

# Heritage Preservation Commission Zoning Code Overview

Part 1: CLG relationship and  
Cultural Resource Studies

January 2021



# Learning Objectives

- Why do we have an ordinance?
- What does it do and not do?



# Overview of Schedule



Part 1: Applicability and  
Cultural Resource Studies  
(January 2021)

Part 2: Overlays and  
Certificates (February 2021)

Part 3: Appeals and  
Enforcement (March 2021)





# Flagstaff Zoning Code

## 10-30.30 Heritage Preservation

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- A local ordinance that cover most potentially historic resources and archeological resources that may be affected by development within the City
- A requirement of our Certified Local Government (CLG) Agreement with the State Historic Preservation Officer
- Legal basis for the Commission's and the Heritage Preservation Officer's authority



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Code Version: Current Compare with another version: Aug 2020 Compare

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- + Charter
- City Code
  - +  Title 1 ADMINISTRATIVE
  - +  Title 2 BOARDS AND COMMISSIONS
  - +  Title 3 BUSINESS REGULATIONS
  - +  Title 4 BUILDING REGULATIONS
  - +  Title 5 FIRE CODE
  - +  Title 6 POLICE REGULATIONS
  - +  Title 7 HEALTH AND SANITATION
  - +  Title 8 PUBLIC WAYS AND PROPERTY
  - +  Title 9 TRAFFIC
  - Title 10 FLAGSTAFF ZONING CODE
    - +  Chapter 10.00: Preamble: A Place-Based Approach to Zoning
    - +  Chapter 10-10: Title, Purpose and Jurisdiction
    - +  Chapter 10-20: Administration, Procedures, and Enforcement
    - Chapter 10-30: General to All
      - +  Division 10-30.10: Purpose
      - +  Division 10-30.20: Affordable Housing Incentives
      - +  Division 10-30.30: Heritage Preservation
      - +  Division 10-30.40: Community Benefit Program
      - +  Division 10-30.50: Public Improvements
      - +  Division 10-30.60: Site Planning Design Standards
      - +  Division 10-30.70: Residential Sustainable Building Standards
      - +  Division 10-30.80: Traditional Neighborhood Community Plans
      - +  Chapter 10-40: Specific to Zones

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### Flagstaff City Charter

Adopted and amended by the Flagstaff qualified voters

### Flagstaff City Code

A Codification of the General Ordinances of the City of Flagstaff, Arizona

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The Flagstaff City Charter and City Code are current through Ordinance 2020-30, passed November 17, 2020. Disclaimer: The City Clerk's Office has the official version of the Flagstaff City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.flagstaff.az.gov>  
City Telephone: (928) 774-5281  
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# Certified Local Government

## Benefits

- Local Authority and Jurisdiction
- Grant Opportunities
- Technical Assistance from SHPO and the National Park Service



## Obligations

- Establish and Maintain Ordinance and Commission
- Creation of Overlay Districts
- Ongoing Resource Identification
- National and Local Register Inventory Maintenance
- Ongoing Resource Protection through Planning, Zoning, and Permitting

# What's in 10-30.30?

10-30.30.010 Purpose

10-30.30.020 Applicability

10-30.30.030 General Provisions

10-30.30.040 Designation of Landmark Properties  
or Historic Overlay Zones

10-30.30.050 Cultural Resources

10-30.30.060 Development of a Landmark Property  
and Property within a Historic Overlay Zone

10-30.30.070 Violations and Enforcement

10-30.30.080 Appeals



# Applicability



## Required to comply

- Designation of landmark properties or historic overlay zones
- Cultural resource studies
- Development of a landmark property and property within a historic overlay zone



# Applicability



## Exemptions

- Work that the Building Official certifies as correcting an imminent hazard, for which no temporary corrective measures will suffice in protecting the public safety;
- Ordinary maintenance or repair of a property or structure, including public infrastructure, that does not involve a change in any element of design and that does not have an impact that is greater than that of the original construction; and
- Changes to the interior of structures that do not alter the exterior, the site, or the setting of the cultural resource.



# Cultural Resources Studies

## Required for:

1. Properties listed on the Flagstaff, Arizona State, or National Register of Historic Places; or
2. Undeveloped land; or
3. Structures over 50 years old at the time of application.

*CR studies are not required for properties in a Zoning Overlay. See Certificates.*



# Cultural Resources Studies

## Exemptions

1. The land, while undeveloped, is relatively small, surrounded by development, and unlikely to contain resources; or (Rule of thumb property size > 1 acre)
2. The structure is not significant or lacks integrity\*; or

\* Requiring a CRS does not in and of itself mean that the resources are significant. This exemption is only used when there is adequate documentation to determine significance and integrity. This exemption is not applied with the significance or integrity is unknown or undocumented.



