan. This is a high use area for the public and special consideration should be made regarding the health of the trees on this site to ensure safety for users and buildings.

ASSIGNMENT:

Landscape Resource Consulting, LLC (LRC) was commissioned by Chaffee County to complete a mitigation appraisal of the six impacted Elm trees, as well as provide a general assessment of the other trees on the County property at the same site.

BACKGROUND:

Chaffee County has proposed a new parking lot on the east side of the main County Building. This parking lot will replace parking spaces which will be lost when the new Annex to the County Building is completed. Additionally, this proposed parking lot will provide a net gain of 10 additional spaces, meeting the City of Salida parking requirements. This parking lot will also provide vehicular delivery access to the rear of the existing Main County Building. Six Elm trees are located in the construction area and will need to be removed as construction commences. A petition to maintain these trees has been circulated and signed by citizens of Chaffee County. LRC was contacted by Robert Christiansen, the Chaffee County Administrator, to submit a proposal to complete the work outlined in the Assignment section of this report.

OBSERVATIONS:

On May 12, 2020, LRC met with Mr. Christiansen and other members of his team to conduct a site visit of the property. LRC was provided with a site plan of the property, as well as conceptual plans of the proposed parking lot. Additional photographs of the site were provided. The site visit began at approximately 1:30 pm and lasted approximately 60 minutes. The temperature was approximately 67°F, with partly cloudy skies. The site visit began on the southeast side of the main County building and commenced in a counter clockwise direction around the entire building, briefly discussing the trees on the site, with special consideration for

the six Elms which are scheduled for removal for the proposed parking lot construction. Upon completion of the walkthrough with the Chaffee County representatives, LRC reviewed the trees on the site, collecting specific data for the six potentially impacted Elm Trees. See satellite image at end of this report which shows approximate locations of the six subject trees. Tree size was determined by measuring the tree at Diameter at Breast Height (DBH), at approximately 4.5 feet above ground level or as directed by the “Guide for Plant Appraisal, 10th Edition, Second Printing”

In addition to the subject Elm trees, the following trees species where found on the property- Cottonwood (*Populus spp.*), Green Ash (*Fraxinus penn.*), Elm (*Ulmus spp.*), Scotch Pine (*Pinus sylvestris*), Colorado Blue Spruce (*Picea pungens glauca*), Ornamental Pear (*Pyrus spp.*), Box Elder (*Acer negundo*), European Mountain Ash (*Sorbus aucuparia*), Bristlecone Pine (*Pinus aristata*) and Black Locust (*Robinia pseudoacacia*).

Subject Elm trees-

While the exact date of the installation of the six subject Elm trees is unknown, it appears that they were possibly installed in the early 1930’s during the construction of the original Chaffee County Building. Provided site images from 1932, show street trees located on the west side of main entrance on the south side of the building. It is assumed that the subject Elm trees were planted at approximately the same time based of the size and characteristics of the trees. An additional image was provided which shows the building in 1968 and what appears to be two of the subject Elm trees. The sizes of the trees in this image, seems to correlate with the sizes of trees which could have been planted in the 1930’s. With this information, it appears that the trees have been located on this site for approximately 90 years. While the lifespan of Elms can vary, it is clear that well managed Elms remain healthy longer than those which have received minimal management. There is evidence in the structural characteristics of these tree that minimal management was provide early in their lives. There is also no evidence that these trees have received treatment for a number of pests and diseases which commonly impact these types of trees, including aphids, scale, leaf miners and Elm Bark Beetles. White and grey staining and crusting was also noticed on the subject trees. This is typically indicative of past outbreaks of Bacterial wetwood/slime flux. Although not typically lethal to Elms, Bacterial wetwood/slime flux can weaken the strength of impacted trees.

CONCLUSIONS/RECCOMENDATIONS:

Based upon observation and evaluation, the following are offered.

General recommendations for the non-subject trees-

A general tree management plan should be put in place which includes annual inspection of all trees, with pruning and treatment for pests and diseases as required. Nearly all the deciduous trees surrounding the Main building currently require pruning. All trees should be evaluated by a Tree Risk Assessment Qualified professional. This is critical, as many of the trees on the property are mature and appear to not have been included in a comprehensive tree health management plan. If construction of the proposed parking proceeds, any surrounding (non-subject Elms) trees must be protected. This includes fencing off trees to ensure that soil, construction supplies and equipment are not located on the protective root zone of trees. If landscape irrigation is impacted, ensure all trees should receive supplemental irrigation during the construction process. See tree protection plan at end of this report.

Of special note-

The **Box Elder**, located on the north side of the main building, has a short lifespan. They grow quickly and usually live only 50-60 years. It is unclear how old this tree is, but it is mature and should receive special attention to ensure it does not become a hazard tree.

The **Black Locust** on the north side of the main building should be removed. It appears to have suffered from borers and has been significantly pruned in the past to create an undesirable tree.

All **Cottonwood** trees should be closely monitored, as the species on the property are fast growing and can easily become hazardous at the end of their lifespan.

All **Green Ash** (*Fraxinus spp.*) trees should be treated for Emerald Ash Borer (EAB). EAB has decimated trees in the Midwest United States and has been found in Colorado. Untreated *Fraxinus* species will likely be destroyed by this pest.

The **European Mt. Ash** (not susceptible to EAB) located on the south side of the main building should receive special care. This is a special specimen tree which appears to have suffered some damage from mowing operations. Field crews should be made aware to be careful not to create any further damage to this tree.

General recommendations for the subject Elm trees-

Based on the combination of a lack of an apparent long term comprehensive management plan and their age, of the six subject Elm trees which are currently located in the proposed construction zone, they are approaching the end of their lifespan. While this does not mean all subject trees will necessarily die within the next few years or even in a decade, they will require extensive care which is typical for this genus and species of tree. It is recommended that all trees, especially large deciduous trees which were planted decades ago, should be evaluated by a Tree Risk Assessment Qualified professional. This is critical, as many of the trees on the property are mature and appear to not have been included in a comprehensive tree health management plan, which is very common in small municipalities. Trees 5 and 6 are located within approximately 15' of the Main Building. This of course places the building in the possible direct path of these trees should they fail. If the County decides to modify plans for the proposed parking lot, these tree should be closely monitored for Leaf miners, aphids, scale, Elm Leaf Beetles and Elm Bark Beetle.

Should the County decide to maintain these trees, adjustments to the proposed parking lot will need to be made. The County could consider moving the entrance of the proposed parking lot to the east, eliminating the removal of trees 1 and 2. This however, could result in the loss of other trees on the property.

Because of the required vehicular access to the area on the north side of the building, maintaining subject trees 5 and 6 will be very unlikely. Providing access to the area will most certainly cause damage to the roots of these trees.

