

TRANSMITTAL MEMORANDUM

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TO: Honorable Mayor & City Council

FROM: Delilah A. Walsh, City Manager

Initials:



DATE: May 30, 2024

File #: MGR24-368

RE: Discussion to Develop a Historic Preservation Ordinance

Following the discussion on regulating the use of Native-inspired art and objects at private businesses during the May 16, 2024, meeting, the City Council agreed to consider a resolution (Resolution № 24-2927) drafted by Councilor Gage. This resolution will be presented for your review at the June 6, 2024, regular Council meeting.

Councilor Gage, following her meeting with tribal leaders, has requested further action beyond Resolution № 24-2927. More particularly, she requested that the Council consider the development of a historic preservation ordinance at the June 6 meeting. Councilor Gage has provided staff with a draft ordinance and background information, which are included in this packet. I have also included the Anchorage Historic Preservation Commission Ordinance No. 2006-175 for your review.

While Councilor Gage has expressed interest in exploring the ordinance, City Attorney Mitch Seaver has advised her and staff that the proposed ordinance would fall under zoning regulations, as it would potentially establish districts with specific use and development restrictions. Zoning authority falls within the purview of the Ketchikan Gateway Borough, not the City. The Borough is responsible for planning, platting, and land-use regulations across the entire area.

Mr. Seaver also noted that the Borough's zoning ordinance does include a Historic District Zone specifically for Creek Street, along with related ordinances for its implementation. The attached reference from Salt Lake City demonstrates a similar zoning ordinance establishing a historic overlay zone.

Given the legal limitations, staff concurs with Resolution No. 24-2927. However, the Council may wish to discuss potential avenues for collaboration with the Borough on this issue, and a motion has been prepared for Council to deliberate and provide direction.

Motion: I move the City Council discuss the development of a historic preservation ordinance and provide direction to staff for future action.

From the attached draft it appears that the idea of this ordinance is to strengthen the structure of the historic preservation of Ketchikan. It must be noted that Ketchikan has already, by city ordinance, established the Ketchikan Historic Commission (Ketchikan Municipal Code section 2.88.010). The KHC has done extensive work in the past two decades relating to the preservation of Ketchikan's unique historical resources, yet it acts primarily in an advisory role. This is fundamentally because there is no legal recourse at the local level to enforce historic preservation principles, while also lacking a local historic preservation plan and guidelines.

A process toward establishing a historic preservation plan for the city of Ketchikan was begun in 2021 and is currently underway.

(http://ketchikanmuseums.org/documents/historic_commission_preservation/ketchikan_historic_preservation_plan_phase1.pdf)

In an effort to further implement this eventual plan, and strengthen the ability for Ketchikan to preserve its historic and cultural resources, it is suggested that this ordinance leverage the already existing structures and resources that are in place by focusing on ensuring that there is a strong legal process to oversee and enforce any historic and cultural preservation plans or guidelines, and penalize those who fall afoul of them.

It is also suggested that specific mechanisms be implemented relating to the unique Alaska Native cultural resources of this area which contribute to the nature of the city of Ketchikan.

This can take the form of integrating the historic and cultural preservation plans and guidelines into the municipal code; establishing a process whereby buildings and businesses within the historic districts must comply with those plans and guidelines; a process whereby alterations to buildings must comply with those plans and guidelines through an approval; a process where uses of historic and cultural resources must be approved; establishment of a sub-commission devoted to the Alaska Native specific issues within this area; empowerment of the KHC and Alaska Native sub-commission to receive, review, approve, and deny applications; empowerment of the KHC and Alaska Native sub-commission to receive, review, and decide complaints for violations of the plans and guidelines; and empowering the KHC and Alaska Native sub-commission to issue fines, penalties, and orders to support their decisions.

This would significantly strengthen the protection and preservation of Ketchikan as an attractive and thriving city, while also supporting the unique historic and cultural resources that make up Ketchikan, especially in the face of increasing pressure from large scale tourism, commercialization, and outside pressure. It will also secure Ketchikan as an attractive place for our residents, families, and local businesses to live and remain.

This, however, is a large step. Reference to other historic preservation systems will be valuable, such as that of Salt Lake City, Utah (<https://www.slc.gov/historic-preservation/design-guidelines-and-ordinance-regulations/>);

https://codelibrary.amlegal.com/codes/saltlakecityut/latest/saltlakecity_ut/0-0-0-66379;
<https://www.slcdocs.com/historicpreservation/GuideRes/ResidentialGuidelines.pdf>;
<https://www.slcdocs.com/historicpreservation/GuideCom/CommercialGuidelines.pdf>).

Consultation, coordination, and participation from all stakeholders will be necessary including, critically, the KHC, Alaska State Historic Preservation Office, and Alaska Native organizations. But, if successful, it would provide a firm foundation for the future of Ketchikan and its valued community fabric. Additionally, as a Certified Local Government, federal and state funding may be available to Ketchikan to develop a stronger historic preservation enforcement mechanism.

