City of
Steamboat Springs

# AGENDA ITEM # 4
# PLANNING COMMISSION COMMUNICATION FORM

---

**FROM:** Tom Leeson, AICP, Director Planning & Community Development (Ext. 244)
Jim Moylan, Chair, Historic Structures Policy Review Committee

**DATE:** January 8, 2009

**ITEM:** #TXT-08-05: An ordinance amending Chapter 26, Article 84 of the Steamboat Springs Revised Municipal Code pertaining to the historic preservation review process for the designation, alteration or demolition of the community's historic resources.

**NEXT STEP:** If recommended for approval, the first reading of the ordinance will be heard by City Council on January 20, 2009.

---

X ORDINANCE
__ RESOLUTION
X MOTION
__ DIRECTION
__ INFORMATION

---

**PROJECT NAME:** Historic Preservation Review Process; #TXT-08-05

**PETITION:** An ordinance amending Chapter 26, Article 84 of the Steamboat Springs Revised Municipal Code pertaining to the historic preservation review process for the designation, alteration or demolition of the community's historic resources.

**APPLICANT:** City of Steamboat Springs, Department of Planning & Community Development, Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477, (970) 879-2060

## I. RECOMMENDED MOTION

Staff finds the proposed ordinance furthers the community's health, safety and welfare and recommends the Planning Commission recommend approval of the attached ordinance amending Chapter 26, Article 84 of the Steamboat Springs Revised Municipal Code pertaining to the historic preservation review process for the designation, alteration or demolition of the community's historic resources.

## II. BACKGROUND INFORMATION

The City Council of Steamboat Springs, Colorado, created the Historic Structure Policy Review Committee ("HSPRC") in October, 2007. HSPRC's task was to engage in a public process to review the City's existing historic structure preservation regulations and provide recommendations to City Council on regulations pertaining to the renovation, remodel or demolition of structures that exceed 50 years in age.

The Historic Structure Policy Review Committee produced and "Interim Report" as well as a "Final Report" which details the committee makeup, process and findings. Those reports have been included as attachments.

## III. DESCRIPTION

The existing Steamboat Springs Historic Preservation Ordinance ("Ordinance") provides for mandatory review of all structures fifty (50) years of age by the Historic Preservation Advisory Commission ("HPAC") before a building, alteration or demolition permit can be issued. HPAC is authorized to implement up to a 90-day delay in the issuance of a demo permit to provide a period where HPAC and others can try to persuade the owners that their proposed plans under the application for permit would disrupt or destroy the historic character of their structure. While this advice is sometimes successful, at the end of the day, the owners are free to disregard entirely HPAC's recommendations and proceed with the alteration or demolition, because HPAC review is mandatory, owner compliance is voluntary. The process causes considerable consternation and frustration in the community and especially on the part of the permit applicants.

In 2007, there was an increase of demolition permits filed affecting buildings over 50 years of age, which in some cases were only filed to get the 90-day clock ticking. Concurrently, there was an out-cry from certain members of the community that many of Steamboat Springs' historic structures would be lost, adversely affecting the community character. In order to allow the dust to clear and get a handle on the problem, City Council enacted a Moratorium on the issuance of building permits for structures of that vintage within Old Town. Following the enactment of the Moratorium, this citizens' Committee was formed to study the issues and provide recommendations to City Council on the policies to consider regarding historic preservation issues in the Steamboat Springs community.

There are several important points that should be considered in reviewing the proposed new H.P.

4-6

Ordinance.

First, the entire Historic Preservation process in Steamboat Springs remains completely voluntary.

Second, the HSPRC is recommending the creation of a Steamboat Springs Historic Register ("Local Register"). Depending on the historic significance of the structure, the owner can apply for listing as a "Local Landmark" or "Historic Resource," as finally designated by the proposed Historic Preservation Commission.

If the owner applies for listing the property and HPC deems it a Local Landmark or Historic Resource, the benefits and privileges of such listing, e.g., public recognition, economic and other financial incentives, etc., accrue to the owner and constitute one side of the historic preservation equation. On the other side of the equation, any proposed alteration to the Local Landmark or Historic Resource must be approved by HPC applying the Steamboat Springs Historic Preservation Design Guidelines adopted in November 2001, ("Design Guidelines"). While Historic Resources, in certain cases could still be demolished, demolition of a Local Landmark would be prohibited.

It is the creation of the Local Register that is the pivot point in the proposed ordinance and differentiates the proposed ordinance from the existing Ordinances in Steamboat Springs. Voluntary listing protects the rights of private property owners. Once the owner chooses to list and the property is designated for listing, the property is protected serving the historic preservation interests of the community.

People are certain to ask that if there already exists a National, State and Routt County Historic Register why do we need a separate historic register for Steamboat Springs?

The answer is two fold.

First, the foregoing historic registers are honorary. They do not provided any historic preservation protections to the buildings, structures or sites listed on those Historic Registers.

Second, by having a Local Register, albeit voluntary, once owners of such properties apply for listing and are designated Local Landmarks or Historic Resources by the proposed HPC, they receive protection under the law.

Another primary consideration in considering the proposed Ordinance is that it removes the time-consuming and onerous task for the City's Historic Preservation Staff and the members of the current HPAC from reviewing every structure fifty years of age or older, subject to an application for a permit, regardless of its historic merit.

The Committee strongly felt that the current HPAC's time would be more profitably spent on public out-reach and historic preservation education within the community.

4-3

However, to enhance this process, the HSPRC strongly recommends expediting the cultural resource survey of the approximately 150 remaining structures within the Old Town Area, which includes the Brooklyn and Fairview neighborhoods, to determine their eligibility for listing on the Local Register.

The parallel benefit derived from concluding the cultural resource survey in an expedited fashion is it provides the property owners within the community notice of whether their property is eligible or not eligible for listing on the Local Register. If a property is deemed "not eligible" by the survey, those owners of such properties are completely outside the provisions of this Ordinance in connection with any future application such an owner might file for a building, alteration or demolition permit.

Further, by way of summary and overview, the HSPRC believes the proposed Ordinance provides the community with clear direction on the historic preservation process and strikes a balance the community has clearly expressed between protecting our historic resources while not trampling on the rights of private property owners.

Finally, through this process the HSPRC detected related areas of concern but were deemed outside the Committee's charge. Accordingly, these issues are addressed (Key Recommendations) below.

**Executive Summary:**

The proposed new Historic Preservation Ordinance complements and differs from the existing Steamboat Springs Historic Preservation Ordinances in the following material respects:

- There is an entire section on Definitions.

- The Ordinance provides two voluntary levels of historic recognition by HPC:

  **A.** "Local Landmarks" as defined in the ordinance, to which any alteration would be subject to mandatory and strict adherence to the Steamboat Historic Design Guidelines ("Design Guidelines") and demolition would be prohibited except in cases of public safety. This provision is designed to protect those Historic Resources that are so critical to the history and heritage of Steamboat Springs that their non-conformance, alteration or demolition would be a devastating loss to the entire community.

  **B.** "Historic Resources" as defined in the Ordinance enables owners of such structures to avail themselves of the incentives provided for in the ordinance while also voluntarily subjecting their properties to regulation by mandatory adherence to the Design Guidelines in connection with any alteration or "demolition" as defined in the ordinance.

- Creation of a Local Historic Register.

- Two or more property owners have the ability to apply for the creation of a Historic

4-4

District, and the process is driven from the property owners.

- Creation of Historic Preservation Funds, which is administered by the Director of Planning and Community Development and is part of the Planning and Community Development's operating budget.

- Elimination of the advisory role of the Historic Preservation Advisory Commission ("HPAC") to a Commission with designated powers, duties and obligations, not the least of which includes public out-reach and education, to be known as the Historic Preservation Commission ("HPC" or "Commission").

- Penalties and Sanctions for violations of the ordinance, demolition of Local Landmarks, demolition of Historic Resources, without a permit, etc.

- Provides Economic, Regulatory and Recognition Incentives for Historic Preservation.

- Provides for a Hardship Exemption.

- Appeal process from HPC decisions to City Council.

**Key Recommendations**:

- Direct staff to conduct study of zoning regulations in the Old Town Area, including Brooklyn and Fairview neighborhoods, to assure preservation of community character and integrity. During our public meetings, community members expressed concern regarding mass and scale in their neighborhoods. This recommendation is also consistent with those in the Steamboat Springs Area Community Plan.

- Consider Historic Preservation as a public benefit for PUD applications.

- Review Demolition Permit process to eliminate abuse of multiple extensions of such permits.

- Encourage the City Council to take the lead and set the example to list the City owned properties as Local Landmarks.

- Advise Routt County officials that the properties listed on the Routt County Register of Historic Places will be accepted for listing on the proposed Local Register. Advise Routt County officials that Routt County should become a CLG in order to provide local review of State Income Tax Credit applications. Initiate discussions with Routt County about whether they want to continue listing properties within the City boundaries on the County Register.

- Recommend the City fund the Historic Preservation Fund at a meaningful level and consider a dedicated funding source.

