



Community Planning & Permitting

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Historic Preservation Advisory Board

Thursday, August 1, 2024 – 6:00 p.m.

Public Hearing to be Held Virtually

From: Denise Grimm, Principal Planner; Jessica Fasick, Planning Technician

Re: Updates to Article 15 of the Boulder County Land Use Code

Background

Preservation staff has been reviewing the historic preservation section (Article 15) of the Land Use Code for some long-overdue updates. Before staff can commit considerable time and resources on code updates, we must obtain authorization from the Board of County Commissioners. However, staff must be able to demonstrate to the BOCC an interest or need, which is why we are bringing some of the proposals to HPAB first.

Staff has separated the updates into three categories – easy cleanups, streamlining processes, and adapting perspectives which includes some equity components. Our intention is to discuss the easy cleanups tonight, and the streamlining processes in September. Staff will then evaluate whether to take both components together for review by the Planning Commission and subsequent BOCC review.

Some of the proposed streamlining processes would hopefully reduce the workload on preservation staff so that we could then focus on the more involved adapting perspectives updates.

Discussion

The majority of the proposed changes under easy cleanups are grammar related. A few of the changes are fixing typos, several of the changes are clarifications, and a few changes are based on external modifications. Note that entire sections of Article 15 were left untouched in this round as we anticipate their rewriting.

Action Requested

HPAB is asked to comment on the proposed easy cleanups.

Claire Levy County Commissioner **Marta Loachamin** County Commissioner **Ashley Stolzmann** County Commissioner

Article 15



Historic Preservation

Article 15 • Historic Preservation

15-100 Definitions

A. For purposes of this regulation the following words are to be defined as follows:

1. **Alteration:** Any act or process that changes either (a) one or more of the exterior architectural features of a structure, or (b) one or more of the physical features of a site or district.
2. **Board:** The Boulder County Board of County Commissioners
3. **Boulder County Historic Preservation Advisory Board:** A committee appointed by the Board of County Commissioners to make recommendations on the designation of historic landmarks and to assist with the administration of ~~administer~~ the County's historic preservation program. Also referred to as HPAB.
4. **Boulder County Historical Site Survey:** The inventory of historic resources completed by ~~–~~Boulder County in accordance with the guidelines of the Colorado State Historic Preservation Office. The Historical Site Survey includes only those resources located in the unincorporated area of the county and does not include archaeological sites.
5. **Certificate of Appropriateness:** A process through which ~~certificate issued by~~ the Historic Preservation Advisory Board either approves or denies ~~showing approval of~~ plans for construction, alteration, demolition, or relocation of resources ~~structures~~ which would affect a designated historic landmark. Also referred to as a CA.
6. **Contributing Structures or Features:** Those structures or features within a site or district which help to define the historic significance of that site or district.
7. **County Staff:** Staff persons from the County ~~Parks & Open Space and~~ Community Planning & Permitting Departments.
8. **District:** A group of resources ~~structures~~ or a site which make a coherent whole due to their similar historic significance.
This would include things such as neighborhoods; mining, agricultural, or commercial districts; landscapes; and town-sites.
9. **Exterior Architectural Features:** The exterior architectural features of a structure, including but not limited to the color, kind, and texture of building materials, and the type, design, and character of windows, doors, and appurtenances.
10. **Hardship Relief:** A finding by the Historic Preservation Advisory Board or the Board of County Commissioners that the denial of a Certificate of Appropriateness has imposed a hardship on a property owner.
11. **Historic Landmark:** A structure, site, or district which has been designated by the Board because of its historic significance and importance to the county.