The very essence of THE CITY OF KETCHIKAN's sustainability and vitality lies in its unique ability to harness its resources. Among these is the authentic and unparalleled rich historic and cultural fabric of Ketchikan, often referred to as the community's character.

Among other things, the community's historic fabric manifests itself in the buildings, history, and culture, including that of the area's first people.

Currently, there are no protections in place for Ketchikan's historic and cultural resources. The most significant threats to these resources are development and economic pressures, population decline due to nonresident purchases of historical and retail property, and the pushing out of the longtime residents of this community, both first people and nonnative families. Due to a lack of state and local laws offering protection to communities on the cruise ship route and uninformed or apathetic community members, the damage to our community by corporate tourism could come at a cost so great that it will be irreparable unless we do something before it is too late.

Over the past four years, there has been an uptick in large-scale reconstruction and redevelopment of our attractive downtown corridor which is creating a housing shortage and threatening our highly attractive historical area and fabric of our community.

Ketchikan's downtown area is a beautiful destination and, as Ketchikan's number one economic resource, must be safeguarded. It is undeniable that our region is highly dependent upon tourism, and in particular the cruise industry, with visitors drawn to Alaska by the natural beauty of our land, unique outdoor opportunities, and for many the Authentic Alaska Native cultures that reside here. The irreparable damage that non-genuine and inauthentic use of Alaska Native resources does to our native community alone should be reason enough for protections to be put into place. However, the economic damage should be a concern to all of us.

As caution against the unprotected exploitation of our natural and cultural resources, we only need to look to other communities in the world who have already experienced and have been decimated by entities and businesses that have mislead, swindled, and taken advantage of unsuspecting visitors who were seeking to experience the true culture of a region. By allowing the same detrimental practices in our community it undermines the strong motivation of travel to Southeast Alaska and negatively impacts the economic foundation and growth of all Southeast Alaska residents, businesses, and communities.

These threats can be countered by implementing effective historic preservation efforts. It is important to note that historic preservation is not about imposing restrictions to stifle growth and progress. On the contrary, it is a strategy designed to stimulate community revitalization and new development in a manner that is beneficial to all stakeholders and preserves the value of our resources. A well-preserved historic commercial district not only attracts new businesses, customers, and tourists, but also leads to increased profits, jobs, and tax revenues. This, in turn, safeguards the integrity and fabric of Ketchikan's rich history, culture, and its unique ability to protect itself.


Historic preservation oftentimes also improves property values by providing prestige, protection from demolition, financial incentives via tax credits, and catalyzing district-wide improvements.

§ 1: Title.

This article shall be known, cited, and referred to as the Historic Preservation Ordinance.

§ 2: Purpose.

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of structures and districts of historical, architectural, geographic, cultural, authentic, and aesthetic significance is a public necessity and is required in the interest of the health, prosperity, safety and *welfare of the people*.

 *The Ordinance should contain a purpose clause clearly establishing the municipality's reasons for enacting the Ordinance. Improper recitation (either providing irrelevant purposes or purposes outside the scope of the municipality's power) could invite an attempt to invalidate the Ordinance. Acceptable reasons for adopting a Historic Preservation Ordinance generally fall into the following four categories: economic, educational, or cultural, social, and aesthetic.*

The Purpose of this ordinance is to:

The purpose of this chapter is to:

2.1 Preserve, protect, enhance, and perpetuate certain resources which reflect Ketchikan's cultural, artistic, social, economic, political, architectural, engineering, historic or other heritage by reviewing the appropriateness of proposed alterations to existing resources, by controlling indiscriminate erection of new improvements, and by fostering proper maintenance and repair of existing resources.

2.2 Promote the continuing use of such resources within the city, thereby serving as a stimulus and support to business and industry.

2.3 Promote and encourage continued private ownership and utilization of resources to the end that the objectives listed herein can be attained.

2.4 Safeguard the City's historic, aesthetic, art and culture of the Tlingit, Haida, and Tsimshian people of the region, and cultural heritage as embodied and reflected in the community, including artwork, design, heritage, culture, and history.

2.5 Foster, preserve, and encourage harmonious architectural styles, signage, and respect for the Tlingit, Haida, and Tsimshian people of our region reflecting all distinct history of the city equally.

2.6 Strengthen the economy of the city.

It is the sense of the council that the economic, cultural, and aesthetic standing of this City cannot be maintained or enhanced by disregarding its historic, architectural, geographic, and cultural heritage of the Tlingit, Haida, Tsimshian people, nor by ignoring the appropriation of the Tlingit, Haida, and Tsimshian art and cultural symbolism in the market and the general disregard of the rights and ownerships of the first people of this region, or defacement of such cultural assets.

Alaska law offers limited guidance in the field of historic preservation.

However, Historic Preservation Ordinances have successfully been adopted and enforced in Alaska. Further, cases from other states and the federal court system provide guidance for what an Alaska court will likely approve.