## V. LIST OF ATTACHMENTS

Attachment A – Draft Ordinance
Attachment B – HSPRC Interim Report
Attachment C – Letter from Dan Corson, Office of Archeology and Historic Preservation

CITY OF STEAMBOAT SPRINGS

ORDINANCE NO._____

**AN ORDINANCE AMENDING CHAPTER 26, ARTICLE 84 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE PERTAINING TO THE HISTORIC PRESERVATION REVIEW PROCESS FOR THE DESIGNATION, ALTERATION OR DEMOLITION OF THE COMMUNITY'S HISTORIC RESOURCES; ESTABLISH AN EFFECTIVE DATE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS,** the City Council has determined that the cultural, historic, and architectural heritage of the City of Steamboat Springs and Routt County, Colorado is a source of civic pride, and an asset to this community; and

**WHEREAS,** the City Council of the City of Steamboat Springs has determined that the preservation of certain meritorious governmental, commercial, and residential buildings, as well as other private and public structures, objects and sites within the City boundaries, associated with the cultural, historic, and architectural heritage of the region is essential to maintaining the vitality of that heritage and that the rehabilitation, restoration, renovation, repair and preservation of these buildings, structures, sites and other objects benefits not only the private owner, but the general public as well; and

**WHEREAS,** the City of Steamboat Springs is the first city in Colorado to be recognized nationally as a Preserve America Community in 2004; and

**WHEREAS,** the citizens of the City of Steamboat Springs have expressed their dedication to historic preservation in Chapter 11 of the Steamboat Springs Community Area Plan adopted in May, 2004; and

**WHEREAS,** the City Council of Steamboat Springs recognizes that to promote harmony within the community a balance must be struck between preserving the historic resources existing in the community with the rights of private property owners, accordingly, this ordinance establishes a voluntary system for historic preservation of properties in the City of Steamboat Springs; and

**WHEREAS,** the City of Steamboat Springs is a Certified Local Government under the Federal Historic Preservation Act of 1966, as amended, which requires the City to establish protections for historic buildings and structures.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS.**

**SECTION 1**

4-7

**Attachment A**

The City Council finds that this ordinance is necessary for the health, safety, welfare, peace and prosperity of the community.

## SECTION 2

Section 26-42 of the Municipal Code of the City of Steamboat Springs shall be amended as follows:



4-6

# Table 26-42 Review Procedures Table

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| X | Required notice | CU | Call Up | PC | Planning Commission | TAC | Technical advisory committee |
| A | Appeal body | Dir | Director of Planning and Community Development | PUD | Planned Unit Development | ( ) | An extra review that may be required by the Director or requested by the applicant |
| BOA | Board of Adjustment | DM | Decision Maker | R | Reviewing body | < > | Public hearing |
| CC | City Council | ~~HPAC~~ HPC | Historic Preservation Commission ~~advisory committee~~ | SPO | Surrounding property owner | { } | Consent agenda |

## Requirements for all applications

1) A complete submittal in accordance with subsections (d) and (f) of Section 26-42 is required prior to review.
2) Additional Technical submittals - During the processing of a complete application, if the city or any review agency identifies any additional materials that are needed to accurately evaluate the potential impacts of the proposed application the additional materials will be provided In accordance with subsection (g) of Section 26-42
3) *Burden of proof.* The applicant for development approval shall bear the burden of presenting sufficient competent evidence to support the standards for approval set forth by this article.

## Review Procedures

| Types of Applications | | Public Notice Requirements | | | | | Admin Review | | | Public Review | | | | Final Document |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | SPO Notice (26-51(c)) | | | | | | | | | | | | |
| | | Application | Public hearing /final decision | Post | Publish | Mineral Rights | Pre-submittal | TAC | Dir | ~~HPAC~~ HPC | PC | BOA | CC | |
| Land Use/Site Development | Community plan land use map amendment (§ 26-32) | X | X | | X | | X | (R) | | | <R> | | | Resolution |
| | Pre-application review (§ 26-46) | X | X | X | X | X | X | (R) | | | (<R>) | | (<R>) | Letter |
| | CDC text amendments (§ 26-61) | | | | X | | X | (R) | | (<R>) | <R> | (<R>) | <DM> | Ordinance |
| | Official Zoning map amendment (§ 26-62) | X | X | X | X | X | X | R | | | <R> | | <DM> | Ordinance |
| | Annexations (§ 26-63) | X | X | X | X | X | X | R | | | <R> | | <DM> | Ordinance |
| | Use with criteria (§ 26-64) | | | | | | | | DM | | | | A | Signed form |
| | Development plan (§ 26-65) | X | X | X | X | X | X | R | | (<R>) | <R> | | {DM} | Approval letter |
| | Development Plan with PUD (§§ 26-65 & 26-81) | X | X | X | X | X | X | R | | (<R>) | <R> | | <DM> | Approval letter |
| | PUD – minor amendment | X | X | X | X | | | (R) | DM | | | | | Approval letter |
| | Final development plan (FDP) (§ 26-66) | X | X | X | X | X | X | R | | (<R>) | <R> | | <DM> | Signed FDP |
| | Minor adjustment (§ 26-69) | | X | X | X | | | (R) | DM | | | | A | See 26-69(f) |
| | Variance (§ 26-70) | X | X | X | X | | X | (R) | | | | <DM> | A | Bldg Permit |
| | Waterbody setback variance (§ 26-71) | | X | X | X | | X | (R) | | | <R> | | {DM} | Bldg Permit |
| | Floodplain development permit (§ 26-72) | | | | | | | (R) | DM | | | | A | Permit |
| | Written interpretation (§ 26-73) | | | | | | | | | | | | A | Letter |
| | Master sign plan (§ 26-75) | | | | | | | (R) | DM | | | | A | Approval letter |
| | Sign permit (§ 26-76) | | | | | | | (R) | DM | | | | A | Permit |
| | Change of use (§ 26-77) | X | X | X | X | | | | DM | | | | A | Signed form |
| | Minor exterior modification (§ 26-78) | | X | X | X | | X | (R) | DM | | | | CU | Approval letter |
| | Vacation Home Rental Permit (§ 26-89) | | | X | X | | | | DM | | | | A | License |
| | Telecommunication Facility (§ 26-147(g)) | | X | X | X | | X | (R) | DM | | (<R>) | | (<R>) | Approval letter |
| | Building Permit | | | | | | | (R) | DM | | | | A | Bldg Permit |
| Subdiv. | Preliminary plat (§ 26-67) | X | X | X | X | X | X | R | | | | | <DM> | Approval letter |
| | Preliminary plat/PUD (§ 26-67 & §26-81) | | | | | | X | | | | | | <DM> | Approval letter |
| | Final plat (§ 26-68) | | X | X | X | X | | (R) | DM | | | | CU | Plat |
| | Lot line adjustment (§ 26-79) | | | | | | | (R) | DM | | | | A | Plat |
| | Lot line elimination (§ 26-80) | | | | | | | (R) | DM | | | | A | Plat |

## SECTION 3

Section 26-45 of the Municipal Code of the City of Steamboat Springs shall be amended as follows:

~~Sec. 26-45. Historic preservation advisory commission role and procedures.~~

~~(a) Historic preservation advisory commission powers and duties.~~

~~(1) The historic preservation advisory commission shall have those powers and duties to review building permits, demolition permits, and new development applications for their impacts on historic resources as stated in the Steamboat Springs Revised Municipal Code, section 2-388, as amended.~~

~~(2) Review by the historic preservation advisory commission (HPAC) is required for development proposals that affect the exterior of any principal or accessory structure which is in excess of fifty (50) years old, and/or that are historic buildings, buildings listed on a local, state or national historic register, or for sites immediately adjacent to a historic building or building listed on a local, state or national historic register and shall be reviewed during a public hearing.~~

~~(b) Historic preservation advisory commission review.~~

~~(1) Public hearing. The HPAC shall hear the request in accordance with the procedures and guidelines set forth in chapter 2 of the Steamboat Springs Revised Municipal Code regarding quasi-judicial hearings and the procedures contained in section 26-52.~~

~~(2) The director shall have the discretion to schedule review by the HPAC concurrent with, or subsequent to TAC review. The director shall forward copies of the plans to the planning commission, or board of adjustment.~~

~~(3) After review, the HPAC shall have the authority to recommend approval, approval with conditions, or denial of the project to the planning commission and city council based on the project's compliance with the adopted review standards of HPAC and the project's impact on structures listed on the national register of historic places, the state register of historic places, or the county register of historic properties.~~

## SECTION 4

Section 84 of the Municipal Code of the City of Steamboat Springs shall be replaced in its entirety as follows:

4-10

# CHAPTER 26-84 HISTORIC PRESERVATION

SECTION:

26-84(a): Purpose
26-84(b): Definitions
26-84 (c): Local Register
26-84 (d): Historic Preservation Commission
26-84 (e): Administrative Review
26-84(f): Eligibility Criteria, Historic Resource Designation
26-84 (g): Eligibility Criteria, Local Landmark Designation
26-84 (h): Procedure for Historic Resource Designation; Demolition and Alteration of Historic Resources; Benefits of Historic Resources
26-84 (i): Procedure for Local Landmark Designation; Demolition and Alteration of Local Landmarks; Benefits for Local Landmarks
26-84 (j): Procedure for Designation of Historic Districts: Demolitions and Alterations of Resources in Historic Districts; Benefits for Contributing Properties
26-84 (k): Amendment of Designation
26-84 (l): Notifications
26-84 (m): Revocation of Designation
26-84 (n): Demolition or Alteration of Eligible Resources Not on the Local Register
26-84 (o): Demolition by Neglect
26-84 (p): Hardship Exemption
26-84 (q): Historic Preservation Fund and other Incentives
26-84 (r): Penalties and Sanctions
26-84 (s): Appeals

