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HONOR *the* PAST.

Colorado Certified Local Government
Handbook April 2016



HISTORY *Colorado*

OFFICE of ARCHAEOLOGY
and HISTORIC PRESERVATION

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Cover: Snow on Silver Street boardwalk, Lake City, CO.

Image Courtesy of Craig Palmer, www.FromTheHighCountry.com.

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Visit **www.h-co.org/CLG** for more information.

WHAT IS A CERTIFIED LOCAL GOVERNMENT?

In 1966, Congress passed the National Historic Preservation Act, which established preservation as a national priority and created programs that encourage preservation, including State Historic Preservation Offices (SHPOs). These federally mandated offices are administered by State Historic Preservation Officers and funded by the Department of the Interior through the National Park Service. In Colorado, the state program is administered through History Colorado's Office of Archaeology and Historic Preservation, which:

- Surveys and maintains an inventory of historic properties and archaeological sites.
- Nominates properties to the National Register of Historic Places and the State Register of Historic Properties.
- Maintains a State Historic Preservation Plan.
- Reviews federally-funded or licensed projects for their potential impact on historic properties.
- Certifies rehabilitation work for federal and state historic preservation tax credits.
- Provides technical assistance and guidance to federal, state, and local government agencies, organizations, and individuals.

In 1980, encouraged by the success of SHPOs throughout the nation, Congress created a federally-funded, state-administered grant program for local governments interested in historic preservation and willing to comply with federal and state preservation standards. Because both the SHPO and the National Park Service must certify local governments before they can access funding, participating entities were thus named Certified Local Governments (CLGs).

GOALS OF THE CERTIFIED LOCAL GOVERNMENT PROGRAM

- Historic Preservation issues should be understood and addressed at the local level and then integrated into the local planning and decision making process at the earliest possible opportunity.
- The interests of local governments should be integrated into the identification, evaluation, nomination and protection processes of the State Historic Preservation Office (SHPO).
- Local governments should develop local preservation efforts that contribute toward and benefit from state and federal programs.
- Participation by local governments should enable federal and state governments to recognize and support local preservation efforts and to use and communicate information developed by them.
- Participation by local governments should result in an increase in awareness within the community of local preservation issues, programs, policies, and procedures by federal and state government agencies.

I. WHAT IS THE PURPOSE OF THE CLG PROGRAM? WHO IS ELIGIBLE?

To encourage and expand local involvement in preservation issues by cultivating a partnership among the Certified Local Government, the State Historic Preservation Office, and the National Park Service (NPS).

Why become a CLG?

1. Local preservation leadership.
CLGs:
 - Lead preservation efforts in their communities by identifying, evaluating, and protecting local historic resources.
 - Receive technical advisory services from the SHPO.
 - Maintain a formal role in the National Register of Historic Places process.
2. Exclusive funding opportunities.
 - CLGs may apply annually for no-match grants from a designated CLG-only fund.
 - Local landmarks designated by CLGs are eligible for Colorado's state historic preservation income tax credit and grants from the History Colorado State Historical Fund.
3. Opportunities for enhanced responsibility. (Optional)
CLGs may:
 - Participate in the review of federal projects.
 - Review state tax credit projects for residential properties.

Who is eligible?

Any local government—such as a city, town, or county—that meets the criteria set forth in this document is eligible to apply for certification as a CLG.

CASE STUDY: CITY OF BOULDER'S HISTORIC PRESERVATION PLAN

For decades, Boulder residents have demonstrated their commitment to preserving the city's historic resources, regularly fighting against threats that might compromise the historic integrity of their community. While it may seem unnecessary for a city with an established historic preservation program to need a preservation plan, historic preservation is at its best when it is proactive.

Acknowledging the importance and relevance of a long-term vision, the City of Boulder received a CLG grant in 2012 to develop a historic preservation plan, the primary goals of which were to establish preservation's role in shaping Boulder's urban form and character, as well as how preservation will contribute to environmental, social, and economic sustainability.

Public input was critical throughout the development of the plan. Feedback came from a broad range of community stakeholders, including property owners, real estate groups, historic district residents, local nonprofit organizations, and city government offices. The plan examines 14 specific program areas, establishes objectives for each, and recommends immediate and long-term implementation strategies based on three themes: historic resource protection, community engagement and collaboration, and program operations.

Using the newly created plan as its guide, the City of Boulder is embracing its future with definitive plans for addressing existing preservation issues and expanding the program to protect historic places, promote preservation as an ethic and methodology, and connect community members to each other.



Historic Boulder
Image courtesy of the City of Boulder

II. WHAT ARE THE REQUIREMENTS FOR CERTIFICATION IN COLORADO?

Local governments seeking certification must meet five broad federal standards, as well as specific Colorado CLG requirements.

A. THE LOCAL GOVERNMENT MUST ENFORCE APPROPRIATE STATE AND LOCAL LEGISLATION FOR THE DESIGNATION AND PROTECTION OF HISTORIC PROPERTIES.

Your CLG must create an official statute that legally guides the preservation planning process, which includes documenting, designating, and protecting historic resources. Your local CLG ordinance must comply with state preservation laws.

- Each CLG must enact a local ordinance or resolution that provides a legal framework for a preservation program that designates and protects historic buildings, sites, and structures, as well as districts of historic, architectural, and archaeological significance. It must be in compliance with definitions set forth in 54 U.S.C. 302501 (formerly Section 101(c)4) of the National Historic Preservation Act of 1966, as amended.
- The local ordinance or resolution shall meet the statutory requirements of all applicable Colorado laws that authorize local governments to designate and protect historic, architectural, and archaeological resources: (CRS 24-65.1-101 et. seq.; CRS 29-20-101 et seq.; and CRS 30-11-107 (1) (bb)).
- The local ordinance should include:
 - » A Statement of Purpose.
 - » Requirements of the Historic Preservation Commission (HPC) and its establishment, including details regarding membership, duties, and terms of appointment.
 - » Criteria and procedures for designating buildings, sites, structures, and districts. Standards for designation must be consistent with the Secretary of the Interior's Standards for Identification and Evaluation. In Colorado, local commissions may decide requirements for owner consent on individually listed buildings. For historic districts, CLGs set the percentage threshold for owner consent, that is, how many owners must agree to designation for it to be enacted. However, once enacted, individual owners may not, at their own discretion, opt out of the district.
 - » A definition of actions that require review by the HPC before they can be carried out.
 - » Standards, criteria, and procedures for review of alterations, demolitions, or new construction. They must be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. In Colorado, CLGs are required to conduct design review on designated properties, but compliance with design review may be voluntary.
 - » Specifics on whether or not historic districts are allowed to be formed, and what level of owner consent (or percentage of owners' consent) is required. Please note that so-called "opt out" provisions for historic districts are specifically not allowed.

For questions regarding ordinance language, please contact the state CLG staff, or confer with other local CLGs.

CASE STUDY: NATIONAL REGISTER NOMINATIONS IN PARK COUNTY

Shortly after earning designation as a CLG, Park County began a series of reconnaissance surveys to identify and classify its many historic properties. Most of these surveys focused on Park County's wide-spread ranching properties, but some included small communities throughout the area. This work laid the foundation for prioritizing future intensive surveys and led to nominations on the Park County list of Historic Landmarks as well as the State and National Registers. This comprehensively expanded funding and preservation opportunities throughout the county for

historic properties and ranches alike.

One such project, an intensive survey of the town of Shawnee, revealed eligibility for both local and national designations. Though the settlement of Shawnee was not officially founded until 1889, the area had been populated by gold prospectors for decades prior. The intensive survey included documentation of buildings constructed between 1886 and 1953, showcasing a wide range of vernacular and stylized architecture from Late Victorian and Edwardian to American Movement Rustic.



Shawnee
Image courtesy of Park County Staff

B. THE LOCAL GOVERNMENT MUST ESTABLISH BY LOCAL ORDINANCE AN ADEQUATE AND QUALIFIED HISTORIC PRESERVATION COMMISSION.

- **Each CLG Historic Preservation Commission (HPC) should have a minimum of five members.**

The HPC's geographic area of authority must be within the boundaries of the local government's jurisdiction.

All HPC members must demonstrate an interest, competence, or knowledge in historic preservation.