✚ *Historic preservation is a valid exercise of a municipality's police power for general welfare. Historic preservation furthers an economic objective by creating or enhancing business and jobs through renovation activities, increased retail traffic and tourism. Preservation efforts also result in the improvement and stabilization of property values. In addition, historic preservation is culturally advantageous, increasing a community's understanding and appreciation of its history. Such appreciation is a requisite to passing the community's unique cultural and historic heritage to future generations. Historic preservation also results in the conservation and strengthening of the character of town's commercial districts and neighborhoods, increasing quality of life and social fabric of community. Finally, preservation efforts can be pursued for aesthetic reasons, as they safeguard and improve the community's beauty and livability.*

✚ *While it is unlikely that an Ordinance will be struck down solely because of a deficient statement of purpose, the purpose statement remains very important. A well-crafted purpose clause serves as an important guide for the effective implementation of the Ordinance. The purpose clause establishes the foundation upon which the entire Historic Preservation Ordinance rests.*

3: Area of Application.

3.1 This article shall apply to the following described property and the historic districts, landmarks, respect of the first people of this region's culture, landmark sites, and areas as may be added by the Historic Preservation Commission, hereafter, within the corporate limits of the City and subject to approval of the City Council. Boundaries of the City of Ketchikan Historic District are indicated on the map identified as Exhibit A and on file in the Office of the City Clerk.

- ✚ *The City Council may desire to designate a historic district simultaneously adopting the Historic Preservation Ordinance. This may be a prudent and efficient course of action, as long as proper procedures ensuring due process are followed—all interested parties should be given adequate notice and an opportunity to be heard. Without designating a district, the Ordinance will be of no value.*
- ✚ *Similarly, the City Council may adopt the Ordinance and subsequently designate a landmark or historic district. This may be the most practical course—without an established commission and designation procedures, it may be difficult to properly designate a district.*

3.2 [Historic District, of Ketchikan will encompass the Island of Revillagigedo and Gravina, for which Ketchikan and the Ketchikan Airport resides on.]

- ✚ *A clear, definite description of the landmark or district should be included. Boundaries must be carefully specified—the actual boundaries must coincide with those provided in the required notice prior to public hearings on the district's designation. Courts have given municipalities considerable discretion in designating boundaries of historic districts.*

[EMPOWERMENT OF THE KETCHIKAN HISTORIC COMMISSION]

[Empower the commission to receive, review, approve, and deny applications for approval certificates]

[empower the commission to collect fees, issue fines, issue penalties, and orders to stop work, remove work, or modify work]

[empower / oblige the commission to refer applications with Alaska Native specific question to the Alaska Native Resource sub-commission]

[ESTABLISHMENT OF A KETCHIKAN ALASKA NATIVE RESOURCES PRESERVATION SUB-COMMISSION] Made up of 3 members of the Native Community and appointed by the Ketchikan Tlingit, Haida, and Tsimshian Community.

[composed of selected members of the Historic commission and members selected from the Alaska Native communities and entities]

[empower the commission]

[STANDARDS AND GUIDELINES]

[establish standards and guidelines for reviewing applications relating to the historic district – architectural, artistic, aesthetic, et cetera, including buildings, facades, and signage]

[establish standards and guidelines for reviewing applications with Alaska Native specific questions]

[CERTIFICATE OF APPROPRIATENESS PROCESS AND REQUIREMENTS]

[establish requirements for when to seek a certificate of appropriateness]

[establish system for submitting and requirements for application for certificate of appropriateness]

[establish process of review for same]

[ENFORCEMENT POWERS]

[establish power of enforcement for review of existing structures, new applications, et cetera]

[establish complaints mechanism, receipt and review of complaints, et cetera]

[VIOLATIONS, FINES, AND PENALTIES]

TERMS and DEFINITIONS

ADVERSELY AFFECT. Negatively changing the quality of the historical, architectural, or cultural significance of a resource, or using non-Tlingit, Haida, and Tsimshian made items that mislead, erode, and adversely impact the characteristics that qualify the resource as authentic, and/or historically important or erode the economic value of the community as a whole.

ALTERATION. Any construction or change of the exterior of a building, object, site, or structure. For buildings, objects, sites or structures, alteration shall include, but is not limited to, the changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, signs, or other ornamentation; the changing of paint color; regrading; fill; imploding or other use of dynamite. **ALTERATION** shall not include ordinary repair and maintenance.

ARCHITECTURAL RESOURCES. Districts, structures, buildings, monuments, sites, and landscaping that possess local interest or artistic merit, or which are particularly representative of their class or period, or represent achievements in architecture, engineering technology, design, or scientific research and development.

ARCHITECTURAL STYLE. A type of architecture distinguished by special characteristics of structure and ornament and often related in time; also, a general quality of distinctive character.

CULTURAL PROTECTIONS. The use of only authentic Tlingit, Haida, and Tsimshian art on display and decoration within city limits and that the use of Alaska Native art must be for genuine purposes and approved by the Tlingit, Haida, and Tsimshian **KETCHIKAN ALASKA NATIVE RESOURCES PRESERVATION SUB-COMMISSION.** *To protect the integrity of the*

community and of the First People, the Tlingit, Haida, and Tsimshian people and protect the Northwest Coastal Art form from appropriation.