**Sec. 26-84 (a): Purpose.**

The purpose of the Section is to:

1. Preserve, protect, enhance and perpetuate the exteriors of those buildings, structures, objects, sites and districts that reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage;

2. Stabilize or improve aesthetic and economic vitality and the values of such buildings, structures, objects, sites and districts;

3. Enhance the visual character of the City by encouraging new design and construction that complements the City's historic buildings, structures, objects, sites and districts;

4. Promote the use of outstanding historical or architectural buildings, structures, objects, sites and districts for the education, stimulation and welfare of the people and the visitors to the City;

4-11

5. Conserve valuable material and energy resources by the ongoing use and maintenance of the existing built environment;

6. Increase the economic benefits of historic preservation to the City and its inhabitants;

7. Protect property values within the City; and

8. Promote and encourage continued private ownership and use of such buildings, structures, objects, sites or districts now so owned and used, to the extent that the objectives listed above can be attained under such a policy.

**Sec. 26-84 (b): Definitions.**

The following words and phrases shall have the definitions and meanings set forth below. They shall be capitalized to indicate their special definitions. If any of the words or phrases are defined elsewhere in this code, and there is a disagreement as to their intended meaning, the definitions and meanings set forth in this section shall control the Historic Preservation Chapter.

1. *Affected Property* shall mean a governmental, commercial, institutional or residential building or other public or private structure, object, site or district covered by this ordinance.

2. *Alteration* shall mean any exterior change, addition, or modification to an Affected Property located within the City boundaries, or the site upon which such property is located including, but not limited to:
    a. Exterior changes includ

4-1

7. *Commission or HPC* shall mean the Historic Preservation Commission created under this ordinance.

8. *Community Development Code or CDC* shall mean the Community Development Code of Steamboat Springs, as amended.

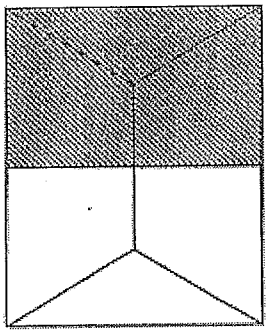
9. *Contributing Property* shall mean a parcel or lot containing a building, structure, site, feature or object within an Historic District that embodies significant physical characteristics and features, or adds to the historic associations, historic architectural qualities or archaeological values identified for the Historic District, and was present during the period of significance, relates to the documented significance of the district, and possesses historic integrity or is capable of yielding important information about the period.

10. *Dangerous Building* shall mean as defined in the 2003 International Building Code as adopted by the City of Steamboat Springs.

11. *Demolition*

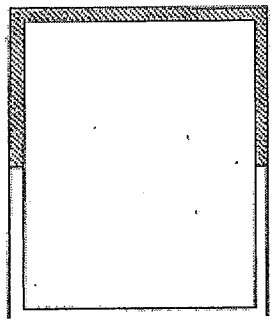
    (a) *Demolition:* "Demolition" or "demolish" means an act or process which removes one or more of the following. The shaded area illustrates the maximum amount that may be removed without constituting demolition.

        1. Fifty percent or more of the roof area as measured in plan view (see diagram);

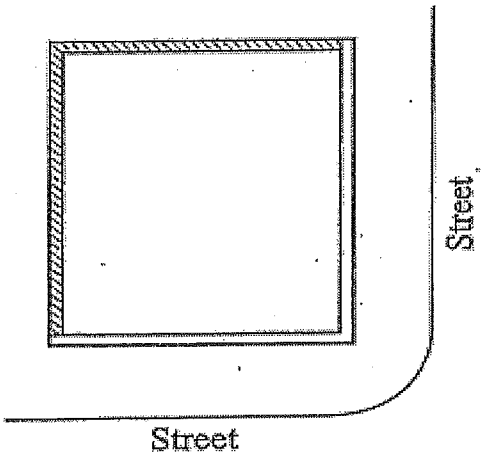


        2. Fifty percent or more of the exterior walls of a building as measured contiguously around the "building coverage" as defined in this section (see diagram); or

4-13



3. Any exterior wall facing a public street, but not an act or process which removes an exterior wall facing an alley (see diagram).




A wall shall not be considered removed if it meets the following:

(i) The wall shall retain 75% of studs or other structural elements, the exterior wall finish, and the fully framed and sheathed roof above that portion of the remaining building to which such wall is attached;

(ii) The wall shall not be covered or otherwise concealed by a wall that is proposed to be placed in front of the retained wall; and

(iii) Each part of the retained exterior walls shall be connected contiguously and without interruption to every other part of the retained exterior walls.

(b) *Demolition by Neglect:*

1. "Demolition by neglect" means any total or partial destruction of or damage to a structure or any portion thereof, due to the failure of the structure's owner(s) or lessee(s) to adequately maintain or repair the structure, excepting acts of God, Force Majeure, natural or man-made disasters.

2. See also, Section 5-9 of the Municipal Code.

12. *Design Guidelines* shall mean the Steamboat Springs Historic Preservation Design Guidelines adopted by the City Council in November, 2001, and as may be amended from time to time.

13. *Eligible Resource* shall mean any governmental, commercial, institutional or residential building or other private or public structure, object or site 50 years of age or older, identified and deemed eligible by the City's historic preservation staff for listing on the Local Register by the criteria set forth in this ordinance.

14. *Exterior* shall mean the character and general composition of the outside of an Affected Property, as defined herein, including, but not limited to, the kind the building material and the type, design and character of all windows, doors, light fixtures, and appurtenant elements.

15. *Hardship Exemption* – See Sec. 26-84 (p).

16. *Historic District* shall mean an area of two or more contiguous Eligible Resources designated by the City Council on recommendation of the Commission, following a petition for the creation of an Historic District by the owners of those properties.

17. *Historic Resource* shall mean any public or private resource in the City, including, any governmental, commercial, institutional or residential building or other structure, object or site that has importance in the history, architecture, archeology or culture of the City, State or Nation and is listed on the Local Register. Historic Resources may only be listed on the Local Register with the written and recorded consent of the owner(s).

18. *Historic Site* shall mean any place or parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which an historic event has occurred, and which has been designated as an Historic Site under this ordinance. Historic Sites may only be listed on the Local Register with the written and recorded consent of the owner(s).

19. *Improvement* shall mean any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

20. *Local Landmark* shall mean any public or private resource in the City, including any governmental, commercial, institutional or residential building, or other structure, object or site, that has outstanding importance in the history, architecture, archaeology or culture of the City, State or Nation and is listed on the Local Register individually as a Local Landmark, pursuant to the criteria set forth in Sec. 26-84(g) of this ordinance. Local Landmarks may only be listed on the Local Register with the written and recorded consent of the owner(s).

21. *Local Register* shall mean the Steamboat Springs Register of Historic Places, containing Local Landmarks, Historic Resources, and Historic Districts approved for listing by the Commission, with the written and recorded consent of the owner(s).

22. *New Construction* shall mean the construction of a new Improvement on a previously undeveloped parcel of land, or the development of a new Improvement on a previously developed parcel.

23. *Planning Department* shall mean the Steamboat Springs Planning & Community Development Department.

24. *Secretary's Standards* shall mean the Secretary of the Interior's Standards for the Treatment of Historic Properties.

25. *Survey* shall mean the cultural resource survey of buildings and structures within the City boundaries, updated from time to time by qualified third party independent contractors, and/or by the City's historic preservation staff.

**Sec. 26-84 (c): Local Register.**

There is hereby created the Steamboat Springs Register of Historic Places ("Local Register").

The purposes of the Local Register are:

1. To preserve, protect, enhance and perpetuate those Local Landmarks, Historic Resources and Historic Districts that reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage;

2. To stabilize or improve aesthetic and economic vitality and values of such Local Landmarks, Historic Resources and Historic Districts;

3. To promote the use of outstanding historical or architectural buildings, sites, structures, objects and districts for the education, stimulation and welfare of the people;

4. To promote good urban design; and

5. To promote and encourage continued private and governmental ownership and use of such Local Landmarks and Historic Resources now so owned and used, to the extent that the objectives listed above can be achieved under this ordinance.

**Sec. 26-84 (d): Historic Preservation Commission.**

1. *Established.* There is hereby established an Historic Preservation Commission ("HPC" or "Commission") for the City. The Commission shall be comprised of five (5) members and one (1) alternate, with no more than two (2) members residing outside the City

 4-16

boundaries, but within the RE-2 School District. The members shall have the responsibilities set forth in this section.