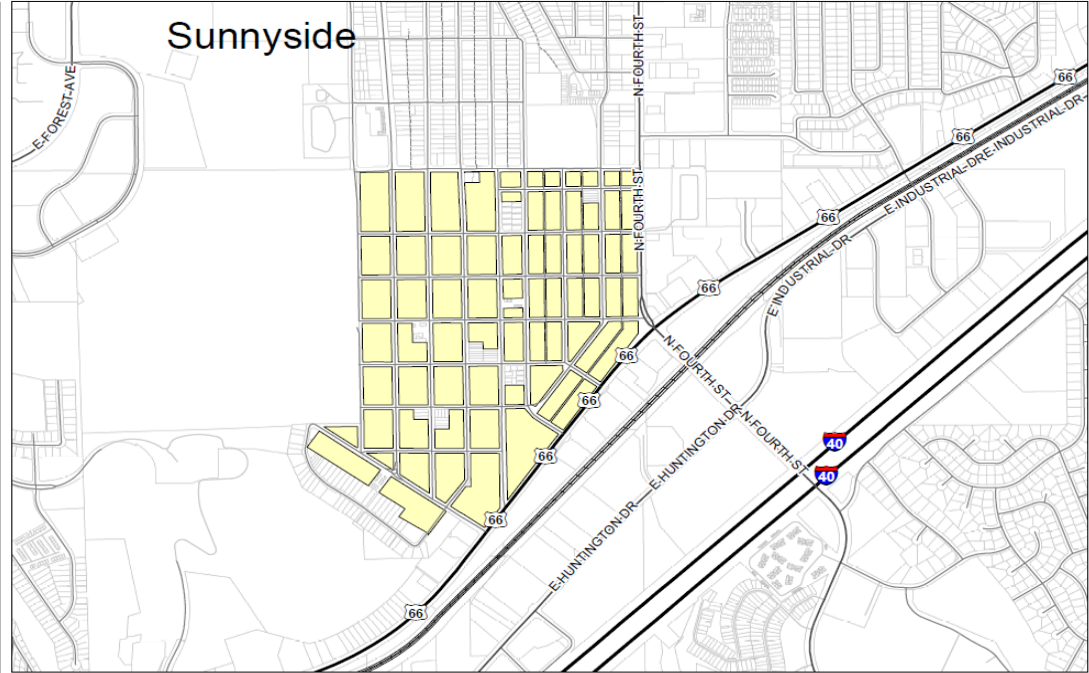
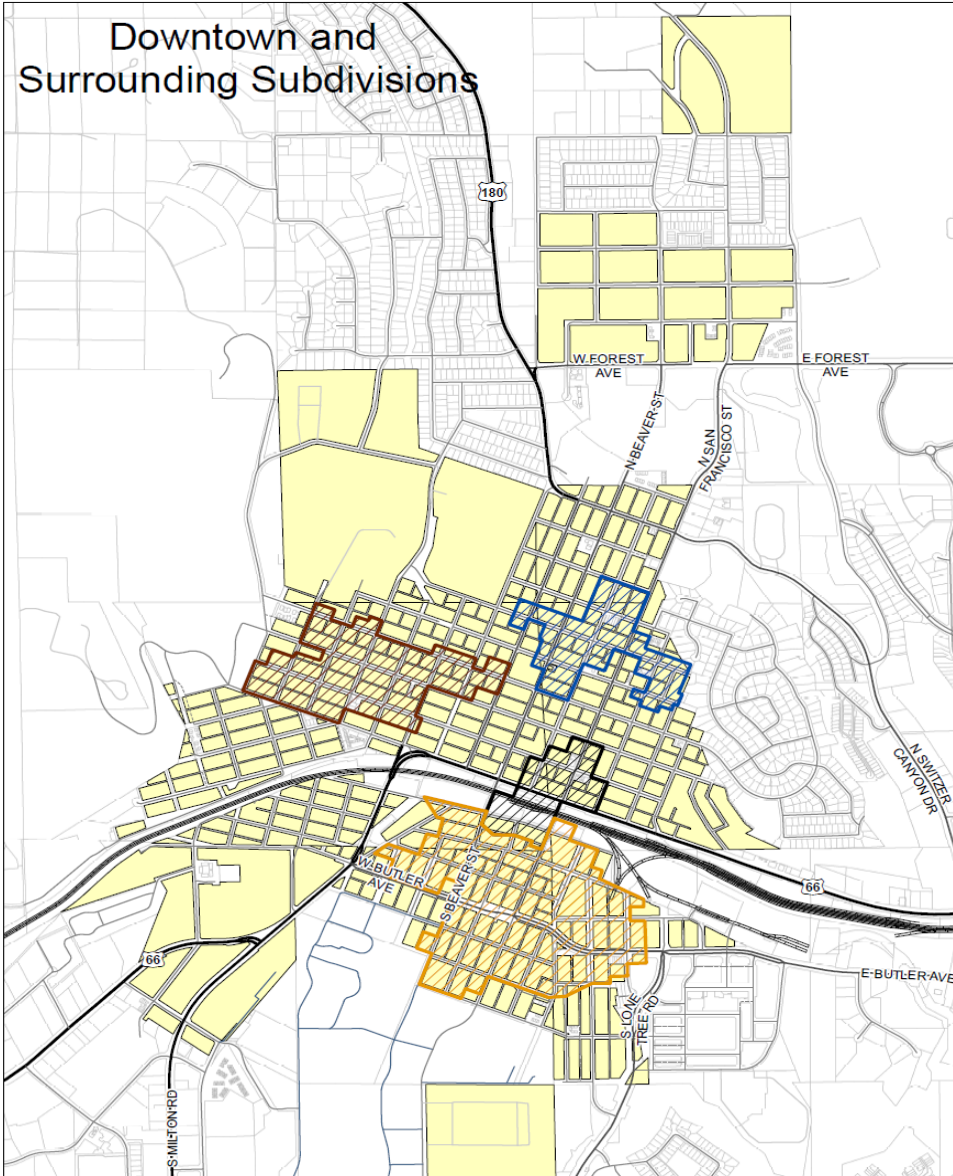
# Cultural Resources Studies

