

LANDMARK PRESERVATION COMMISSION

Special Regular Meeting

July 25, 1995

Council Liaison: Gina Janett

Staff Liaison: Joe Frank

SUMMARY OF MEETING: The Commission had a training opportunity with Mr. James Stratis regarding the Certified Local Government process for the State Tax Credit. The LPC approved the plans as presented for 425 East Elizabeth. The Commission heard the consultant's report on the Overland Trail Survey and made suggestions.

CALL TO ORDER AND ROLL CALL:

Commission Chairman Jennifer Carpenter called the meeting to order at 5:35 pm, 281 North College Avenue. Staff member Carol Tunner called the roll. Commission members Jennifer Carpenter, Jean Kullman, James Tanner, and Ruth Weatherford were present. Bud Frick, Per Hogestad, and Terrence Hoaglund were absent. A quorum was present. Joe Frank, Karen McWilliams, and Carol Tunner represented staff.

GUESTS: Karla Oceanak, 423 East Elizabeth; Kate Malers, 518 Elizabeth; Jeff Bridges, 725 Matthews; Rheba Massey, Local History Co-ordinator at the Public Library; James Stratis, Colorado Historical Society Historic Preservation Specialist; Jason Marmor, Retrospect Inc., consultant for the Overland Trail; Agnes Dix, curator of Education for the Museum and Ralph Dix, CSU professor.

AGENDA REVIEW: No changes.

STAFF REPORT: Ms. Tunner reported that Mr. Richard Lea, owner of 103 North Sherwood, recipient of a rehabilitation grant, removed a porch pediment cover during painting and found that it was recessed previously. The LPC approved the restoration of the pediment recess.

Ms. Tunner has been asked to write a letter of support for a planning grant from the State Historical Fund for the Waterworks project. The LPC approved the letter which she had written.

Ms. Tunner asked for permission to write a letter of support for the Burlington Northern Depot for which the City will be applying for a grant. Ms. Tunner will write this letter for the LPC.

Ms. Tunner reported that the Freightmaster's Office in the C&S Depot will be adapted for use as the Stormwater Manager's Office.

Ms. Tunner announced that the LPC had been asked to review the planters painted in Old Town to cover up graffiti. The LPC discussed other methods of graffiti removal because painting may be difficult to maintain. Foxfire Property Management had not gotten permission (before painting) from the plaza owner, the Downtown Development Authority. The LPC review was, therefore, postponed.

COMMISSION MEMBERS' REPORTS: Mr. Tanner announced that there will be a ribbon cutting ceremony for the Linden Street Improvements on August 1 at 3:30 pm.

APPROVAL OF MINUTES: None to approve.

CERTIFIED LOCAL GOVERNMENT TRAINING FOR STATE TAX CREDIT REVIEW

Ms. Tunner introduced Mr. James Stratis of the State Historic Preservation Office. Mr. Frank said the purpose of the training session is to be sure that Fort Collins is doing its job properly.

Mr. Stratis said the intent of the State Tax Credit is to empower Certified Local Governments to make decisions about the appropriateness of work, under the general guidelines. He will explain the reporting process and discuss who is empowered to make decisions. It is tied to the local ordinances as to who is empowered to make decisions for design review, which in this case is the LPC. In December a form will be prepared and sent to the LPC. Every year the reviewing entity will be asked to say if they will continue to perform this function. Mr. Frank said that the LPC must go to City Council each year for the final decision. He suggested making it on a continuing basis unless the LPC decides to not perform that CLG function. Mr. Stratis suggested that the LPC tie it to the sunset of the law itself in 1999. The LPC agreed that this would be desirable.

Mr. Stratis said that the law states that every year a report must be given on what has been done. The report should include the County, City, and State address for each project, the start and end date as shown on the application, and the total real cost, of which only part of the costs may qualify. The total cost is the real cost associated with rehabilitating the building and may include non-eligible items such as the architect's fee.

Mr. Stratis discussed phased projects. He said that it can be done but the work should be anticipated to be completed within 24 months. If they do not have enough time to finish the work then the applicant can come back for a one time extension which may be for up to another 24 months, for a possible total of 48 months. Applicant's can apply more than once, but each time, the project must be spending over \$5,000. There are nine points to determine eligibility and each of those points must be met for any application.

Mr. Frank asked about verification of expenses. Mr. Stratis said a Commission has a certain level of expertise such that someone should be able to determine the reasonableness of the costs and if the cost is not felt to be reasonable then the Commission should ask for a greater breakdown. Ms. Tunner asked if there was any need to ask for bills and receipts and Mr. Stratis said there is no need, only the final itemized costs associated with the project which does not need to be broken out by each box shown on the form. The form itself testifies that the costs are true. Bills and receipts may only be necessary if the applicant is audited and then verification for the work is between the Colorado State Department of Revenue and the applicant.