- **The HPC should comprise both professional and lay members, and at least 40 percent of its members should be professionals** from the fields of history, architecture, landscape architecture, architectural history, prehistoric or historic archaeology, planning, American studies, American civilization, cultural geography, cultural anthropology, or related disciplines such as building trades, real estate, or law. Information regarding the credentials of HPC members should be kept on file and available to the public.
- **If professionals in these fields are not be available,** the SHPO can waive this requirement if the local government demonstrates its capability to carry out commission responsibilities. When the disciplines of architecture, history, architectural history, or archaeology are not represented in HPC membership, the HPC should seek additional expertise when considering National Register nominations and any other delegated actions that will affect properties that are normally evaluated by a professional in that discipline.
- **Local governments are required to adopt professional qualification standards for each discipline** to use as guidelines for National Register review and for any other actions that will affect properties that are normally reviewed by historic preservation professionals. Standards for qualifications must not contradict the National Park Service's qualifications, which are found in Appendix 1.
- **Terms of office** of commission members should be staggered and shall be of at least one year in duration.
- The HPC should adopt **rules of procedure or by-laws** that are **available and accessible to the public**

- All HPC meetings should be open to the public with proper public notice, and the HPC must **maintain minutes** of all meetings that are available for public inspection.

Note: If public disclosure could result in a substantial risk of harm, theft, or destruction to the historic or archaeological resource, an exception to the public meeting and public records policy may apply pursuant to federal and state statutes: 54 U.S.C. 307103 (Formerly Section 304 of the National Historic Preservation Act of 1966, as amended); 16 U.S.C. 470 hh (a) (Section 9 (a) of the Archaeological Resources Protection Act of 1979, as amended); 5 U.S.C. 552 (b) (3) (Section 552 of the Freedom of Information Act of 1966 as amended); CRS 24-72-203 and 204; CRS 24-80-405 and 406.

- HPC meetings should be held at regular intervals at least **four times per year.**
- **HPCs must submit an Annual Report to the SHPO.** These reports must include the number and types of cases reviewed and their outcomes, new designations, progress on survey activities, educational activities, and credentials of new HPC members and staff.
- The SHPO will provide materials and training workshops so HPCs understand the roles and operations of federal, state, and local preservation programs, as well as historic preservation in general. **At least one commission member must attend a SHPO-approved educational session each year,** and minutes should document that the information gained was shared with fellow commissioners.
- All survey and planning activities, as well as other preservation responsibilities, must be carried out by the HPC **in a manner consistent with Colorado's historic preservation planning process.** See the Colorado Survey Manual and the Secretary of the Interior's Standards for Identification and Evaluation for guidance.
- **A copy of the minutes of each meeting shall be sent to the SHPO** at the same time that copies are distributed to commission members.

CASE STUDY: GREELEY POW CAMP 202 INTERPRETIVE PANELS

“I thank God frequently, that I was able to spend a portion of that dreadful war... in Colorado. So it was for me, all in all, even as a prisoner, a part of my life that will always continue to be a good memory for me,” wrote German Sergeant Erich Geissler in his letter to the Greeley History Museum after the City of Greeley completed interpretive panels at POW Camp 202, which operated from December 1943 through early 1946.

During World War II, the camp housed more than 3,000 German and Austrian prisoners of war who were captured while serving under Field Marshal Rommel in North Africa. Inmates were permitted to work for local farmers, which filled employment gaps created when locals went off to serve in the US military. After the war, some POWs

chose to stay in northeastern Colorado.

Today, two stone gateposts are all that remain of what was once a massive facility. In 2005, the gateposts were threatened with demolition due to the expansion of Highway 34, and were subsequently placed on Colorado’s Most Endangered Places list. The gateposts were relocated to allow the highway expansion to continue.

In 2011, the City of Greeley used CLG funding to design, build, and install two interpretive panels commemorating the historic entryway into the former POW camp that held 3,000 Axis soldiers—many of whom worked on local farms or stayed in the area after the war. These panels offer Greeley residents and travelers alike an opportunity to learn and reflect about a local connection to World War II.



Greeley - Ribbon cutting ceremony for interpretive panels at POW Camp 202
Photo courtesy of Betsy Kellums

C. THE LOCAL GOVERNMENT MUST MAINTAIN A SYSTEM FOR SURVEY AND INVENTORY OF HISTORIC PROPERTIES.

What is “survey”? *Survey of historic properties is the ongoing process of locating and documenting buildings, sites, structures, and districts of potential local, state, or national importance. Surveys should be organized, accessible, up-to-date, and easy to interpret.*

- The CLG shall initiate and/or continue a process for survey and inventory of buildings, sites, structures and districts within the local jurisdiction. **The local survey and inventory system shall be compliant with federal and state methods and consistent with Colorado’s historic preservation planning processes as described in the Colorado Survey Manual.** The SHPO will provide the CLG with guidelines, instructions, and forms to ensure that survey and inventory data produced by the CLG is seamlessly integrated into the statewide cultural resources database. **The CLG must maintain a detailed inventory of the buildings, sites, structures, and districts that it has designated under local law.**
- The CLG must provide the SHPO with copies of all materials, including photographs, associated with survey efforts conducted by the CLG.
- The CLG should update all inventory materials periodically to reflect alterations, demolitions, or other changes. The frequency of survey updates will vary depending on the amount of change happening within the survey area, but resurvey efforts should generally occur every five to 10 years.
- With the exception of documents that indicate the location of certain restricted archaeological sites, **all inventory materials must be accessible to the public.**
- CLGs are encouraged to develop and follow a survey plan that outlines past and future survey projects.

D. THE LOCAL GOVERNMENT SHALL PROVIDE FOR ADEQUATE PUBLIC PARTICIPATION IN LOCAL HISTORIC PRESERVATION PROGRAMS (including the process of recommending properties for nomination to the National Register).

- CLGs should encourage public participation in all facets of their preservation programs.
- All HPC meetings must follow the provisions of the Colorado Open Meetings Law (CRS 24-6-401, et seq.).
- Minutes or records of all HPC decisions and actions, including the reasons for making those decisions, must be kept on file and available for public inspection.
- All HPC decisions must be made in a public forum (except as noted in Section II (B)), and applicants (e.g. owners wishing to make alterations to their historic properties) must be given written notification of those decisions.
- CLGs are encouraged to develop educational programs and materials that enhance public awareness of their historic preservation activities or historic preservation in general.

CASE STUDY: SOUTH PARK ARCHAEOLOGY PROJECT

While many CLG grants are used for architectural surveys and nominations, Park County pursued an atypical project to develop nominations of and within a large prehistoric archaeological district. The site, spanning more than 1,700 acres, has been the focus of research and fieldwork for the South Park Archaeology Project, the University of Northern Colorado, and Skidmore College in New York for more than a decade.

With assistance from the History Colorado State Historical Fund, annual fieldwork revealed the presence of artifacts indicating the persistent human occupation of the area from the Late Paleo-Indian to Late Prehistoric period. In light of these discoveries, principals of the South

Park Archaeology Project, Park County Office of Historic Preservation, and the South Park National Heritage Area agreed that this site merited a nomination to the National Register of Historic Places as an Archaeological District. Furthermore, the study revealed that the Threemile Gulch Prehistoric Archaeological District warranted its own nomination.

Using CLG funding, Park County engaged Dr. Susan Bender, emeritus Anthropology Department Chair from Skidmore College, to write the nominations, both of which were ultimately approved by the National Park Service and now serve as models of archaeological district nominations.



Threemile Gulch, Park County
Photo courtesy of South Park Archaeology Project

E. LOCAL GOVERNMENTS MAY OPT TO UNDERTAKE SPECIFIC SHPO-DELEGATED RESPONSIBILITIES.

These additional responsibilities may include:

- **Review and Compliance (Section 106)** – For any federal action (funding or permitting), Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) requires that the federal agency involved consult with local governments, the SHPO, and the Advisory Council on Historic Preservation (ACHP) to ensure that historic properties are taken into consideration at all levels of planning and development.
 - » All local governments are informed when a federal action is to be undertaken within their jurisdiction and are given the opportunity to respond concerning the potential effect on historic properties.
 - » The HPC may opt to be notified by their respective local government officials about Section 106-related activities within their jurisdiction.
- **Federal Rehabilitation Income Tax Credit** – CLGs work with local owners of commercial properties to complete and submit nominations to the National Register of Historic Places to provide eligibility for the Federal Rehabilitation Income Tax Credit.
- **State Rehabilitation Income Tax Credit** – A CLG may opt to be the reviewing entity for Colorado's State Historic Preservation Income Tax Credit for residential properties. All tax credits for income producing properties are reviewed by the SHPO.
- **Historic Preservation Plan** – A CLG may prepare and implement a local comprehensive historic preservation plan.