2. *Membership - Appointment and Term of Members.*

   (a) All members of the Commission shall have demonstrated interest, knowledge, or formal training in historic preservation and related fields including history, architecture, landscape architecture, architectural history, archaeology, planning, building trades, cultural geography, cultural anthropology, real estate, or law and be supportive of historic preservation. At least two members of the Commission shall be professionals in preservation whose qualifications, to the extent possible, conform to the Secretary of the Interior's Professional Qualifications Standards [36 C.F.R. Part 61] regarding composition of the Commission.

   (b) The seven members of the Commission shall be appointed by the City Council. The initial members of the Commission shall be the members of the City's Historic Preservation Advisory Commission as of the effective date of this ordinance, with the term of each member the same as his or her term on the Historic Preservation Advisory Commission. All successive terms shall be three years in duration. Should a position become vacant, City Council may appoint a new member who shall serve out the remainder of the unexpired term.

   (c) The Commission shall annually elect from its membership a Chairperson. The Chairperson may serve successive terms.

   (d) In addition to the Commission membership described above, the Commission may invite representatives of the following organizations to participate in Commission meetings as non-voting ex officio members. Their attendance shall be discretionary: Steamboat Springs Planning Commission, Steamboat Springs City Council and the Routt County Regional Building Department.

3. *Duties and Responsibilities.* The Commission shall draw a reasonable balance between the community's interest in historic preservation and the rights of private property owners. In that connection:

   (a) The Commission shall advise the City Council regarding the historic preservation aspects of the Steamboat Springs Community Area Plan and regarding other historic preservation issues that may present themselves. The Commission's advice to Council shall include, but is not limited to, recommendations as to the implementation of the historic preservation aspects of the Steamboat Springs Community Area Plan and facilitation of community discussion relative to the implementation of historic preservation initiatives.

   (b) The Commission shall be responsible for providing owners of Eligible Resources within the City boundaries with annual, written notification of their property's eligibility for permanent listing on the Local Register.

4-17

(c) The Commission shall pro-actively solicit public and private property owners to nominate their properties for permanent listing on the Local Register.

(d) The Commission shall administer and maintain the Local Register.

(e) The Commission shall review all applications for building permits for Alterations and Demolitions relating to the Exterior of any principal or accessory building, structure, object, or site which is designated on the Local Register, or an Eligible Resource, as defined in this ordinance. When reviewing permit requests covered by this ordinance, the Commission shall determine whether the proposed work complies with the requirements of this ordinance, and, if so, it shall issue a Certificate of Approval. If the Commission determines that it cannot issue a Certificate of Approval, or if the Commission otherwise delays such issuance of a Certificate of Approval, it shall cite the historic preservation or other principle(s) upon which it is relying in making its decision. The Commission shall review and render its decision in a public hearing within 30 days of the filing of the application for a permit.

(f) The Commission shall review all development permit applications that involve Alteration or Demolition of an Eligible Resource in the CN, CO and CY districts as defined by the CDC. Properties with an approved development permit by City Council will be exempt from building permit review for demolition by the Commission. When reviewing development permits covered by this ordinance, the Commission shall determine whether the proposed work complies with the requirements of this ordinance, and, if so, shall issue a Certificate of Approval. If the Commission determines that it cannot issue a Certificate of Approval, or if the Commission otherwise delays such issuance of a Certificate of Approval, it shall cite the requirements of the CDC and the historic preservation or other principle(s) upon which it is relying in making its decision. The Commission shall review and render its decision in a public hearing.

(g) The Commission shall set a regular meeting time, day and place and cause same to be published to the community at least 72 hours in advance of any such regular or special meeting of the Commission. The Commission shall report to City Council on its activities at six month intervals.

(h) All decisions by the Commission shall be made in a public forum and applicants shall be notified in writing of the decisions of the Commission. All decisions of the Commission are subject to appeal to the City Council by the Affected Property owner pursuant to the appeal provisions in this ordinance.

(i) The Commission shall rely upon the Local Register designation process established in this ordinance for the designation of Local Landmarks, Historic Resources and Historic Districts in the Local Register.

4-18

(j) The Commission shall provide out-reach and educational opportunities, via lectures, conferences, publications, walking tours, work shops, City website, historical marker programs and any other means to educate the community on the importance of historic preservation, and the historic preservation process.

(k) The Commission shall advise and assist owners of Local Landmarks, Historic Resources, and Historic Districts on the physical and financial aspects of preservation, rehabilitation, restoration, renovation, and re-use of their properties. The Commission shall also assist property owners in pursuing financial and other assistance, including identifying sources of grants, low interest loans and other historic preservation programs available to such property owners to encourage the historic preservation of their properties. In addition, the Commission shall provide conceptual reviews to owners of properties and sites on the Local Register and Eligible Resources for historic preservation projects within the City boundaries, as well as assistance in preparing applications for nomination of properties to the Local, State and/or National Registers.

(l) The Commission shall establish and publish such administrative rules, regulations and procedures regarding its duties under this ordinance.

(m) The Commission shall recommend to City Council the removal of properties from the Local Register for reasons the Commission deems appropriate, including, but not limited to: Acts of God, Force Majeure, Hardship, as defined in this ordinance, and for Dangerous Buildings, as defined in this ordinance.

(n) The Commission shall cause a cultural resource survey of buildings and structures within the City boundaries, to be updated every two years, by qualified, third party independent contractors, and/or by the City's historic preservation staff.

(o) The Commission shall recommend to City Council the purchase of development rights or the issuance of historic preservation easements for Local Landmark and Historic Resources in appropriate cases.

(p) Upon the written request of any property owner within the City's boundaries, the Commission shall direct the City's historic preservation staff to determine the eligibility of such property for listing on the Local Register.

(q) The Commission shall exercise such other roles or duties delegated to it by the Colorado Historical Society of the State Historic Preservation Office, subject to the approval of the City Council.

**Sec. 26-84 (e): Administrative Review.**

Upon receipt of any permit application under Sec. 26-84(h), (i) or (j) for the Alteration to any property and site on the Local Register or Eligible Resource, the historic preservation staff shall review the application for compliance with the requirements of this ordinance. Upon a

4-19

determination by the historic preservation staff that the proposed Alteration will not significantly alter the historic character of such property and site on the Local Register or Eligible Resource, the historic preservation staff may recommend approval to the HPC without referring the application for public hearing before the HPC.

In determining whether the proposed Alteration will significantly alter the historic character of such property and site on the Local Register or Eligible Resource, the historic preservation staff shall apply the Secretary of the Interior's Standards, the Design Guidelines, this ordinance and any other applicable provisions of the CDC.

The historic preservation staff shall notify the HPC in writing of the historic preservation staff 's decision to recommend approval without a public hearing by HPC. The historic preservation staff's recommendation shall take effect upon the passage of seven (7) days from the date of notice unless any member of HPC objects thereto in writing prior to the expiration of the 7-day period. An HPC member's objection must be based on an incorrectly applied standard, guideline, or other code provision. In the event of such objection, the proposed Alteration shall be scheduled for a public hearing within thirty (30) days of the written notice from the historic preservation staff to the HPC.

**Sec. 26-84 (f): Eligibility Criteria – Historic Resource Designation.**

A building, site, structure or object may be eligible for designation as an Historic Resource on the Local Register if it meets at least one (1) criterion in one or more of the following categories:

1. Historic Importance. The building, site, structure or object has character, interest or value as part of the development, heritage or cultural characteristics of the City, State or Nation; is the site of an historic event with an effect upon society; is identified with a person or group of persons who had some influence on society; or, exemplifies the cultural, political, economic, social or historic heritage of the community.

2. Architectural Importance. The building, site, structure or object portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; embodies those distinguishing characteristics of an architectural-type specimen; is the work of an architect or master builder whose individual work has influenced the development of the City or contains elements of architectural design, detail, materials and craftsmanship which represent a significant innovation.

3. Geographic Importance. The building, site, structure or object, because of being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on an historic, cultural or architectural motif; or, due to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood, community or City.

**Sec. 26-84 (g): Eligibility Criteria - Local Landmark Designation.**

4-26

A governmental, commercial, institutional, residential or other private or public building, site, structure, or object within the City's boundaries may be eligible for listing on the Local Register as a Local Landmark by the Commission if it meets the criteria for Historic Resource designation under this ordinance and at least two (2) of the following additional criteria:

1. The property must be of overwhelming historic or architectural importance and significance to the entire community.

2. The property possesses such unusual or uncommon significance that the potential demolition or major alteration would diminish the character and sense of place in the community.

3. The property contains the possibility of important discoveries related to prehistory or history.

4. The property represents a significant and distinguishable entity whose components may lack individual distinction, yet represents an established and familiar feature to the community.

5. The property is significant to the community's history to the extent that it illustrates and commemorates the City's collective past and helps define the community's identity.

**Sec. 26-84 (h): Procedure for Historic Resource Designation; Demolition and Alteration of Historic Resources; Benefits of Historic Resources.**

1. *Recommendations for Designation of Historic Resources.* Pursuant to the procedures set forth in this section, the owner(s) of any governmental, commercial, institutional or residential building or other public or private structure, object, or site meeting the criteria set forth in Sec. 26-84(f), as amended from time to time, or HPC, with the written consent of the owner(s), may propose its designation as an Historic Resource.