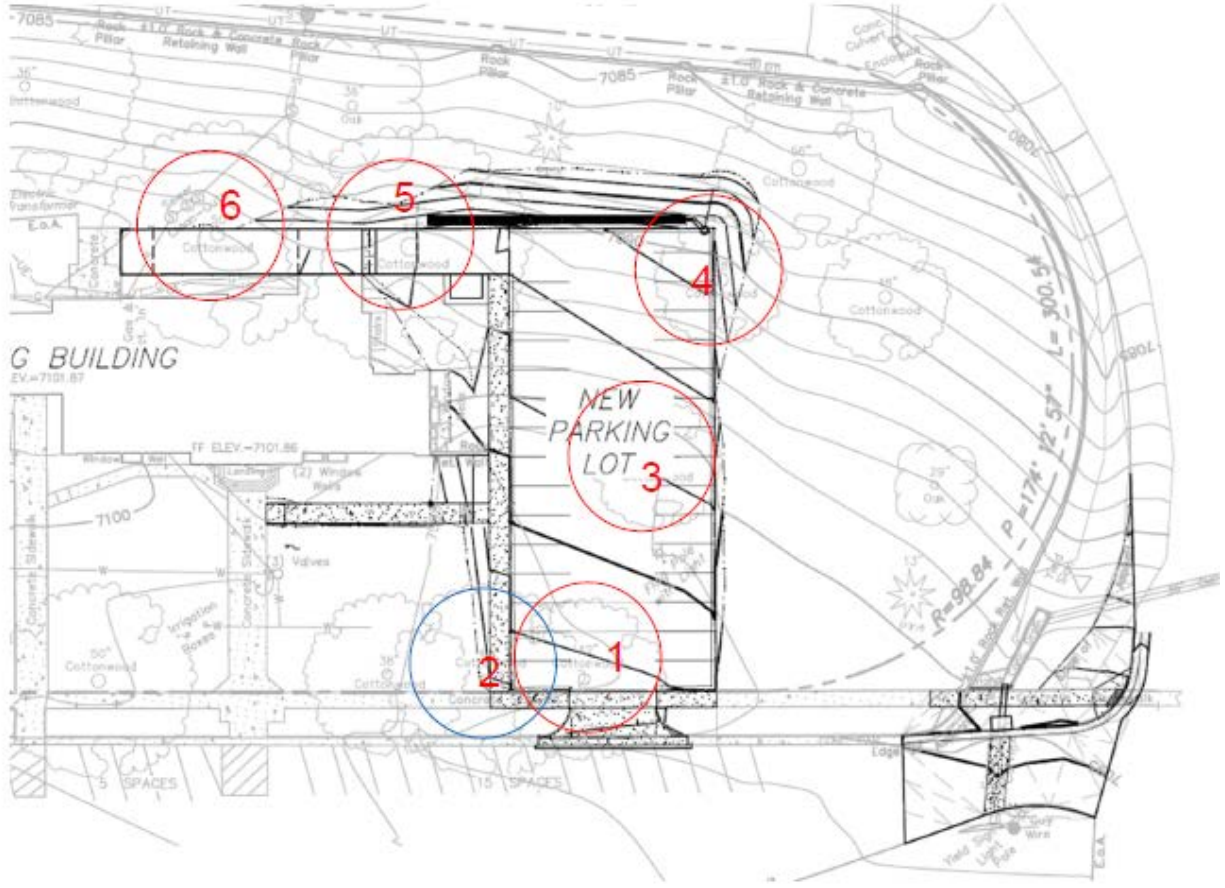
Should the County decide to remove the subject trees and proceed with the propose plan, LRC recommends installing appropriate trees adjacent to the proposed parking lot. A variety of genus and species should be considered to ensure that a future pest, disease, etc., does not destroy all newly planted trees. The County should also direct any funds that would otherwise be committed to the management of the subject trees to a management plan for all remaining trees on the property. This investment of funds will allow current trees to prosper, lengthen their expected lifespan and ultimately cost the County less money in the future to replace trees prematurely. Replacement of trees lost to age, pest, disease, etc., should also be completed in accordance to any long term construction planning. Continual presence of trees and other plant material will create a property which will be more valuable over time as well as create a desirable space for the citizens of Chaffee County.

Numerous site images. Not all trees are shown.

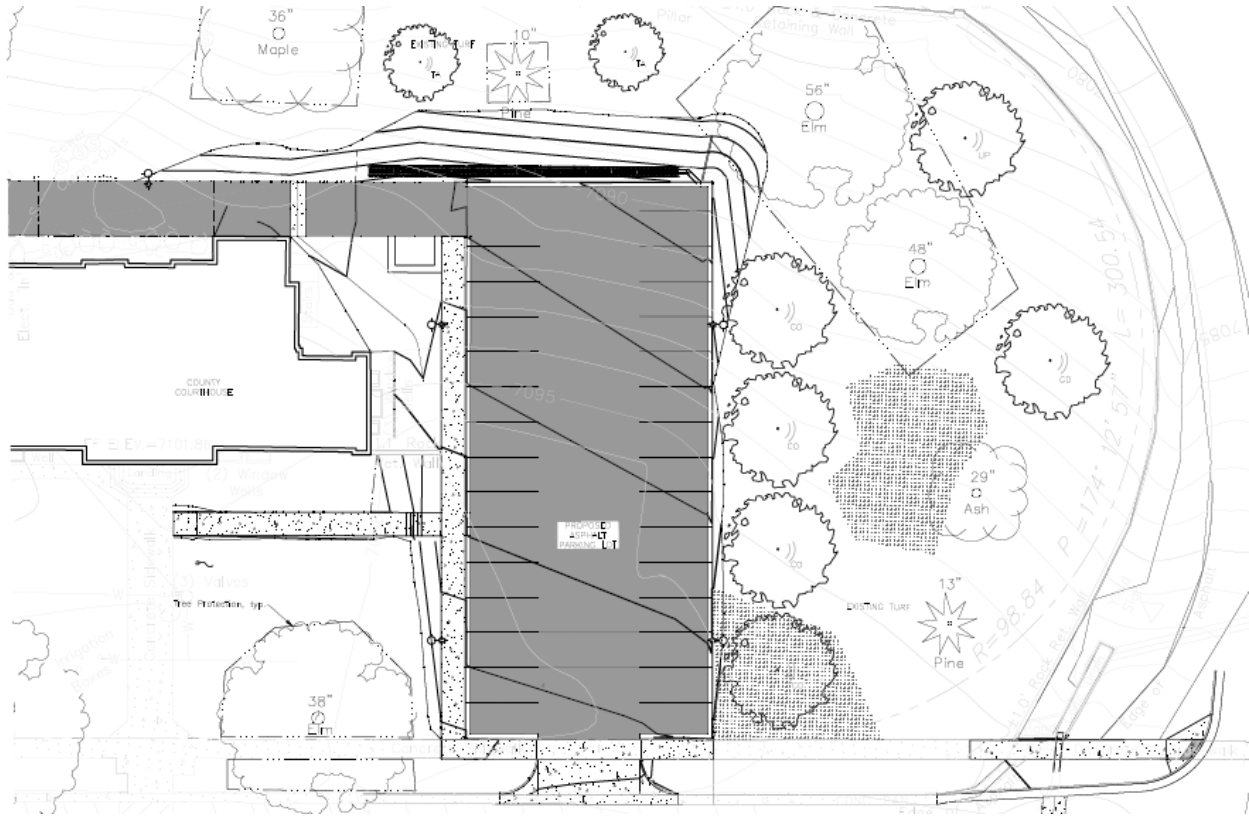


Aerial view of Chaffee County Building-looking north. Subject trees numbered 1-6.

Parking Lot Layout



Proposed parking lot lay out. Subject trees are numbered. Refer to report for details.



