

STATE OF COLORADO )  
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COUNTY OF KIOWA )

RESOLUTION NO. 2010-5

**A RESOLUTION AMENDING RESOLUTION NO. 01-05 ESTABLISHING THE KIOWA COUNTY HISTORIC PRESERVATION COMMISSION, PROVIDING FOR THE DESIGNATION OF HISTORIC LANDMARKS, HISTORIC BUILDINGS, HISTORIC SITES AND DISTRICTS; PROVIDING FOR REVIEW OF PROPOSED EXTERIOR ALTERATIONS TO DESIGNATED HISTORIC LANDMARKS, HISTORIC BUILDINGS, HISTORIC SITES AND DISTRICTS; PROVIDING FOR NOTIFICATION TO THE HISTORIC PRESERVATION COMMISSION OF THE INTENDED ALTERATION, REMOVAL OR DEMOLITION OF DESIGNATED HISTORIC LANDMARKS, BUILDINGS, HISTORIC SITES AND DISTRICTS; PROVIDING FOR THE REVOCATION OF DESIGNATIONS OF HISTORIC LANDMARKS, HISTORIC BUILDINGS, HISTORIC SITES AND DISTRICTS; AND DECLARING AN EFFECTIVE DATE FOR THIS RESOLUTION.**

**WHEREAS**, the Board of County Commissioners (BOCC) finds that the economic, cultural and aesthetic standing of Kiowa County cannot be maintained if the heritage of the County is disregarded; and

**WHEREAS**, the Board of County Commissioners (BOCC) finds and declares that the protection, preservation and enhancement of the County's cultural, historic and architectural heritage is essential to the public, and

**WHEREAS**, the Board of County Commissioners (BOCC) is authorized pursuant of CRS 30-11-107 (1) (bb) to provide for the preservation of the cultural, historic and architectural history within the County.

**Section 1. Purpose:**

The purpose of this resolution is to promote:

- (a) the protection and preservation of the historic and cultural heritage of Kiowa County by providing for the designation of historic buildings, landmarks, sites and districts (collectively referred to hereinafter as "Historic Resources") in accordance with this resolution;
- (b) the enhancement of property values and the stabilization of historic neighborhoods, sites of historical events, and the like;
- (c) the increase of economic and financial benefits as a result of the attraction of tourists and visitors to Kiowa County, and
- (d) the provision of educational opportunities to increase public appreciation of Kiowa County's unique heritage.

The intention of this ordinance is to create a method to draw a reasonable balance between private property rights and the public interest in preserving Kiowa County's unique historical character.

**Section 2. Board Established:**

The Kiowa County Historic Preservation Commission (the "HPC") is hereby created and shall have principal responsibility for matters of historic preservation as set forth in Section 2 (f) hereof.

(a) Membership:

The HPC shall consist of seven (7) members all of whom shall be residents of Kiowa County. To the extent permitted by the Kiowa County Commissioners, the secretary to the Commissioners or appointed representatives of the County Commissioners may serve as staff to the HPC.

(b) Appointments and Terms of Office:

(1) Members of the HPC shall be appointed by the BOCC and shall serve three (3) year terms. The BOCC shall give reasonable opportunity to interested parties to nominate individuals to serve as members of the HPC. Terms of members shall commence on January 10th of each year. Prior to the appointment of HPC members, the BOCC shall give reasonable opportunity to the residents of Kiowa County to nominate individuals to serve as members of the HPC.

(2) The foregoing provisions notwithstanding any duly appointed member of the HPC shall continue to serve until the member's successor has been appointed. Members may be appointed to serve successive terms without limitation. Appointments to fill vacancies on the HPC shall be made by the BOCC, provided however, that prior to the appointment of HPC members whose terms are ending, the BOCC shall give reasonable opportunity to interested parties along with the Kiowa County Historic Preservation Commission to nominate individuals to serve as members of the HPC. If there is an unexpected vacancy, the HPC may make a recommendation to the BOCC or revert to the process mentioned above.

(3) All members of the HPC shall serve without compensation except for such amounts determined appropriate by the BOCC to offset expenses incurred by the HPC members in the performance of their duties as HPC members. All members of the HPC shall serve at the pleasure of the BOCC and may be removed by the County Commissioners at any time with or without cause.

(c) Quorum and Voting:

A quorum for the HPC shall consist of a majority of the members of the HPC excluding vacant seats. A quorum is necessary for the HPC to hold a meeting or to take official action. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed denial of the motion or recommended action.

(d) Officers

The HPC shall, by majority vote, elect one of its members to serve as chairperson to preside over the HPC's meetings and one member to serve as secretary. The members so designated shall serve in these capacities for terms of one year and may serve successive terms.

(e) Meetings

The HPC shall hold at least four regularly scheduled meetings per year, and as often as necessary to take action on pending matters. Minutes shall be kept at all meetings. The HPC shall comply with all requirements of the Open Meetings Law (CRS 24-6-401 et seq.) applicable to local public bodies as defined in that Law.

(f) Powers and Duties:

The HPC shall:

- (1) Review applications for designation of historic resources pursuant to this Resolution and make recommendations to the BOCC as to whether the BOCC should, by resolution, designate the resource described in the application for such designation based upon the criteria established in Section 3 of this Resolution and subsequent amendments thereto.
- (2) As needed, review the criteria for designation of historic resources set forth in Section 3 hereof and make recommendations to the BOCC for amendments thereto which the HPC believes appropriate or necessary.