   Each such designation recommendation shall include a brief description of the characteristics of the building, structure, object, or site that justify its designation and shall include a legal description of the location and boundaries of the Historic Resource.

2. *Procedures for Designating Historic Resources for Preservation.* Applications for designation as an Historic Resource must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Applications shall be made only by the property owner(s) for which an application is submitted, with the written consent of the property owner(s).

   (a) *Staff Review.* The City's historic preservation staff shall review the application for conformance with the criteria for designation established in Section 26-84 (f) hereof, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully

4-21

completed application for designation. The staff shall forward the application and its recommendation to HPC.

(b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the Staff review. HPC shall approve, recommend modifications to, or deny the application. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.

3. *Demolitions of Historic Resources.* Once an Historic Resource is listed on the Local Register, demolition of such Historic Resource is prohibited except when maintaining the Resource constitutes a Hardship, as defined in this ordinance, or the Planning or Building Department Staff proves to the Commission that the Historic Resource is a Dangerous Building, as defined in this ordinance. However, the foregoing exceptions shall not apply in the case of Demolition by Neglect. A permit for the Demolition of an Historic Resource shall only be issued after issuance of a Certificate of Approval.

4. *Alterations to Historic Resources.* Once an Historic Resource is listed on the Local Register, Alterations to such Historic Resource shall be made in compliance with the Design Guidelines and the Secretary's Standards as determined by HPC. Alterations need not comply with every applicable Design Guideline, but HPC must determine that there is sufficient compliance that the characteristics that made the Historic Resource an Historic Resource are retained and that following the Alteration, the building, structure, site or object will continue to be an Historic Resource. A permit for the Alteration of an Historic Resource shall only be issued after issuance of a Certificate of Approval.

5. *Procedures for Alterations or Demolitions of Historic Resources for Preservation.* Applications for Alterations or Demolitions of an Historic Resource must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Applications shall be made only by the property owner(s) for which an application is submitted, with the written consent of the property owner(s).

(a) *Staff Review.* The City's historic preservation staff shall review the application for conformance with the applicable criteria for Alterations or Demolitions of an Historic Resource, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for Alteration or Demolition. The staff shall forward the application and its recommendation to HPC.

(b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the Staff review. HPC shall approve, recommend modifications to, or deny the application. If the application meets HPC approval, HPC shall issue a Certificate of Approval immediately. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.

4-22

6. *Benefits Available to Historic Resources.* Once an Historic Resource is listed on the Local Register, the applicable incentives listed in Sec.26-84(q) shall be available to the owner(s).

**Sec. 26-84 (i): Procedure for Local Landmark Designation; Demolition and Alteration of Local Landmarks; Benefits for Local Landmarks.**

1. *Recommendations for Designation of Local Landmarks.* Pursuant to the procedures set forth in this section the owner(s) of any governmental, commercial, institutional or residential building, site, structure or object meeting the criteria set forth in Sec.26-84 (g) above, as amended from time to time, or HPC, with the written consent of the owner(s), may propose its designation as a Local Landmark.

   Each such designation recommendation shall include a description of the characteristics of the structure, object or site that justify its designation and shall include a legal description of the location and boundaries of the Local Landmark.

2. *Procedures for designating Local Landmarks for Preservation.* Applications for designation as a Local Landmark must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Application shall be made only by the property owner(s) for which application is submitted, with the written consent of the property owner(s).

   (a) *Staff Review.* The City's historic preservation staff shall review the application for conformance with the criteria for designation established in Sec.26-84 (g) hereof, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for designation. The staff shall forward the application and its recommendation to HPC.

   (b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the staff's review. HPC shall approve, recommend modifications to, or deny the application. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.

3. *Demolitions of Local Landmarks.* Once a Local Landmark is listed on the Local Register, Demolition of such Local Landmark is prohibited except with proof from the City that the Local Landmark is a Dangerous Building, as defined in this ordinance. However, the foregoing exceptions shall not apply in the case of Demolition by Neglect. A permit for the Demolition of an Local Landmark shall only be issued after issuance of a Certificate of Approval.

4. *Alterations to Local Landmarks.* Once a Local Landmark is listed on the Local Register, Alterations to such Local Landmarks shall be made in compliance with the Design Guidelines and the Secretary of the Interior's Standards as determined by HPC.

4-23

Alterations need not comply with every applicable Design Guideline, but HPC must determine that there is sufficient compliance that the characteristics that made the Historic Resource a Local Landmark are retained and that following the Alteration the building, structure, site or object will continue to be a Local Landmark. A permit for the Alteration of an Local Landmark shall only be issued after issuance of a Certificate of Approval.

5. *Procedures for Alterations or Demolitions of Local Landmarks.* Applications for Alterations or Demolitions of Local Landmark must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Applications shall be made only by the property owner(s) for which an application is submitted, with the written consent of the property owner(s).

   (a) *Staff Review.* The City's historic preservation staff shall review the application for conformance with the applicable criteria for Alterations or Demolitions of a Local Landmark, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for Alteration or Demolition. The staff shall forward the application and its recommendation to HPC.

   (b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the Staff review. HPC shall approve, recommend modifications to, or deny the application. If the application meets HPC approval, HPC shall issue a Certificate of Approval immediately. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.

6. *Benefits Available to Local Landmarks.* Once a Local Landmark is listed on the Local Register, the applicable incentives listed in Sec.26-84 (q) shall be available to the owner(s).

**Sec. 26-84 (j): Procedure for Designation of Historic Districts: Demolitions and Alterations of Resources in Historic Districts; Benefits for Contributing Properties.**

1. *Recommendations for Designation of Historic Districts.* Pursuant to the procedures set forth in this section, one or more owners of an Eligible Resource, as defined in this Ordinance may petition the Commission for the creation of an Historic District, provided the resulting Historic District possesses: "a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development," as defined by the National Register of Historic Places. Thereafter, upon recommendation of the HPC, the City Council may designate an area within the City boundaries as an Historic District in accordance with the procedure set forth below.

4-24

Each such designation recommendation shall include a description of the characteristic of the proposed Historic District that justify its designation and shall include a legal description of the location and boundaries of the proposed Historic District.

2. *Procedures for Designating Historic Districts.*

(a) *Preliminary Application.* One or more owners of an Eligible Resource may prepare a Preliminary Application for designation of an area within the City boundaries for presentation to the City's historic preservation staff. Such Preliminary Application shall be in a form prescribed by the HPC and shall include, among other things; the boundaries of the proposed Historic District and a statement as to why the proposed Historic District meets the definition for Historic District designation, as defined above.

(b) *Preliminary Evaluation.* If the City's historic preservation staff determines that the Preliminary Application has merit, it will request the Chair of the HPC to appoint a sub-committee to work with the applicant(s), Staff and Affected Property owners to prepare an Application for Historic District Designation, ("Application"). The HPC may require that such Application be made in such form as specified by the HPC. Application shall be made only with the owner's written consent of at least 80% of the properties within the boundaries of the proposed Historic District.

(c) *Staff Review.* The City's historic preservation staff shall review the application for conformance with the definition for designation established in Sec. 26-84(j)(1) hereof, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully competed Application. Upon determination the application is in conformance with the criteria for designation, staff shall schedule a public hearing and forward the application and its recommendation to HPC. Notice shall be posted and also be sent by first class mail to the property owners within the proposed Historic District's boundaries.

(d) *HPC Review.* HPC shall consider the Application at a regularly scheduled or special meeting after the completion of the Staff's review and recommendations. HPC shall either; approve, recommend modifications to, or deny the Application. HPC shall notify the owner(s) filing the Application, the Affected Property owner(s) within the proposed Historic District boundaries and City Council, in writing, immediately following any decision approving or denying an Application.

(e) *City Council Review.* After notice to the property owners in the proposed Historic District, City Council shall schedule a hearing during the next available hearing date, where the Applicant and any non-consenting property owner(s) who may each be represented by counsel, to consider the Petition. After due consideration of the Petition, City Council may approve the creation of the proposed Historic District, modify the proposed Historic District or deny the creation of the proposed Historic

4-25

District. The non-consenting property owner(s) have such appeal rights to the district court as exist for the appeal of any final City Council action.

If City Council approves the district, the City Council shall adopt an ordinance to that effect establishing the Historic District and its boundaries. Said ordinance shall be recorded with the Routt County Clerk and Recorder, and the City Council may provide for such other recognition, markers and the like to identify the Historic District.

3. *Protection from Demolition while Application for Historic District Designation under Review.* Commencing upon the date set by Staff for the public hearing on the application pursuant to Sec.26-84(j)2.c above, no Demolition or Alteration permit shall be issued for any structure within the boundaries of the proposed Historic District for a period not to exceed ninety (90) days, except for Dangerous Buildings as defined in this ordinance. If HPC denies the application for designation, or if at the end of the 90-day period the Historic District has not been so designated by City Council, the Demolition or Alteration permit for the structure shall be issued, unless structure is listed on Local Register. If the Historic District has been so designated by City Council within the 90-day period, the properties within the Historic District are subject to the recording, incentive and protective provisions of this ordinance.