Conceptual landscape plan for proposed parking lot.



Elm-Tree 1. See report and chart for details.



Elm-Tree 2. See report and chart for details.



Elm-Tree 2. See report and chart for details.



Elm-Tree 3. See report and chart for details.



Elm-Tree 3. See report and chart for details.



Elm-Tree 3. See report and chart for details.



Elm-Tree 4. See report and chart for details.



Elm-Tree 4. See report and chart for details.



Elm-Tree 4. See report and chart for details.



Elm-Tree 5. See report and chart for details.



Elm-Tree 5. See report and chart for details.



Elm-Tree 5. See report and chart for details.



Elm-Tree 6. See report and chart for details.



Elm-Tree 6. See report and chart for details.

Non-subject Trees



Black Locust in decline. Remove tree.



Box Elder.



Cottonwood.



Scotch Pine.



Colorado Blue Spruce.



Elm.



Green Ash.



Ornamental Pear.



Ornamental Pear.



Elm.



European Mt. Ash.



Colorado Blue Spruce.



Green Ash.



Bristle Cone Pine.

Original Building Built 1932



Image of Chaffee County Building from 1932. Notice trees in image.

Jail and Office Annex 1968

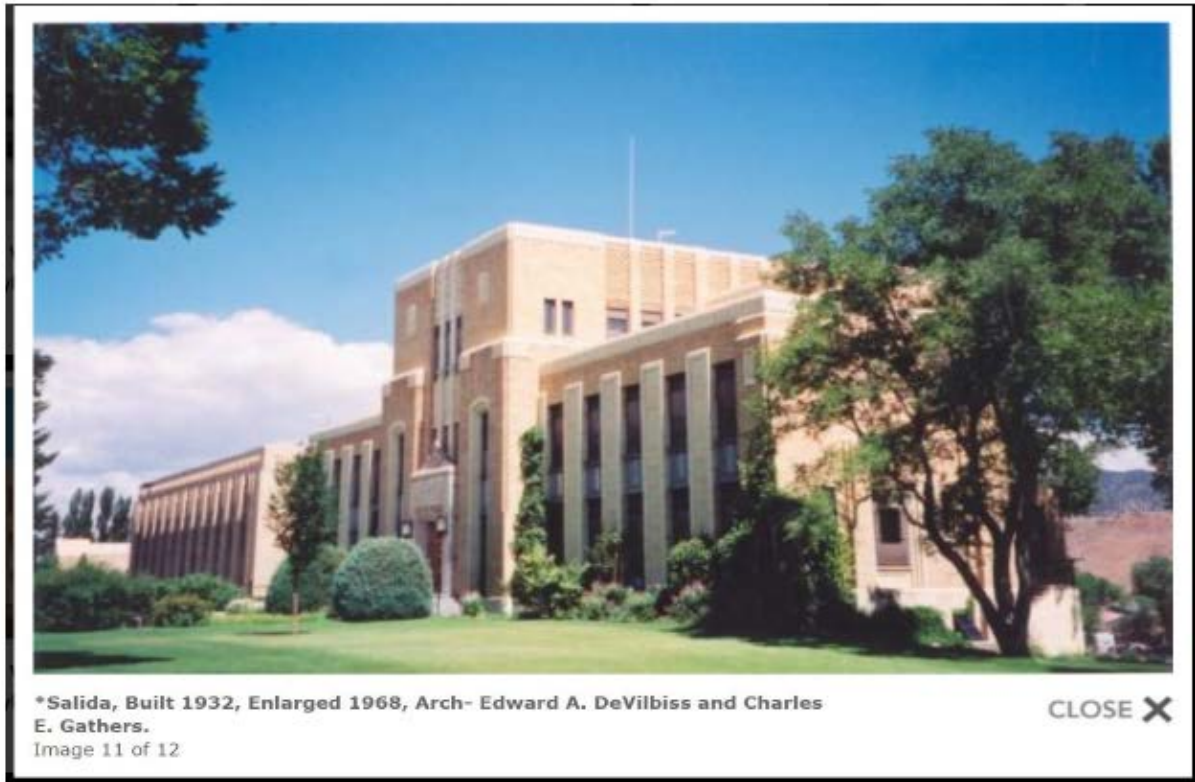


Image of Chaffee County Building from 1968. Trees in left and right sides of image appear to be subject trees.

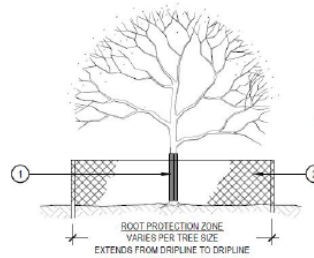
Tree Protection Plan

NOTES:

1. TREES TO BE PROTECTED AND PRESERVED SHALL BE IDENTIFIED ON THE TRUNK WITH WHITE SURVEY TAPE. GROUPING OF MORE THAN ONE TREE MAY OCCUR.
2. TO PREVENT ROOT SMOTHERING, SOIL STOCKPILES, SUPPLIES, EQUIPMENT OR ANY OTHER MATERIAL SHALL NOT BE PLACED OR STORED WITHIN THE DRIP LINE OR WITHIN 10 FEET OF A TREE TRUNK, WHICHEVER IS GREATER.
3. FENCING MATERIAL SHALL BE SET AT THE DRIP LINE OR 10 FEET FROM TREE TRUNK, WHICHEVER IS GREATER, AND MAINTAINED IN AN UPRIGHT POSITION THROUGHOUT THE DURATION OF CONSTRUCTION ACTIVITIES.
4. FENCING MATERIAL SHALL BE BRIGHT, CONTRASTING COLOR, DURABLE, AND A MINIMUM OF FOUR FEET IN HEIGHT.
5. TREE ROOTS SHALL NOT BE CUT UNLESS CUTTING IS UNAVOIDABLE.
6. WHEN ROOT CUTTING IS UNAVOIDABLE, A CLEAN SHARP CUT SHALL BE MADE TO AVOID SHREDDING OR SMASHING. ROOT CUTS SHOULD BE MADE BACK TO A LATERAL ROOT. ROOTS SHALL BE CUT NO MORE THAN 1/3 OF THE RADIUS FROM DRIPLINE TO TRUNK. WHENEVER POSSIBLE, ROOTS SHOULD BE CUT BETWEEN LATE FALL AND BUD OPENING. DURING DORMANCY PERIOD, ROOT STIMULATOR SHALL BE APPLIED TO CUT ROOTS. EXPOSED ROOTS SHALL BE COVERED IMMEDIATELY TO PREVENT DEHYDRATION. ROOTS SHALL BE COVERED WITH SOIL OR BURLAP AND KEPT MOIST. WATERING OF PROTECTED TREES IN WHICH ROOTS WERE CUT SHALL BE PROVIDED BY THE CONTRACTOR.
7. WHEN ROOT CUTTING IS UNAVOIDABLE, A CLEAN SHARP CUT SHALL BE MADE TO AVOID SHREDDING OR SMASHING. ROOT CUTS SHOULD BE MADE BACK TO A LATERAL ROOT. WHENEVER POSSIBLE, ROOTS SHOULD BE CUT BETWEEN LATE FALL AND BUD OPENING. DURING DORMANCY PERIOD, EXPOSED ROOTS SHALL BE COVERED IMMEDIATELY TO PREVENT DEHYDRATION. ROOTS SHALL BE COVERED WITH SOIL OR BURLAP AND KEPT MOIST. WATERING OF PROTECTED TREES IN WHICH ROOTS WERE CUT SHALL BE PROVIDED BY THE CONTRACTOR.
8. ANY GRADE CHANGES (SUCH AS THE REMOVAL OF TOPSOIL OR ADDITION OF FILL MATERIAL) WITHIN THE DRIP LINE SHOULD BE AVOIDED FOR EXISTING TREES TO REMAIN. RETAINING WALLS AND TREE WELLS ARE ACCEPTABLE ONLY WHEN CONSTRUCTED PRIOR TO GRADE CHANGE.