12. Historic Review Process: Review of building permit applications for non-designated structures greater than 50 years in age by the Historic Preservation Advisory Board. This review is to determine if the structure would be eligible for designation as a historic landmark, and if the proposed action would adversely affect the historic significance of that structure.
13. Historic Significance: Having importance in the history, architecture, archaeology, or culture of either Boulder County, the State of Colorado, or the United States.
14. Listed: Properties officially included in the Local, State of Colorado, or National Register of Historic Places.
15. Noncontributing Structures or Features: Structures or features which may be within a site or district, but are not of historic significance per se; however, the relationship of these structures with the contributing structures may be important in the preservation of the site or district.
16. Non-designated Structures: Structures which have not been designated as a historic landmark.
17. Owner of Record: The person or persons listed on the records of the Boulder County Clerk and Recorder as the owner of the subject property. Also referred to as the owner.
18. Physical Features: The features of a landmark which help to define its historic significance. ~~Such as~~For example archaeological resources, structure foundations, gravestones, or tailings piles.
19. Preservation: The protection, enhancement, and maintenance of historic properties.
20. Property: The cultural resources, including buildings, structures, objects, sites, and districts, which are of historic significance.
21. Resolution of Approval: The resolution recording the official action of the Board of County Commissioners in designating a historic landmark.
22. Site: The scene of an activity or location of a resource/s which has a historic significance to the county. A site may or may not include structures, for example parks, abandoned mining or agricultural areas, and archaeological sites.

15-200 Boulder County Historic Preservation Advisory Board

A. Selection

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

B. Citizen Advisory Committees and subcommittees

1. As necessary, HPAB may convene citizen advisory committees to represent the interests of a specific geographic or thematic community.
2. HPAB may also convene subcommittees of its membership as necessary to carry out its duties and responsibilities. The following shall be standing typical duties of subcommittees:
 - a. ~~The Historic Resource Subcommittee: This~~ The subcommittee shall be available to the public for consultations prior to the submission of a nomination for designation of a landmark. ~~This subcommittee~~ They shall may also provide direction on staff research efforts as necessary for the update and review of the Boulder County Historical Site Survey.
 - b. ~~The Design Review Subcommittee: This~~ The subcommittee shall be available to the public for consultations prior to the submission of an application for a Certificate of Appropriateness.
 - c. ~~The Application Review Subcommittee: This~~ The subcommittee shall meet, as needed, to determine if applications for building permit review and Certificate of Appropriateness Review require a hearing before the HPAB.
3. The selection, number, meeting schedule, and duration of these committees and subcommittees will be determined by HPAB.

C. Term and Vacancies

1. The term of office for the members of HPAB shall be three years, and shall be staggered by making the appointments so that approximately one third expire each year.
2. In the case of a vacancy on HPAB, the Board of County Commissioners shall make an appointment to fill the term of the vacating member.

D. Duties and Responsibilities

1. HPAB shall adopt by-laws governing procedural matters including such things as meeting schedule and organization, officers, use of citizen advisory committees, and attendance policies.
2. Review and set priorities for updates to the Boulder County Historical Site Survey
3. Review building permit applications for non-designated structures greater than 50 years in age to determine whether the structure has historic significance and if the proposed action would adversely affect that significance.
4. Make recommendations to the Board of County Commissioners as to the designation of historic landmarks.
5. Review applications for Certificates of Appropriateness (CA) affecting designated historic landmarks.
6. Consider applications for hardship relief which would allow the completion of action for which a CA has been denied.
7. Serve as a referral body to review and comment on proposed land use regulation amendments and amendments to the Boulder County Comprehensive Plan, as well as development proposals which would affect historic properties eligible for landmark designation as determined by HPAB.
8. Function as an educational resource for citizens wishing information on historic preservation, including the assistance to property owners on the physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and designation procedures at the state and federal levels.
9. Carry out other functions as directed by the State Historic Preservation Officer, including review of nominations for the State and National Historic Registers.
10. Review and assist in the administration of fiscal programs such as grant monies and money from the state historical fund, and other incentive programs to increase preservation options for property owners.
11. Pursue intergovernmental agreements with communities in the county interested in participating in the historic preservation program.
12. Assist, as necessary, in the long-term management of historic resources or easements acquired by or donated to the county.

15-300 Boulder County Historical Site Survey

A. Purpose

- 1.** The Boulder County Historical Site Survey is intended to identify resources which have historic significance.
- 2.** Because the Survey is intended to be educational in nature, HPAB will review and evaluate the contents of the Survey in an attempt to make it as complete as possible, and shall compile appropriate descriptions, facts, and photographs for all identified resources.