CLG Certification Requirements - A Summary

- A. The local government must enforce appropriate state and local legislation for the designation and protection of historic properties.
- B. The local government must establish by local ordinance an adequate and qualified historic preservation commission.
- C. The local government must maintain a system for survey and inventory of historic properties.
- D. The local government shall provide for adequate public participation in local historic preservation programs (including the process of recommending properties for nomination to the National Register)
- E. Local Governments may opt to undertake specific SHPO-delegated responsibilities.

CASE STUDY: TOWNER BUS TRAGEDY SURVEY PLAN

In March 1931, a school bus traveling through Kiowa County near the Kansas border crashed into a ditch, stalled, and was left stranded for more than a day in the midst of a raging blizzard. After 24 hours of no heat, food, or water, five children tragically died, along with the bus driver. The 17 survivors were changed forever, and so was the United States. The devastating incident received national attention and subsequently served as a catalyst for how educators communicate with students and families, how schools handle weather and travel policies, and how school buses are built.

Kiowa County used CLG funding in 2011 to create a plan to inform future survey and designation efforts by identifying extant buildings and structures associated with the tragedy. To do so, Kiowa County

prepared a historic context, conducted interviews with people who have substantial knowledge of the incident, researched primary sources and published materials, and identified relevant historic resources in the region.

To date, the location of the bus and two aircraft that provided rescue efforts are unknown, but the survey plan identified 20 historic resources associated with the tragedy and nine resources recommended for future intensive survey.

Through preservation of both the physical site of the crash as well as the community's memories, Kiowa County can tell its story and honor the significance of a national tragedy.



Bus Tragedy Marker, Kiowa County
Photo courtesy of Front Range Research Associates, Inc

III. PROCESS FOR CERTIFICATION OF LOCAL GOVERNMENTS IN COLORADO

A. THE CHIEF ELECTED OFFICIAL OF THE LOCAL GOVERNMENT SHALL REQUEST CERTIFICATION FROM THE STATE HISTORIC PRESERVATION OFFICE.

In their request for CLG certification, chief elected officials must include:

- A written assurance by the chief elected official that the local government is eligible and fulfills the requirements of their document.
- The name and address of the local CLG staff member or representative who is or will be responsible for carrying out CLG program responsibilities.
- A copy of the local historic preservation ordinance, and, if one exists, the local preservation plan.
- The name and address of every building, site, structure, and district historically designated under the local ordinance. The material should be presented as a listed inventory and, if available, as a map for historic districts.
- A list of members comprising the historic preservation commission, including a statement of each member's demonstrated interest or knowledge in historic preservation and/or their professional qualifications within fields related to historic preservation. If 40 percent of HPC members are not professionals in fields related to historic preservation, the local government must demonstrate it has made an effort to find and appoint such members through advertisements, communications with a local university, or other means.
- A proposal of how the HPC will review National Register nominations if the fields of history, architectural history, architecture, or archaeology are not represented in HPC membership.
- A description of any other delegated responsibilities that the CLG wishes to assume.

B. THE SHPO SHALL RESPOND TO THE CHIEF ELECTED OFFICIAL WITHIN 45 WORKING DAYS OF RECEIPT OF AN ADEQUATELY DOCUMENTED WRITTEN REQUEST.

Good to Note

County CLG jurisdiction only extends to unincorporated areas. However, inter-governmental agreements with municipal jurisdictions can allow the county CLG to designate and protect resources within those areas. Records of these agreements must be included in the certification packet.

C. IF THE SHPO DETERMINES THAT THE LOCAL GOVERNMENT FULFILLS THE REQUIREMENTS FOR CERTIFICATION, A CLG AGREEMENT SHALL BE SIGNED WITH THE LOCAL GOVERNMENT.

This agreement will specify that the CLG satisfies the following minimum requirements:

- The local government must enforce appropriate state and local legislation for the designation and protection of historic properties.
- The local government must maintain a qualified Historic Preservation Commission.
- The local government must establish and/or maintain a system for survey and inventory of historic properties.
- The local government must provide adequate opportunities for public participation in the local historic preservation program, including the process of recommending properties to the National Register.
- The certification agreement shall include the role of the local government in the National Register nomination process. The agreement must include any additional responsibilities that the SHPO and local government have agreed upon.

D. COPIES OF THE REQUEST AND THE SIGNED AGREEMENT CERTIFIED BY THE SHPO SHALL BE FORWARDED BY THE SHPO TO THE SECRETARY OF THE INTERIOR, OR THE SECRETARY'S DESIGNEE, FOR REVIEW.

If the National Park Services cannot approve the CLG request as submitted, the National Park Service will notify the SHPO prior to 15 working days after receipt of the request. The National Park Service must provide written notice of what is necessary for the request to be approved.

E. UPON APPROVAL, THE CERTIFICATION REMAINS EFFECTIVE UNDER THE SIGNED AGREEMENT UNLESS AMENDED OR DECERTIFIED.

- The certification agreement may be amended to change the delegation of responsibilities to the CLG.
- Continued certification shall be based on performance and compliance with the federal and state standards described.

Historic Wood Workshop in Black Hawk



Participants at a Historic Wood Workshop in September 2015 in Black Hawk, funded by a CLG Subgrant.

Photos Courtesy of the City of Black Hawk



IV. CLG PARTICIPATION IN THE NATIONAL REGISTER PROCESS

The CLG program establishes a partnership between the CLG and the SHPO as nominating authorities for Colorado's National Register Program. The SHPO is available to provide technical advice to the CLG regarding these procedures.

What's a National Register nomination?

Simply put, a nomination is the compilation of official forms and research that the National Park Service requires for any historic property that is under consideration for listing on the National Register. This body of information typically includes historical narratives, photos, maps, drawings, charts, and other archival information that demonstrate the significance and physical integrity of a historic property.

- Nominations of Colorado properties to the National Register of Historic Places should be given directly to the SHPO. Nominations may be made by any party, including a CLG.
- Upon receipt of an adequately thorough nomination of a property within the jurisdiction of a CLG, the SHPO will notify the property owner, the CLG's chief elected official, and the local HPC of the proposed nomination.
- After providing reasonable opportunity for public comment, the HPC should complete the one-page form (available from the SHPO) indicating whether or not the property meets the criteria for the National Register. The form should be signed by both the HPC chairperson and chief elected official of the CLG, then submitted to the SHPO within 60 days of receipt of the nomination from the SHPO. The form should concentrate on the property's eligibility under the National Register eligibility criteria.

What is the Colorado Historic Preservation Review Board?

The Review Board is an independent advisory council appointed by the Governor and the SHPO that evaluates and recommends sites for nomination to the National Register. The Review Board meets triannually in Denver to review proposed nominations. If a nomination meets the criteria for listing, the nomination is forwarded to the Keeper of the National Register in Washington, DC, for final review and approval. If a nomination does not meet the criteria for listing, the nomination is typically tabled for augmentation or further review.

- If the HPC and the chief elected official agree that the proposed nomination meets the criteria for the National Register, the SHPO will forward the proposed nomination and the CLG's comments to the Colorado Historic Preservation Review Board.
- If the HPC and the chief elected official disagree as to whether the proposed nomination meets the criteria for listing in the National Register, both opinions will be forwarded to the SHPO, who will forward the proposed nomination with both opinions to the Review Board.
- If the HPC and the chief elected official agree that the proposed nomination does not meet the criteria for listing in the National Register, the SHPO is not permitted to nominate the property to the National Register unless an appeal is filed with the SHPO by any person. If an appeal is filed, the SHPO will forward the nomination and the CLG's recommendations to the Review Board.
- Failure by the CLG to submit reports on proposed nominations within its jurisdiction may result in the SHPO providing technical advice to the CLG on the National Register designation process and may be considered by the SHPO in its quadrennial review of the CLG.
- Appeals of the SHPO's decisions may be made directly to the Keeper of the National Register in accordance with federal regulations (36CFR60.12).