CERTIFIED LOCAL GOVERNMENTS PROGRAM. The Certified Local Governments (“CLG”) Program is designed to promote the participation of local governments in the nationwide historic preservation program. Under the CLG program, local governments that enforce appropriate historic preservation zoning ordinances are delegated certain SHPO responsibilities, receive federal matching funds for development of their local preservation program, and participate in the National Register of Historic Places nomination process.

CERTIFICATE OF APPROPRIATENESS. The official document issued by the Historic Preservation Commission approving any application for alteration, construction, reconstruction, relocation, or demolition of any structure or site designated under the authority of this article.

CERTIFICATE OF COMPLETION. The official document issued by the Historic Preservation Commission stating that the applicant has implemented a project in accordance with the issued Certificate of Appropriateness and any conditions thereof.

CERTIFICATE OF ECONOMIC HARDSHIP. The official document issued by the Historic Preservation Commission establishing unreasonable economic hardship for the applicant.

CLUSTER. A group of cultural resources with compatible buildings, objects, or structures geographically or thematically relating to and reinforcing one another through design, setting, materials, workmanship, congruency, and association.

COMPATIBILITY. Capable of existing together in harmony, and with respect to the Tlingit, Haida, and Tsimshian people of Ketchikan.

CONSTRUCTION. The act of adding an addition to an existing building or structure or the erection of a new principal or accessory building or structure on a lot or property.

CONTRIBUTING RESOURCE. A resource in a historic district or cluster that contributes to the districts or cluster’s historical significance through location, design, setting, materials, workmanship, and association, and which shall be afforded the same considerations as landmarks.

DEMOLITION. Any act or process that destroys or raises in whole or in part a building, object, site, or structure, or permanently impairs its structural integrity.

DESIGN GUIDELINES. Standards adopted by the Historic Preservation Commission intended for use by the Commission, property owners, and tenants to ensure that rehabilitation and new construction respect the character of designated properties or districts.

ECONOMIC RETURN. A profit or capital appreciation from use or ownership of a building, object, site, or structure that accrues from investment or labor.

ELEVATION. A “head-on” drawing of a building facade or object, without any allowance for perspective. An **ELEVATION** drawing will be in a fixed proportion to the measurement on the actual building.

EMERGENCY INSPECTION. An on-site examination of work in progress conducted by City staff, the purpose of which is to ensure that work in progress is authorized and/or conforms to the conditions of an issued Certificate of Appropriateness.

EXTERIOR. All outside surfaces of any building.

FACADE. The face or exterior surface of a building.

NONCONTRIBUTING RESOURCE. A building, object, site, or structure which does not add to a district’s or cluster’s sense of time, place, or historic development but may contribute in other aspects, such as contributing to the street wall. **GOOD REPAIR.** A condition which not only meets minimum standards of health and safety, but which also guarantees the continued aesthetic integrity, structural soundness, and usefulness of a structure. Aesthetic integrity, structural soundness, and usefulness should be determined, in part, by compatibility with the Design Guidelines.

HISTORIC DISTRICT. A geographically definable area as designated by ordinance which may contain one or more significant landmarks and which may have within its boundary’s other properties or structures, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the district and which merits designation for its historical and architectural significance and value.

HISTORIC RESOURCES. Sites, districts, structures, buildings, or monuments that represent facets of history in the locality, state or nation; places where significant historic or unusual events occurred; or places associated with a personality or group important to the past.

INFILL CONSTRUCTION. Construction designed to occupy a vacant parcel of land within a developed area.

IMPROVEMENT. Any building, structure, place, parking facility, fence, wall, sign, work of art, or other object the addition or deletion of which constitutes a physical betterment of real property, or any part of such betterment of real property.

LANDMARK. A prominent building or feature officially designated as having special status and protection.

LANDMARK SITE. A parcel or part thereof on which is or was situated a landmark.

MAJOR FACADE CHANGES. Any act that has the potential to significantly alter the appearance of a resource.

MASS. The physical volume or bulk of a property or properties.

MATERIALS. The physical characteristics which create the aesthetic and structural appearance of the resource, including but not limited to a consideration of the texture and style of the components and their combinations, such as brick, stone, shingle, wood, concrete or stucco.

MINIMUM MAINTENANCE NOTICE. Official letter or memorandum sent by mail or delivered to property owners for the purpose of informing them that their property requires maintenance in order to comply with the minimum maintenance provisions of this article.

MINIMUM MAINTENANCE PLAN. A description of the approved activities to be implemented in order to maintain or rehabilitate a resource to retain structural soundness and aesthetic integrity.

OBJECT. A material thing of functional, aesthetic, cultural, historic, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

ORDINARY MAINTENANCE OR REPAIR. Any work for which a building permit or any other City permit, or certificate is not required and where the purpose of such work is stabilization, and further, where such work will not adversely affect the exterior appearance of the resource. Any work not satisfying all of the above requirements shall not be considered ordinary maintenance and repair.