B. Review and Update

- 1.** HPAB shall review and update the Boulder County Historical Site Survey, including the following:
 - a.** An ongoing effort to identify resources not included in the Survey which have importance to the county.
 - b.** An assessment of the resources included in the Survey which may no longer be of importance.
 - c.** The update of information on sites already included in the Survey.
 - d.** The addition or removal of resources identified in the Survey may be initiated by property owners, staff, HPAB members, or interested parties.
- 2.** Owners of property being considered for addition or removal from the Survey shall be notified in writing.

15-400 Review of Building Permits for Non-designated Structures Greater Than 50 Years in Age

A. Applicability and Scope of the Historic Review Process

1. Historic review of building permit applications for alteration of non-designated structures greater than 50 years of age shall be required.
2. Permits excepted from these regulations include permits for alterations that do not affect the exterior of the structure under consideration; reroofing; electrical, plumbing, or mechanical upgrades or repair; and permits for alteration to a structure required by another governmental entity having lawful jurisdiction over that structure.

B. Procedure for Historic Review

1. Preliminary Staff Review

- a. Upon building permit application for alteration of non-designated structures 50 years of age and older, staff shall determine:
 - (i) if the proposed alteration is excepted from historic review; and
 - (ii) if the structure has been identified ~~in the Historical Sites Survey or other historic review process after September 29, 1992,~~ as ineligible for landmark designation.
- b. If preliminary staff review finds that the proposed action is excepted from historic review, or that the structure proposed for alteration would not qualify for landmark designation, further historic review will not be required.

2. ~~Application Review~~ Subcommittee Review

- a. ~~The A Application Review~~ Subcommittee shall be available, as necessary, to aid county staff in determining if HPAB review of a building permit application or Certificate of Appropriateness is warranted.
- b. If the ~~Application Review~~ Subcommittee unanimously agrees on the following, review by the full HPAB shall not be required:
 - (i) The structure proposed for alteration would not qualify for historic landmark designation; or
 - (ii) The structure proposed for alteration would be eligible for historic landmark designation, but the proposed alteration would not have an adverse impact on the historic significance of the property; or
- c. If the ~~Application Review~~ Subcommittee cannot unanimously agree upon the items listed in (b) above, full HPAB review shall be required.

3. HPAB Review

- a. Upon determination by the ~~Application Review~~ Subcommittee that historic review by the HPAB is required (including in the event the Subcommittee cannot unanimously agree that historic review is not required), county staff will place consideration of that application on the agenda for HPAB's next regularly scheduled hearing and shall notify the permit applicant of the hearing.
- b. At this hearing HPAB shall determine if the structure in question would be eligible for designation as a historic landmark, and if the proposed action will have an adverse impact on the historic significance of that structure.
- c. The determination shall be based on the criteria for landmark designation included in Section 15-501, below, any relevant public information available, and information submitted by the applicant with the building permit application.
- d. Upon a finding that a structure is not eligible as a historic landmark, then no historic review shall be required for the subject structure for any future permit applications.
- e. If the structure proposed for alteration is listed, the HPAB shall review the building permit application to determine if the proposed alteration would have an adverse impact on the historic significance of the structure or the district including the structure.

C. Stay from the Issuance of a Building Permit

1. If HPAB or a subcommittee of HPAB determines that the structure in question has historic significance and would be eligible for designation as a historic landmark, and that the proposed action will have an adverse impact on that historic significance, the issuance of the permit ~~can will~~ be stayed for up to 180 days from the date a complete building permit application is received by the County Building Division. A copy of this determination, including the reasons for determining the structure is eligible for designation, shall be provided to the applicant by regular mail within seven days of the determination being made.
2. The 180 day time period during which the permit is stayed shall be used to discuss the nomination of the structure for landmark status, and to look for alternatives to the proposed action which will not have an adverse impact on the historic significance of the structure. As part of this process, HPAB may require the applicant to allow the County staff or its agent on the subject property to provide historic photo-documentation of the structure.
3. If HPAB determines that the proposed action will have an adverse impact on the historic significance of a property listed in the State or National Register of Historic Places, the issuance of the permit will be stayed up to 180 days. As part of this process, HPAB may require the applicant to allow the County staff or its agent on to the subject property to provide historic photo-documentation of the structure. If, at the conclusion of the stay, an alternative to the proposed detrimental action has not been implemented, the County shall notify ~~the~~ History Colorado Historical Society of the proposed action and may make a recommendation that the Register listing be amended.

