



Land Use

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BOULDER COUNTY PLANNING COMMISSION AGENDA ITEM #6

June 19, 2013 – 4:00 PM

**Hearing Room, Third Floor
Boulder County Courthouse**

Docket BCCP-13-0001: BOULDER COUNTY COMPREHENSIVE PLAN UPDATE: Cultural Resources Element Update

Planning Commission discussion of the draft Cultural Resources Element update.

Study Session – No Action Requested.

Public Testimony Will Be Taken

(Staff Planner: Denise Grimm)

Summary

The purpose of this item is to solicit input from the Planning Commission on a preliminary draft update of the Cultural Resources (CR) Element of the Boulder County Comprehensive Plan (BCCP).

Staff has worked on and off for some time with the Historic Preservation Advisory Board (HPAB) to review this element. In addition, staff have made an effort to achieve the BCCP update project goals of clarification, elimination of redundancies, correcting outdated references, removing policies which are programmatic in nature rather than policy-oriented, and achieving a more concise and understandable form. We are at the point of wanting to check in with the Planning Commission for input before completing this element in the next few months.

Scope of the Draft

In this proposed draft of the Cultural Resources Element, some policies have been proposed for removal or marked as programmatic based on the criteria noted above, and other policies have been sharpened and refined in their content. Programmatic items may be removed or located in a different part of the CR element in a consistent manner with the other BCCP elements nearing completion. In addition, certain terms and important phrases have been defined at the beginning to aid the reader by providing context and to better understand the intent of the policies. Other definitions may be needed.

The attachments contain the existing element (Attachment A) plus one with revised language which staff has developed following internal discussions and discussions with HPAB and others in the preservation community. This is initial draft language and is presented as background material for your consideration at the June 19 meeting.

Staff is requesting Planning Commission deliberation and direction on preparing final revisions to the CR Element.

Next Steps

No formal action is requested of the Planning Commission at this time. This is an informational item for which staff seeks Commission discussion.

Following this meeting, Staff will:

- Follow up on the suggestions from Planning Commission.
- As formatting is completed on other BCCP elements under review, we will adjust the format of the CR element to be consistent.
- We will complete definitions and a timeline of county history to provide context and background to the element.
- If any items need further discussion with HPAB, staff will schedule the discussion for their agenda.
- We will return the item to you this summer for further review and adoption.



Boulder County Comprehensive Plan

CULTURAL RESOURCES

Goals, Policies, & Maps Element

As time progresses, Boulder County faces the loss of more and more of one of its truly non-renewable resources. These resources are the archaeological and historic sites that give the county's modern day residents a tie to the past. Many of these cultural resources are being purposefully demolished or destroyed while others face the natural elements and slowly erode away. Encroaching development and modernization lend an urgency to the need for preservation of archaeologically and historically significant sites.

Archaeologists typically describe the period of time between 12,000 years ago and the first contact by people of European, African, and Asian descent as prehistoric. The term "prehistoric" is used because written records of this period either are nonexistent or very rare. Instead of researching past cultures by studying their written records, archaeologists must study prehistoric cultures by excavation and similar techniques. Unlike historic sites that are above ground and visible, archaeological sites are often hidden from view, buried underground. Most of the archaeological data that is gathered in Boulder County relates to the Native American population that dominated the entire State of Colorado until the mid 1800s. The most common tribes in Colorado included the Apache, Comanche, Arapaho, Cheyenne, and Ute.

Archaeological sites must be addressed in a manner that is sensitive to the cultural beliefs of the affected populations.

Prehistoric sites are protected through federal, state, and local historic preservation legislation. For each historical site listed in the *Boulder County Historic Sites Survey*, the archaeological potential of the site is evaluated. The exact location of sensitive archaeological sites may be withheld from the public in order to prevent artifact gathering and other forms of destruction. Additionally, archaeological sites must be addressed in a manner that is sensitive to the cultural beliefs of the affected population.

