

THE TOWN OF  
PO BOX 2002 • 210 E. MAIN ST.  
BUENA VISTA, COLORADO 81211



BUENA VISTA  
P: 719.395.8643 • F: 719.395.8644  
WEB: WWW.BUENAVISTACO.GOV

## AGENDA

### HISTORIC PRESERVATION COMMISSION TOWN OF BUENA VISTA, COLORADO

April 6, 2023 3:00 PM

In-person Meeting will be held at the Central Colorado Airport (2<sup>nd</sup> Floor Conference Room) with alternate zoom link availability for the public to also attend virtually. To participate in Public Comment and/or Public Hearings you must attend in-person or use the following link: <https://us02web.zoom.us/j/84638379205?pwd=UmRSMWdPZ21MWW5ibnZLZjh3OW10Zz09>

Meeting ID: **846 3837 9205** Passcode: **923915**  
Listen via phone at: **+1 386 347 5053**

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **AGENDA ADOPTION**
- IV. **APPROVAL OF MINUTES – March 2, 2022**
- V. **PUBLIC COMMENT**
- VI. **BUSINESS ITEMS**
  - A. Town Planner
  - B. ADG review and path forward
  - C. 2023 goals and next steps
  - D. Saving Places discussion
  - E. Airport History document review
  - F. Updates from related organizations and general discussion
- VII. **STAFF UPDATES**
  - 308 & 310 E. Main Street façade improvements – May 4<sup>th</sup>.
- VIII. **ADJOURNMENT**



## MINUTES

### HISTORIC PRESERVATION COMMISSION TOWN OF BUENA VISTA, COLORADO

March 2, 2023 3:00 PM

**In-person Meeting held at the Buena Vista Airport and via zoom.**

**I. CALL TO ORDER**

John O'Brien called the meeting to order at 3:01 pm.

**II. ROLL CALL**

Jo Reese, John O'Brien, Katy Welter, Suzy Kelly, Nancy Locke, and Mary Therese Anstey attended the meeting in person. Melanie Roth joined via Zoom. Joseph Teipel (Town Planning Director) attended as staff to the HPC. Hannah Harn attended via zoom on behalf of the public. Laticia Pryor and Pam Gonzales attended in person from the public. Commissioners Dan Courtright, Vic Kuklin, and Nancy Locke were absent.

**III. AGENDA ADOPTION**

Suzy moved and Jo seconded the motion to approve the agenda. The motion carried unanimously.

**IV. APPROVAL OF MINUTES – February 2, 2023**

Suzy corrected an incomplete sentence to state that Mary Therese became a full HPC Commissioner (instead of alternate). Jo moved and Mary Therese seconded the motion to approve the agenda. The motion carried unanimously.

**V. PUBLIC COMMENT**

Pam Gonzales is a local historic property owner who is interested in preservation. Laticia Pryor attended and gave comment that she and a group of artisans are interested in starting a "maker space," potentially in a historic building.

**VI. BUSINESS ITEMS**

A. ADG chapter 19 review, discussion, and next steps

John presented a "Now This is Colorado" video which emphasized the Town's historic downtown and emphasized that the reason HPC exists is to preserve the historic assets of our community.

Joseph gave an overview of the Chapter 19 revisions, which were intended to follow the Board of Trustee direction and HPC desire to make the Architectural Design Guidelines mandatory rather than voluntary. The working group of Dan Courtright, John O'Brien, and Katy Welter presented some revisions, which have also been recently reviewed by Town attorneys. Joseph then noted he had received from the Town's attorneys just that day a marked-up version of Chapter 19. He then walked through that version, allowing for HPC discussion at each item.

Following discussion, two main questions remained: Can we delete the hardship exemptions section 19-12? And how should we deal with alterations to non-designated buildings over 50 years old?

HPC recommended moving the public hearing on the Chapter 19 amendments from March 14, 2023 to April 25, 2023 to allow time for consultation with the History Colorado CLG Coordinator, Dr. Lindsey Flewelling.

B. 2023 goals and next steps

Due to time constraints, this item was moved to an informal discussion after the meeting adjourned.

C. Saving Places discussion

Due to time constraints, the item was tabled for the April meeting.