- For proposed nominations of historic districts to the National Register of Historic Places, the CLG should assist the SHPO by:
 - » Aiding the preparer of the form by verifying the names and addresses of the owners of properties within the proposed districts.
 - » Providing public meetings at times and places agreeable to the SHPO and the CLG.
 - » Providing formal notification of pending nominations to the owners of the property or properties, if so directed by the SHPO.
- The SHPO will notify the CLG, the property owner, and the applicant when a property within the CLG's jurisdiction is listed in the National Register.

Who is “the applicant”? *The applicant is the person who initiates the nomination. Sometimes it is the same person who writes the nomination, or it may be the owner of the property. In any case, it's the person who takes ownership of the nomination.*

- The HPC is responsible for providing oversight and informal monitoring of historic properties and historic districts listed in the National Register of Historic Places. The commission is also responsible for recommending any property or district that has lost its integrity because of the demolition or alteration of structures for removal from the National Register.



Montezuma Ave. Survey, Cortez
Photo courtesy of Jill Seyfarth

CASE STUDY: MONTEZUMA AVENUE SURVEY IN CORTEZ

Since 1885, Montezuma Avenue has persisted as an integral thoroughfare for the Cortez community, surviving waves of triumphs and traumas alike—from the struggles to access water at the turn of the century, to New Deal construction and development during the depression to the postwar boom, and to the growth of the uranium and oil industries in the late 1940s. Initially built to be the town's grandest street for residential properties, Montezuma Avenue has been home to some of Cortez's most influential citizens, but it has also housed a variety of public and commercial buildings throughout the years, including churches, schools, and small businesses. In 2012, with the help of a CLG grant, the City of Cortez completed an intensive survey on more than 40 buildings along Montezuma Avenue to develop documentation for a potential historic district. Today, properties along the charming street span

styles from the 1880s all the way to the 1960s, showcasing half a century of architectural styles and trends through their varied building materials and construction methods.

Of the more than 40 properties surveyed, eight were determined eligible for listing on the National Register, 11 were determined eligible for listing on the State Register, and 32 were determined eligible for local listing.

The survey has encouraged not only the development of the Montezuma Avenue Historic District, but also a reexamination of the local historic preservation plan so the City can identify long-term preservation goals based on the historical, architectural, and cultural knowledge gleaned from the survey project.

CASE STUDY: EILER'S NEIGHBORHOOD COMMUNITY-BUILT SURVEY IN PUEBLO

When German immigrant Anton Eilers opened the Colorado Smelter in 1883, it was one of the largest ore processing facilities in the US, but after the Smelter closed 25 years later, the area was resettled by Slovenian immigrants, who made their homes in the remaining buildings. Historically, the neighborhood housed bars, groceries, restaurants, mercantiles, bakeries, and pool halls, which gave local residents ample opportunity to speak and do business in their native language, keeping the neighborhood and culture alive. Now referred to as Eiler's Neighborhood or Bojon Town, the neighborhood is still inhabited by descendants of its earliest residents. Their presence presented a unique opportunity for the City of Pueblo when researching the history of the area.

Employing a new model called the community-built survey, the City of Pueblo and preservation consultants worked extensively with neighborhood residents to essentially build their own potential historic district. Memoirs, oral histories, and questionnaires informed survey forms of 24 historic resources. Residents attended a memoir workshop to prepare basic footprints of their homes and to write sensory-based stories about the neighborhood. Additionally, a special architectural workshop focused on the larger Slovenian neighborhood to examine specific landmarks and social patterns.

The city determined that two properties were eligible for listing on the State and National Registers, eight properties were eligible for local listing, and one area was eligible for listing as a National Register Historic District.

The long-term implications of the survey results bode well for the preservation of the neighborhood, whose involvement not only resulted in a personal and meaningful historic context report, but also established historical themes and threads that the City may never have been aware of without individual input. Moreover, community engagement in the survey garnered popular support for the project itself.

The City of Pueblo's proactive measures to document the area will prove useful should threats or pressures arise, as well as hopefully impart a deeper emotional investment in the longevity and future growth of the community.



Eiler Heights

Photo courtesy of Dr. Mary Therese Anstey - Historitecture, LLC

V. PROCESS FOR MONITORING AND EVALUATING CLGS

THE SHPO SHALL MONITOR THE PERFORMANCE AND EVALUATE THE PROGRAM OF EACH CLG AT LEAST ONCE EVERY FOUR YEARS.

- At a minimum, the SHPO shall review the annual reports submitted by the CLG, minutes of HPC meetings, records of administration of federal grant funds, and other documents as necessary.
- The CLG must provide all pertinent records to the SHPO on request.
- The SHPO may send staff representatives to HPC meetings.

THE SHPO WILL USE THE FOLLOWING CRITERIA TO REVIEW CLG PERFORMANCE:

1. Roster of qualified HPC members.
2. Number and frequency of HPC meetings.
3. Number of local properties surveyed by the CLG.
4. Number of local properties inventoried by the CLG.
5. Number of local properties designated by the CLG.
6. Number of requests—and CLG performance in reviewing requests—for alterations, infill development, or demolitions.
7. Consistency of HPC design review decisions with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.
8. Number of National Register nominations commented upon by the CLG.
9. Timeliness and quality of comments on National Register nominations.
10. Compliance with the CLG agreement, State CLG procedures, and federal requirements.

11. Delegated responsibilities carried out according to program requirements.
12. Timely filing of a complete Annual Report.
13. Timely completion of work pursuant to CLG grants.
14. Submittal of minutes to the SHPO.
15. Attendance of HPC members at SHPO-approved educational sessions.
16. Educational activities or programs conducted or sponsored.

IF THE SHPO'S EVALUATION INDICATES THAT THE CLG IS DEFICIENT IN FULFILLING ITS RESPONSIBILITIES, THE SHPO SHALL DOCUMENT THE ASSESSMENT AND RECOMMEND IN WRITING TO THE LOCAL GOVERNMENT SPECIFIC STEPS TO BRING PERFORMANCE TO AN ACCEPTABLE LEVEL.

- The SHPO will give the CLG a specific time frame to implement improvements and correct deficiencies. During that period, CLGs are not allowed to perform delegated responsibilities in the inadequate areas of performance. The SHPO will provide technical advice and assistance in the deficient areas.
- If the SHPO determines that sufficient improvement has not occurred during this time period, the SHPO may recommend decertification of the CLG to the Secretary of the Interior. The SHPO will notify the local government in writing of any actions taken by the Secretary.

- Following decertification, the SHPO must suspend or terminate financial assistance from the Historic Preservation Fund (HPF), if any, to the local government, except for assistance that may be necessary for the CLG to complete a subgrant project. The SHPO may perform normal subgrant closeout procedures unless the terms of the subgrant agreement can no longer be met, in which case the SHPO will terminate the subgrant.
- The CLG may voluntarily request to be decertified without prejudice. The chief elected official must submit a letter to the SHPO that includes the following information:
 - » The reason for seeking decertification.
 - » The steps that the CLG will take to notify all affected parties about the decertification.
 - » A tentative schedule for decertification
- » How the CLG intends to assist the SHPO in closing out any projects that were using HPF grants.



Fourmile Canyon, Boulder County
Photo courtesy of Mary Therese Anstey - Historitecture, LLC

CASE STUDY: FOURMILE CANYON FIRE SURVEY

In September of 2010, an aggressive wildfire ravaged Fourmile Canyon in Boulder County for 11 days. Despite the efforts of more than 1,100 firefighters, the fire destroyed more than 169 homes and buildings across over 6,000 acres.

Devastated by the damage and loss, Boulder County rushed to help homeowners rebuild their properties—many of which were historic—only to discover that much of the area had never been surveyed, leaving both the county and its residents little information to guide restoration efforts. Determined to avoid the same problems following any future natural disasters, Boulder County used CLG funding to proactively survey 35 historic resources in the area.