In 1991, Boulder County took action on the policy to preserve historic sites by requiring, for the first time, a permit in order to demolish a structure in unincorporated areas of the county. Soon after this initial action, a consultant was hired and public meetings were held to create the foundations for a historic preservation program. On September 29, 1992, the Board of County Commissioners adopted regulations that formulated Boulder County's Historic Preservation Program and led to Boulder County becoming the first county-level Certified Local Government for historic preservation in the State

AMENDMENT STATUS

Goals & Policies	Associated Maps	Background Element
Created 7/27/94	Created March 1978	Created 7/27/94



of Colorado.

archaeologically sensitive areas.

The county's Historic Preservation Program is individualized for the specific needs of Boulder County. The unique landscape of this area, ranging from gently-rolling prairie with nationally significant agricultural value, to the alpine tundra along the Continental Divide, attracted prehistoric peoples and, in later epochs, farmers and miners to the rural portions of the county. In order to protect this diversity, the Historic Preservation Program requires that at least one member of the Historic Preservation Advisory Board be from the agricultural community, at least one member be from the mining community, and at least one member have professional experience in history.

Growth pressures put historic rural landscapes in danger of permanent alteration.

Acknowledgment that pressures for growth place historic rural areas in danger, combined with education and respect for the past, create an atmosphere in which the goals and objectives of the county's Historic Preservation Program can flourish.

Goals

- K.1 Every effort shall be made to identify and protect prehistoric and historic sites which meet national, state, or local criteria for historic designation from destruction or harmful alteration.
- K.2 Whenever possible, the county shall further the goal of cultural resource preservation using education and incentives in lieu of stringent regulatory controls.

Policies

CR 1.01 Boulder County, utilizing staff, volunteers, and professionals, shall continue researching county historic structures, sites, and districts and

CR 1.01.01 A comprehensive historic sites survey shall be conducted which identifies the resources of historic significance within the county. This survey shall be updated as necessary to include those sites which, though not presently over 50 years of age, become so as time goes on.

CR 1.01.02 The county shall annually update its Historic Preservation Work Plan to assess the success of previous preservation efforts and determine the priority of preservation efforts throughout the coming year.

CR 1.02.03 Boulder County staff shall monitor landmark sites to ensure that the terms of the landmarking are being met by the property owner.

CR 1.02 Significant archaeological and historic sites and structures acquired by the county both in unincorporated and incorporated areas, shall be documented, protected, preserved, and where appropriate, restored.

CR 1.02.01 After acquisition, an inventory of cultural resources on the property shall be undertaken and the historic significance of each resource shall be determined.

CR 1.02.02 Resources that meet the criteria for local landmark, or State or National

Register status should be nominated for such status by the county.

Certified Local Government status with the State of Colorado and the United States Department of the Interior and participate in the nomination and designation of state and national landmarks.

CR 1.03 The *Boulder County Land Use Code* and attendant regulations shall insure that historic and archaeological resources are protected.

CR 1.03.01 The Historic Preservation Advisory Board shall be a referral agency for all land use proposals where a possible impact to a historic or archaeological site has been identified.

CR 1.03.02 The applicant for land use proposals received for areas identified as being archaeologically sensitive may be required to conduct an investigation of the area's archaeological significance. The scale and location of the proposal will determine if such an investigation will be required.

CR 1.03.03 In communities where the county's zoning regulations are not consistent with the historical pattern of development, the county shall recognize the importance of the historical pattern by implementing zoning amendments or taking the historical pattern of development into consideration during the variance process.

CR 1.04 Boulder County shall encourage interjurisdictional cooperation to further the goals of historic and archaeological preservation.

CR 1.04.01 The county shall maintain

CR 1.04.02 Through the use of intergovernmental agreements, the county shall cooperate with incorporated municipalities to offer the advantages of a local landmarking program to the municipalities within the county that do not have such a program.

CR 1.04.03 Boulder County shall pursue intergovernmental agreements with municipalities which address the issue of preservation of county historic landmarks after annexation by the municipality.

CR 1.04.04 Notice of Historic Preservation Advisory Board Hearings and a complete packet of information shall be forwarded to each municipality within the county that requests to be regularly informed of the HPAB's activities.

CR 1.04.5 The City of Boulder Landmarks Board shall be a referral agency for proposals affecting cultural resources within the Boulder Valley. Examples of such proposals include, nomination of historic landmarks and the demolition or alteration of historic properties owned by the City of Boulder.