TREE PROTECTION

Tree Protection Plan.



① TRUNK PROTECTION - 1" BOARDS NO LESS THAN 6' LONG OR TO REACH FIRST SCAFFOLD BRANCH. WIRE TO HOLD BOARDS IN PLACE, NO NAILS PERMITTED. INCLUDE WRAPPING OF BURLAP UNDER BOARDS.

② BRANCH PROTECTION - PROTECT LOWER BRANCHES OF TREE CANOPY. PROVIDE CONSTRUCTION FENCING OR EQUAL AT DRIPLINE MINIMUM.

③ PLACE SIGNS EVERY 50'. PLACE SIGNS WHERE VISIBLE. ATTACH TO FENCING.



Chaffee County Building, 104 Crestone Avenue, Salida, CO
 Aerial image in report shows location of each subject tree

Subject Tree					Findings
Tree #	Qty	Common Name	Scientific Name	Trunk Diameter (in) dbh	
1	1	Elm	<i>Ulmus spp</i>	39	Evidence of Bacterial wetwood, sooty mold, scale. Bark intact, no large cavities. Requires extensive pruning.
2	1	Elm	<i>Ulmus spp</i>	43	Evidence of Bacterial wetwood, sooty mold, scale. Bark intact, no large cavities. Requires extensive pruning.
3	1	Elm	<i>Ulmus spp</i>	44	Evidence of Bacterial wetwood, sooty mold, scale. Bark intact, no large cavities. Requires extensive pruning.
4	1	Elm	<i>Ulmus spp</i>	47	Evidence of Bacterial wetwood, sooty mold, scale. Large cavity. Requires extensive pruning. Bark failure. Remove this tree.
5	1	Elm	<i>Ulmus spp</i>	53	Evidence of Bacterial wetwood, sooty mold, scale. Bark intact, no large cavities. Requires extensive pruning. Small cavities. Some bark failure. Trunk approximately 15' from building.
6	1	Elm	<i>Ulmus spp</i>	42	Evidence of Bacterial wetwood, sooty mold, scale. Bark intact, no large cavities. Requires extensive pruning. Small cavities. Trunk approximately 15' from building.

See aerial image showing location of subject trees

Information in this chart was collected using ground level assesments, which did not include assesments for Hazard trees.
 All trees should be inspected by a Tree Risk Assessment Qualified professional as soon as possible.



**LANDSCAPE
RESOURCE
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Fort Collins, CO

Professor, Colorado State University, Fort Collins, Colorado.
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College of Agricultural Sciences

Education

B.S. Landscape Horticulture
Concentration in Landscape Design and Contracting
Colorado State University 1993

Masters of Landscape Architecture
University of Colorado at Denver 2003

American Society of Consulting Arborists Academy

Licensures and Certifications

Tree and Plant Appraisal Qualified
American Society of Consulting Arborists

Licensed Landscape Architect (#157)
Colorado Board of Landscape Architects

Industry Certified Landscape Manager
National Association of Landscape Professionals

Industry Certified Landscape Technician
National Association of Landscape Professionals

Honors and Awards

Charles N. Shepardson Meritorious/NACTA Teaching Award, College of
Agricultural Sciences, Colorado State University

Nominated as a Fellow by the Executive Committee the Colorado Chapter
of the American Society of Landscape Architects (ASLA)

Lawn and Landscape Magazine Leadership Award
Cleveland, Ohio

John Garvey Person of the Year Award (two time recipient)
Associated Landscape Contractors of Colorado, Denver, Colorado

Design Merit Award (Research & Communication category) from the
Colorado Chapter of the American Society of Landscape Architecture for
Green Industries Data Toolbox- A Comprehensive Guide to Useful
Information publication.

Charles N. Shepardson Teaching Award
College of Agricultural Sciences, Colorado State University

Outstanding Educator, National Association of Landscape Professionals

Professional Affiliations

Associated Landscape Contractors of Colorado

American Society of Landscape Architects

National Association of Landscape Professionals

American Society of Consulting Arborists



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Reports/Appraisals and Testimony/Deposition completed by Zachary S. Johnson

Reports-

416 Durango Fire Appraisal and Report, Durango, Colorado 2020

Plant Appraisal Report for First Bank Eminent Domain case, Wheat Ridge, Colorado. 2020

Candelas Tri Pointe Tree Mitigation Report and Appraisal for Norris Design, Inc. Arvada, Colorado 2020

Mile High Greyhound Redevelopment Tree Mitigation Report and Appraisal for StudioInsite, Commerce City, Colorado 2020

Plant Appraisal for Royval Eminent Domain case, Fort Collins, Colorado 2019

Construction Defect Report for Beacon Point Homeowners Association case, Aurora, Colorado 2019

Plant Appraisal Report for Anderson Eminent Domain case, Windsor, Colorado. 2019

Plant Appraisal Report for Colorado Youth Organization Eminent Domain case, Timnath, Colorado. Completed evaluation in partnership with DHGA, Inc. 2019

Plant Survey and Assessment for Stonehenge HOA, Fort Collins, CO 2019

Plant Health Report for Cochran, Fort Collins, CO 2019

Plant Appraisal Report for Arborland Nursery Eminent Domain case, Milliken, Colorado. Completed evaluation in partnership with DHGA, Inc. 2018

Surface Drainage Report for Basile, Fort Collins, Colorado. 2018

Plant Health/Appraisal Report for Todd Creek Development, Brighton, Colorado. Completed evaluation in partnership with DHGA, Inc. 2018

Plant Appraisal Report for Temple, Fort Collins, Colorado. 2017

Plant Appraisal and Health Assessment Report, Young v. Farmer Reservoir and Irrigation Company, Weld County, Colorado. 2017

Landscape Management Cost Assessment Report for Donahue/U.S Foods case, Parker, Colorado. 2017

Plant Appraisal Report for Kevin Harper Eminent Domain case, Fort Collins, Colorado. Completed evaluation in partnership with DHGA, Inc. 2017

Plant Appraisal Report for Liftin Eminent Domain case, Greeley, Colorado 2017

Plant Health Report for Southlands Lifestyle Center, Aurora, Colorado. Completed evaluation in partnership with DHGA, Inc. 2017

Evaluation of Municipal Landscape Guidelines for Town of Monument. Monument, Colorado. 2017.