D. If the structure proposed to be demolished or altered under a building permit is determined to be a risk to the health, safety, or welfare of the citizens of Boulder County, the Building Official may issue a permit without regard to the historic significance of that structure.**E. Appeal of a Permit Stay**

1. An applicant may appeal the determination of HPAB that the structure is eligible for landmark designation or that the proposed action will have an adverse impact on the historic significance of the structure to the Board of County Commissioners no later than 30 days after the date of HPAB's determination.
 - a. County staff shall schedule the appeal for review at a public hearing before the Board, and shall provide the applicant prior notice of the Board's hearing.
 - b. At this hearing the Board shall consider the entire record from HPAB's consideration of the permit application, the reasons given by HPAB for the stay of the permit, and testimony from the applicant and other members of the public.
 - c. After due consideration, the Board shall either uphold the findings of HPAB, and find that the permit should be stayed or reverse the findings of HPAB. In the case of the latter, the building permit for demolition, remodel, or addition work shall be processed through the usual building permit processing procedures.

F. Board of County Commissioners Review of Claimed Hardship Posed by the Stay of a Building Permit.

1. If an applicant for a demolition, remodel, or addition permit feels that the waiting period imposed by HPAB causes a hardship to the applicant, the applicant may request a review of the stay by the Board of County Commissioners no later than 30 days after the date of HPAB's determination.
 - a. County staff shall schedule the hardship request for review at a public hearing before the Board and shall provide the applicant prior notice of the Board's hearing.
 - b. At this hearing the Board shall consider the entire record from HPAB's consideration of the permit application, the reasons given by HPAB for the stay of the permit, any alternatives to the proposed action available to the applicant, and testimony from the applicant and other members of the public.
 - c. After due consideration, the Board shall either find no hardship exists and uphold the permit stay, or determine, based upon the record at the appeal hearing, that such a hardship exists, and either shorten or eliminate the time period.

15-500 Nomination and Designation of Historic Landmarks

A. Procedure for Designating Historic Landmarks

1. Nominations may be submitted by the owner of the nominated property, a member of HPAB, or the Board of County Commissioners. Any interested person or organization may request that the Historic Resource Subcommittee review a structure, site, or district for the possible nomination by HPAB.
2. Nominations shall be made to HPAB on application forms available from either the Boulder County Parks & Open Space or Community Planning & Permitting Departments.
 - a. A complete application shall include the names of all owners of property proposed for designation and the property owners adjacent to the site, a description of the proposed landmark including its locations, and an explanation of how the structure, site, or district meets the criteria for designation specified in Section 15-501, below.
 - b. If the application is submitted by someone other than the property owner, a copy of the application shall be immediately forwarded to the owner of record.
 - (i) In the case of a nominated structure, the Historic Resource Subcommittee will meet with the property owner to discuss the designation. The processing of the nomination application may proceed, but designation of the site or district will not be done without the consent of the owner.
 - (ii) In the case of a site or district, the Historic Resource Subcommittee will meet with the property owners to discuss the designation. The processing of the nomination application may proceed, but designation of the site or district will not be done without the consent of the owners of 67% of the parcels.
3. County staff shall schedule a completed application for advisory review at a public hearing before HPAB. At least 14 days prior to the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners of record within 500 feet of the proposed landmark. Also at least 7 days prior to the hearing, staff shall mail to the nominating party and the landmark owner of record a notice of the hearing, and a copy of the staff recommendation to HPAB on the landmark request.
4. At this hearing, HPAB will take testimony from the owner, the nominating party, and other members of the public regarding whether the structure, site, or district meets the criteria for designation.
 - a. After consideration of the information of record and public testimony, HPAB may find that the proposed landmark meets the designation criteria and recommend to the Board that they designate the property.
 - b. If the nominated landmark does not meet the criteria, HPAB shall recommend denial of the designation.
 - c. If the owner does not consent to the designation or, in the case of a district nomination, if 67% of the owners do not consent, HPAB will recommend denial of the nomination, and no hearing will be scheduled before the Board.
 - d. If the HPAB finds that the nomination lacks information or has deficiencies, the HPAB may table the decision for a reasonable period of time in order to provide the applicant time to correct the nomination.
5. If HPAB recommends designation, ~~staff~~HPAB shall make a report of advisory findings to forward to the Board.
 - a. For the designation of structures as historic landmarks, HPAB shall include the following information in its report to the Board.
 - (i) Identification of the significant exterior architectural features of the nominated structure which should be protected.
 - (ii) A definition of the types of construction, alteration, and demolition which would require review under a CA prior to undertaking such action.
 - (iii) Guidelines for the review of CA applications specific to the structure being designated.