Inter-jurisdictional cooperation is encouraged in order to further cultural resource preservation goals.

Historic Sites
Survey
information
will be dis-
tributed to
local librar-
ies.

CR 1.04.06 As necessary, the Boulder County Parks and Open Space Advisory Committees should be consulted when projects on county open space affect historic structures or sites. Similarly, the City of Boulder Open Space Board should be consulted when projects on city open space land affect historic structures or sites.

CR 1.04.07 The City of Longmont Landmarks Board shall be a referral agency for county landmark designation of structures, sites, or districts within the City's planning area.

CR 1.05 The county and specifically, the Historic Preservation Advisory Board, shall be an informational resource to Boulder County citizens interested in historic preservation.

CR 1.05.01 The Historic Preservation Advisory Board shall maintain expertise in architecture, agriculture, mining, and history in order to guide property owners with the technical experience necessary for preservation of archaeological and historic sites.

CR 1.05.02 The county shall distribute current copies of the Boulder County Historic Site Survey to local libraries that specialize in history and the Colorado Historical Society.

CR 1.05.03 Pursuant to state and federal laws regarding

disclosure of information pertaining to historic and archaeological sites, the location of extremely fragile sites shall not be public information in order to protect these sites.

CR 1.05.04 The county shall maintain a current listing of structures, sites, and districts included in the Boulder County Register of Historic Landmarks.

CR 1.05.05 A listing of all agencies, non-profit organizations, historical societies, history museums, libraries with history collections, and other entities and organization involved in archaeology and/or historic preservation shall be maintained by the county as an educational resource for owners of cultural resources and other interested parties.

CR 1.06 The county shall implement its historic preservation goals through education of the public and the offering of incentives whenever possible.

CR 1.06.01 The county may offer the owners of properties that are designated as historic landmarks variations from the building code requirements, provided the variations support preservation of the landmark and the variation is not placing the health, safety, and welfare of county residents and visitors at risk.

CR 1.06.02 The county shall provide information about state

and national financial incentive programs and support grant and tax credit requests of the state by owners of designated properties.

any artifacts or further development on any such site, the applicant shall confer with the affected Native American nation or nations to determine the appropriate mitigation measures necessary for protection of the site.

CR 1.06.03 Boulder County shall investigate the feasibility of a local incentive program for historic preservation. Such program may include tools such as a revolving loan fund, the offering of bonus density for the preservation of significant archaeological sites or historic structures, and a local tax-credit program.

CR 1.06.04 The county shall recognize its citizens by nominating outstanding preservation efforts for archaeological and historic site preservation for awards.

CR 1.07 Sites within the county associated with traditional cultural practices may fall within the purview of the county's historic preservation regulations, provided that the use of the site can be documented and meets the criteria for designation at the local, state, or national level.

CR 1.07.01 Applicants engaged in a discretionary land use proposal in a location where Native American artifacts have been found or where oral traditions indicate the site was used by Native Americans in the past, shall conduct research to determine the extent of the archaeological significance of the site. Prior to the removal of

Policies CR
1.07 & CR
1.07.01
address
Native
American
artifacts &
sites.

Attachment B

Boulder County Comprehensive Plan

Cultural Resources

Goals, Policies, & Maps Element

As time progresses, Boulder County faces the loss of more and more of one of its truly non-renewable resources. These resources are the cultural resources archaeologically and historic sites that give the county's modern day residents a tie to the past. Many of these cultural resources are being purposefully demolished or destroyed while others face the natural elements and slowly erode away. Encroaching development and modernization lend an urgency to the need for preservation of our significant cultural resources archaeologically and historically significant sites.

Archaeologists typically describe the period of time between 12,000 years ago and the first contact by people of European, African, and Asian decent as prehistoric. The term "prehistoric" is used because written records of this period either are nonexistent or very rare. Instead of researching past cultures by studying their written records, archaeologists must study prehistoric cultures by excavation and similar techniques. Unlike historic sites that are above ground and visible, archaeological sites are often hidden from view, buried underground. Most of the archaeological data that is gathered in Boulder County relates to the Native American population that dominated the entire State of Colorado until the mid 1800s. The most common tribes in Colorado included the Apache, Comanche, Arapaho, Cheyenne, and Ute.

