



Land Use

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BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS

March 24, 2015 – 11:30 a.m.

Hearing Room, Third Floor
Boulder County Courthouse

STAFF: Denise Grimm, Senior Planner

Docket DC-15-0001: Text Amendments to Article 15-200.A.2 Historic Preservation Advisory Board Selection Text Amendments to Article 15-200.A.2 Historic Preservation Advisory Board (HPAB) Selection of the Boulder County Land Use Code to amend the areas of expertise required in the selection of HPAB members.

SUMMARY

The Boulder County Land Use Code Article 15-200 specifies areas of expertise required to be represented on the Boulder County Historic Preservation Advisory Board. The County also must follow state guidelines regarding board composition that are different than our local requirements. Given both sets of criteria it can be difficult to always fill every required position. Staff is proposing to remove the requirements from the Land Use Code and instead add provisions to the HPAB By-laws making some of the positions aspirational rather than mandatory.

PROPOSED AMENDMENTS

Currently the Land Use Code (Art. 15-200.A.2) states that “HPAB shall have at least one member who is knowledgeable in mining practices and the history of mining in the county, at least one member who is knowledgeable in agricultural practices and the history of agriculture in the county, at least one member who is an architect, at least one member who is a member of the historic preservation community in the county, and at least one member who is not affiliated with the historic preservation community.”

Additionally, the state requirements include the following:

All commission members must have a demonstrated interest, competence, or knowledge in historic preservation.

The commission shall be composed of both professional and lay members and shall be selected, as much as possible, from fields of history, architecture, landscape architecture, architectural history,

prehistoric or historic archaeology, planning, or related disciplines such as the building trades, cultural geography, cultural anthropology, real estate, or law.

At least 40% of commission members shall be professionals in preservation-related disciplines such as architecture, landscape architecture, architectural history, archaeology, history, planning, American studies, American civilization, cultural geography, or cultural anthropology. (Recognizing that professionals may not be available in some communities, this requirement can be waived if the local government makes a good faith effort to recruit professionals and demonstrates that it is capable of carrying out commission responsibilities.)

It can be difficult to meet all of these requirements at the same time. In particular it's difficult to consistently attract or retain mining and agricultural experts. Staff finds that even direct outreach and contact with eligible citizens hasn't always resulted in actual applications.

Our current mining representative, Silvia Pettem, indicated recently "Actually, the number of times mining has come up (with the exception of Salina) is few. I think that a person knowledgeable about mining is helpful but not really necessary. Perhaps the requirement should be changed to more of an overall knowledge of Boulder County history.

I'm perfectly willing to be a "consultant" who you can contact anytime a docket includes something about a mining property."

For a few years the County has extended board members tenure beyond the usual 10 year limits due to the lack of applications for mining and agricultural representatives who show interest. Also, if the expertise is needed, we have a variety of contacts throughout the community who could consult with us on an as need basis without acting as full time board members.

We still would like to have these interests represented on the board but suggest adding it to the by-laws as something we'd like to see achieved when possible and will maintain a list of knowledgeable folks that can be called with questions about these issues.

We also have the requirements for representatives both associated and not associated with the preservation community. This is awkward since as soon as someone is on the board they become associated with the preservation community, and conversely most folks interested in applying are somehow involved with preservation. The Commissioners' selection process is already designed to choose boards that are representative of a wide variety of interests so this Code provision seems unnecessary.

At this time, staff is proposing to remove these requirements from the Land Use Code and add them instead to the HPAB Bylaws so the interests we'd like to see represented are aspirational and not a requirement.

REFERAL RESPONSES

This docket was referred to our Historic Preservation Advisory Board. They voted unanimously to support the amendment.

The draft regulations and this staff recommendation were emailed to the Land Use Code listserv on Wednesday, February 11, 2015. Two emails were received in support of the amendment.

PLANNING COMMISSION PUBLIC HEARING

The Planning Commission reviewed the draft regulations at a public hearing on Wednesday, February 18, 2015. Planning Commission approved the docket and recommended approval to the Board of County Commissioners by a vote of 8-0.

At the Planning Commission, Dick Shillawski spoke raising a concern about the loss of emphasis on agriculture and mining history.

A Planning Commissioner suggested we do more outreach to the Latino community in the future.