- b. For the designation of sites or districts as historic landmarks, HPAB shall include the following information in its report to the Board.
 - (i) identification of the contributing and noncontributing structures within the site or district.
 - (ii) Identification of the significant exterior architectural features of the contributing structures which should be protected.
 - (iii) Identification of the significant physical and spatial characteristics and features of a site or district which should be protected.
 - (iv) A definition of the types of construction, alteration, and demolition for both contributing and noncontributing structures which would require review under a CA prior to undertaking such action.
 - (v) A definition of the types of alteration of a site or district which would require a CA prior to undertaking such action.
 - (vi) Recommendations as to appropriate permitted uses, height and setback regulations, sign regulations, floor area restrictions, and parking regulations as necessary for the preservation of the character of the historic landmark.
 - (vii) Guidelines for the review of CA applications specific to the site or district being designated.
6. If HPAB recommends approval of the landmark application, and if the owner of the proposed landmark consents to the application, County staff shall schedule the application for review and a decision at a public hearing before the Board. At least 14 days prior to the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners of record within 500 feet of the proposed landmark. Also at least 7 days prior to the hearing, staff shall mail to the nominating party and the landmark owner of record a notice of the hearing, and a copy of the staff recommendation to the Board on the landmark request, including but not necessarily limited to the landmark application and HPAB's report on the application.
7. At this hearing, the Board will take testimony from the property owner and nominating party, as well as other members of the public regarding whether the nominated landmark meets the criteria for designation.
 - a. After consideration of the information of record and public testimony, the Board may find that the structure meets the designation criteria and designate the property a historic landmark.
 - b. If the nominated landmark does not meet the criteria, the Board shall deny the designation.
 - c. In the case that more information is needed before a decision can be made, the Board may table consideration of the application for a reasonable period of time.
8. If the Board determines that designation is appropriate, the Resolution of Approval shall include the following information, either by express incorporation or reference to specific documents which are part of the official landmarking file.
 - a. For the designation of structures as historic landmarks:
 - (i) identification of the significant exterior architectural features of the nominated structure which should be protected.
 - (ii) A definition of the types of construction, alteration, and demolition which would require review under a CA prior to undertaking such action.
 - (iii) Guidelines for the review of CA applications specific to the structure being designated.
 - b. For the designation of site or districts as historic landmarks:
 - (i) Identification of the contributing and noncontributing structures within the site or district.
 - (ii) Identification of the significant exterior architectural features of the contributing structures which should be protected.
 - (iii) Identification of the significant physical and spatial characteristics and features of a site or district which should be protected.
 - (iv) A definition of the types of construction, alteration, and demolition for both contributing and noncontributing structures which would require review under a CA prior to undertaking such action.
 - (v) A definition of the types of alternation of a site or district which would require a CA prior to undertaking such action.
 - (vi) Recommendations as to appropriate permitted uses, height and setback regulations, sign regulations, floor area restrictions, and parking regulations as necessary for the preservation of the character of the historic landmark.
 - (vii) Guidelines for the review of CA applications specific to the site or district being designated.
9. Once approved, a notice of the designation shall be recorded with the Boulder County Clerk and Recorder's Office, and information regarding each designation, including the Resolution of Approval, shall be kept in the files of the Community Planning & Permitting Department.