Project participants identified 35 properties to be intensively surveyed, all within seven historic mining camps in Boulder County, the earliest of which dates to 1860: Crisman, Gold Hill, Salina,

Summerville, Sunset, Sunshine and Wallstreet. Taking advantage of the regrettable but convenient lack of foliage, preservationists surveyed the properties primarily from the public right of way, though eight of the 35 property owners authorized entry into their homes to conduct more extensive documentation.

Boulder County's proactive survey measures proved valuable for the area's residents: Like the boom and bust cycles faced by their mining predecessors, residents of Fourmile Canyon have experienced overwhelming highs and lows during the last four years since the survey, not the least of which was the September 2013 flood that all but obliterated several properties within the canyon. While preservation cannot stop natural disasters, active planning can help communities rebuild in their aftermath.

VI. PROCESS FOR TRANSFERRING CLG GRANT FUNDS

Each year, every state receives funding from the National Park Service to be used for preservation activities in the state. The funding source is called the Historic Preservation Fund (HPF). A minimum of 10 percent of a state's annual apportionment from the HPF must be designated for CLG grants. HPF funding is provided by Outer Continental Shelf oil lease revenues, not tax dollars. The HPF uses revenues of a non-renewable resource to benefit the preservation of other irreplaceable resources.

Additionally, funds from History Colorado's State Historical Fund derived from gaming tax revenues match the 10 percent HPF set aside for CLGs, providing a total grant pool of approximately \$150,000. At this time, CLG grants do not require a match. CLG grants are considered subgrants by the state from its grant from the National Park Service under the Department of the Interior.

CASE STUDY: ARKANSAS VALLEY ADOBE STABLES DOCUMENTARY

For more than 130 years, Rocky Ford has hosted the annual Arkansas Valley Fair at the Arkansas Valley Fairgrounds, complete with rodeo events, horse racing, and a traditional watermelon giveaway, among many other well-loved local agricultural traditions. Just as it continues to cultivate its famous melons, Rocky Ford has held onto its built history, like the fairground's adobe horse stables.

Built in 1938 for \$20,000 as part of a New Deal project, the stables are an excellent example of construction during the Great Depression in Rocky Ford. But what makes them a particularly exciting historic resource is that they are still used today. Cool in the summer and warm in the winter, the stables remain an efficient and safe option for housing livestock.

But years of harsh Colorado weather had taken their toll on the adobe structures, leaving holes and cracks, even causing sections of the stables to crumble and collapse. In 2007, the stables were placed on Colorado's Most Endangered Places list. Otero County used funding from the History Colorado State Historical Fund, as well as the help of volunteers, to create 1,000 new adobe bricks to repair 25 stables. But they didn't stop there.

In 2012, Otero County received CLG funding to

produce a documentary on the preservation project. The film showcases the history of the site as well as its relevance to the livelihood of the community today. Long enough to tell its story but concise enough to engage any audience, the 13-minute film includes interviews with community partners and local residents, all of whom express their passion for preserving the stalls and other parts of their local built environment. The film serves as a powerful marketing and outreach tool that advocates for the community even after the project's completion.



Adobe Stables
Photo courtesy of Colorado Preservation, Inc.

What's a subgrant? *HPF funding is provided by the federal government; however, the federal government does not award grants directly to CLGs. The SHPO receives funding from the HPF and then redistributes at least 10 percent of the HPF state allocation to CLGs through grants. Because of this two-tiered process, the federal government calls CLG grants "subgrants."*

- CLG grants are awarded annually on a competitive basis. **Grant applications are due in November of each year. Contact CLG staff for dates or visit www.h-co.org/CLG.**
- Application forms and instructions will be provided by the SHPO.
- **The SHPO will provide advice and information to CLGs about how to implement financial management systems that meet the standards of the Office of Management and Budget (2 OMB 200, Title 2 → Subtitle A → Chapter II → Part 200, as required by the U.S. Office of Management and Budget).**
- If a grant involves a cultural resource survey, the CLG must follow the Colorado Survey Manual, prepared by History Colorado.
- Guidelines for review and selection of grant applications are as follows:
 - » Applications will be ranked by the SHPO using criteria published as part of the grant application.
 - » The amount awarded shall be sufficient to produce a specific impact and to generate effects directly.
 - » No single CLG should receive a disproportionate share of the allocation.
- » Eligible projects include the identification, evaluation, designation and protection of the locality's cultural resources by completing or updating the survey and inventory of historic resources; nomination of properties to the National Register; development of a historic preservation plan; education and training opportunities for HPC members and staff; and community educational activities, programs, and publications.
- » The rationale for selection of applicants and the amounts awarded will be made available to the public upon request.
- A CLG that receives HPF assistance is considered a subgrantee of the state and will be required to sign a project agreement. That agreement will specify how the funds are to be managed and used. The CLG may be required to file interim and final reports as well as any other documents spelled out in the project agreement.
- The use of federal funds (and match if included as part of the project) will be governed by all current guidelines and regulations imposed by the federal government. Any state-directed specific uses of funds must be for activities that are eligible for HPF assistance.
- For local government reporting, all CLG grants are funded 50% by federal funds and 50% by State Historical Fund monies unless otherwise specified.
- The SHPO is responsible through financial audit for the proper accounting of HPF-CLG funds in accordance with OMB Circular A-128, "Audit Requirements."
- The SHPO's evaluation of a CLG will include an assessment of the CLG's fiscal management of HPF funds.

HISTORIC PRESERVATION PROFESSIONAL QUALIFICATIONS

In the following definitions, a year of full-time, professional experience need not consist of a continuous year of full-time work, but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

1. History. The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field, plus one of the following:

- a. at least two years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historical organization or agency, museum or other professional institution; or
- b. substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

2. Archaeology. The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field, plus:

- a. at least one year of full-time professional experience or equivalent specialized training in archaeological research, administration or management;
- b. at least four months of supervised field and analytic experience in general North American archaeology; and
- c. demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

3. Architectural history. The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field, plus one of the following:

- a. at least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
- b. substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

4. Architecture. The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a license to practice architecture.

5. Historic architecture. The minimum professional qualifications in historic architecture are a professional degree in architecture or state license to practice architecture, plus one of the following:

- a. at least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
- b. at least one year of full-time professional experience on historic preservation projects. (Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.)

The Secretary of the Interior's Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Secretary of the Interior also publishes standards for:

Preservation, Restoration, Reconstruction, Archaeological Documentation, Architectural and Engineering Documentation, Historical Documentation, Preservation Planning, Identification and Evaluation.

See https://www.nps.gov/history/local-law/arch_stnds_0.htm.

NATIONAL HISTORIC PRESERVATION ACT

54 U.S.C. 3025

(FORMERLY SECTION 101 (C))

Chapter 3025—Certification of Local Governments

Sec.

302501. Definitions.

302502. Certification as part of State program.

302503. Requirements for certification.

302504. Participation of certified local governments in National Register nominations.

302505. Eligibility and responsibility of certified local government.

§ 302501. Definitions

In this chapter:

(1) **DESIGNATION.**—The term “designation” means the identification and registration of property for protection that meets criteria established by a State or locality for significant historic property within the jurisdiction of a local government.

(2) **PROTECTION.**—The term “protection” means protection by means of a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic property designated pursuant to this chapter.

§ 302502. Certification as part of State program

Any State program approved under this subdivision shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this division and provide for the transfer, in accordance with section 302902(c)(4) of this title, of a portion of the grants received by the States under this division, to those local governments.

§ 302503. Requirements for certification

(a) **APPROVED STATE PROGRAM.**—Any local government shall be certified to participate under this section if the applicable State Historic Preservation Officer, and the Secretary, certify that the local government—

- (1) enforces appropriate State or local legislation for the designation and protection of historic property;
- (2) has established an adequate and qualified historic preservation review commission by State or local legislation;
- (3) maintains a system for the survey and inventory of historic property that furthers the purposes of chapter 3023;
- (4) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and
- (5) satisfactorily performs the responsibilities delegated to it under this division.

(b) **NO APPROVED STATE PROGRAM.**—Where there is no State program approved under sections 302301 and 302302 of this title, a local government may be certified by the Secretary if the Secretary determines that the local government meets the requirements of subsection (a). The Secretary may make grants to the local government certified under this subsection for purposes of this subdivision.

§ 302504. Participation of certified local governments in National Register nominations

(a) **NOTICE.**—Before a property within the jurisdiction of a certified local government may be considered by a State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission.

