



## APPEAL APPLICATION

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

### A. APPEAL PROCESS (City Code Section 16-2-70)

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

### B. APPLICATION CONTENTS

- 1. **General Development Application**
- 2. **Written Letter of Appeal.** A written letter must be submitted setting forth in plain and concise language:
  - a. **Facts and reasons.** The facts and reasons for the appeal, including any relevant citations to any rule, regulation or code section relied upon.
  - b. **Copy.** A copy of the order, decision or interpretation being appealed if the same was issued in writing.
- 3. **Optional Showing.** The applicant may include any drawings, photos, diagrams, sketches, etc. which are relevant to the proposed appeal.
- 4. **Application Fee** - According to current adopted fee schedule
- 6. **Special Fee and Cost Reimbursement Agreement completed.**
- 7. **Outside Review Deposit.** In the event the City must retain professional services to process or evaluate an application, the applicant shall bear the costs for the review, including consultants and attorney review time. A deposit of \$500.00 to cover the reasonable anticipated costs for outside professional services may be required from the applicant at the time of the application.

**D. SALIDA MUNICIPAL CODE SECTION 16, ARTICLE 2-70**

**16-2-70. Appeals.**

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

TABLE 16-A Appealing Body From Specific Orders, Decisions or Interpretations		
Decision Appealed From:	Type of Land Development Application	Decision Appealed To:
Administrator or his or her designee	Interpretation Verification of zoning compliance Reuse, change in use or further development Sign permits and comprehensive sign plans	Planning Commission
Board of Adjustment	Variance	Court system
Board of Appeals	Appeal	Court system
Building Official	Interpretation of codes enforced by the Building Official	Board of Appeals*
City Council	Amendment to Official Zoning Map or text of Code Annexation Major Impact Review Designation of a historic district or landmark Off-premises sign	Court system
Fire Chief	Interpretation of codes enforced by the Fire Chief	Board of Appeals*
Administrator or his or her designee	Certificate of Approval – minor Certificate of Approval – major	City Council
Planning Commission	Creative sign Comprehensive sign plans for multiple owners Limited Impact Review	City Council
Planning Chair	Subdivision exemption	Planning Commission
* Refer to Chapter 18, Article VIII, Building Regulations, Appeals Process for additional information		

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

- (1) Facts and Reasons. The facts and reasons for the appeal, including any relevant citation to any rule, regulation or Code section relied upon
- (2) Copy. A copy of the order, decision or interpretation being appealed if the same was issued in writing.

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

(d) Notice. Written notice of the time, date and location of the hearing shall be sent by regular mail to the appellant not less than fifteen (15) days prior to the hearing. In cases where a decision rendered during a public hearing is being appealed, notice shall be provided as outlined in Section 16-2-30 of this Chapter.

(e) Appeal Hearing.

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

(2) Basis of a Decision. Review of the land use decision being appealed shall be limited to the record established before and relied upon by the designated decision making body. An appealing body shall not have the authority to override the provisions of this Land Use Code. Any decision shall include a basis for the decision and cite specific sections of this Code.

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

(4) Notice of Decision. The appropriate appealing body shall hear all relevant evidence, and within a reasonable time and in no event more than fifteen (15) days thereafter, shall render its decision. The appealing body may reverse, modify or confirm the order, decision or interpretation. All decisions on appeal shall be reduced to writing, contain a concise listing of facts and reasons supporting the same and shall be promptly mailed by regular mail to the appellant.