15-501 Criteria for Landmark Designation

- A.** In determining whether a structure, site, or district is appropriate for designation as a historic landmark, HPAB and the Board shall consider whether the landmark proposed for designation meets one or more of the following criteria:
1. the character, interest, or value of the proposed landmark as part of the development, heritage, or cultural characteristics of the county.
 2. the proposed landmark as a location of a significant local, county, state, or national event.
 3. the identification of the proposed landmark with a person or persons significantly contributing to the local, county, state, or national history.
 4. the proposed landmark as an embodiment of the distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or the use of indigenous materials.
 5. the proposed landmark as identification of the work of an architect, landscape architect, or master builder whose work has influenced development in the county, state, or nation.
 6. the proposed landmark's archaeological significance.
 7. the proposed landmark as an example of either architectural or structural innovation; and
 8. the relationship of the proposed landmark to other distinctive structures, districts, or sites which would also be determined to be of historic significance.

15-502 Rescission or Amendment of a Landmark Designation

- A.** Change in the Historic Significance of a Landmark
1. If the property owner, HPAB, or the Board believes that the character of the landmark has changed in such a manner to remove the historic significance of the landmark, the landmark designation may be rescinded through the procedure outlines in Section 15-502(B), below.
 2. If the property owners, HPAB, or the Board believes that the character of the landmark has changed in such a manner to affect the historic significance of the landmark, the landmark designation may be amended through the procedure outlined in Section 15-502(B), below.
- B.** Procedure for Rescinding or Amending Landmark Designations
1. Applications to consider a change in the designation of a landmark may be submitted by the owner of the property, a member of HPAB, or the Board of County Commissioners.
 - a. If an application to alter the landmark designation is made by someone other than the property owner, a copy of the application shall be immediately forwarded to the property owner.
 - b. Applications shall be made to HPAB on forms available from either the Boulder County Parks & Open Space or Community Planning & Permitting Departments.
 2. County staff shall schedule a completed application for advisory review at a public hearing before HPAB. At least 14 days prior to the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners of record within 500 feet of the proposed landmark. Also at least 7 days prior to the hearing, staff shall mail to the applicant and the landmark owner of record a notice of the hearing and copy of the staff recommendation to HPAB on the landmark designation change request.
 3. At the public hearing, HPAB will consider the information of record, including the Resolution of Approval for the specific landmark, and public testimony regarding the change to the structure, site, or district which has affected its historic significance.
 - a. After consideration of the information of record, HPAB may find that the landmark no longer has historic significance and recommend to the Board that they rescind the landmark designation.
 - b. If HPAB finds that the landmark has been changed in such a manner as to affect the historic significance, HPAB shall recommend to the Board that the Resolution of Approval be amended to reflect that change.
 - c. In the case that more information is needed before a decision can be made, HPAB may table consideration of the amendment or rescission for a reasonable period of time.

4. After consideration by HPAB, County staff shall schedule the application for review and decision at a public hearing before the Board. At least 14 days prior the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners of record within 500 feet of the subject landmark. Also at least 7 days prior to the hearing, staff shall mail to the applicant and the landmark owner of record a notice of the hearing, and a copy of the staff recommendation to the Board on the landmark change request, including but not necessarily limited to the application and a summary of HPAB's recommendation.
5. At the public hearing, the Board will consider the information of record, including the Resolution of Approval for the specific landmark, and public testimony regarding the change to the landmark which has affected its historic significance.
 - a. After consideration of the information of record, the Board may find that the landmark no longer has historic significance and rescind the landmark designation.
 - b. If the Board finds that the landmark has been changed in such a manner as to affect the historic significance, the Board shall amend the Resolution of Approval to reflect that change.
 - c. In the case that more information is needed before a decision can be made, the Board may table consideration for the amendment or rescission for up to 95 days.
6. Any rescission or amendment made to the original designation shall be included in a Resolution of Approval for that action and shall be included in the file on that specific landmark. A notice of the rescission of a designation shall be recorded with the Boulder County Clerk and Recorder's Office.