4. *Demolition within Historic District.* Once a Historic District is established and is listed in the Local Register, demolition of buildings, structures, objects or sites located within a Contributing Property is prohibited except upon written determination that the building, object, or site is a Dangerous Building, as defined in this ordinance. A permit for the Demolition of buildings, structures, objects or sites located within a Contributing Property shall only be issued after the issuance of a Certificate of Approval. The provisions of this section do not apply to properties within the Historic District that are not Contributing Properties, as defined in this ordinance.

5. *Alterations within Historic District.* Once a Historic District is established and is listed in the Local Register, Alterations to such buildings, structures, objects or sites shall be made in compliance with the Design Guidelines and the Secretary of the Interior's Standards as determined by HPC, or such design guidelines as proposed in the application and approved by City Council. Alterations need not comply with every applicable Design Guideline or customized design guideline for that Historic District, but HPC must determine that there is sufficient compliance that the characteristics that made the Historic District is retained and that following the Alteration the buildings, structures, sites or objects will continue to constitute an Historic District. A permit for the Alteration of buildings, structures, objects or sites located within a Contributing Property shall only be issued after the issuance of a Certificate of Approval. The provisions of this section do not apply to properties within the Historic District that are not Contributing Properties, as defined in this ordinance.

6. *Procedures for Alterations or Demolitions within Historic District.* Applications for Alterations or Demolitions to a building, structure, site, feature or object within an

4-26

Historic District must be made to the HPC. The HPC may require that such application be made in such form as specified by the HPC. Applications shall be made only by the property owner(s) for which an application is submitted, with the written consent of the property owner(s).

(a) *Staff Review.* The City's historic preservation staff shall review the application for conformance with the applicable criteria for Alterations or Demolitions to a building, structure, site, feature, or object within an Historic District, as it may be amended from time to time, and within the purposes of this ordinance. Such review shall be concluded no more than thirty (30) days after the filing of a fully completed application for Alteration or Demolition. The staff shall forward the application and its recommendation to HPC.

(b) *HPC Review.* HPC shall consider the application at a regularly scheduled or special meeting after the completion of the Staff review. HPC shall approve, recommend modifications to, or deny the application. If the application meets HPC approval, HPC shall issue a Certificate of Approval immediately. HPC shall notify the owner(s) and City Council in writing immediately following any decision approving or disapproving an application.

7. *Infill Development within Historic District.* Once a Historic District is established and is listed in the Local Register, the construction of any new Improvement or Alteration of any existing Improvement shall be made in compliance with the Design Guidelines and the Secretary of the Interior's Standards as determined by HPC.

8. *Benefits Available to Historic District.* Once a Historic District is established and listed in the Local Register, the applicable incentives listed in Sec.26-84 (q) shall be available to the owner(s) of the buildings, structures, sites or objects located within the Historic District's boundaries.

**Sec. 26-84 (k): Amendment of Designation.**

Designation of a Historic Resource, Local Landmark, or an Historic District may be amended to add features or property to the site under the procedures prescribed in Sec.26-84 (h), (i), (j), respectively, for initial designations.

**Sec. 26-84 (l): Notifications.**

1. Any owner(s) filing an application for designation of a property as a Local Landmark, Historic Resource or Historic District under this ordinance shall, as a part of the application, notify property owners within 300 feet of the property to be designated a Local Landmark, Historic Resource or Historic District.

2. Within thirty (30) days of designation as a Local Landmark, Historic Resource, or Historic District, the City historic preservation staff shall record a notice of such designation with the Routt County Recorder of Deeds.

4-27

3. Public Notice requirements for Alteration and Demolition are consistent with the Community Development Code, Section 26-51.

**Sec. 26-84 (m): Revocation of Designation.**

HPC may revoke a Local Landmark, Historic Resource or Historic District designation if the property is damaged by an Act of God, Force Majeure or otherwise falls below the standards for listing the property or district originally as a Local Landmark, Historic Resource, or Historic District.

**Sec. 26-84 (n): Demolition or Alteration of Eligible Resources Not on the Local Register.**

1. *Demolition.* Upon the receipt by the Planning or Building Department, as the case may be, of an application for a permit for the Demolition of an Eligible Resource that is not listed on the Local Register, the Planning or Building Department shall forward a copy of such application to HPC. HPC shall schedule a hearing with respect to such application at a public meeting to be held within thirty (30) days of receipt of such application. At the hearing, HPC shall advise the owner(s) of the building, structure, site or object about the benefits of listing such building, structure, site or object on the Local Register and shall discuss alternatives to the proposed Demolition. Provided proof by the owner that the building, structure, site or object is a Dangerous Building or that deferring Demolition would cause a Hardship, as defined in this ordinance, the HPC shall immediately issue a Certificate of Approval to allow the Demolition. Absent such proof, a Certificate of Approval to allow the Demolition will be issued by HPC thirty (30) days following the public meeting. A permit for the Demolition of an Eligible Resource shall only be issued after issuance of a Certificate of Approval. Notwithstanding the foregoing, the issuance of a final development permit from City Council for a commercial project shall be deemed to be the issuance of a Certificate of Approval from HPC for the Demolition of any structures on the site for which the final development permit is issued, and no public hearing with HPC is required with respect to such Demolitions.

2. *Alteration or Addition.* Upon the receipt by the Planning or Building Department, as the case may be, of an application for a permit for the Alteration of an Eligible Resource that is not listed on the Local Register, the Planning or Building Department shall forward a copy of such application to HPC. HPC shall schedule a hearing with respect to such application at a public meeting to be held within thirty (30) days of receipt of such application. HPC shall review the proposed Alteration for compliance with the Design Guidelines and the Secretary's Standards and shall make a determination as to whether the proposed work complies or would comply with specified changes. At the hearing, HPC shall advise the owner(s) of the building, structure, site or object about the benefits of listing such building, structure, site or object on the Local Register and shall discuss its determination as to compliance with the Design Guidelines and the Secretary of the Interior's Standards. If the application meets HPC approval, HPC shall issue a Certificate of Approval immediately. Notwithstanding the foregoing, the owner may proceed with

4-26

the original plans without a Certificate of Approval following the scheduled meeting date.

**Sec. 26-84 (o): Demolition by Neglect.**

Demolition by Neglect of Local Landmarks, Historic Resources or Contributing Property is prohibited and shall be punishable under the provisions for Penalties and Sanctions as contained in Sec. 26-84 (r) of this ordinance.

**Sec. 26-84 (p): Hardship Exemption.**

If the applicant presents facts clearly demonstrating to the satisfaction of the HPC that there are no feasible measures that can be taken that will enable the property owner to make a reasonable beneficial use of the property or derive a reasonable economic return from the property in its current form, the property owner may apply to the Commission for a Hardship Exemption from the provisions of this ordinance.

**Sec. 26-84 (q): Historic Preservation Fund and other Incentives.**

1. *Historic Preservation Fund.* In order to promote historic preservation of Local Landmarks, Historic Resources and Historic Districts and to encourage the owners of Eligible Resources within the City boundaries to list their properties on the Local Register, an Historic Preservation Fund, ("Fund"), is hereby established as part of the Planning and Community Development Department's operating budget and will be funded with an annual appropriation from the City's Budget, as determined by City Council in their discretion, as well as grants to HPC from other governmental and private historic preservation organizations, individuals or other sources. These funds shall be used by HPC to pursue its out-reach and educational responsibilities to the community, as provided in this ordinance, as well as to purchase, or assist the City in the purchase of development rights in appropriate cases. The Director of Planning and Community Development, with recommendations for HPC, will administer the Historic Preservation Fund and account annually to City Council.

2. *Other Economic and Regulatory Incentives.* In order to induce owners of Eligible Resources to consider proposing their property for listing on the Local Register as a Local Landmark, Historic Resource or Historic District, HPC may offer the owner one or more of the following incentives:

   (a) Owners of Local Landmarks, Historic Resources and Contributing Properties shall be entitled to such Federal and State income tax credits as provided by law, with reviews conducted by HPC by virtue of the City's certification as a Certified Local Government.

   (b) Owners of Local Landmarks, Historic Resources and Contributing Properties shall be entitled to rebate of City sales taxes on materials purchased locally and used for

4-29

rehabilitating, renovating and restoring Local Landmarks and Historic Resources in accordance with Sections 22-183(d)(12) and 22-198(g) of the Municipal Code.

(c) Owners of Local Landmarks, Historic Resources and Contributing Properties shall be entitled to waiver of Planning Department permit fees for work consistent with the Design Guidelines and the Secretary's Standards and in accordance with Sec. 26-86 of the Municipal Code.

(d) Owners of Local Landmarks, Historic Resources and Contributing Properties shall be entitled to waiver of Tap fees for work consistent with the Design Guidelines and the Secretary of Interior Standards.

(e) The Commission shall recommend resources for architectural, design and technical consultation and assistance to the owners of Local Landmarks, Historic Resources and Contributing Properties at no or reduced fees.

(f) The Commission shall attempt to identify and implement other economic incentives for Local Landmarks, Historic Resources and Contributing Properties and shall notify owners of Local Landmarks, Historic Resources and Eligible Resources of those economic opportunities as they become available.