Plant Appraisal Report for Schenk/Davisson case, Akron, Colorado. Completed evaluation in partnership with DHGA, Inc. 2017

Landscape and Plant Health Evaluation for Midtown Mixed Use Development, Unincorporated Adams County, Colorado. Completed evaluation in partnership with DHGA, Inc. 2016

Plant Appraisal Report for Harper Eminent Domain case, Fort Collins, Colorado. Completed evaluation in partnership with DHGA, Inc. 2016

Testimony/Deposition

Beacon Point Home Owners Association v Century Communities, Inc., Arapahoe County, Colorado, 2020

Young v. Farmer Reservoir and Irrigation Company, Weld County, Colorado. 2017

Timothy E. Kirsch and Tiffany B. Kirsch v. Clark Street Builders, LLC; Weeks and Associates, Inc.; Northern Colorado. Geotech, Inc.; Kurt Smeester; Gary Weeks; Doug Leafgren; and Southern Exposure Landscape and Sprinkler, LLC. Case # 2008CV977, Larimer County, Colorado. 2009

Sun and Shade Groundskeeping, Inc v. Roger Miller. Case # 2008 CV11, Weld County, Colorado. 2008

ADVERTISEMENT/SIGNATURES IN THE MOUNTAIN MAIL (4/30/2020)

PROTECT GREEN CANOPIES AND OPEN SPACE

A parking lot design is approved which will remove six of the largest trees and will pave over this green space with asphalt.

We Value Green, A Declaration

We the People of Chaffee County oppose absolutely the removal and paving-over of Great Trees and Greenspace surrounding our historic courthouse in order to accommodate cars. We believe:

This unique oasis of great trees and greenspace provides invaluable and irreplaceable natural beauty as well as carbon-sequestering, oxygen-producing, water-absorbing, heat-reducing shade, natural habitat and open space.

There are many creative non-destructive alternatives to explore.

Removal of great trees and greenspace to accommodate cars is not aligned with the values of Chaffee County Citizens nor is it aligned with the character of Salida, designated as "Tree City USA".

Our County ancestors left us a legacy of a beautiful courthouse building surrounded by natural beauty. We will not support leaving a legacy of environmental degradation and outmoded car-centric thinking for future generations.

We demand that the plan to remove six healthy elm trees and surrounding greenspace to create paved vehicle access and parking at the County Courthouse be abandoned.