15-600 Certificate of Appropriateness for Historic Landmarks

- A. Prior to undertaking the following actions, a Certificate of Appropriateness ("CA") is required for historic landmarks unless exempted by the Resolution of Approval.
1. Any construction, alteration, or demolition requiring a building permit from the Boulder County Community Planning & Permitting Department that affects the exterior appearance or structural stability of the landmark.
 2. Any construction, alteration, demolition, or removal affecting an exterior architectural or physical feature as defined in the Resolution of Approval for the designation.
- B. A CA shall not be required for alterations required by the Chief Building Official or any other governmental entity with lawful jurisdiction over the designated landmark to rectify a health or safety situation.
- C. Prior to the start of the review process~~submission of an application~~ for a CA, any applicant may request consultation with the Design Review~~a~~ Subcommittee to discuss the proposed construction, alteration, or demolition.
- D. Review process~~Applications~~ for a CA
1. If the proposed action requires a building permit, the review process~~application~~ for a CA may proceed~~be processed~~ as part of the building permit application. No building permit for a landmark shall be issued without a CA unless exempted by the Resolution of Approval.
 2. A complete application shall include the names of all owners of the property, a description of the proposed action, and accompanying plans and specifications.
- E. Procedure for Certificate of Appropriateness Review
1. Application Review by Subcommittee
 - a. For all alterations to Boulder County Landmarks which require a Certificate of Appropriateness, the application review~~a~~ subcommittee shall review the application to determine if the request for a CA should be approved. The criteria as described in 15-600(~~EE~~), below, shall be used to make the determination.
 - b. If the Application Review~~s~~-Subcommittee unanimously agrees to approve the CA, review by the full HPAB shall not be required and the CA shall be issued.
 - c. If the Application Review~~s~~-Subcommittee does not unanimously agree to approve the CA, review by the HPAB shall be required.
 - d. Applications for new primary structures within a Boulder County Historic District shall require HPAB review.
 2. HPAB Review
 - a. Upon determination that full HPAB review of a CA is required, County staff shall schedule the application for historic review at a public hearing before HPAB. At least 14 days prior to the hearing, notice of this hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners within 500 feet of the landmark. Also at least 7 days prior to the hearing, staff shall mail to the applicant and the landmark owner of record a notice of the hearing, and a copy of the staff recommendation to HPAB on the CA request.
- F. Criteria for Approval of Alterations Requested Under a CA
1. In considering the application for a CA, HPAB shall use the following general criteria as well as any specific criteria included in the Resolution designating the historic landmark.
 - a. The proposed alterations do not destroy or substantially impair the historic significance of a structure, site, or district.
 - b. Every reasonable effort shall be made to ensure that the proposed alteration preserves, enhances, or restores the significant architectural features which are important to the designated historic landmark.
 - c. The proposed architectural style, arrangement, texture, color, and materials are compatible with the character of the historic landmark.

G . Determination by HPAB

1. After consideration of the proposal outlines in the application for the CA, HPAB shall either approve or deny the application. HPAB can table consideration of the application for a reasonable period of time if more information is required to determine if the proposed action meets the criteria for approval.
 - a. If HPAB finds that the proposed alteration meets the criteria for approval, a CA shall be issued. In the case of alterations requiring a building permit, the building permit will be processed through the usual processing procedure.
 - b. If HPAB finds that the proposed action does not meet the criteria for approval, the applicant shall be notified of that finding by regular mail within seven days of the determination.

H . Denial of a CA

1. The denial of a CA shall be accompanied by a statement of the reasons for the denial, and the recommendations of HPAB as to changes, if any, which could be made in the proposed action which would cause HPAB to reconsider the denial.
2. HPAB shall attempt to offer suggestions which would allow for alterations to be made to the designated landmark which would meet the criteria for approval of the CA.
3. The applicant may resubmit an amended application that takes into consideration the recommendations of HPAB.
4. If the applicant feels that the denial of the CA has created hardship, the applicant may pursue hardship relief as provided for in Section 15-700.
5. In the case of denial by HPAB, an applicant may appeal that denial to the Board of County Commissioners as provided for in Section 15-800(A).