## Exemptions

3. The proposed work does not have major impacts, diminish the significance or integrity of the resource, is reversible, or is temporary; or
4. The structure is post World War II (1945) *production* housing; or
5. Other circumstances under which it is reasonable to conclude that a cultural resource study is not warranted.



# Pre-World War II Subdivisions



## Pre-World War II Subdivisions

- Parcels
- Pre-World War II subdivisions

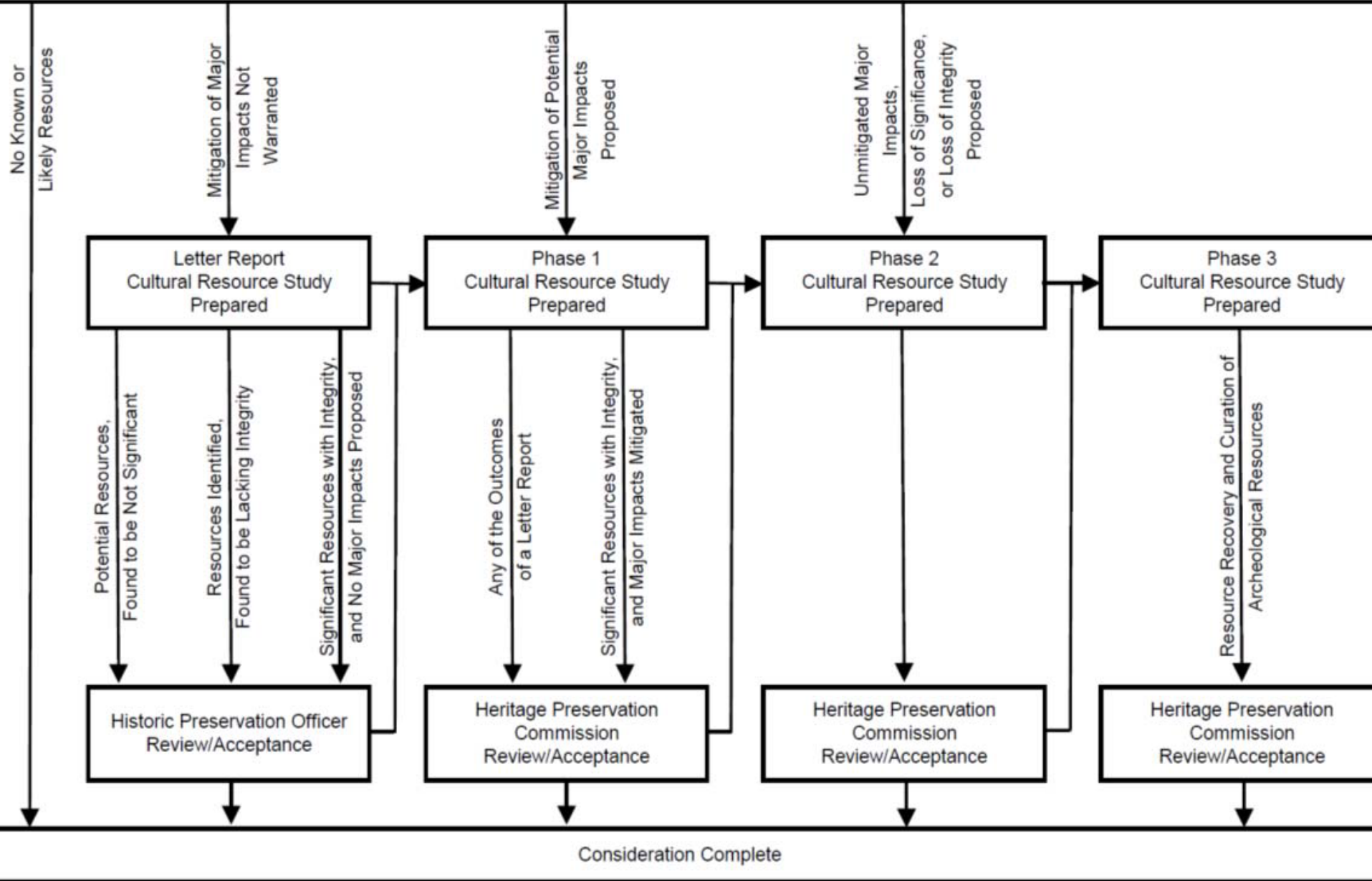
Buildings permits for residences in these areas may require a cultural resource study per the Zoning Code 10-30.30.050, if there is an existing structure. The existing building should be reviewed to determine if it warrants a cultural resource report.

