

Town of New Castle
Commission QuickSheet

Historic Preservation Commission

Historic Designation Procedure Summary

<p>HPC Town Code 15.44 (Article 5)</p>	<p>• <u>Summary</u> of Designation Procedure.</p>
<p>Initiation of Procedure 15.44.170</p>	<p>• Contact owner with explanation of becoming historically designated and/or acquire owner's consent of a designation request in written form.</p>
<p>Commission Review 15.44.180 Meeting #1</p>	<p>• Application with owner's consent is submitted to the commission (1st meeting). HPC then decides if they would like to proceed with scheduling a hearing (2nd meeting) to consider designation.</p>
<p>Notice of Hearing 15.44.190</p>	<p>• No less than 30 days prior to the hearing, owner must mail notices to owners within 100' of property and sign Town affidavit. No less than 15 days prior to hearing, Town staff issues a legal notice.</p>
<p>Interim Status 15.44.200</p>	<p>• If a property is under consideration for historic designation and also has a building permit submission, that permit will be deferred no more than 60 days for HPC's final decision on designation.</p>
<p>Hearing 15.44.201 Meeting #2</p>	<p>• At least 4 commissioners must be present to conduct the hearing. Public members may express their opinions with time limits established by HPC. Record of this hearing produced by staff.</p>
<p>Commission Decision 15.44.220 Meeting #2 or #3</p>	<p>• The commission has 25 working days from the hearing to make a decision (motion) with a written resolution signed by the Chair that cannot be appealed. No decision in that time is a rejection.</p>
<p>Town Council Transmittal 15.44.230</p>	<p>• Within 15 days of HPC's decision, copies of the findings, conclusions and written resolution will be sent to Council and the owner of the property. Decision is effective upon transmittal to Council.</p>
<p>Filing with Town Clerk 15.44.240</p>	<p>• Within 15 days of effective date (resolution transmittal to Council), the designation will be made an official record of the Town and with Garfield County.</p>
<p>Final Notification to Owner 15.44.250</p>	<p>• Within 10 days from the official recording of the resolution, a letter will be sent to the property owner outlining designation, obligations, restrictions, etc.</p>
<p>Register of Designation 15.44.260</p>	<p>• The commission shall keep and maintain a register of all historical designations of the Town.</p>
<p>Amendment or Rescission 15.44.270</p>	<p>• Designations may be amended or rescinded in the same manner as the original designation was made with owner(s) consent.</p>
<p>Staff and Assistance 15.44.280</p>	<p>• As may be provided by the town council, the commission and the town council may obtain assistance of competent technical experts in areas necessary to render decisions. The town may require applicants to defray portions or all of the costs for such assistance.</p>

Town Code, Chapter 15.44 - Historic Preservation

Article 2 - Standards for Designation of Sites, Landmarks and Districts for Preservation

15.44.050 - Designation.

A site, landmark or district may be designated pursuant to this chapter for preservation if it meets one or more of the following criteria:

A. Historical Importance. The site, landmark or district has character, interest or value as part of the development, heritage or cultural characteristics of the town, state or nation; is the site of a 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.

B. Architectural Importance. The site, landmark or district portrays the environment of a group of people in an era of history characterized by a distinctive architectural scale; 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 town or contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.

C. Geographic Importance. The site, landmark or district, because of being part of or related to a square, park or other distinctive area (i.e., river crossings), should be developed or preserved according to a plan based on a 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 town.

D. Inclusion in National Register of Historic Places. Inclusion of any property within the town in the National Register of Historic Places as provided in the National Historic Preservation Act of 1966 shall be construed as local historic site designation, and subject to the same protections as any local historic site. (Prior code § 15-04-010)

Town Code, Chapter 15.44 - Historic Preservation

Article 4 – Identification of Historic Resources and Properties

15.44.160 - Criteria for identification.