Prehistoric sites are protected through federal, state, and local historic preservation legislation. For each historical site listed in the Boulder County Historic Sites Survey, the archaeological potential of the site is evaluated. The exact location of sensitive archaeological sites may be withheld from the public in order to prevent artifact gathering and other forms of destruction. Additionally, archaeological sites must be addressed in a manner that is sensitive to the cultural beliefs of the affected population.

In 1991, Boulder County took action on the policy to preserve historic sites by requiring, for the first time, a permit in order to demolish a structure in unincorporated areas of the county. Soon after this initial action, a consultant was hired and public meetings were held to create the foundations for a historic preservation program. On September 29, 1992, the Board of County Commissioners adopted regulations that formulated Boulder County's Historic Preservation Program and led to Boulder County becoming the first county-level Certified Local Government for historic preservation in the State of Colorado.

The county's Historic Preservation Program is individualized for the specific needs of Boulder County. The unique landscape of this area, ranging from gently rolling prairie with nationally significant agricultural value, to the alpine tundra along the Continental Divide, attracted prehistoric peoples and, in later epochs, farmers and miners to the rural portions of the county. In order to protect this diversity, the Historic Preservation Program requires that at least one member of the Historic Preservation

Advisory Board be from the agricultural community, at least one member be from the mining community, and at least one member have professional experience in history in addition to the typical historic board requirements set by the State Historic Preservation Office. (Architect, professionals, etc....)

Instead of narrative above, to provide context, create a timeline of Boulder County history to use in a prominent sidebar.

Acknowledgment that pressures for growth place historic rural areas in danger, combined with education and respect for the past, create an atmosphere in which the goals and objectives of the county's Historic Preservation Program can flourish.

Definitions

Cultural Resources

A cultural resource is anything resulting from human activities. These resources can include buildings, sites, and districts, landscapes, tools, art, trails, etc, that are important to our knowledge of human development. These resources date from the earliest known human habitation dating back thousands of years to the modern developments of the 19th and 20th centuries.

For our purposes cultural resources can include archeological resources, prehistoric resources, historic resources (including resources from prehistoric times to 50 years of age), and traditional cultural resources.

Historic Resources

Goals

K.1 Every effort shall be made to identify and protect ~~prehistoric and historic sites~~ cultural resources which meet national, state, or local criteria for historic designation from destruction or harmful alteration.

K.2 Whenever possible, the county shall further the goal of cultural resource preservation using education and incentives in lieu of stringent regulatory controls.

Policies

CR 1.01 Boulder County, utilizing staff, volunteers, and professionals, shall continue researching the county's cultural resources ~~historic structures, sites, and districts and archaeologically sensitive areas.~~

*CR 1.01.01 A comprehensive historic sites survey shall be conducted which identifies the cultural resources of historic significance within the county. This survey shall be updated as necessary to include those sites which, though not presently over 50 years of age, become so as time goes on.

*CR 1.01.02 The county shall ~~annually(?)~~ periodically update its Historic Preservation Work Plan to assess the success of previous preservation efforts and determine the priority of preservation efforts ~~throughout the coming year.~~

CR 1.02.03 Boulder County staff ~~shall~~may monitor landmark sites to ensure that the terms of the landmarking are being met by the property owner.

CR 1.02 ~~Properties containing sSignificant archaeological and historic sites and structures~~cultural resources acquired by the county both in unincorporated and incorporated areas, shall be documented, protected, preserved, and where appropriate, restored.

CR 1.02.01 After acquisition, an inventory of cultural resources on the property shall be undertaken and the historic significance of each resource shall be determined.

CR 1.02.02 Resources that meet the criteria for local landmark, or State or National Register status should be nominated for such status by the county.

CR 1.03 The Boulder County Land Use Code and attendant regulations shall ~~insure~~ensure that significant historic and archaeological ~~cultural~~ resources are protected.

CR 1.03.01 The Historic Preservation Advisory Board shall be a referral agency for all land use proposals where a possible impact to ~~a historic or archaeological site~~cultural resources has been identified. The county will seek protection of significant resources through local designation or other protective means when a proposal by the private sector is subject to discretionary development review.