In addition to the above duties, the HPC may, at its discretion:

- (3) Advise and assist owners of historic properties on the physical and financial aspects of preservation, renovation, rehabilitation and reuse including nomination to the State Register of Historic Properties and National Register of Historic Places.
- (4) Develop and assist in public education programs including, but not limited to lectures, conferences, walking tours, brochures, and a marker program of historic resources.

(5) Advise the BOCC on matters related to preserving the historic character of the County.

(6) Pursue financial assistance for preservation-related activities.

(7) Perform duties or functions as assigned by the BOCC.

(g) Rules and Procedures for the HPC:

The HPC may establish additional rules of operation that are consistent with its duties as enumerated herein. Any changes to rules of operation must be referred to the BOCC for their approval.

**Section 3. Criteria for Designation of Historic Resources:**

In order to qualify for designation as a historic resource pursuant to this resolution, the resource must be determined to have historic significance due to one or more of the following factors:

- a. The property is associated with events that have made a significant contribution to the broad pattern of our local, state, or national history.
- b. The property is associated with the lives of persons significant in our past.
- c. The property embodies the distinctive characteristics of a type, period, or method of construction; or is the work of a master; or possesses high artistic value; or represents a significant and distinguishable entity whose components may lack individual distinction.
- d. The property has yielded, or may be likely to yield, information important in prehistory or history.
- e. The property's location is associated with a significant historic event.

**Section 4. Designation of Historic Resources:**

(a) Recommendation for Designation of Historic Resources:

Pursuant to the procedures hereinafter set forth in this section, the HPC may, by written recommendation to the BOCC, propose the designation as a historic resource any building, landmark, site, or district meeting the criteria set forth in Section 3 hereof, as amended from time to time. Proposed designations shall be submitted on a nomination form developed by the HPC.

(b) Procedures for Designating Historic Resources for Preservation

Applications for designation must be made to the HPC on the official nomination form. Only the owners (or duly authorized representative(s)) of one hundred percent (100%) of the historic resource for which an application is submitted shall make application.

(1) HPC Review

The HPC shall review the application for conformance with the criteria for designation established in Section 3 hereof, as it may be amended, and with the purposes of this Section. Historic Resources nominated for placement on the local register shall be considered by HPC at a regularly scheduled or special meeting called by the HPC no sooner than 14 days after public notice has been published.

(2) BOCC Action

Unless application is withdrawn by the applicant prior to the time that the BOCC takes action on it, the BOCC shall approve, approve with modifications, or disapprove the proposed designation. The BOCC shall advise the HPC of its decision regarding the designation within 30 days of the HPC's recommendation to the BOCC.

**Section 5. Limitations on Resubmission and Reconsideration of Proposed Designations:**

Whenever the HPC or BOCC does not approve an application for designation of a historic resource, no person shall submit a similar application earlier than six (6) months from the effective date of the last action by HPC or BOCC on the original application.

**Section 6. Amendment and Designation:**

A designation of a historic resource may be amended to add features or additional land to the designated site of a historic resource under the procedures set forth in Section 4 for initial designation.

**Section 8. Revocation of Designation:**

Upon written request for revocation of the designation by the owner of a designated historic resource or by a member of the HPC or the BOCC, the HPC shall at its next regularly scheduled meeting consider whether the characteristics upon which the designation was made have been compromised to such an extent that the property is no longer eligible for designation, in which case the HPC shall recommend to the BOCC that the designation should be revoked.

**Section 9. Construction, Alteration, Removal or Demolition of a Historic Resource**

Prior to engaging in new construction, alteration, removal or demolition on a designated historic resource, the property owner shall submit documentation of the proposal to HPC for review and comment. Compliance with the comments received from HPC is not required. However, if the historic resource is compromised to such an extent that the property is no longer eligible for designation, HPC may recommend revocation of the designation pursuant to Section 8.

**Section 10. Criteria to Review Construction, Alteration, Removal or Demolition of a Historic Resource**


- a.) The HPC shall approve, in writing, any proposed new construction, alteration, removal or demolition on a designated historic resource if it finds that the proposed work will not negatively impact any character-defining feature contributing to the original designation.
- b.) The HPC will follow the *Secretary of Interior's Standards for the Treatment of Historic Properties* to evaluate all proposed alterations to designated historic resources.

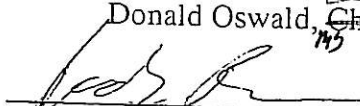
**Section 11. Effective Date**

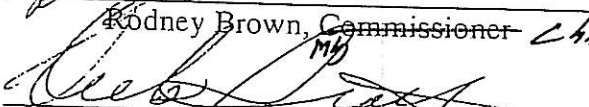
This Resolution shall be effective immediately upon its adoption and recordation in the minutes of the Kiowa County Commissioners.

Adopted this 25<sup>th</sup> day of May, 2010

**BY THE COUNTY OF KIOWA, COLORADO COUNTY COMMISSIONERS**

  
Donald Oswald, ~~Chairman~~ <sup>MS</sup> Commissioner

  
Rodney Brown, Commissioner ~~Chairman~~ <sup>MS</sup>

  
Dick Scott, Commissioner

ATTEST:

  
Kiowa County Clerk and Recorder