An area or property may be identified as a historic resource or property if it is declared to possess (or to potentially possess) any of the following qualities or characteristics:

A. Has existed for at least fifty (50) years prior to the date of identification;

B. Is associated with events that have made a significant contribution to the broad patterns of the town's history;

C. Is associated with the lives of persons significant in the town's past;

D. It embodies the distinctive characteristics of a type, period, or method of construction, is the work of a master builder, or possesses high artistic value;

E. It has yielded, or may be likely to yield, information important in prehistory or history;

F. It exemplifies the cultural, economic, social, or historic heritage of the town;

G. Has relationship to other distinctive areas that are eligible for preservation according to a plan based on a historic, cultural, or architectural motif;

H. Unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community, or the town. (Prior code § 15-08-020) (Ord. No. 2009-12, § 2, 11-17-2009)

Town Code, Chapter 15.44 - Historic Preservation

Article 5 - Designation Procedure

15.44.170 - Initiation of procedure.

Whenever in the opinion of the historic preservation commission, whether based upon its own motion or upon its motion following receipt of a **factually supported written recommendation** presented by any citizen of the town, the planning and zoning commission, or the town council, any site, area, neighborhood, structure, object or property meets the criteria of a historic site, landmark or district, the commission shall contact the owner or owners of such property outlining the reasons and effects of designation and shall attempt to secure the owner's consent to such designation. If the commission is unable to personally contact such owner, it shall be sufficient for the town clerk to send a written request for the consent to designation of such property by certified mail, return receipt requested, addressed to the owner of the property as shown on the most recent records of the county assessor at the address shown on such records. **Individual properties may be designated as a historic site, landmark or district, only with and by written consent of all of the property owners.** (Prior code § 15-10-010)

15.44.180 - Commission review with owner's consent.

If the owner consents in writing to the proposed designation of the property as a historic site, landmark or district, the commission, upon the affirmative vote of a majority of the members present, may adopt an **order scheduling a public hearing by the commission on the question of designation**, hereinafter called a designation hearing, at a specified time, date and place and directing that the notice of hearing be given as described in [Section 15.44.190](#).

All applications submitted in accordance with this article shall include a description of the property proposed for designation and a detailed outline of the reasons why such property should be designated and why the boundaries of the designation should be determined as described in the application.

No motion or application for designation of a specific historic site, landmark or district may be made more than **once during any six consecutive months, unless ownership changes.** (Prior code § 15-10-020)

15.44.190 - Notice of hearing.

Notice of a designation hearing shall be given as follows:

- A. **Written notice** of the time, date, place and subject of the hearing shall be sent by registered or certified mail, return receipt requested, **not less than thirty (30) days prior to the hearing to all owners** of record, as are found in the records of the county assessor on the date of the application, who own the real property being proposed for designation as a historic site or historic district, and to the owners of real properties within one hundred (100) feet of the property being proposed for designation. Such notice shall be deemed delivered upon the passage of five days from the deposit of the notice in the U.S. mail system.
- B. **A legal notice** indicating the nature of the hearings, the property involved and the time, date and place of the hearing, **shall be published one time at least fifteen (15) days prior to the hearing.**
- C. Written notice of the proposed historic designation, including the identification of the property, the basis for commencing with the designation procedure and the time, date, and place of the hearing, may be given to any other individual, office or agency as deemed appropriate by the commission, for information, comments and recommendations prior to the hearing. (Prior code § 15-10-030) (Ord. No. 2016-1, § 2, 5-3-2016)

15.44.200 - Interim status—Permit review.

Any application which has been submitted to the town building department, on or after the date of a motion passed by the commission pursuant to [Section 15.44.170](#), for a building permit for alteration, construction, relocation or demolition of a site or landmark **under consideration for historic designation** or any site, landmark, structure or object within any proposed district under consideration for historic district designation **shall be deferred from issuance until final disposition by the commission of the historic designation application** unless such alteration, construction, relocation or demolition is deemed necessary under [Section 15.44.340](#) for the public health, welfare or safety. **The delay in issuance of a building permit due to the provisions of this section shall not be for more than sixty (60) days.** (Prior code § 15-10-040)

15.44.210 - Hearing.

A. At least four members of the historic preservation commission shall conduct the hearing. If at least four members are not present the members present may adjourn the meeting to another date within two weeks. If any hearing is continued, the time, date and place of the continuation shall be established and announced to those present when the current session is to be adjourned. Such information shall be promptly forwarded, by regular mail, to the owners of record as established and addressed pursuant to [Section 15.44.190](#).

B. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation. However, nothing contained herein shall be construed to prevent the historic preservation commission from establishing reasonable rules to govern the proceedings of the hearings or from establishing reasonable limits on the length of individual presentations. The hearings shall be recorded, minutes written by staff, and provided to each member of the historic preservation commission. Written presentations shall be included in the record of the hearing. (Prior code § 15-10-050)

15.44.220 - Findings, conclusions and decisions of the commission.

The historic preservation commission shall act officially on each proposed designation within twenty-five (25) working days of the conclusion of the hearing. The commission may approve, reject or approve modifications to any proposal. No decision may deny the owner a reasonable use of his or her property as otherwise allowed by applicable law.

If more than one property is involved in the designation procedure, the historic preservation commission may approve in part and deny in part. Each part shall then be treated as a separate action. In no event may any property be added to the area described in the initial application without instituting a new designation procedure. The findings, conclusions and decision of the commission regarding a designation shall be in the form of a written resolution and shall be final and may not be appealed.

The commission shall set forth in its records the findings of fact and conclusions that constitute the basis for its decision. Each such designating resolution shall include a description of the characteristics or features of the site, landmark or district that should be preserved, and shall include a legal description of the location and boundaries of the site, landmark or district. The property included in any such designation shall be subject to the controls and standards as set forth herein and shall be eligible for such incentive programs as may be developed by the commission. If the commission fails to act within the twenty-five-day period, the designation shall be deemed to have been rejected and the designation procedure of the commission shall thereby be terminated. (Prior code § 15-10-060)

15.44.230 - Transmittal to town council.

Within fifteen (15) days after reaching its decision, the historic preservation commission shall transmit to the town council and the owner of the property for information purposes only, its findings, conclusions and written resolution setting forth its decision on the designation of a historic site, landmark or district, including the description of the property involved and the findings upon which the resolution was based. The decision shall be effective upon transmittal by the commission to the council. (Prior code § 15-10-070)

15.44.240 - Filing with town clerk.

Within fifteen (15) days of the effective date of a resolution designating property as a historic site, landmark or district, it shall be entered by the town clerk into the official records of the town and into the real estate records of the Garfield County clerk and recorder as either:

A. A certified copy of the resolution designating the specified property as a historic site, landmark or district; and listing the individual properties included therein;

B. A notice stating that the specified property has been designated as a historic site, landmark or district and citing the historic preservation commission's resolution and the effective date thereof. The notice may also contain a brief summary of the effects of such designation as set forth in this chapter. (Prior code § 15-10-080)

15.44.250 - Final notification to owner.

Within ten (10) days after the recording of the resolution designating property as a historic site, landmark or district, the town administrator/clerk shall send to the owner of each property so designated by registered or certified mail a letter outlining the reasons for such designation and the obligations and restrictions created by such designation. Such letter shall also contain a request that the owner or his or her successors or assigns notify the town administrator/clerk prior to:

A. Preparation of plans for the reconstruction or alteration of the exterior of improvements located on such property;

B. Preparation of plans for the construction, alteration, relocation or demolition of improvements on such property. (Prior code § 15-10-090)

15.44.260 - Register of designated historic sites, landmarks and districts established.

The commission shall establish and maintain an official register of historic sites, landmarks and districts designated by the commission as worthy of preservation or restoration pursuant to this article. Such register shall include the location, owner, description and historic significance of the resource. Such register may have information added, corrected, revised or deleted from time to time as shall be determined by the commission. (Prior code § 15-10-100)

15.44.270 - Amendment or rescission of designation.

A historic site, landmark or district designation may be amended or rescinded in the same manner as the original designation was made with owner(s) consent. (Prior code § 15-10-110)

15.44.280 - Additional staff and assistance.

As may be provided by the town council, the commission and the town council may obtain assistance of competent technical experts in areas necessary to render decisions. The town may require applicants to defray portions or all of the costs for such assistance. (Prior code § 15-10-120)