(b) **REPORT.**—The local historic preservation commission, after reasonable opportunity for public comment, shall prepare a report as to whether the property, in the Commission's opinion, meets the criteria of the National Register. Within 60 days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and the recommendation of the local official to the State Historic Preservation Officer.

(c) **RECOMMENDATION.**—

(1) **PROPERTY NOMINATED TO NATIONAL REGISTER.**—Except as provided in paragraph (2), after receipt of the report and recommendation, or if no report and recommendation are received within 60 days, the State shall make the nomination pursuant to section 302104 of this title. The State may expedite the process with the concurrence of the certified local government.

(2) **PROPERTY NOT NOMINATED TO NATIONAL REGISTER.**—If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless, within 30 days of the receipt of the recommendation by the State Historic Preservation Officer, an appeal is filed with the State. If an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 302104 of this title. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

§ 302505. Eligibility and responsibility of certified local government

Any local government—

(1) that is certified under this chapter shall be eligible for funds under section 302902(c)(4) of this title; and

(2) that is certified, or making efforts to become certified, under this chapter shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary considers necessary or advisable.

NATIONAL HISTORIC PRESERVATION ACT

54 U.S.C. 306108

(FORMERLY SECTION 106)

§ 306108. Effect of undertaking on historic property

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

**TITLE 24. GOVERNMENT - STATE
PLANNING - STATE
ARTICLE 65.1. AREAS AND ACTIVITIES OF STATE
INTEREST
PART 1. GENERAL PROVISIONS**

C.R.S. 24-65.1-101 (2015)

24-65.1-101. Legislative declaration

(1) The general assembly finds and declares that:

- (a) The protection of the utility, value, and future of all lands within the state, including the public domain as well as privately owned land, is a matter of public interest;
- (b) Adequate information on land use and systematic methods of definition, classification, and utilization thereof are either lacking or not readily available to land use decision makers; and
- (c) It is the intent of the general assembly that land use, land use planning, and quality of development are matters in which the state has responsibility for the health, welfare, and safety of the people of the state and for the protection of the environment of the state.

(2) It is the purpose of this article that:

- (a) The general assembly shall describe areas which may be of state interest and activities which may be of state interest and establish criteria for the administration of such areas and activities;
- (b) Local governments shall be encouraged to designate areas and activities of state interest and, after such designation, shall administer such areas and activities of state interest and promulgate guidelines for the administration thereof; and
- (c) Appropriate state agencies shall assist local governments to identify, designate, and adopt guidelines for administration of matters of state interest.

24-65.1-102. General definitions

As used in this article, unless the context otherwise requires:

- (1) "Development" means any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.
- (2) "Local government" means a municipality or county.
- (3) "Local permit authority" means the governing body of a local government with which an application for development in an area of state interest or for conduct of an activity of state interest must be filed, or the designee thereof.
- (4) "Matter of state interest" means an area of state interest or an activity of state interest or both.
- (5) "Municipality" means a home rule or statutory city, town, or city and county or a territorial charter city.
- (6) "Person" means any individual, limited liability company, partnership, corporation, association, company, or other public or corporate body, including the federal government, and includes any political subdivision, agency, instrumentality, or corporation of the state.

24-65.1-104. Definitions pertaining to other areas and activities of state interest

As used in this article, unless the context otherwise requires:

- (1) “Airport” means any municipal or county airport or airport under the jurisdiction of an airport authority.
- (2) “Area around a key facility” means an area immediately and directly affected by a key facility.
- (3) “Arterial highway” means any limited-access highway which is part of the federal-aid interstate system or any limited-access highway constructed under the supervision of the department of transportation.
- (4) “Collector highway” means a major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers and constructed under guidelines and standards established by, or under the supervision of, the department of transportation. “Collector highway” does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.
- (5) “Domestic water and sewage treatment system” means a wastewater treatment facility, water distribution system, or water treatment facility, as defined in section 25-9-102 (5), (6), and (7), C.R.S., and any system of pipes, structures, and facilities through which wastewater is collected for treatment.
- (6) “Historical or archaeological resources of statewide importance” means resources which have been officially included in the national register of historic places, designated by statute, or included in an established list of places compiled by the state historical society.
- (7) “Key facilities” means:
 - (a) Airports;
 - (b) Major facilities of a public utility;
 - (c) Interchanges involving arterial highways;
 - (d) Rapid or mass transit terminals, stations, and fixed guideways.
- (8) “Major facilities of a public utility” means:
 - (a) Central office buildings of telephone utilities;
 - (b) Transmission lines, power plants, and substations of electrical utilities; and
 - (c) Pipelines and storage areas of utilities providing natural gas or other petroleum derivatives.
- (9) “Mass transit” means a coordinated system of transit modes providing transportation for use by the general public.
- (10) “Mineral” means an inanimate constituent of the earth, in solid, liquid, or gaseous state, which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or a construction material. “Mineral” does not include surface or groundwater subject to appropriation for domestic, agricultural, or industrial purposes, nor does it include geothermal resources.
- (11) “Mineral resource area” means an area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools, or otherwise as to be capable of economic recovery. “Mineral resource area” includes but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

(12) “Natural resources of statewide importance” is limited to shorelands of major, publicly owned reservoirs and significant wildlife habitats in which the wildlife species, as identified by the division of parks and wildlife of the department of natural resources, in a proposed area could be endangered.

(13) “New communities” means the major revitalization of existing municipalities or the establishment of urbanized growth centers in unincorporated areas.

(14) “Rapid transit” means the element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway constructed solely for that purpose.

24-65.1-201. Areas of state interest as determined by local governments

(1) Subject to the procedures set forth in part 4 of this article, a local government may designate certain areas of state interest from among the following:

(a) Mineral resource areas;

(b) Natural hazard areas;

(c) Areas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance; and

(d) Areas around key facilities in which development may have a material effect upon the key facility or the surrounding community.

TITLE 29. GOVERNMENT - LOCAL LAND USE CONTROL AND CONSERVATION ARTICLE 20. LOCAL GOVERNMENT REGULATION OF LAND USE

PART 1. LOCAL GOVERNMENT LAND USE CONTROL ENABLING ACT

29-20-101. Short title

This article shall be known and may be cited as the “Local Government Land Use Control Enabling Act of 1974”.

29-20-102. Legislative declaration

(1) The general assembly hereby finds and declares that in order to provide for planned and orderly development within Colorado and a balancing of basic human needs of a changing population with legitimate environmental concerns, the policy of this state is to clarify and provide broad authority to local governments to plan for and regulate the use of land within their respective jurisdictions. Nothing in this article shall serve to diminish the planning functions of the state or the duties of the division of planning.

(2) The general assembly further finds and declares that local governments will be better able to properly plan for growth and serve new residents if they are authorized to impose impact fees as a condition of approval of development permits. However, impact fees and other development charges can affect growth and development patterns outside a local government’s jurisdiction, and uniform impact fee authority among local governments will encourage proper growth management.

29-20-103. Definitions

As used in this article, unless the context otherwise requires:

(1) “Development permit” means any preliminary or final approval of an application for rezoning, planned unit development, conditional or special use permit, subdivision, development or site plan, or similar application for new construction; except that, solely for purposes of part 3 of this article:

(a) Each application included in the definition of development permit constitutes a stage in the development permit approval process; and

(b) “Development permit” is limited to an application regarding a specific project that includes new water use in an amount more than that used by fifty single-family equivalents, or fewer as determined by the local government.

(1.5) “Local government” means a county, home rule or statutory city, town, territorial charter city, or city and county.

(2) “Power authority” means an authority created pursuant to section 29-1-204.

29-20-104. Powers of local governments

(1) Except as expressly provided in section 29-20-104.5, the power and authority granted by this section shall not limit any power or authority presently exercised or previously granted. Each local government within its respective jurisdiction has the authority to plan for and regulate the use of land by:

(a) Regulating development and activities in hazardous areas;

- (b) Protecting lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species;
- (c) Preserving areas of historical and archaeological importance;
- (d) Regulating, with respect to the establishment of, roads on public lands administered by the federal government; this authority includes authority to prohibit, set conditions for, or require a permit for the establishment of any road authorized under the general right-of-way granted to the public by 43 U.S.C. 932 (R.S. 2477) but does not include authority to prohibit, set conditions for, or require a permit for the establishment of any road authorized for mining claim purposes by 30 U.S.C. 21 et seq., or under any specific permit or lease granted by the federal government;
- (e) Regulating the location of activities and developments which may result in significant changes in population density;
- (f) Providing for phased development of services and facilities;
- (g) Regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and
- (h) Otherwise planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights.