Very sincerely, The People of Chaffee County

- | | | | | | | | | |
|----------------------|--------------------|------------------------|-----------------------|-----------------------|-----------------------|--------------------------|--------------------------|----------------------|
| Adrian Reif | Kaelen Peuser | Sarah Regan | Wendy Weiner | Christine Vignale | June Dubreuil | Craig Galler | Brett Gray | David Lee Kirchner |
| Lawton Eddy | Taylor Boone | Michael Potts | Craig Nielson | Glenda Wynn Dickenson | Nina LM Bonneville | Deborah Wallace | Dan Rosenthal | Maricela Chavez |
| Athena Kintgen | JulieBelle Ash | Eric Wiepking | Douglas Kane | Kym Mellsoy | Jayne Rondeau | Jennifer Naylor | James G. Elmore | Ben Kirchner |
| Alycia Chambers | Debi Evans | James Kriebel | Erica Armstrong | Marlene Pattinson | Theresa Killorn | Melissa McLean Jory | Carlos Rodriguez | Jimmy Descant |
| Joan Peterson | Michelle Bridges | Savannah Cordova | Suzanne Van Nimwegen | Theresa Killorn | Yolanda "Loni" Walton | Stephen Taylor | Stephen Taylor | Jessica Walton |
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| Richard Smith | Michael Fischer MD | Sebastian Buchan | Wayne L Sawyer | Deborah Payton | Kim Galvin | Dianne Matheny | Dianne Matheny | Sheryl Wight |
| Angie Jenson | Vicki Rowe | Abraham Buchan | Mary Woyar | Karen King | Tara Reed | Angela DeLeo | Angela DeLeo | Jenni Smith |
| Bryan Joslin | Cristy Carothers | Theodore Buchan | Amy Macy | Clay Sanders | Elisa Passarelli | Mary McConathy | Mary McConathy | Jim Smith |
| Oren Dreeben | Patrick L Horton | Fran Rulon-Miller | Angela M. Anderson | Lea Burns | Means A Kerss | Linda Taylor | Linda Taylor | Kristen Diers |
| Brenda Dempsey | Barbara Zucker | Mary Meagher | Gregory Smith | Elizabeth Miller | Ben Tiefenbrun | Linnea Burson | Linnea Burson | Kyle Sullivan |
| Susan Spohn | Danielle Park | Tom Meagher | Kate Okada | Mary Gage | Denise Wentz | Paul M Brown | Paul M Brown | Rick Hum |
| Thomas Price | Sheena O'Hara | Carlos Espinosa | Gene Marsh | Debbie Evans | Curtis Killorn | Maria A Stacnew | Maria A Stacnew | Gloria Broudy |
| Erin Hunter | Maya O'Hara | Amy Espinosa | Ruby M. Osberg | Sally Gauvin Cassidy | Amanda Wright | Greg Stacnew | Greg Stacnew | Elizabeth Kudasik |
| Steven Burns | J. Amy Ringer | Anne Graf | H. Mark Weidman | Kay Parker | Lisa Rasmussen | Ariella Maria Wheat | Ariella Maria Wheat | Zbigniew Kudasik |
| Abbie Fritz | Diana Spencer | Edric Graf | Marjorie Ackermann | Jill Flodstrom | Emily Moody | Michael Buchanan Wheat | Michael Buchanan Wheat | Anita Kudasik |
| Scott Hughes | Lisa Barton | Harald Kasper | Robert L. Parker | Andy Astor | Carey Hallett | Katharine Clapp | Katharine Clapp | Jackie Avignon |
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| Tim Martin | Tim Brown | Buffy Lenth | Kathy Davidoff | Anne Stewart | Emil J Dubia | Justin DeForest | Justin DeForest | Ardith Phillips |
| Peggy Finkowski | Marilyn Lawton | Scott Beresford | Tammy Grubisha | Carol Kirkley | Marsha Brown | Ashley Bay | Ashley Bay | Brock Oylar |
| Marny Danneberg | Lowell Googins | Erick Miller | Sally Waterhouse | Cj Kirkley | Donavon Paschall | Sarah Skief | Sarah Skief | Faith Leinster |
| Judy A Smith | Nathan Smith | Dale Hoffman | Jesse Bahr | Amy Rahe | Mary Jo Bernard | Kyle Husen | Kyle Husen | Kimberly Griffin |
| Jessica Ransom | Jody Bol | Jeanine Zeman | Julie R Maas | Baxter Pharr | Nora Petty | Joel Husen | Joel Husen | Felicia Sellers |
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| Brent Skean | Devon Kasper | Steve Voynick | Tom Pokorny | Brook Biehner | Kathi Wardlow | Christina Supples | Christina Supples | Beatrice Price |
| Shannon A. R. Allen | Megan Juba | Catherine Kramer-Fouty | Dylan Hood-Foster | Reed Biehner | Jeanne Herrick-Stare | Francelia S. Lieurance | Francelia S. Lieurance | Jennifer Visitation |
| Richard Derwingson | Linda Barbeau | Ralph Parker | Shirley Howe | Drake Biehner | Kay Litz | Brooke Love | Brooke Love | Monica Lynn Hutson |
| Jacqueline | Frederick Maxwell | Geoff Whitney | Carolyne Miller | Robert Weisbrod | Randy Herrick-Stare | Carla Gershenoff | Carla Gershenoff | Hayden Mellsoy |
| Joan Barbier | Keith Barbeau | Susan Miller | Linda Gibas | Charles Dickenson | Robertta Smith | N L Tafoya | N L Tafoya | Sandra Egan |
| Ellen Bauder | Penny Matthies | Dennis Miller | Holly Russell | Aleah Valleovna | Tiffany Low | Shelly R Elliott | Shelly R Elliott | Samantha Bahn |
| Frances Rulon-Miller | Michele Streeter | Craig Sommers | Reginia Cross Johnson | Gail K Stitt | Dustin Tidwell | Julie Webber | Julie Webber | PJ Bergin |
| Paula Reif | Pam Dubin | Kinsey Krupa | Monika Griesenbeck | Laura Donavan | Leon Nelson | Jesse Wayne Elliott | Jesse Wayne Elliott | Cami Renfrow |
| Dan Murray | Don Dubin | Wendy Trafford-McKenna | Hugh Young | Laurie Embry | Marie Walter | Allen Lane | Allen Lane | Ana Maria Vasquez |
| Liz Murray | Alys Bruff | Julie Phelps | Shirley Howe | Ann Croghan | Trinity C Benfiel | Steve Eckert | Steve Eckert | Dawn L Swift |
| Sondra Slappey | Anna Hendricks | Bruce W'Iren | Carolyne Miller | Brenna Eaker | Christi McConaughay | Lawton Grinter | Lawton Grinter | Stephen Jensen |
| Marsha Brown | Dennis Dempsey | Trevor Messa | Linda Gibas | Dan Shuford | Trinity Low | Felicia Hermosillo | Felicia Hermosillo | Johnna Baughman |
| Liz Peuser | Tom Purvis | Beverly Van Santen | Holly Russell | Kat Shuford | Tracy Beach | Laura Atwood | Laura Atwood | Susan Mayfield |
| David Hendricks | Kim Smith | Jo Boatright | Reginia Cross Johnson | John S. Stuckless | Doug Beach | Ron and Connie Dalrymple | Ron and Connie Dalrymple | Jeanie Pasquale |
| Rebecca Perks | Sue Ann Hum | Cory Bieganek | Monika Griesenbeck | Nick Gordon | Airick Beach | Elizabeth Glass | Elizabeth Glass | Nicole Ryan |
| Thomas Liverman | Jessica Shook | Carol McI | Hugh Young | Kimberly Shobe | India Beach | Willow O'Hara | Willow O'Hara | Julie Kimbrough |
| Claire Mechtly | Rene Frazee | Harvey Hoffman | Jill & Michael Hawley | Beth Sather | Phoenix Beach | Katie Gerber | Katie Gerber | Jon Sackett-Williams |
| Alexis Perl | Erin Geiser | Jen Swacina | Carol Ashmore | Beth Sather | Barbara Wagner | Daniel J Cassidy | Daniel J Cassidy | K Hale Camp |
| Nancy Powers | Suzy Patterson | Caleb Smith | Stephanie Leddington | Marisa Shaw | Lenora Beach | Kathy Chappell | Kathy Chappell | Shirley Rose |
| Marcel Slootheer | Linda Erickson | Alison Manthey | Tom Sherburne | Dan Byars | Susan Roebuck | Dave Hinman | Dave Hinman | |
| David Larochele | Leslie Jorgensen | Cheryl Moore | Kristina Pesch | Madeline Gall | Cameron Miller | Karen Dils | Karen Dils | |
| Lin Spatcher | Mandy Paschall | Lelia J Coveney | Celia Adamec | Beth Sanders | Ken Miller | Reed Dils | Reed Dils | |
| Mariah Sutherland | Starr Miller | Lisa Stoudenmire | Leeta Bristow | Nikki Manes | Luna Low | Gordon Schieman | Gordon Schieman | |
| Tom Fox | Jamie Gregory | Holly Henry | Sarah Conrad | Carol Jean Snow | Sasha Blakeslee | Michael Kunkel | Michael Kunkel | |
| Judy Wagner | Jason Shelman | Chloe Lehmann | Jane R Carpenter | Jeff Harris | Nathan Dodge | Colleen Kunkel | Colleen Kunkel | |
| Matthew Celommi | Jessica Weeks | Tyler Lehmann | James Tozier | Kara Eaker | Franki McCloskey | Shirley Cleary | Shirley Cleary | |
| Dan Wheeler | Michael McGinnis | Kristi Young | Ashley Delarue | Terry Godfrey | Lyndsey Cochran | Taylor Kunkel | Taylor Kunkel | |
| Keli-Lyn Daugherty | Barbara Ewing | Lynda Kucin Godfrey | Brian Rill | Lynda Kucin Godfrey | Tammy Vigil | Gary Gibas | Gary Gibas | |
| Nick Daugherty | Molly Frauenhoff | Emily Haynes | Cheryl Cwelich | Emily Haynes | Mel Strawn | Hunter Kunkel | Hunter Kunkel | |
| Robert Gnaegy | Cassie Buckberg | Rozlyn Roberts | Jasper Lau | Rozlyn Roberts | Carol Smith | Ethan Prinky | Ethan Prinky | |
| Nicole Cook | Betsy Lincicome | David Bungay | Matthew Jones | David Bungay | Shelley Garcia | Joe Stone | Joe Stone | |
| | Chris Vely | | Patty LaTaille | | Cindy Gray | | | |
| | Jon Fritz | | Sherey Ports | | | | | |

Paid for by: Angie Jenson, Lawton Eddy, Michael Kunkel, Adrian Reif, Bryan Joslin, Steve Eckert

*More than 200 emails were sent to County Administration in opposition to this plan.
*Commissioners will proceed with or deny the project at their May 5th meeting.

PROOF OF PUBLICATION

within the augmentation plan areas included in the plan for augmentation, by either an uncontested approval by the State Engineer or Order of the Court, shall be part of the decreed plan for augmentation.
Published in The Mountain Mail July 10, 2020

Erin Kelley, City Clerk
Premises Posted: Friday, August 7, 2020
Publish in Mountain Mail: July 10, 2020

**PUBLIC NOTICE
NOTICE:**

Notice is hereby given pursuant to any one or more Decrees in Case No. 92CW84, 94CW5, 94CW41, 94CW42, 96CW17, 03CW55 and 06CW32 Division 2, Water Court that during the month of July 2020 the following parties applied for augmentation through the office of Upper Arkansas Water Conservancy District (UAWCD).