PERMANENT SIGN. A sign intended to be used for a period greater than 30 days. Signs will be considered permanent when in materials or message they maintain the same general appearance as previously used sign(s).

PRESERVATION. The act or process of applying measures to sustain the existing form, integrity, and materials of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

PROPERTY. A parcel of land and any improvements thereon.

PROPERTY OWNER. Any individual, firm, partnership, limited liability company or corporation holding title to real estate that is either a landmark, a landmark site or within an historic district, or being considered for such status.

PROPORTION. The relative physical sizes within and between buildings and building components.

RECONSTRUCTION. The act or process of reassembling, reproducing, or replacing by new construction, the form, detail, and appearance of a property and its setting as it appeared at a particular period of time by means of the removal of later work, or by the replacement of missing earlier work, or by reuse of original materials.

REHABILITATION. The act or process of returning a property to a state of utility through repair, remodeling, or alteration that makes possible an efficient contemporary use while

preserving those portions or, features of the property that are significant to its historic, architectural, and cultural values.

RELOCATION. Any change of the location of a building, object or structure from its present setting or to another setting.

RENOVATION. The act or process of returning a property to a state of utility through repair or alteration that makes possible a contemporary use.

RESOURCE. A building, object, site or structure.

RESTORATION. The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

RHYTHM. A regular pattern of shapes including, but not limited to, windows, doors, projects, and heights, within a building, structure, or monument, or a group of same.

SANDWICH BOARD SIGN. Any sign not affixed to a structure or to the ground.

SCALE. The harmonious proportion of parts of a building, structure, or monument to one another and to the human figure.

SETBACK. The distance from a given property line, established by the City's zoning ordinance, where a property owner is authorized to construct an improvement.

SETTING. The surrounding environment of a resource, including other buildings, structures, site features, landscaping and streets, which contributes to the aesthetic quality of the historic or architectural resource.

SIGN. A structure which consists of a device, light, letter, word, model, banner, pennant, trade flag, logo, insignia, or representation which advertises, directs, or announces a use conducted, goods, products, services, or facilities available, excluding window displays or merchandise.

SIGN GUIDELINES. Standards adopted by the Historic Preservation Commission intended for use by the Commission, property owners and tenants to ensure design and placement of any signs that respect the character of designated properties, and respects the Tlingit, Haida, and Tsimshian people and their culture.

SIGNAGE, PROMOTIONAL. Signage which indicates a sale or promotion.**SIGNAGE, TEMPORARY AND BANNER.** Signage that is put up for a maximum of 30 days, at which time permanent signage is approved and installed.

SIGNIFICANT CHARACTERISTICS OF THE RESOURCE. Those characteristics which are important to or expressive of the historic, architectural, aesthetic or cultural quality and integrity of the resource and its setting, and which include, but are not limited to, building material, detail, height, mass, proportion, rhythm, scale, setback, setting, shape, street accessories, and workmanship.

SITE. The location of a significant event, a prehistoric or historic occupation or activity, or a building, structure, or cluster, whether standing, ruined, or vanished, where the location itself maintains historical value regardless of the value of any existing structure.

SPECIAL MERIT. A building, object, site or structure having significant benefits to the City by virtue of exemplary architecture, specific features of land planning, or social, cultural, or other benefits having a high priority for community services.

STABILIZATION. The act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

STOP WORK ORDER. A written notice from the City that work on any building, structure, or site must stop because it has been or is being implemented contrary to the provisions of this article, contrary to the conditions of an approved Certificate of Appropriateness, or in an unsafe or dangerous manner.

STREET ACCESSORIES. Those sidewalk or street fixtures which provide cleanliness, comfort, direction, or safety, and are compatible in design to their surroundings, and include, but are not limited to, trash receptacles, benches, signs, lights, hydrants, and landscaping, including but not limited to trees, shrubbery and planters.

STRUCTURAL INTEGRITY. The state of being unimpaired; sound.

STRUCTURE. Anything constructed or erected.

UNREASONABLE ECONOMIC HARDSHIP. An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property.

UNUSUAL AND COMPELLING CIRCUMSTANCES. Those uncommon and extremely rare instances, factually detailed, which would warrant a Commission recommendation for relief due to the evidence presented.

VISUAL FACADE CHANGES. Any modification to the appearance of a facade caused by alteration, construction or demolition.

WORKMANSHIP. Skill as a workman, craftsmanship or artistry or evidence of this skill in something produced.