CR 1.03.02 The applicant for land use proposals received for areas identified as being archaeologically sensitive may be required to conduct an investigation of the area's archaeological significance. The scale and location of the proposal will determine if such an investigation will be required.

CR 1.03.03 In communities where the county's zoning regulations are not consistent with the historical pattern of development, the county shall recognize the importance of the historical pattern by implementing zoning amendments or taking the historical pattern of development into consideration during the variance process.

CR 1.03.04 The county may develop a variety of tools that address preservation and conservation objectives. Specific tools may include incentives programs, landmark designation of cultural resources, design review, conservation districts, easements and other tools may be applied in areas that do not qualify as local historic districts but contain features that contribute to the quality of the community. These could include historic resources that have lost integrity, neighborhoods with significant character but that are not historically significant, and scattered sites that share a common historic or architectural theme.

CR 1.04 Boulder County shall encourage inter-jurisdictional cooperation to further the goals of ~~historic and archaeological~~ cultural resource preservation.

CR 1.04.01 The county shall maintain Certified Local Government status with the State of Colorado and the United States Department of the Interior and participate in the nomination and designation of state and national landmarks.

CR 1.04.02 Through the use of intergovernmental agreements, the county shall ~~shall~~ may cooperate with incorporated municipalities to offer the advantages of a local landmarking program to the municipalities within the county that do not have such a program.

CR 1.04.03 Boulder County shall pursue joint preservation plans and/or intergovernmental agreements with municipalities which address the ~~issue of~~ preservation of cultural resources of interest to both jurisdictions or the status of county historic landmarks after annexation by the municipality.

~~*CR 1.04.04 Notice of Historic Preservation Advisory Board Hearings and a complete packet of information shall be forwarded to each municipality within the county that requests to be regularly informed of the HPAB's activities.~~

~~*CR 1.04.5 The City of Boulder Landmarks Board~~ historic boards of the cities within the county shall may be a referral agency agencies for proposals affecting cultural resources within their planning areas ~~Boulder Valley~~. Examples of such proposals include, nomination of historic landmarks and the demolition or alteration of historic properties ~~owned by the City of Boulder~~.

~~CR 1.04.06 As necessary, the Boulder County Parks and Open Space Advisory Committees should be consulted when projects on county open space affect historic structures or sites. Similarly, the City of Boulder Open Space Board should be consulted when projects on city open space land affect historic structures or sites.~~

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~~CR 1.06.02 The county shall provide information about state and national financial incentive programs and support grant and tax credit requests of the state by owners of designated properties.~~

CR 1.06.03 Boulder County shall continue to implement and explore new opportunities for when feasible local incentive programs for historic preservation. Such program may include tools such as a grant program, revolving loan fund, the offering of bonus density for the preservation of significant archaeological sites or historic structures, exceptions to the usual Land Use Code and building code requirements, and a local tax-credit program.

CR 1.06.04 The county shall recognize its citizens by nominating outstanding preservation efforts for archaeological and historic site preservation for awards.

CR 1.07 Sites within the county associated with traditional cultural practices may fall within the purview of the county's historic preservation regulations, provided that the use of the site can be documented and meets the criteria for designation at the local, state, or national level.

*CR 1.07.01 Applicants engaged in a discretionary land use proposal in a location where Native American artifacts have been found or where oral traditions indicate the site was used by Native Americans in the past, shall conduct research to determine the extent of the archaeological significance of the site. Prior to the removal of any artifacts or further development on any such site, the applicant shall confer with the affected Native American nation or nations to determine the appropriate mitigation measures necessary for protection of the site.

CR 1.08 As the county pursues efforts to improve the energy and resource efficiency of new and

existing buildings, the county will be sensitive to the unique situations that involve historic preservation and allow for reasonable flexibility to further both goals.

CR 1.09 The county will pursue efforts to improve the protection of cultural resources from natural disasters.

CR 1.10 Boulder County shall continue to research, review and take action to secure funding and technical assistance from other agencies and institutions to advance cultural resource preservation and restoration.

* = policies which are programmatic and may be moved to a different location