29-20-106. Receipt of fund

Without limiting or superseding any authority presently exercised or previously granted, local governments are hereby authorized to receive and expend funds from other governmental and private sources for the purposes of planning for or regulating the use of land within their respective jurisdictions.

TITLE 30. GOVERNMENT - COUNTY

COUNTY POWERS AND FUNCTIONS

ARTICLE 11. COUNTY POWERS AND FUNCTIONS

PART 1. GENERAL PROVISIONS

30-11-107. Powers of the board

bb) To provide for the preservation of the cultural, historic, and architectural history within the county by ordinance or resolution; to delegate the power to designate historic landmarks and historic districts to an historic preservation advisory board; to accept dedicated or deeded easements or other historic property and to expend moneys for the maintenance of such deeded historic land, facilities, and structures; and to receive contributions, gifts, or other support from public and private entities to defray the maintenance costs of such historic land, facilities, and structures...

REQUEST FOR CERTIFIED LOCAL GOVERNMENT STATUS FORM

REQUEST FOR CERTIFIED LOCAL GOVERNMENT STATUS

Date: _____

To: Steve W. Turner, AIA., *State Historic Preservation Officer*
 History Colorado
 1200 Broadway
 Denver CO 80203

From: _____
(Chief Elected Official of the Local Government)

In accordance with the National Historic Preservation Act of 1966, as amended, and "Procedures for the Certification of Local Governments in Colorado," I hereby request Certified Local Government Status for the:

(Town, City, or County of)

Enclosed are:

- _____ 1. A copy of the local historic preservation or landmarks ordinance or resolution, including any amendments.
- _____ 2. A copy of the standards, criteria and procedures used for the review of alterations, demolition and new construction affecting historic properties.
- _____ 3. A listing of building, sites, structures and districts, including addresses, designated under the local ordinance.
- _____ 4. A list of the members of the historic preservation commission with qualifications of all commission members.
- _____ 5. A copy of the local preservation plan, if extant, or a statement describing the local preservation plan.
- _____ 6. A sample copy of the minutes of a commission meeting.
- _____ 7. A sample notice of a public meeting of the commission.
- _____ 8. A sample notice to an applicant of the decision of the commission.
- _____ 9. A description of any other delegated responsibilities which the local government wishes to assume.

The requirements for certification of local governments, as described in Section III of "Procedures for the certification of Local Governments in Colorado" are currently fulfilled by _____.
(City, Town or County of)

(OR, with the exception(s) as described below. Indicate the appropriate item and provide the requested information if there are exceptions to the requirements.)

1. The historic preservation commission does not include professional member(s) from the disciplines of: _____

However, a reasonable effort to appoint such member(s) was made as follows (include a brief statement describing the efforts to appoint such professionals): _____

In the absence of such professionals on the commission, the local commission proposes to obtain such professional expertise, when required, as follows (include a brief statement describing the proposal): _____

Other exceptions to the requirements of Section III include (briefly explain the exceptions and describe plans to fulfill the requirements): _____

2. Description of other delegated responsibilities the local government wishes to assume: _____

3. Name and address of CLG representative who will be responsible for carrying out program responsibilities: _____

Name: _____

Address: _____

Phone: _____ Fax: _____ E-mail: _____

I understand that, if certified, a written certification agreement specifying the responsibilities of the local government will be required and that the _____ will be eligible to apply for special Certified Local

(*City, Town or County of*)

Government grants to be used for eligible local historic preservation projects.

Signed, Chief Elected Official: _____

Name of CEO (type or print): _____

Date: _____

EXAMPLE: MODEL LOCAL GOVERNMENT CERTIFICATION AGREEMENT FORM

MODEL LOCAL GOVERNMENT CERTIFICATION AGREEMENT

Pursuant to the provisions of the National Historic Preservation Act, as amended, to applicable federal regulations (36 CFR 61), and to the "Process for Certification of Local Governments in Colorado," the _____ of _____ [insert the proper name of the local government] agrees to:

- (1) Enforce appropriate legislation for the designation and protection of historic properties, including, but not limited to CRS 24-65.1-101 et seq.; CRS 29-20-101 et seq.; and CRS 30-11-107 (1) (bb).
- (2) Maintain an adequate and qualified historic preservation review commission composed of professional and lay members pursuant to the "Requirements for Certification of Local Governments in Colorado."
- (3) Maintain a system for the survey and inventory of historic properties pursuant to the "Requirements for Certification of Local Governments in Colorado."
- (4) Provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register.
- (5) Adhere to all Federal requirements for the Certified Local Government Program.
- (6) Adhere to requirements outlined in the Colorado Certified Local Government Handbook issued by the State Historic Preservation Office.

Upon its designation as a Certified Local Government, the _____ of _____ [enter the local government name] shall be eligible for all rights and privileges of a Certified Local Government (CLG) specified in the National Historic Preservation Act, Federal procedures, and procedures of Colorado. These rights include eligibility to apply for available CLG grant funds in competition only with other certified local governments.

STATE:

SHPO or Designee: Steve W. Turner, AIA., SHPO

Typed Name and Title: _____

Date: _____

LOCAL GOVERNMENT:

Chief Elected Local Official: _____

Typed Name and Title: _____

Date: _____

GLOSSARY / RESOURCE GUIDE

A

Advisory Council on Historic Preservation (ACHP)

An independent federal agency established by the National Historic Preservation Act of 1966 to promote the preservation, enhancement, and productive use of our nation's historic resources, and to advise the President and Congress on national historic preservation policy. The ACHP is the only entity with the legal responsibility to encourage federal agencies to factor historic preservation into federal project requirements.

C

Certified Local Government (CLG)

A local government that has been authorized to monitor local historic preservation activities and carry out the purposes of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 300101 et seq), in accordance with 54 U.S.C. 302501 et seq.

Center of Preservation Research (CoPR)

Part of the College of Architecture and Planning (CAP) at University of Colorado Denver (UCD). CoPR is dedicated to the study, preservation, and sustainable use of the built environment and cultural landscapes.

Chief elected official

The elected head of a local government.

Colorado Archaeological Society

A nonprofit organization fostering interest in Colorado archaeology through stimulation of scholarship, research and publication, and the initiation and promotion of programs which encourage the general public to embrace the ideas of preservation, conservation, and protection of all cultural resources.

Colorado Historical Foundation

A nonprofit foundation supporting history and preservation projects, including a revolving loan fund and a preservation easement program.

Colorado Main Street

A program of the Colorado Department of Local Affairs (DOLA) designed to advocate and support a return to local empowerment, and the rebuilding of central business districts based on the traditional assets of each community's unique architecture, character, and local ownership.

Colorado Preservation, Inc. (CPI)

Colorado's statewide historic preservation nonprofit organization that advocates for preservation in Colorado and provides assistance, information, education, training, and expertise to Colorado communities.

Colorado State Historic Preservation Tax Credit

A 20% credit on Colorado State Income Tax for the rehabilitation of a historic owner occupied residence and a 20% to 30% credit on Colorado State Income Tax for the rehabilitation of a historic building used for income-producing purposes. Tax credits reduce taxes on a dollar for dollar basis.

Colorado State Register of Historic Properties

A listing of the state's significant cultural resources worthy of preservation for the future education and enjoyment of Colorado's residents and visitors.

Colorado Tourism Office

A division of the State of Colorado Office of Economic Development and International Trade that develops, promotes, and encourages tourism and the tourism industry in Colorado.

Colorado's Most Endangered Places List

An annual list presented by Colorado Preservation, Inc. of the historically significant places in Colorado in danger of being lost.

Criteria

The standards a site, district, building, or object must meet in order to be listed in a historic register.

Cultural landscape

A geographic area, including both cultural and natural resources and the wildlife or domestic animals within it, that demonstrates cultural or aesthetic values and may be associated with a historic event, activity, or person.