D. 113 N RR Street mock review

Due to time constraints, this item was not considered.

E. Updates from related organizations and general discussion

**VII. STAFF UPDATES**

No staff updates.

**VIII. ADJOURNMENT**

John O'Brien adjourned the meeting at 5:03.



Joseph Teipel &lt;jteipel@buonavistaco.gov&gt;

## Buena Vista HPC municipal code amendment

**Flewelling - HC, Lindsey** <lindsey.flewelling@state.co.us>

Wed, Mar 29, 2023 at 4:41 PM

To: Katy Welter <welterkaty@gmail.com>, Dan Courtright <d\_courtright10@msn.com>, John O'Brien <farmgetto@gmail.com>, Joseph Teipel <jteipel@buonavistaco.gov>

Hi Katy and all,

I have looked over the materials that you sent me on the ordinance updates. One question that I had about the five mandatory items for the MU-MS District is if there are any existing nonconformities? If so, you may want to consider grandfathering in any nonconformities, or state that these existing nonconformities only need to be brought into compliance if the project is specifically addressing that portion of the property.

There were a couple of places where the Secretary of the Interior's Standards had the wrong wording to identify them - one place it says the Secretary of the Interior's Guidelines and another spot it says the Secretary of the Interior's Standards "of" treatment rather than "for the" treatment of historic properties.

Other than those few items, everything made sense as far as processes outlined.

For the questions you sent to me:

- The approach of requiring substantial compliance with the ADG

This seems reasonable and I have seen other CLGs use the terminology of "substantial compliance." This allows you to work with the property owner on finding the best solution for their property and also allows for unforeseen circumstances, like new products being developed or projects coming up that were not anticipated by the design guidelines, to be taken into account with flexibility.

- Review of alterations to non-designated properties over 50 years old

For other CLGs that have this provision, it is normally triggered by the building permit process. If you don't require building permits for alterations, then I am not sure that there is any practical way to enforce review over those alterations. You would need to focus more on incentives and benefits to try to encourage property owners to landmark and maintain the historic character of their properties, rather than catching things through building permit review.

- Hardship exemptions

I think that the hardship exemptions provided in the ordinance are pretty generous so that shows to me that they will provide a way to work with property owners when necessary. Historic preservation commissions generally just need to ensure that there is a viable use for the property, not that the highest economic use can be achieved.

Here are some additional resources on economic hardship:

[Webinar on Evaluating Economic Hardship](#)

[Assessing Economic Hardship Claims](#)

[Alliance Review article - Creating a Better Process to Review Economic Hardship](#)

- Pre-application consultations - ex parte concerns

In general, if a CLG has staff who can work with applicants it is best to use that avenue in order to avoid ex parte communications. Some CLGs have a design review committee of two people who work with the property owner and then report that communication at the public meeting. The important thing with that would be to not "guarantee" that a decision will be made one way or the other. If your attorney is not comfortable with that, though, then it should be avoided. Another tactic would be to have work sessions with the full HPC where the applicant can review their projects, and the HPC could suggest areas of the design guidelines that the applicant could look to be more substantially in compliance. These work sessions would need to be posted as with any public meeting, and could take place before or after your regular meeting (or totally separate). This might be good for particularly complex projects but it would not be advisable to require that for every applicant.

Members of the HPC can also visit properties as a group as long as it is also posted. For example, Telluride will often have a group site visit on their agenda for 4:00 pm and then have their regular meeting at 5:30 pm, and they state in the meeting that nothing of substance was discussed at the site visit other than factual information about the project. It is important to have any information on which decisions are based disclosed in the public hearing, though.

I hope this helps! I can go into more depth on any of these topics if it would be useful to you. Do you have any other process concerns about how the ordinance changes will work in practice?

Best,

Lindsey

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**Lindsey Flewelling, Ph.D.**

**Preservation Planner  
Certified Local Government (CLG) Coordinator**

*she/her/hers*

History Colorado

1200 Broadway, Denver, CO 80203

(o) 303-866-4681 | (c) 720-921-0920 | [lindsey.flewelling@state.co.us](mailto:lindsey.flewelling@state.co.us)

[HistoryColorado.org](https://HistoryColorado.org)

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