Submitted by: ASSEMBLY MEMBER TESCHE
ASSEMBLY MEMBER Shamberg
Prepared by: Assembly Counsel
For reading: December 12, 2006

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 1-9-07

ANCHORAGE, ALASKA
AO NO. 2006-175

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REPEALING
2 AND REENACTING ANCHORAGE MUNICIPAL CODE SECTION 4.60.030 TO
3 CREATE AN HISTORIC PRESERVATION COMMISSION PROMOTING A
4 BROADER COMMUNITY PURPOSE FOR HISTORIC PRESERVATION, AND
5 AMENDING SECTION 6.100.020, FINANCING HISTORIC PRESERVATION
6 PROJECTS.
7

8
9 THE ANCHORAGE ASSEMBLY ORDAINS:

10
11 **Section 1.** Anchorage Municipal Code section 4.60.030 is hereby repealed and
12 reenacted. As required by AMC 1.05.050B, the current text of AMC Section 4.60.030
13 is attached.
14

15 **4.60.030** **Historic preservation commission.**
16

17 A. *Purpose.* There is established an historic preservation commission to
18 encourage and further the interests of historic preservation by identifying,
19 protecting, and interpreting the municipality's significant historic and
20 cultural resources for the economic and social benefit of the community.
21

22 B. *Composition and terms of members.*
23

24 1. The commission shall consist of eleven (11) voting members,
25 appointed by the mayor subject to confirmation by the assembly.
26 Members of the commission serve at the pleasure of the mayor.
27

28 2. Each member shall be appointed pursuant to chapter 4.05 or for
29 the unexpired portion of a predecessor's term. No person shall serve
30 more than two consecutive terms.
31

32 3. Unless otherwise provided in this section, the commission shall be
33 governed by the provisions of Chapter 4.05.
34

AM 855-2006

C. *Ex-officio members.*

1. To assist the commission, there shall be three (3) ex-officio members. The Director of the Office of Economic and Community Development shall assign a municipal employee to serve as support staff for the commission and to act as Historic Preservation Officer (HPO).

2. The Director of the Office of Economic and Community Development, or designee, shall serve as an ex-officio member; and

3. The Director of the Department of Planning, or designee, shall serve as an ex-officio member; and

4. The Alaska State Historic Preservation Officer (SHPO) shall serve as an ex-officio member.

D. *Qualifications.* At a minimum, each voting member of the commission shall have a demonstrated interest, competence or knowledge of:

1. The history of Anchorage;

2. Architecture, design, history, real estate, construction or other matters relevant to judging the economic and cultural value of particular historic preservation activities; or

3. Historic preservation.

4. To the extent available in the Municipality, commission members shall include:

a. One architect, art historian or historic preservation architect;

b. One member with experience in building construction, such as a building contractor or structural engineer;

c. One member with experience in the real estate, such as a real estate developer, appraiser or broker;

d. One member as a representative of a recognized local historic preservation association or historic preservation group;

- e. One historian;
 - f. One archeologist;
 - g. One Native Culture Advisor with knowledge of local indigenous history and culture;
 - h. One member with legal expertise in historic preservation, land use, or real estate;
 - i. Three citizens-at-large members, as set out below.
 - i. Initially, the at-large members shall be appointed pursuant to the minimum qualifications in this section.
 - ii. Upon designation of one or more Historic Districts pursuant to this chapter, an at-large position shall be filled by a person residing within the Historic District, if a person so qualified is available to service.
 - iii. If more than three Historic Districts are designated, the mayor shall determine the three Historic Districts to be represented on the commission.
5. If upon written documentation that a reasonable effort has been made to fill a position from a professional discipline that is not represented on the commission, the commission shall seek expertise in this area from consultants meeting the SECRETARY OF THE INTERIOR'S PROFESSIONAL QUALIFICATIONS STANDARDS.

E. *Powers and duties of commission.* The commission shall:

1. **Prepare** Promulgate regulations **and submit to the Assembly for approval** establishing standards, definitions, and procedures for identification of, designation of, and review of actions pertaining to historic resources.
2. Prepare and maintain a comprehensive inventory of historic resources. The local Historic Inventory shall be compatible with the

1 Alaska Heritage Resource Survey and shall be submitted annually to the
2 State of Alaska Office of History and Archeology.

3
4 3. Prepare and submit to the assembly, mayor, and planning &
5 zoning commission for approval by ordinance, a procedure for
6 designating, without changing or modifying the underlying zoning
7 classification:

8
9 a. Resources on the Historic Inventory with "HI"; and

10
11 b. Properties listed in local, state and federal Historic
12 Registries with "HR".

13
14 4. Formulate an Historic Preservation Plan, and submit to the
15 assembly, mayor, and planning & zoning commission for incorporation
16 into the 2020 COMPREHENSIVE PLAN.

17
18 5. Review applications for designation of Historic Properties, Historic
19 Resources or Historic Districts, including nominations to the State and
20 National Registers of Historic Places, and under applicable federal and
21 state laws, nominate such properties, resources or districts for the local
22 Historic Register.

23
24 a. Initially the commission shall nominate appropriate
25 municipal properties on the State and National Registers
26 for the local Historic Register.

27
28 6. Under the ALASKA HISTORIC PRESERVATION ACT and the NATIONAL
29 HISTORIC PRESERVATION ACT of 1966, 16 USC 470 *et seq.*:

30
31 a. Serve as the historic preservation review commission for
32 the municipality for the purpose of maintaining the
33 municipality as a certified local government;

34
35 b. Serve as the local historical district commission for the
36 municipality under AS 29.55 and AS 45.98, and maintain
37 the local Historic Register.