Name Edwin T. Shaffer, Donna S. Shaffer
Address 16850 Co Rd 369, Buena Vista, CO 81211
Chaffee County S13, T13S R79W, 6th PM
Type Well
Qty. of Water .100 af

The applications are available for review in the office of UAWCD, 339 E. Hwy 50, Salida, Colorado during normal business hours. Any affected person may file comments with the State Engineer within sixty days of the date of publication of such monthly notice. Any affected person not satisfied by the State Engineer's application of the terms and conditions established for this plan for augmentation to a specific structure, may then apply to the Water Court for a de novo hearing, under the Court's retained jurisdiction, whether the terms and conditions of the decree approving the plan for augmentation have been met with respect to the request for an authorized diversion included within that application to the State Engineer. Such de novo hearing shall be pursuant to Water Right Determination and Administration Act of 1969. Authorized diversions located within the augmentation plan areas included in the plan for augmentation, by either an uncontested approval by the State Engineer or Order of the Court, shall be part of the decreed plan for augmentation.
Published in The Mountain Mail July 10, 2020

**PUBLIC NOTICE
NOTICE OF A PUBLIC HEARING DATE BEFORE THE BOARD OF ADJUSTMENT FOR THE CITY OF SALIDA CONCERNING A VARIANCE APPLICATION TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE:** that on July 27th, 2020 at or about the hour of 6:00 p.m., a public hearing will be conducted by the City of Salida Board of Adjustment at City Council Chambers, 448 East First Street, Suite 190, Salida, Colorado on the application of Chaffee County Administration. The applicant is requesting approval for variances on the property located at 104 Crestone Ave (Chaffee County Government Campus), legally known

as Exempt Property Strip B Block 4 Eddy Brothers Addition, City of Salida, Chaffee County, Colorado.

The purpose of the request is to receive: 1. A variance for parking requirements to allow adjacent striped parking at Thonoff Park and along a portion of Crestone Avenue to count towards on-site parking requirements (per agreement with the City of Salida); and 2. A variance for maximum lot coverage for an access drive to the rear of the existing building. Both requests are being made in anticipation of a proposed campus building addition. Interested persons are encouraged to participate in the public hearing, either by attending the hearing in person (abiding by social distancing standards) or by joining the hearing virtually at: <https://attendee.gotowebinar.com/rt/1909092342220683277>. The public may also comment on the proposals ahead of time. Please submit any email comments to bill.almquist@cityofsalida.com by 5:00pm on July 27th. Further information on the application may be obtained from the Community Development Department by calling (719) 530-2634. To review the City's social distancing policy and other regulations, please visit <https://cityofsalida.com/covid-19info/>.
Published in The Mountain Mail July 10, 2020



**PUBLIC NOTICE
PURSUANT TO THE LIQUOR LAWS
OF COLORADO**

Pursuant to the Liquor Laws of the State of Colorado, Hubbud Brewing dba Soulcraft Brewery, has requested the Local Licensing Authority of the City of Salida, Colorado to grant a Brew Pub (City) liquor license to manufacture malt liquors or fermented malt beverages for the drink for consumption on the premises at 248 West Highway 50, Salida, CO 81201.

A hearing on the application received July 7, 2020 will be held before the Local Licensing Authority of the City of Salida, Colorado at the hour of 6:00 p.m., or as soon thereafter as may be heard, on Tuesday, August 18th, 2020 in the City Council Chambers, 448 East 1st Street, Salida, Colorado.

At said time and place, any interested persons may appear to be heard for or against the granting of said license.

LOCAL LICENSING AUTHORITY

PUBLIC NOTICE

CONCERNING THE ABANDONMENT LIST OF WATER RIGHTS IN CHAFFEE COUNTY

The Division Engineer, in accordance with §37-92-401, Colorado Revised Statutes (2019), has compiled the list of absolute water rights that he or she "has determined to have been abandoned in whole or in part and which previously have not been adjudged to have been abandoned."
A complete list of water rights that have been abandoned, in the opinion of the Division Engineer, may be found on the Division of Water Resources (DWR) website <https://www.colorado.gov/water>.
If you wish to object to the inclusion of any water right on the Division Engineer's abandonment list, you must file a written statement of objection with the Division Engineer by July 1, 2021. We request that objections be submitted using DWR's Abandonment Objection Form, which can be obtained on the DWR website (search keyword "Abandonment 2020") or from any DWR office.
The Abandonment List, with any revisions made as a result of written statements of objection, will be filed with the Water Court by December 31, 2021. Once the list is adjudged by the entry of a decree by the Water Court, such decree will be conclusive as to the abandonment of the water right.
In the following table, U indicates units of either C=acfs or A=acre-ft. The uses being abandoned are either "All Uses" indicating all decreed uses of the water right, or the individual uses listed, such as Irrigation. If any aspect of the decreed place of use is being abandoned, that is indicated by "Yes" in the Place column.

WATER DIVISION 2 ABANDONMENT LIST

Structure Name	Water Source	Decreed Amount	Aband. Amount	Remain. Amount	U-Abandoned Uses	Place
AHERN DITCH	Squire Creek	2,2000	11,4200	0.7800	C All Uses	No
ALPINE DITCH	Chalk Creek	20,1500	20,1500	0.0000	C All Uses	No
ALPINE PIPELINE	Baldwin Creek	1,0000	1,0000	0.0000	C All Uses	No
ANDERSON SEEPAGE DITCH	South Arkansas River	1,5000	1,5000	0.0000	C All Uses	No
ANDERSON SEEPAGE DITCH	South Arkansas River	0,5000	0,5000	0.0000	C All Uses	No
BARTHOLOMEW DITCH	Frenchman Creek	3,0000 (AP)	1,5000	1,5000	C All Uses	No
BARTHOLOMEW DITCH	Frenchman Creek	1,0000 (AP)	0,5000	0,5000	C All Uses	No
BASSAM DITCH	Longs Gulch	2,0000	2,0000	0.0000	C All Uses	No
BAUMDICKER DITCH	Theremin Creek	3,2500	3,2500	0.0000	C All Uses	No
BIYUK DITCH	Theremin Creek	1,0000	1,0000	0.0000	C All Uses	No
BERG DITCH	Longs Gulch	2,3200	2,3200	0.0000	C All Uses	No
BIG BEND PUMP NO 2	Longs Gulch	3,0000	3,0000	0.0000	C All Uses	No
BOOTS & HINTON DITCH	South Arkansas River	1,0000	0,9300	0,0700	C All Uses	No
BOWEN DITCH	Chalk Creek	50,0000	5,8400	45,0600	C All Uses	No
BOWN DITCH	Frenchman Creek	2,0000	2,0000	0.0000	C All Uses	No
BRAY DITCH NO 1	North Cottonwood Creek	1,0000	1,0000	0.0000	C All Uses	No