(g) The Commission may recommend to City Council the purchase of development rights, or the City cover the costs associated with the granting of preservation easements in appropriate cases, (consistent with IRS regulations for "Qualified Organizations") for Local Landmarks, Historic Resources and Contributing Properties.

(h) The Commission may recommend to City Council such other and further measures that will promote historic preservation within the City boundaries.

3. *Recognition.* Owners of Local Landmarks, Historic Resources and Contributing Properties within the City boundaries shall be offered the opportunity to have a Commission designed plaque or other appropriate marker placed on their property at the City's expense identifying their property as listed on the Local Register.

**Sec. 26-84 (r): Penalties and Sanctions.**

In case of Demolition without a Certificate of Approval or for Alterations, additions or modifications without, or beyond the scope of, a Certificate of Approval, or for the failure of the owner(s) of an Eligible Resource to follow the rules and procedures set forth in this ordinance, the owners of such Affected Properties, shall be subject to any and all penalties provided for violation of any other City ordinance including the maximum fine as provided in Section 1-15 of the Municipal Code. In addition, City Council may impose one or more of the following penalties and sanctions:

4-3

1. Moratorium on development or re-development of the Historic Resource, Landmark or Contributing Property for up to [5] years.

2. Requirement to reconstruct, repair, or rehabilitate the Historic Resource, Landmark or Contributing Property.

3. Up to triple the permit fees for future work on the Affected Property.

4. The issuance of a Stop Work Order or a court ordered Injunction regarding the Affected Property as provided in the CDC.

5. The assessment of the costs and expenses, including reasonable attorney's fees incurred by the City in enforcing the provisions of this ordinance against the owners of the Affected Property.

**Sec. 26-84 (s): Appeals.**

The owner of a property may appeal any decision of the Commission affecting the property to the City Council in accordance with the following procedures.

1. *Appeal Procedures.*

   (a) Within thirty (30) days of the Commission's decision affecting the Affected Property, the property owner may file a Notice of Appeal with the City Clerk attaching the Commission's decision and specifying the relief requested.

   (b) The City Clerk shall calendar the Appeal on the City Council's agenda and notify the property owner in writing when the Appeal will be heard.

   (c) The property owner may be accompanied, represented and advised by counsel in the Appeal process, at the property owner's expense.

   (d) If City Council renders a decision adverse to the property owner, the property owner shall have such rights of appeal to the courts as provided in Colorado law.

   (e) If City Council renders a decision acceptable to the property owner, such decision shall be final and not subject to judicial appeal.

## SECTION 3

If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

4-31

## SECTION 4

This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

**INTRODUCED, READ, AND ORDERED PUBLISHED**, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2009.

_____
Paul Antonucci, President
Steamboat Springs City Council

ATTEST:

_____
Julie Franklin, MMC
City Clerk

FINALLY READ, PASSED AND APPROVED this _____day of _____, 2009.

_____
Paul Antonucci, President
Steamboat Springs City Council

ATTEST:

_____
Julie Franklin, MMC
City Clerk

4-32

**Historic Structure Policy**
**Review Committee**

**Interim Report**

**To**

**City Council**
**Steamboat Springs, CO.**

**Dated: February 26, 2008**

4-33

# Attachment B

## I. Introduction

The City Council of Steamboat Springs, Colorado created the Historic Structure Policy Review Committee ("HSPRC") in October 2007.

HSPRC's task is to engage in a public process to review the City's existing historic structure preservation regulations and provide a recommendation to City Council on regulations pertaining to the renovation, remodel or demolition of structures that are older than 50 years old.

The HSPRC is pleased to present its Interim Report ("Report") to City Council. This Report will advise you on the procedures and processes employed for our task, the progress of our work to date, and what remains to be done within our March 31, 2008 time-frame.

## II. HSPRC Membership

A. When the members of the HSPRC were publicly announced, the members were selected by City staff as: two being "Historic Preservation" oriented, two being "Property Rights" oriented, two being "Neutral" and one Chairman.

At the Committee's first meeting on November 14, 2007, following discussion, the Committee members unanimously agreed that the labels attached to each of them would be discarded and we would work together on the Historic Preservation issues facing the City of Steamboat Springs, Colorado, in the best interests of, and for the benefit of, the entire Community.

B. HSPRC - Members

| | |
|---|---|
| Anita Hawkins | David Patterson |
| Tim McCarthy | Garrett Simon |
| Kathe McCoy | Arianthé Stettner |

Jim Moylan - Chair

Staff Liaisons: Tom Leeson, Laureen Schaffer, Ginger Scott

## III. Overview

The HSPRC has arrived at a number of conclusions which will be reflected in the Historic Preservation Ordinance we will recommend to City Council for consideration and ultimately, adoption. These conclusions currently are:

1. The current Steamboat Springs Historic Preservation Ordinance(s) does not serve the Community well.

4-34

2. The first historic preservation ordinance was enacted by the Steamboat Springs City Council on April 6, 1999. Additional ordinances were enacted, specifically ordinance numbers 1694, 1784, 1793, 1821, 1844, 1999, 2001, 2033 in ensuing years. HSPRC will be recommending sweeping revisions to these historic preservation ordinances in a comprehensive new Historic Preservation Ordinance.

3. Historic Preservation of worthy residential, commercial and other properties is in the Community's interest and is supported by 72% of the Steamboat Springs Community according to the 1999-2000 Steamboat Springs Community Survey.

4. Not all buildings 50 years of age or greater have historic significance. Indeed, by having all structures of 50 years or older go through a review process before an owner can alter or "demolish" the structure creates unnecessary angst among owners of such structures in the Community and is an unnecessary burden on City Staff and members of the Historic Preservation Advisory Committee, ("HPAC").

5. Thus, HSPRC is recommending a new approach to the designation of a "Historic Structure" in Steamboat Springs. We will be recommending a definition of "Historic Structure" that is limited to those Historic Structures that are truly of historical merit to our Community, by virtue of, among other things: (1)Historical Importance, (2)Architectural Importance or (3)Geographic Importance, using standards consistent with the National and State Historic Register language.

6. The HSPRC will recommend that City Council authorize creation of a local City Historic Register.

7. The HSPRC will recommend that City Council appropriate sufficient funds (not to exceed $100,000) in the 2009 budget cycle to fund completion of the inventory of structures eligible for listing on the (to be created) City Historic Register.

8. The HSPRC will recommend that the inventory be completed by December 31, 2009 and periodically updated thereafter.

9. The HSPRC will recommend that the Ordinance provide for voluntary owner consent to listing on the City Historic Register.

10. In addition, the HSPRC will recommend the creation of meaningful honorary and financial incentives to encourage owners of eligible structures to apply for listing on the City Historic Register.

11. HSPRC will recommend that HPAC no longer be "Advisory." Rather, that HPAC be re-named the "Historic Preservation Commission." In addition, the re-named Commission will be charged with, among other things: (1) an obligation to present educational programs on Historic Preservation to the Community, (2) an obligation to engage in outreach for raising the level of awareness for Historic Preservation in our Community, (3) solicit, recommend and review applications for listing a structure on the City Historic Register, (4) the authority to grant/deny listing on the City Historic Register, (5) the obligation to review applications for Alteration, Modification or Demolition of locally designated Historic Structures, (6) the authority to issue a Certificate of Appropriateness for any modification to the exterior of a designated Historic Structure, consistent with the Community Design Guidelines, which in the case of a listed Historic Structure, would become mandatory, (7) establish procedures for review of eligible Historic Structures, (8)



H-35

establish procedures for Historic Structures that are designated on a historic register, (9) the obligation to enforce the Ordinance and mete out significant penalties for altering or demolishing a listed Historic Structure without the appropriate permit, including, but not limited to: assessing the maximum fine allowed for violation of a municipal ordinance in Colorado, a moratorium on building on the lot where the Historic Structure was located for a significant period of years, requirements to: restore, remediate, or rehabilitate the structure with mandatory Design Standards and other appropriate sanctions, (10) the ability to provide exceptions and exclusions in cases of economic hardship for Historic Designation, as well as in the Certificate of Appropriateness.

12. All decisions of the Commission would be appealable to City Council, then to the courts, under the procedures provided in Colorado law.
13. Evaluation of review of commercial properties is in process.
14. In summary, the HSPRC believes the City and its citizens will be best served by a more limited Historic Preservation Ordinance drafted in conjunction with:
    1. Conservation Overlay Zoning, to protect and preserve neighborhood character.
    2. Historic District Zoning (still under consideration by HSPRC)

## IV. Process

### A. Organizational Meetings

The first two meetings of the HSPRC were organizational and somewhat experimental at City Manager Alan Lanning's request.

Gary Seversen and Liz Mullen of the Northwest Colorado Council of Governments ("NWCCOG") facilitated our first two meetings. The experimental part was to determine if availing ourselves of the talents of such people as Mr. Seversen and Ms. Mullen was beneficial and should become a model for all new City Council created committees.

Our first organizational meeting involved:

- Getting to know each other, our backgrounds, experiences, etc.
- To understand the purpose of the Committee, its tenure and authority as defined by City Council and communicated to us by City Manager, Alan Lanning.
- Determining how we would work together in meetings, clarify expectations, and establish principles for ourselves and for our work.
- Logistical issues such as: meeting times, frequency, structure, staff support, etc.
- Determining how we would communicate with each other in meetings and outside meetings.