38
39 c. Under federal and state law, recommend eligible properties
40 to the state historic preservation officer for nomination to
41 the National Register of Historic Places.
42

1 7. Recommend **to the Mayor and the Assembly** resources and
2 potential incentives to assist historic property owners in the preservation,
3 restoration, rehabilitation and repair of historic property.
4

5 8. Advise the assembly and planning & zoning commission
6 concerning historic preservation planning and its implementation, and
7 recommend appropriate amendments to the Comprehensive Plan,
8 Title 21, and other local development regulations to promote the
9 purposes of this chapter.
10

11 9. Recommend **to the Assembly and the Planning and Zoning**
12 **Commission** maintenance programs for municipally-owned Historic
13 Properties, Historic Resources or properties within Historic Districts.
14

15 10. Make recommendations to the mayor and assembly concerning:
16

17 a. Acquisition of property or interests in property;
18

19 b. Availability and use of public or private funds to promote
20 the preservation of properties and districts within the
21 municipality;
22

23 c. Enactment of legislation, regulations and codes to
24 encourage the use and adaptive reuse of historic
25 properties.
26

27 11. Provide information, in the form of pamphlets, newsletters,
28 workshops or similar activities, to historic property owners on methods of
29 maintaining and rehabilitating historic resources.
30

31 12. Officially recognize excellence in the rehabilitation of historic
32 buildings, structures, sites and districts, and new construction in historic
33 areas.
34

35 13. Develop and participate in public information, educational and
36 interpretive programs and activities to increase public awareness of the
37 value of historic preservation.
38

39 14. Establish liaison, support, communication and cooperation with
40 federal, state and municipal governmental entities and departments, as
41 well as boards and commissions, to further historic preservation
42 objectives, including public education.

F. *Historic Preservation Officer.*

1. The Director of the Office of Economic and Community Development shall appoint an Historic Preservation Officer (HPO).

2. The HPO shall have a demonstrated interest in historic preservation and be a qualified professional in one or more pertinent fields, such as historic preservation, architecture, archeology, architectural history, cultural anthropology, history, historic architecture or a closely related field.

3. The duties of the HPO shall include:

- a. Act as secretary for the commission;
- b. Act as intermediary between the commission and municipal departments, including notification of appropriate officials of Historic Inventory (HI) and Historic Register (HR) properties.
- c. Receive and present applications, with comments and evaluation as appropriate, to the commission for review.
- d. Provide technical and background information to the commission.
- e. Perform such other duties as required by the commission.

Section 2. Anchorage Municipal Code section 6.100.020 is amended as follows (*the remainder of the section is not affected and therefore not set out*):

6.100.020 Financing of historic preservation projects.

D. The municipality may [SHALL] contract with any qualified entity for administration of [ANCHORAGE HISTORIC PROPERTIES, INC., TO IDENTIFY, INITIATE, NEGOTIATE AND ADMINISTER] historic preservation projects authorized under this section.

(AO No. 86-47; AO No. 86-154; AO No. 87-75)

Section 3. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 9th day of January, 2007.

Dan Sullivan
Chair

ATTEST:

Bonnie S. Givens
Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

An ordinance of the Anchorage Municipal Assembly repealing and reenacting
AMC section 4.60.030, To Create an Historic Preservation Commission
Promoting a Broader Community Purpose for Historic Preservation, and
amending section 6.100.020, Financing Historic Preservation Projects.

AO Number: 2006-175 Title:

Sponsor: Assemblymember Tesche
Preparing Agency: Assembly
Others Impacted: Office of Economic and Community Development

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY06	FY07	FY08	FY09	FY10	
Operating Expenditures						
1000 Personal Services	\$ -	\$ -	\$ -	\$ -	\$ -	
2000 Non-Labor	-	-	-	-	-	
3900 Contributions						
4000 Debt Service						
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -	
REVENUES:						
CAPITAL:						
POSITIONS: FT/PT and Temp						

PUBLIC SECTOR ECONOMIC EFFECTS:

There are no significant public sector economic effects associated with this ordinance. Support staff duties for the commission will initially be absorbed by the Office of Economic and Community Development; however, there may be need of a FTE in the future. In addition, there will be some relatively minor costs associated with providing information in the form of pamphlets, newsletters, workshops, etc.

PRIVATE SECTOR ECONOMIC EFFECTS:

There are no significant private sector economic effects associated with this ordinance.