15-700 Hardship Relief

A. Application

1. A completed application shall include any information the applicant feels is relevant to the consideration of the hardship imposed by denial of the CA.
2. County staff shall schedule a completed application for hardship review at a public hearing before HPAB. At least 14 days prior to the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners of record within 500 feet of the ~~subject~~proposed landmark. Also at least 7 days prior to the hearing, staff shall mail to the applicant and the landmark owner of record a notice of the hearing, and a copy of the staff recommendation to HPAB on the hardship request.

B. Information Considered in Determining a Hardship

1. The following list includes the type of information necessary for HPAB to determine if the denial of a CA has imposed a hardship on the property owners. The applicant may submit any or all of this information, plus any other information the applicant feels is necessary to HPAB as part of the application for hardship relief.
 - a. Estimate of the cost of the alteration proposed under the denied CA application, and an estimate of any additional costs which would be incurred to comply with the alterations recommended by HPAB.
 - b. Estimates of the value of the property in its current state, with the denied alterations, and with the alterations proposed by HPAB.
 - c. Information regarding the soundness of the structure or structures, and the feasibility for rehabilitation which would preserve the character and qualities of the designation.
 - d. In the case of income-producing properties, the annual gross income from the property, the operating and maintenance expenses associated with the property, and the effect of the proposed and HPAB recommended alterations on these figures.
 - e. Any information concerning the mortgage or other financial obligations on the property which are affected by the denial of the proposed alterations.
 - f. The appraised value of the property.
 - g. Any past listing of the property for sale or lease, the price asked, and any offers received on that property.
 - h. Information relating to any nonfinancial hardship resulting from the denial of a CA.

C. Determination of Hardship

1. At a public hearing, HPAB shall review the information presented by the applicant and any other information deemed necessary to determine if the denial of a CA imposed a hardship on the property owners.
 - a. If it is determined that the denial of the CA did cause a hardship on the property owners, then relief shall be granted. A CA noting the hardship relief shall be issued, and the property owners may make the alterations outlined in the application for the CA.
 - b. If it is determined that the denial of the CA did not cause a hardship on the property owners, then notice of that determination, with the reasons for denial, shall be provided to the property owner by regular mail within seven days of the determination.

15-800 Appeals

A . Appeal of the Denial of a CA

1. If a property owner whose application for a CA was denied, feels that HPAB unreasonably denied that application, an appeal to the Board of County Commissioners may be filed within 30 days of HPAB's determination.
 - a. County staff shall schedule the appeal for review at a public hearing before the Board. At least 14 days prior to the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners within 500 feet of the subject landmark. Also at least 7 days prior to the hearing, staff shall mail to the applicant a notice of the hearing and copy of the staff recommendation to the Board on the appeal, including but not necessarily limited to a summary of the basis for HPAB's denial.
 - b. At this hearing the Board shall consider the entire record from HPAB's consideration of the application, the reasons given by HPAB for denial of the CA application, and testimony from the applicant and other members of the public.
 - c. After due consideration, the Board shall either uphold the findings of HPAB, and deny the CA or reverse the findings of HPAB. In the case of the latter, the CA shall be issued.

B . Appeal of the Denial of Hardship Relief

1. If a property owner whose application for hardship relief was denied, feels that HPAB unreasonably denied that application, an appeal to the Board of County Commissioners may be filed within 30 days of HPAB's determination.
 - a. County staff shall schedule the appeal for review at a public hearing before the Board. At least 14 days prior to the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners within 500 feet of the subject landmark. Also at least 7 days prior to the hearing, staff shall mail to the applicant a notice of the hearing, and a copy of the staff recommendation to the Board on the appeal, including but not necessarily limited to a summary of the basis for HPAB's denial.
 - b. At this hearing the Board shall consider the entire record from HPAB's consideration of hardship relief, the reasons given by HPAB for denial of hardship, and testimony from the applicant and other members of the public.
 - c. After due consideration, the Board shall either uphold the findings of HPAB, and find that the denial of the CA does not impose a hardship on the property ~~owner, or owner or~~ reverse the findings of HPAB. In the case of the latter, hardship relief shall be given, and the CA shall be issued.