HOUSE DITCH	Gas Creek	1,0000	1,0000	0.0000	C All Uses	No
HUGHES MEADOW PAL NO 1	Deadman Gulch	0,3585	0,3585	0.0000	C All Uses	No
HUGHES MEADOW PAL NO 1	Deadman Gulch	0,0920	0,0920	0.0000	C All Uses	No
HUNT DITCH	Longs Gulch	2,3000	2,3000	0.0000	C All Uses	No
JOHN POST SEEPAGE NO 2	Placer Creek	0,5000	0,5000	0.0000	C All Uses	No
JOHN POST SEEPAGE NO 2	Placer Creek	0,5000 (AP)	0,5000	0.0000	C All Uses	No
JOHNSON DITCH	Cottonwood Creek	1,6000	1,6000	0.0000	C All Uses	No
JOHNSON DITCH	Cottonwood Creek	1,0000	1,0000	0.0000	C All Uses	No
KELLY DITCH	Swayzee Creek	1,1000	1,1000	0.0000	C All Uses	No
KELLY PUMP SYSTEM NO	Longs Gulch	2,9500	2,9500	0.0000	C All Uses	No
KIRSCH DITCH	Clear Creek	5,0000	5,0000	0.0000	C All Uses	No
KLOSIC DITCH	Sand Creek	2,0000	2,0000	0.0000	C All Uses	No
KOESTLIC SEEPAGE A & B	Longs Gulch	2,0000	2,0000	0.0000	C All Uses	No
KOPPERS SPRINGS PIL "A"	Longs Gulch	1,0000	1,0000	0.0000	C All Uses	No
KOPPERS SPRINGS PIL "A"	Longs Gulch	1,3300	1,3300	0.0000	C All Uses	No
LEE DITCH	Bear Creek	2,0000	2,0000	0.0000	C All Uses	No
LINK & IRVING SEEPAGE	Longs Gulch	2,0000	2,0000	0.0000	C All Uses	No
LOUIS SMIT DITCH	Theremin Creek	1,0000	1,0000	0.0000	C All Uses	No
LOWLAND DITCH	South Arkansas River	6,0000	5,6000	0.4000	C All Uses	No
MARSHALL DITCH	Powell Creek	3,2000	0,7700	2,4300	C All Uses	No
MARSHALL DITCH	North Cottonwood Creek	2,0000	0,6000	1,4000	C All Uses	No
MCCRODY DITCH	Theremin Creek	1,0000	1,0000	0.0000	C All Uses	No
MCCURDY PIPELINE	Longs Gulch	0,5000	0,5000	0.0000	C All Uses	No
MCFADDEN SEEPAGE	Longs Gulch	0,5000	0,5000	0.0000	C All Uses	No
MCMURRY SEEPAGE	Longs Gulch	1,9100	1,9100	0.0000	C All Uses	No
MEHOS DITCH	Longs Gulch	1,0000	1,0000	0.0000	C All Uses	No
MERRIFIELD PIPELINE #2	Longs Gulch	0,4410	0,4410	0.0000	C All Uses	No
METTE DITCH	Manwell Creek	3,0000	3,0000	0.0000	C All Uses	No
MIDWAY DITCH	Uta Creek	1,2500	1,2500	0.0000	C All Uses	No
MIDWAY DITCH	Uta Creek	1,2500	1,2500	0.0000	C All Uses	No
MISSOURI PARK DITCH	South Arkansas River	15,0000	3,0000	12,0000	C All Uses	No
MISSOURI PARK DITCH	South Arkansas River	15,0000	3,0000	12,0000	C All Uses	No

**UPDATED DEADLINES
FOR
LEGAL NOTICES**

The legal notices will now run in The Mountain Mail on Tuesdays and Fridays only.

Deadline for Tuesday's edition: Wednesdays @ 3 pm

Deadline for Friday's edition: Tuesdays @ 3 pm

WAYS TO SUBMIT A LEGAL NOTICE:
Email: cheryl@avpsalida.com.
or call (719) 539-6694 x.111.



PUBLIC COMMENT

Dear Board of Adjustors/City Planners,

I am writing in regards to these requests for variance from the County:

“The purpose of the request is to receive: (A) a variance in the number of required on-site parking spaces for a future campus building addition; and (B) a variance in maximum lot coverage specifically to allow for an access lane to the rear of the existing building, in anticipation of the proposed addition.”

As a voice for the 549 people who signed the declaration to protect trees and green space, I ask that the Board to use a wider lens through which to view these requests for variance. Please consider your upcoming role in improving our Land Use Code and the opportunity to strengthen provisions in Chapter 16 protecting the urban forest. Consider the irreplaceable mature trees and green space and make decisions now which reflect your intention and values regarding these protections.

We ask that you consider the following:

- A. **The requests for variance are based on the assumptions that there are needs for:**
 - 1) **An addition to the courthouse which, theoretically, will necessitate more parking**
 - 2) **An access lane which originates at the front of the building to reach the rear of the building (versus access to the rear from the rear) which involves the following: removal of two large trees and root damage due to disturbance and compaction to at least 3 additional established trees, which will cause premature death to the trees (likely in 5 years per certified arborist Angie Jenson), and significant reduction of greenspace.**

Regarding these assumptions:

- 1) **The need for an addition to the courthouse and additional parking to accommodate more offices and meeting places is in question** given the now widely accepted practice of working from home and meeting remotely. The need for office, meeting places and parking is greatly reduced. **No UNDUE HARDSHIP would result from not approving the variance.**
- 2) **An access lane originating in the front to reach the back of the building, thereby destroying trees and greenspace, does not have MINIMAL impact on the building**

environment, rather it has the opposite. Brainstorming among city and county personnel may yield numerous other possibilities.

Conclusion:

Variance A does not meet requirements for approval. It is not based on clear demonstration of need for additional parking or undue hardship caused by lack thereof.

Variance B does not result in minimal impact to environment or community, rather it results in reduction of trees and greenspace which the community has expressly opposed.

These requests are based on an assumption of need for and future existence of a courthouse expansion which does not account for greatly diminished need to accommodate workers in offices, meeting spaces and vehicles.

Further, the requested variances do not meet the criteria or intention for approval per the City Land Use Code as follows:

Required Showing for Variances. The applicant shall demonstrate the following to the Board of Adjustment before a variance may be authorized:

(1)

Special Circumstances Exist. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood;

The requested variances do not address current hardships or special circumstances and it is unclear as to whether special circumstances will exist in the future given uncertainty around the need for expansion of the courthouse and resulting parking requirements or need for access lane.

(3)

Strict Application Deprives Reasonable Use. The special circumstances and conditions are such that the strict application of the provisions of this Chapter would deprive the applicant of reasonable use of the land or building;

Strict application of the provisions does not deprive the applicant of reasonable use given that current building and parking do allow for reasonable use. Nor does strict application deprive the applicant of reasonable use if a building expansion were to occur in the future given that parking requirements may be malleable or different, and, there may be viable alternatives to an access road that originates in the front to reach the rear of the building.

(4)

Variance Necessary to Provide Reasonable Use. The granting of the variance is necessary to provide the applicant a reasonable use of the land or building;

As above; reasonable use has historically and is currently feasible. Reasonable Use in the future is not likely dependent upon a certain amount of parking spots, nor is it dependent upon an access lane to which less destructive alternatives likely exist.

(5)

Minimum Variance. The **granting of the variance is the minimum necessary** to make possible the reasonable use of the land or building;

The number of future parking spots is unknown given changing needs. And, the proposed access lane is certainly NOT the MINIMUM NECESSARY; a road from the rear of the building to get to the rear of the building would have far less impact, kill fewer trees and eliminated far less greenspace.

(6)

No Injury to Neighborhood. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise **not detrimental to the public welfare or the environment;**

Approval of this variance is in FACT injurious to the neighborhood and detrimental to the public welfare in light of the the widely supported declaration of support for trees and green space (549 signers in less than 2 days).

It is ON IT'S FACE detrimental to the environment as trees will be removed and stressed such that they will suffer and die within five years AND green space will be paved over and lost.

(7)

Consistency With Code. The granting of the variance is consistent with the general purposes and intent of this Land Use Code.

The granting of the variance is NOT consistent with the general purposes and intent of the Land Use Code.

Very sincerely,

Lawton Eddy

Salida