Ms. McWilliams asked what are the \$5,000 worth of qualified costs. Mr. Stratis said it must be \$5,000 worth of rehabilitation costs, not soft costs. Qualified costs are listed under eligible costs on the tax credit information sheet put out by the Colorado Historical Society.

Ms. McWilliams asked what would happen if the project does not come up to \$5,000. Mr. Stratis said then they will not qualify so they would need to put sufficient money into the project because spending at least \$5,000 is one of the requirements for eligibility. There is no provision for amendments to the application but applicants do usually end up spending more. However, if they do come up short, the applicant should notify the LPC and get approval of the extra work to be done rather than telling about it after the fact.

Mr. Frank commented that basically we are taking their word that their application is correct. Mr. Stratis recommended Stan Williams at the Dept. of Revenue for questions about the program and taxes. Ms. Carpenter noted that the application is to the Dept. of Revenue. Mr. Stratis said that the LPC are not auditors and are testifying that the work meets the standards, administering the application process, and answering questions.

It was asked why National Register properties were not listed as eligible for the tax credit, because only state register properties were noted. Ms. Tunner said that if you are on the National Register you are automatically on the State Register. If you are not on the National Register but on the State Register you are eligible for the tax credit. Mr. Stratis said there are fundamental differences in control. The National Register and State Register have no control for private property owners except for de-listing a property. If you are locally designated, you can't get a building permit for inappropriate actions. Ms. Tunner noted that if you are a state agency, such as CSU, then you are subject to state rules. The State Historic Office decides if a state property is even eligible and if it is, that is sufficient to kick in the review process for appropriateness.

Mr. Stratis said there should be a filing system maintained on the applicants. Part 1 is to take the check, do the review, and give the approval. Part 2 is to sign off, keep a copy of the certification, and let the state know the categories on the spread sheet. The applicant will use the original for their taxes. Mr. Frank noted that Ms. Tunner should send a copy of the complete final application to the clerk's office. Ms. McWilliams asked what documentation the applicants should use with their tax forms if they roll the tax credit over each year. Mr. Stratis said only a photocopy is necessary and they should keep a copy which they can use each year. Ms. Tunner asked whose signature should be signed as the reviewing entity and Mr. Frank suggested following established procedures, which would be the Chair of the LPC.

The discussion was opened for Citizen Comment. Mr. Jeff Bridges said that if a homeowner is on the National/State Historic Register, they will qualify for state tax credit as soon as a project is approved by the LPC. He asked about the policy for district designation and said that Nationally Registered homes using the state tax credit may believe that they have the same protection as Locally Designated homes but they do not.

Ms. Carpenter asked, if the LPC is also acting as a CLG, would it be necessary to adjourn and go from one to the other process (local landmark design review to state tax credit design review) within a meeting. Ms. Tunner said that she handles this by noting in the Staff report whether a particular project is a tax credit review also.

Ms. Massey commented that she thought that any structure on the National Register should automatically be eligible for the local landmark list. Mr. Bridges said that if the LPC were to designate 10 landmarks a year, there would be 50 in 5 years. They would then have to go back to locally designate each structure when the homeowners come in with a request so he thought it would be better to have National Register structures automatically designated as Local Landmarks. Mr. Stratis said that each individual would need to be educated. Mr. Frank asked if it would be possible to defer the \$250 fee for a local landmark applying for the State Tax Credit and Mr. Stratis said it could probably be rebated. Mr. Frank suggested bringing up the rebate idea when the LPC returns to City Council to renew as a reviewing entity. He feels it is a good incentive. Mr. Stratis noted that a processing fee could be charged in addition. Mr. Frank stated he would like to rebate the fee for local landmarks. If the LPC were to make National Register structures automatically locally designated the applicants wouldn't have to wait for 60 days for the designation and they could start buying materials immediately after the LPC review.

Ms. Tunner asked what is eligible in hard costs? Mr. Stratis said eligible costs were items such as carpet, stove, vacuum system, built-ins, wallpaper, etc. Ms. Carpenter asked if the LPC decision on what is eligible is final? Mr. Stratis said the LPC defines the qualified costs.

Mr. Frank asked what is reasonable preservation? Mr. Stratis said preservation is something that maintains the building's viable sustain ability. The Secretary of Interior's Standards are the reference guidelines. Materials are included as eligible but reusable tools are not.

Ms. McWilliams asked if someone gets a tax credit, can they use a city grant for the \$5,000 costs necessary to be eligible for the tax credit. Ms. Stratis said yes but the applicant would have to consider the grant as taxable income.

CURRENT DESIGN REVIEW:

425 EAST ELIZABETH, SPENCER HOUSE

Ms. Tunner introduced the project and newly submitted material such as a colored elevation. Mr. Tanner asked Ms. Oceanak if she plans to use individual switches for the porch lights. Ms. Oceanak said she would like the individual switches.