CRITERIA REVIEW

Article 16 of the Land Use Code allows for amendments to the Code:

16-100 Text Amendments

- A. *Text amendments may be initiated by the Planning Commission or the Board of County Commissioners through the Land Use Department. Text amendments shall be reviewed and acted upon in accordance with the procedural provisions contained in Article 3 of this Code.*
- B. *No text amendment shall be adopted by the Board of County Commissioners unless the Board has determined that:*
 1. *the existing text is in need of the amendment;*
 2. *the amendment is not contrary to the intent and purpose of this Code; and*
 3. *the amendment is in accordance with the Boulder County Comprehensive Plan*

The Board of County Commissioners initiated these text amendments at a Business Meeting on February 3, 2015. The existing text is in need of amendment in order to attract and retain more people to our board, given that we have the ability to seek the expertise desired through consultation. The amendments are not contrary to the Code and they are in accordance with the Boulder County Comprehensive Plan.

STAFF RECOMMENDATION

STAFF RECOMMENDS THAT THE BOARD OF COUNTY COMMISSIONERS APPROVE DC-15-0001: Text Amendments to Article 15-200.A.2 Historic Preservation Advisory Board Selection.

Attachment: Exhibit A (redlined amendments)

Attachment A

Boulder County Land Use Code

Article 15-200 Boulder County Historic Preservation Advisory Board

A. Selection

1. The Boulder County Historic Preservation Advisory Board (HPAB) shall consist of no less than seven and no more than nine members who are appointed by the Boulder County Board of County Commissioners.

~~2. HPAB shall have at least one member who is knowledgeable in mining practices and the history of mining in the county, at least one member who is knowledgeable in agricultural practices and the history of agriculture in the county, at least one member who is an architect, at least one member who is a member of the historic preservation community in the county, and at least one member who is not affiliated with the historic preservation community.~~

3. All members shall be residents of Boulder County.

HISTORIC PRESERVATION ADVISORY BOARD

BYLAWS

ARTICLE V

Selection, Terms, and Vacancies

Section 1. Appointments, Terms and Vacancies

Appointments to the Board are solely within the purview of the Board of County Commissioners.

~~Specific requirements are detailed in Article 15 of the Boulder County Land Use Code.~~

Section 2. Qualifications

~~The Board membership will be consistent with the state requirements for Certified Local Government status.~~

~~This includes having a demonstrated interest, competence, or knowledge in historic preservation. The board shall be composed of both professional and lay members and shall be selected, as much as possible, from fields of history, architecture, landscape architecture, architectural history, prehistoric or historic archaeology, planning, or related disciplines such as the building trades, cultural geography, cultural anthropology, real estate, or law.~~

~~A good faith effort shall be made to include at least 40% of members from professions in preservation-related disciplines such as architecture, landscape architecture, architectural history, archaeology, history, planning, American studies, American civilization, cultural geography, or cultural anthropology. The County shall also aspire to include at least one member who is knowledgeable in mining practices and the history of mining in the County, at least one member who is knowledgeable in agricultural practices and the history of agriculture in the County.~~

Grimm, Denise

From: Natalie Feinberg Lopez <natalie@builtenvironmentevolution.com>
Sent: Wednesday, February 18, 2015 12:11 PM
To: Grimm, Denise
Cc: Lanning, Meredith
Subject: PC Docket DC-15-0001

Denise,

Here are my comments, I hope they are not too late.

After reviewing the text amendments to Article 15-200.A.2 Historic Advisory Board Selection, the changes appear to allow the desired flexibility to keep the board operational, while addressing the need for different perspectives when considering issues related to historic properties. I believe the changes will work.

In addition, I would recommend that all persons that volunteer for the board should be familiar with the Secretary of the Interior's Standards for Conservation, Preservation, Restoration, and Rehab, and suggest that all the Board have access to the National Park Service Preservation Briefs as they relate to topics to be reviewed. I believe this could be addressed with HPAB Board introduction materials, and staff adding the briefs to any preliminary information for specific meetings, but does not need to be included as text amendments.

Thanks for all your efforts at creating a great preservation program for the County, I hope that these text amendments allow for the continuation of an excellent program.

Please forward to any who would benefit from these comments. Thanks again.

Natalie Feinberg Lopez
Principal
Architectural Conservator

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Grimm, Denise

From: Ann & Robert Lawrence <lawrence.goldrun@gmail.com>
Sent: Wednesday, February 11, 2015 12:43 PM
To: Grimm, Denise
Subject: HPAB membership requirements

I fully approve of the proposed revision. Thank you for your efforts.

Robert s. Lawrence, owner of 204 Gold Run Road and the "Red Barn".

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Robert and Ann Lawrence
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