Cultural resource

A tangible item, structure, or cultural practice that is valued by or significantly representative of a culture, or that contains significant information about a culture.

F

Federal Historic Rehabilitation Tax Credit

A 20% credit on Federal Income Tax for the rehabilitation of a certified historic building used of income producing purposes and a 10% credit for the rehabilitation of non-historic structures built before 1936. Tax credits reduce taxes on a dollar for dollar basis.

G

Geographical Information System

A system used to manage, modify, and analyze spatial and/or geographic data.

H

Heritage tourism (Cultural heritage tourism)

Traveling to experience the places and activities that authentically represent the stories and people of the past.

Historic American Buildings Survey/ Historic American Engineering Record/ Historic American Landscape Survey (HABS/HAER/HALS)

Architectural, engineering, and landscape documentation programs that produce a thorough archival record of buildings, engineering structures, and cultural landscapes.

Historic Context

A unit created for planning purposes that groups information about historic properties based on a shared theme, specific time period and geographical area.

Historic preservation

The process of applying treatments to a historic structure, landscape, or object that will sustain its existing form, integrity, and materials in an effort to prevent further decay and alterations.

Historic Preservation Commission (HPC)

A board, council, commission, or similar body established by state or local legislation to review and manage the historic preservation process and historic preservation activities within a locality.

Historic Preservation Fund (HPF)

The source from which monies are appropriated to fund the program of matching grants-in-aid to the states and CLGs for carrying out the purposes of the National Historic Preservation Act.

Historic property

Any district, site, building, structure, or object more than 50 years old that possesses historic, architectural, cultural, or archaeological significance.

Historic significance

The meaning or value ascribed to a structure, landscape, object, or site based on National Register criteria for evaluation.

Historic Structure Assessment (HSA)

The documentation and evaluation of the construction history and physical condition of a historic property.

History Colorado

A nonprofit organization and an agency of the State of Colorado under the Department of Higher Education, offering public access to cultural and heritage resources of Colorado through statewide museums, collection stewardship, and the administration of the State Historic Preservation Office (SHPO). (Formerly the Colorado Historical Society.

InfoMan

Information management.

Intensive Survey

A systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance within specific historic contexts.

L**Local government**

A city, county, parish, township, municipality, or any other general-purpose political subdivision of a state.

N**National Alliance of Preservation Commissions (NAPC)**

Established in 1983, the NAPC is the only national nonprofit organization dedicated to supporting local historic preservation commissions under the Certified Local Government Program, as well as the historic resources that local commissions help protect.

National Historic Landmark (NHL)

A district, site, building, structure, or object of national historical significance, designated by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and entered in the National Register of Historic Places.

National Historic Preservation Act (NHPA)

A 1966 federal act to establish a program for the preservation of historic properties throughout the nation.

National Main Street Center (Main Street America)

A subsidiary of the National Trust for Historic Preservation that directs a nationwide network of coordinating programs and local communities to encourage preservation-based community revitalization.

National Park Service (NPS)

A bureau within the US Department of the Interior to which the Secretary of the Interior has delegated the authority and responsibility of administering the National Historic Preservation Act of 1966 and its associated programs, including the National Register of Historic Places.

National Register of Historic Places

A national list of historic resources—including districts, sites, buildings, structures and objects—that are significant to American history, architecture, culture, engineering and/or archaeology. The National Register is maintained by the National Park Service under the authority of the National Historic Preservation Act of 1966. Properties are nominated to the National Register by a state's State Historic Preservation Officer (SHPO).

National Trust for Historic Preservation

A nonprofit organization that protects significant places representing the nation's diverse cultural experience by taking direct action and inspiring broad public support for preservation.

O

Office of Archaeology and Historic Preservation (OAHP)

Colorado's State Historic Preservation Office (see SHPO below). OAHP manages the National and State Register program, Section 106 review and compliance, State and Federal rehabilitation tax credit programs, archaeological permitting and compliance, and the State's informational database and archives of historic places.

Office of the State Archaeologist

Housed in the Office of Archaeology and Historic Preservation (OAHP), provides guidance for the identification, documentation and protection of archaeological resources, investigates the impacts to these resources, and issues permits for archaeological and paleontological work on non-federal lands. Responds to the discovery of unmarked human burials.

P

Preservation

The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property.

Preservation Action

Nonprofit organization that serves as the national grassroots lobby for historic preservation.

Program for Avocational Archaeological Certification (PAAC)

A collaborative program of History Colorado and the Colorado Archaeological Society that provides training for individuals for formally recognized levels of archaeological expertise outside of an academic degree.

Public Lands History Center (PLHC)

Public Lands History Center, a program of Colorado State University. PLHC assists federal agencies, nonprofit organizations, private entities, and other stewards of public land to study, preserve, and manage historic resources on public lands.

R

Reconnaissance Survey

An examination of all or part of an area accomplished in sufficient detail to make generalizations about the types and distributions of historic properties that may be present.

Reconstruction

The process of depicting—by means of new construction—the form, features, and details of a site, landscape, building, structure, or object that no longer exists for the purpose of replicating its appearance at a specific period of time.

Rehabilitation

The process of making repairs, changes, and additions to a historic property while simultaneously preserving parts of the property that demonstrate its historical, cultural, or architectural value for the purpose of reusing the property in a way that is compatible with its historic form.

Restoration

The process of accurately recovering the form and details of an historic structure using historically accurate materials for the purpose of demonstrating what it looked like during a specific period of time.

S

Saving Places Conference

Annual historic preservation conference hosted each February by Colorado Preservation, Inc. offering the most current training, networking, and viewpoints in all facets of historic preservation.

Secretary of the Interior's Standards

A series of National Park Service guidelines about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations to historic properties. CLGs in Colorado are required to comply with these standards.

Section 106, or “106”

Section 106 of the National Historic Preservation Act of 1966 (34 U.S.C. 306108), which requires federal agencies to take into account the effects that their proposed work might have on historic resources listed, or eligible for listing, in the National Register of Historic Places.

State Historic Preservation Officer (SHPO)

The official within each state who has been designated and appointed by the governor to administer the state historic preservation program. Often the State Historic Preservation Office is also referred to as the SHPO.

State Historical Fund (SHF)

Colorado's historic preservation grants program available for nonprofit organizations and public entities. SHF is managed by History Colorado.

Subgrantee

The agency, institution, organization, or individual that has been awarded HPF funds and is accountable to the state to find use for the funds.

T

Tax credits

(See Colorado State Historic Preservation Tax Credits and Federal Rehabilitation Tax Credits)

Tribal Historic Preservation Office (THPO)

Tribal Historic Preservation Offices are administered by the National Park Service, but operated by tribes, allowing them to assume certain functions of the State Historic Preservation Office (SHPO) on the tribe's trust lands. Often the term THPO /*tīp-OH*/ also refers to the official within each state who has been designated to administer the tribal historic preservation program, the Tribal Historic Preservation Officer.

Links

Certified Local Government Program

History Colorado - <http://www.historycolorado.org/oahp/city-county-government-preservation-programs-clg>

Colorado Municipal League - <http://www.cml.org/hp-book/>

National Park Service - <https://www.nps.gov/clg/>

National Alliance for Preservation Commissions - <https://napcommissions.org/>

Section 106 Review

History Colorado - <http://www.historycolorado.org/oahp/review-compliance>

Advisory Council on Historic Preservation - <http://www.achp.gov/work106.html>

Preservation Tax Credits

History Colorado - <http://www.historycolorado.org/oahp/preservation-tax-credits>

National Park Service - <https://www.nps.gov/tps/tax-incentives.htm>

Secretary of the Interior's Standards and Guidelines

National Park Service - https://www.nps.gov/history/local-law/arch_stnds_9.htm

<https://www.nps.gov/tps/standards.htm>

Survey and Planning

History Colorado - http://www.historycolorado.org/sites/default/files/files/OAHP/crforms_edumat/pdfs/1527.pdf

National Park Service - <https://www.nps.gov/nr/publications/bulletins/nrb24/>

Technical Assistance and Guidance on the Preservation of Historic Properties

National Park Service - <https://www.nps.gov/tps/how-to-preserve.htm>

Association for Preservation Technology International - <http://www.apti.org/>



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HONOR *the* PAST.