Ms. Weatherford moved approval of the plans as presented and recommended she use separate switches or lower wattage bulbs. Ms. Kullman seconded the motion, which passed unanimously.

DISCUSSION ITEMS:

CLG GRANT, OVERLAND TRAIL SURVEY/NARRATIVE/MANAGEMENT PLAN

Ms. Tunner introduced the 1994-1995 CLG \$10,000 project to study the Overland Trail. Mr. Jason Marmor, consultant for Retrospect, Inc., thanked Ms. Tunner and said that although they didn't find much on the ground, they were able to clarify the history and resources available. The purpose was to do a reconnaissance and intensive level survey of the Overland Trail in the Urban Growth Area. The subject area was city property where a new park in the Southwest is scheduled to be located and this area was 100% surveyed. They also wrote an historical narrative based on intensive research, in which they were assisted by Steve Main, who did on-the-ground work and Wayne Sundberg, who did historical research and tracked down leads from folklore.

The consultants looked on maps for the original location of the trail and found several variants: the chief ones being the Cherokee Trail at the foothills from Denver to LaPorte and the Overland Trail, proper, which ran on both sides of the banks of the Cache la Poudre River. This information is from 1864 Government Land Office Township Plats (GLO) as well as some 1877 maps. These were "blown-up" and overlaid onto topographic maps to come up with a reconnaissance survey plan map. However, much of the survey area has been urbanized by gravel pits along the river and agriculture and so there are very few pristine areas to look at. They had to look on private land to find trail ruts and other indicators, which they did by observing from roadsides and other vantage points. They also surveyed the old stagecoach stations, both known and rumored locations. This included the two Sherwood stations and the Spring Canyon station at the mouth of Spring Canyon Dam.

Mr. Marmor stated that there are three periods of distinct historical uses of the Overland Trail. It was first known as the Cherokee Trail and came into use during the Gold Rush to California from 1849-1850 and was actually two trails--in 1849, the one along the river and the route along the foothills, which came to be known as the Cherokee Trail. In the 1860's, there were five changes in use of

different routes because of the military's control over the stage line at that time. Therefore, they looked at GLO plats, surveyor's manuscript field notes which showed the stage road where it crossed over the trail road, and 25-30 diaries of emigrants heading west. They obtained the diaries from libraries throughout the west as summarized in immigrant diary indexes and the information is summarized in the report. They date from 1862-1880. There are published indexes by Merrill Maddes called the Platte River Road Diaries and another index by John Townley called The Trail West as well as an organization called the Oregon-California Trails Association which has a database called Co-Ed of journals and diaries. There was a large volume of traffic moving through the area. He summarized their observations about Indian encampments and abundance of game and tried to figure out the sequence of use but did tell something about the volume of traffic moving through the area. Other roads such as the Big Thompson and Fort Collins Road, the latter of which was the county's first road, established in 1866 by a group of people, and the Boxelder Cut-off going to Park Creek Station were also surveyed.

The Overland Stage, or Central Overland Mail period, represents the second period. Prior to 1861 the main Overland Mail route was called the Southern route, which was south of the Rockies. As Denver grew in the last 1850's, a more central mail route linking the country was needed and was laid out on the Oregon immigrant trail through South Nebraska and Wyoming and remained there until 1862 when Ben Holiday acquired the line. Russells, Major, and Waddell established the Pony Express but when that venture ended due to bankruptcy, Holiday bought them out. In 1862, he moved the Overland Stage Line down to both Cherokee Trails through Fort Collins. Fort Collins moved to its current location on the Poudre in 1864 and in 1866, the Fort was closed. In that same year, Holiday sold out to Wells Fargo and the Overland Stage Line was moved to the foothills portion of the Cherokee Trail.

The third period, from 1867-1870, is known as the Denver and Cheyenne Stage Road and ran on the foothills trail. People continued to trickle through on this route. After that, the railroad was built. There were about 20 years of intensive trail use in this area. Portions of the trail have been obliterated by the movement of the river, building of ditches, and agriculture.

There are no early aerial photos available. Although survey forms were filled out for 6 different sites, some had been previously recorded. The ruts which were found represent one-third of 1% of the 32 miles of trails that once traversed the area. Mr. Frank commented that this clearly emphasizes the importance of what is left.

Mr. Marmor said that Ms. Karen Manci of Natural Resources had called his attention to aerial photos of prairie dogs on the Cathy Fromme Prairie, which showed traces of the trail. Several new discoveries were made: at 5LR706.3--a short set of distinct ruts on private land west of Shields and north of Willox Lane which they were not able to explore; and at 5LR706.2--a fairly well preserved set of trail ruts located in the Cathy Fromme Prairie. These ruts are threatened by Prairie Dog hills

and bike traffic. South of Willox exists an old farmhouse with a cobblestone lean-to shed, which Ms. Tunner thinks may be some sort of old stage stop. Mr. Marmor knows of no known stations in that area but there were homesteads in the area on the trail. These two sets of ruts are all they were able to find, although there are sections of trail which they were not able to get to or were overgrown and they identified those areas for future survey work.