Prepared by: Steven B. King, Utility Budget Analyst
Reviewed by: Guadalupe Marroquin

Telephone: 343-4714
Telephone: 343-4376



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

NO. AM 855-2006

Meeting Date: December 12, 2006

From: Assemblymembers Tesche and Shamberg

Subject: **AO 2006-175 — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REPEALING AND REENACTING ANCHORAGE MUNICIPAL CODE SECTION 4.60.030 TO CREATE AN HISTORIC PRESERVATION COMMISSION PROMOTING A BROADER COMMUNITY PURPOSE FOR HISTORIC PRESERVATION, AND AMENDING SECTION 6.100.020, FINANCING HISTORIC PRESERVATION PROJECTS.**

The historical, cultural, and aesthetic heritage of Anchorage is among our most valuable community assets. It consists of several themes resulting from human events and changes in technology as people have increasingly settled in this area. Beginning with Native habitation in the area, Anchorage has evolved through a series of subsequent activities here and in the region; for example, mining and trapping, railroad construction, New Deal farming and homesteading, military build-ups, post-earthquake reconstruction, oil and gas development, resolution of Native and State land claims, and international trade. All of these activities have left, and will continue to leave, physical reminders in our community. They make up a rich historical resource that represents who we were then, and will continue to be, as a community. Coupled with our physical setting, they help to provide us with our unique identity.

In recognition of the growing appreciation for our historic and cultural resources, particularly our physical environment, to revitalize historic neighborhoods, and to promote economic development, AO 2006-175 is proposed. The ordinance creates an eleven-member Historic Preservation Commission from the former board of Anchorage Historic Properties, Inc., and assigns the Commission with the tasks of maintaining an official inventory of historic places and buildings, together with preparation of a historic preservation plan under Policy #51 of the *Anchorage 2020/Anchorage Bowl Comprehensive Plan*. The Commission will recommend legislation the Assembly might consider in future years to protect historic resources of the community. The new commission will serve as the official review authority for a "certified local government" [CLG] under the Alaska Historic Preservation Act and the National Historic Preservation Act of 1966, 16 USC 270 *et seq.*

AO 2006-175

Specific means by which voluntary historic preservation activities may be pursued by property owners, neighborhoods, and the municipal government are left to future legislation and measures the Commission might review and recommend to the Assembly and the Mayor.

Enactment of AO 2006-175 is recommended.

Respectfully submitted,

Allan Tesche
Assemblymember, Section 1

Janice Shamberg
Assemblymember, Section 6

4.60.030 Historic preservation board.

There is established a historic preservation board consisting of the board of directors of Anchorage Historic Properties, Inc., a nonprofit corporation incorporated under AS 10.20.005 et seq. The board of directors of Anchorage Historic Properties, Inc., consists of 11 members, six of whom are appointed by the mayor subject to confirmation by the assembly, and five of whom are members of Anchorage Historic Properties, Inc., and elected by its membership. All board members shall have a demonstrated interest, competence or knowledge in historic preservation. To the extent available in the municipality, the board shall include professional members from the disciplines of architecture, history, architectural history, planning, archaeology or other historic preservation related disciplines.

The board shall:

- A. Advise the mayor, assembly and others in the identification and preservation of all buildings and areas within the municipality that are of cultural, historic or geographical importance in the heritage of the municipality or region;
- B. Under the National Historic Preservation Act of 1966, 16 USC 470 et seq.:
 - 1. Serve as the historic preservation review commission for the municipality for the purpose of qualifying the municipality as a certified local government; and
 - 2. With property owner consent, recommend eligible properties to the state historic preservation officer for nomination to the National Register of Historic Places;
- C. Serve as the local historical district commission for the municipality under AS 29.55 and AS 45.98;
- D. Designate buildings and structures which have special historical or architectural significance for the purpose of facilitating the relaxation of certain requirements of Title 23, in the manner permitted by that title for such buildings and structures;
- E. Develop and maintain an inventory of historic structures and sites;
- F. Advise the planning and zoning commission concerning historic preservation planning and its implementation, and in the review of projects that affect historic structures;
- G. Coordinate, assist or plan with or between other municipal departments, public agencies, educational institutions, community groups or interested persons to develop preservation projects, including the preservation of architecturally or historically significant buildings, sites, objects or structures; and
- H. Advise municipal departments and boards and commissions on the continuing maintenance and utilization of publicly owned historic properties.

(CAC 2.64.670--2.64.680; AO No. 77-304; AO No. 82-49; AO No. 83-44; AO No. 86-154; AO No. 87-96)

Charter references: Boards and commissions, § 5.07.

Cross references: Naming of municipal buildings, other fixed facilities and public places, Ch. 3.97; historic preservation project fund, Ch. 6.100; land use planning, supplementary district regulations, Ch. 21.45; building regulations, Ch. 23.05; public lands, Tit. 25.

State law references: Historical commissions, AS 29.55.010; historical district revolving loan fund, AS 45.98.

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2006-175

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT		DATE PREPARED	
	HISTORIC PRESERVATION COMMISSION		12/4/06	
2	DEPARTMENT NAME		Indicate Documents Attached	
	Assembly		<input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY		DIRECTOR'S NAME	
	JULIA TUCKER - ASSEMBLY COUNSEL		Daniel A. Sullivan, Chairman	
4	COORDINATED WITH AND REVIEWED BY		INITIALS	
5	Special Instructions/Comments		DATE	
6	ASSEMBLY HEARING DATE REQUESTED		PUBLIC HEARING DATE REQUESTED	
	12/12/06		1/9/07	

M.C.A.
 2006 DEC - 4 AM 8:36
 CLERK'S OFFICE