



# Land Use

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## **BOULDER COUNTY PLANNING COMMISSION**

**February 18, 2015, 4:30 pm**

**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. Comments will be gathered by staff and forwarded to the Planning Commission prior to the Planning Commission meeting on Wednesday, February 18, 2015.

## **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 THE PLANNING COMMISSION APPROVE AND RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS APPROVAL OF DC-15-0001: Text Amendments to Article 15-200.A.2 Historic Preservation Advisory Board Selection** and certify the Docket for action to the Board, which certification includes the approved text of the Docket, and the official record of the Docket before the Commission with its staff comments, public testimony, and Commission discussion/action.

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.

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### 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.~~