Mr. Marmor listed potential Overland Trail sites and known existing resources. At 5LR1860, some trash was scattered in the area which is to be developed as a park and was mentioned in The Overland Trail North. Previous owner George Ross said he knew where the Spring Canyon Station had been and identified it as being in that area. They were able to find the location but the identity of trash was not able to be determined. The second site is a two track road, Ridge Road, which follows the top of the shale hogback which forms the boundary of Horsetooth Reservoir. Mr. Main and Mr. Sundberg raised the possibility and an article in the Rocky Mountain News suggested that it was a variant of the Wells Fargo or Denver/Cheyenne route. Mr. Marmor was unable to find any convincing evidence that it is part of the stage road and the trail on the ridge is west of the mapped routes with steep ascent and descent to it. The trail ruts appear to be wider than 4' made by wagons but need to be measured. He prefers not to speculate so it was not given an archeological site number. Ms. Tunner has asked him to fill out a site survey form and submit it to the State Historical Society, anyway. The next site is the North College Avenue Crossing because it was mentioned as an early crossing in an old article from Clyde Brown, curator of the Ft. Collins Museum in the 1940's although it is not shown on the plats. Another is Canyon Avenue because it appears to have been laid down over what would have been an early branch road from Fort Collins to the Cherokee Trail where the Spring Canyon Stage Station was, which was built in 1867 by Wells Fargo and not used by Ben Holiday. It is discussed in Streets of Fort Collins. It lines up with Lincoln Avenue.

Mr. Marmor re-evaluated sites which were already recorded and had some association with the trail. First is 5LR1566, the Sherwood Station. Ben Holiday obtained a quit claim from Mr. Sherwood for a stage station but they have been unable to find the exact location due to the vagueness of the legal description. The GLO maps of Oct. 1864 located the Stage Station about a mile north of the Sherwood Ranch House Ruins so there may be the remains of a station there. Therefore, it was not recorded as a site but warrants more reconnaissance work on the ground. The next site is 5LR757, which was recorded as the Sherwood Station site in 1982 and is outside the survey area. The next site is 5LR756, Spring Canyon Station, the log cabin on the north side of County Road 38B. He said there is no solid paper trail to show that it is the station although it fits the general description of the swing station in that area. He recommended a dendrochronological study to date the age of the logs by sampling the log cores. There are rumors that the building had been moved from the George Ross farm to the northeast. However, homestead papers give no indication of the buildings. He recommends further research. Next is the George Strauss homestead cabin. According to Watrous, Strauss sold produce along the trail so the stagecoaches did interact with the building.

The next category are sites no long extant which includes the second location of Fort Collins in the Old Town area and the two sutler's stores run by Mason which is where the stage would have stopped.

The last category is pre-historic sites. 5LP1861 is the metate or milling stone, which is worthy of attention.

Mr. Frank suggested using remote sensing and asked what the chances would be of finding more information with this technique. Mr. Marmor said he didn't know the chances or the possible cost. Ms. McWilliams asked if Mr. Marmor had checked with Aero-Metrics Engineering for aerial maps and he said he did not. The Commission recommended a self-guided tour map with a concise history keyed to trail site signs. Mr. Tanner said that the consultant had looked at many documents and felt the study was well put together. Mr. Frank commended him for great ideas and suggested ranking the items in priority so that some could be sent on to City Council, particularly the Cathy Fromme Prairie resources. Ms. Carpenter recommended that the information be sent on to the school district. Ms. Tunner mentioned that Mr. Sundberg would like to do a video and has offered to give a program to the LPC on what he and Steve Main found along the foothills Cherokee Trail portion.

OTHER BUSINESS:

Ms. Weatherford reported that Ms. Massey's slide show to the Historic Fort Collins Development Corporation was excellent for showing the possibilities and vision of what could be done with the Preston Farm. She suggested that Ms. Massey give a showing for the LPC. Ms. Tunner will follow up.

Ms. Carpenter asked for Citizen Comment. Ms. Agnes Dix said she is concerned about the metate found during the Overland Trail Study. Mr. Frank explained that the LPC deals with buildings and that this is archaeological. He asked if the Museum is headed in this direction and if they would be willing to follow through on it. Ms. Dix said they would and are working on a large National Endowment Grant that could incorporate the implementation of the Overland Trail Study.

The meeting adjourned at 8:45 pm.

Submitted by Diane Slater, Secretary.