4-36

- Articulate the Committee's responsibilities: What to do (Product). How to do it (Process).

The second organizational meeting facilitated by Mr. Seversen and Ms. Mullen was devoted primarily to creating a "Work Plan" to enable us to develop the Process to create our Product, in the time available, with persons identified to be responsible for completing those tasks as they arise.

The HSPRC is unanimous in endorsing this process for future Steamboat Springs Committees. Our facilitators were professional, knew their assignment and got us up and running much quicker and better organized than had we been left to our own devices.

B. Education

1. Also, at the first meeting, Laureen Schaffer of the City's Planning Department staff had prepared a large 3 ring binder/notebook. Our first "homework" assignment was to become familiar with the materials in the binder.

The materials included:

- Historic Preservation Organizations – contact information.
- U.S. Department of the Interior's Certified Local Government Program ("CLG"). [Steamboat Springs, Colorado is a CLG and nothing the HSPRC intends to recommend will affect that designation.]
- Colorado Local Governments Historic Preservation Ordinances
- Steamboat Springs Historic Preservation Ordinances, later supplemented so the Committee has all the Ordinances related to Historic Preservation in Steamboat Springs, Colorado.
- Historic Preservation Advisory Committee ("HPAC") Mission Statement.
- A summary of the principal provisions of other Colorado Historic Preservation Ordinances.
- Memo Background on HPAC and CLG.
- Memo – Historic Districts.
- Memo – Summary of foregoing 2 memos.

4-37

- Historic Preservation – Design Guidelines – Steamboat Springs.

    a) Residential
    b) Commercial

- U.S. Department of the Interior – Design Guidelines.
- Historic Context – Steamboat Springs (February, 2001).
- Tax credits – Incentive Programs (National, State and local).
- Community Area Plan – Chapter 11.
- Local Styles – Architecture – (Power Point).
- Articles on Historic Preservation.

2. In subsequent meetings Laureen Schaffer presented on particular topics such as:

- Big Picture Look at Historic Preservation
- Eligible Properties and the "Historic Designation" Process
- Surveys/Inventory of Historic Structures
- Conservation Overlay Zoning and Historic Districts

3. Pam Duckworth – Chair of HPAC, presented on the background and work of HPAC. In addition, HPAC was requested to provide and did provide its "wish list" for the Ordinance.

4. Additional Educational Sessions

- Laureen Schaffer and Pam Duckworth presented a variety of case histories of properties considered by the staff and HPAC under the current Historic Preservation Ordinance.
- Tom Leeson presented on the current Ordinances governing Historic Preservation in Steamboat Springs, Design Guidelines, Zoning issues, etc.
- In addition, members of the public have attended almost every meeting. The public's commentary and questions during the process have also been very educational for the Committee.
- Committee member Arianthé Stettner has provided the other members of the Committee with a wealth of Historic Preservation materials to review.

4-38

## V. Public Outreach

- All meetings are open to the public.
- All meeting times and locations are publicized on the City Page in Steamboat Today.
- 30 minutes are reserved at the end of each meeting for public comment. [Note, in the educational meetings, public members present asked questions of the presenters just at HSPRC members were able to do on the theory that such persons might ask a question an HSPRC member has not thought of and, more important, the questions from the public provided insight into the community's concerns on Historic Preservation, the existing Ordinance, etc.]
- Meeting minutes are available on the City's web-site.
- Public Hearings:

  a) March 6, 2008 – 6:00 – 8:00 p.m.
  b) March 17, 2008 – 6:00 – 8:00 p.m.

## VI. Meeting Format

### A. Introduction

Since its first meeting on November 14, 2007, with a few exceptions, the Committee has met for two hours weekly. Also, with very few exceptions, all HSPRC members have been present and actively participating.

The meetings typically begin with any announcements or other miscellaneous items that need to be called to the attention of the Committee members.

Minutes from the preceding meeting are discussed, corrections and amendments made, if warranted, then voted upon for approval and posting on the City's web-site.

At the end of each meeting we identify topics for discussion at the following meeting, as more fully discussed below.

### B. Broad Picture

As the Committee began to "stand on its own two feet" we went through the following process which has integrated itself into almost every meeting:

- Each Committee member identified 3 good things and 3 bad things about the current Ordinance.

4-39

- The foregoing enabled us to identify what is worth preserving in the current Ordinance, at least in terms of concepts, and what needs to be re-considered and why.

- The above, over time, was then expanded into each Committee member's "wish list" for a future Ordinance.

- Areas of consensus from the "wish list" have been identified and preserved.

- The above process also enabled us to identify the controversial "big rocks" that we need to consider and resolve as a Committee. (See, below.)

C. The Ordinance

We then began to analyze the current Steamboat Springs Historic Preservation Ordinance(s), section by section.

This analysis was performed with an identification of the section to be analyzed, the general purpose of that section in any Historic Preservation Ordinance, the exact language of that section in the current Steamboat Springs Historic Preservation Ordinance and then sections of several other Historic Preservation Ordinances on the same topic were presented for comparison.

In this fashion, the HSPRC has studied the following sections of the Steamboat Springs Historic Preservation Ordinance in the context of:

1. Purpose Clause

2. Definitions (The Current Ordinance does not have a "Definitions" section. HSPRC will recommend adoption of a "Definitions" section in its proposed Ordinance).

3. HPAC Composition

4. HPAC - Duties and Responsibilities

4. Etc.

D. "Big Rock" Items

The following items are on the Committee's agenda and frankly are toward the end of the process because these present the controversial issues:

1. Mandatory Review vs. Voluntary Compliance – Mandatory Review v. Mandatory Compliance (Scope, Enforcement, etc.)

2. Incentive Based v. Regulatory System

3. Definitions of:

4-40

a) Historic Structure
b) Historic Site
c) Demolition
d) Etc.

4. HPAC – Advisory or give it "teeth"?

5. Owner consent requirement

6. Enforcement

7. Penalties/Sanctions

8. Economic Hardship

9. Appeals

10. Commercial

## VII. Game Plan Going Forward

- Public Hearings

  a) 3/6/08
  b) 3/17/08

- Continue to meet weekly for two hours, with 30 minutes reserved for public comment.

- Continue to solicit public input, inside and outside the regular weekly meeting.

- Analyze remaining sections of Steamboat Springs H.P. Ordinance(s) in relation to same sections in H.P. Ordinances from other municipalities within and outside Colorado.

## VIII. Final Report

- Due March 31, 2007 – HSPRC feels it will meet deadline

- Contents

  1. Executive Summary

  2. Narrative discussion

4-41

3. Recommended new ordinance

4. Recommended new ordinance - (Annotated i.e., summary of reason(s) why we are recommending what we recommend by section/provision.)

5. Zoning

6. Funding

7. Etc.

4-4

December 8, 2008

Diane Mitsch Bush, Chair, Routt County Board of Commissioners
Nancy J. Sahoviak, Routt County Commissioner
Douglas B. Monger, Routt County Commissioner
522 Lincoln Avenue
P. O. Box 733598
Steamboat Springs, Colorado 80487

RE: Proposed Revisions to Steamboat Springs' Historic Preservation Ordinance

Dear Ms. Bush, Ms. Sahoviak and Mr. Monger:

Steamboat Springs' city staff requested I write to you explaining why a more traditional historic preservation ordinance makes sense for the city at this stage of development of its preservation program.

Part of my job with the Office of Archaeology and Historic Preservation is as local government liaison to the 109 Colorado local governments with a preservation ordinance. I also provide technical advice to communities interested in enacting a preservation ordinance. I am acquainted with the preservation ordinances and programs of most of these 109 local governments.

Forty-two of these 109 local governments have opted to become Certified Local Governments [CLG]. I serve as the Colorado CLG coordinator. Each state has a person with this title and job responsibilities. A CLG is one entering into a contractual arrangement with my office and approved by the National Park Service agreeing to maintain a local preservation ordinance and commission meeting certain minimum standards. CLGs agree to undertake several obligations and receive as benefits eligibility for match-free grants from a federally derived allocation, eligibility for local designation for the 20% state rehabilitation tax credit, and training and technical advice from my office.

When Steamboat Springs applied to become a CLG in 1999, my office worked with the city to develop a program meeting CLG standards. With reservations we approved a hybrid program in which designations are made through the Routt County program for properties with the city limits. Designated properties are not subject to design review for exterior alterations unless they meet a city regulated category. We have found in resort communities with high land values that owners of properties not subject to mandatory design review compliance increasingly do not take into consideration the comments of the historic preservation commission often resulting in a designated property no longer

4-43

**Attachment C**

being eligible for designation. Steamboat Springs is the only Colorado CLG with the hybrid system outlined above. Its current program has not worked very well to actually preserve the integrity of historic properties. As a result it desires to enact a more traditional historic preservation ordinance.

Please feel fee to contact me if you have any questions at [303] 866-2673.

Sincerely,

Dan W. Corson
Intergovernmental Services Director
Office of Archaeology and Historic Preservation

cc: City of Steamboat Springs, Attention: Laureen Schaffer

4-4-4