### National Historic Districts

#### DistrictName

- Flagstaff Townsite Historic Residential District
- North End Historic Residential District
- Railroad Addition Historic District
- Southside Historic District

Determine Level of Review - Consult Flagstaff Historic Preservation Officer





# Cultural Resources Studies

## **A Letter Report is appropriate when:**

- (a) Site conditions, historic records, or previous research or studies indicate that cultural resources are not likely to be present; or
- (b) The integrity of a cultural resource is already severely compromised; or
- (c) The proposed work will not compromise the significance or integrity of the cultural resource; or
- (d) When no mitigation measures are warranted.

The report need only demonstrate that one of these conditions exists.



# Cultural Resources Studies

## A Phase 1 Cultural Resource Study shall:

- (a) Identify the presence of cultural resources;
- (b) Evaluate the potential for additional cultural resources being discovered;
- (c) Assess the significance of identified and potential cultural resources;
- (d) Assess the integrity of identified resources;
- (e) Assess identified and potential impacts proposed;
- (f) **Provide measures to mitigate major impacts** on cultural resources; and
- (g) Advise whether Phase 2 or Phase 3 Cultural Resource Studies will be required.



# What are Major Impacts?

- a. Physical destruction or damage to all or part of the resource;
- b. Alteration to all or part of the resource that is not consistent with applicable standards and guidelines;
- c. Relocation or isolation of the cultural resource from its setting;
- d. Excessive replacement of original materials;
- e. Alteration of the character of the cultural resource's setting;
- f. Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting; or
- g. Neglect of a cultural resource resulting in its deterioration or destruction.



# Mitigations



- All proposed work that will or may have a major impact on a significant cultural resource, as determined by an appropriate cultural resource study, shall incorporate mitigation measures.
- Professional Design Required.



# Mitigations

## Order of Preferred Mitigations

- (1) Avoidance of significant cultural resources or impacts by not taking a certain action or parts of an action;
- (2) Preservation of cultural resources in place;
- (3) Minimizing major impacts by limiting the degree or magnitude of the action and its implementation;
- (4) Allow other parties to acquire cultural resources, cultural resource sites, or conservation easements;
- (5) Data recovery.



# Cultural Resources Studies

## A Phase 2 Cultural Resource Study shall:

- (a) when major impacts are proposed for a significant resource that has integrity and
- (b) **when no other mitigation measures are proposed** that would maintain the significance and integrity of the resource.

Includes everything in a Phase 1 Report plus as-built plans, and archival grade photography that fully document all physical aspects of the resource(s), including its setting.



# Cultural Resources Studies

## Archeological Resources

Usually found by a letter report or accidental discovery

The HPC or HPO may require:

- **Phase 2 Cultural Resource Studies** requires field research including sampling subsurface exploration to the satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.
- **Phase 3 Cultural Resource Studies** requires **complete data recovery**, which must be systematically excavated, inventoried, recorded, and mapped. The planned recovery must be designed to the satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.



# Cultural Resources Studies



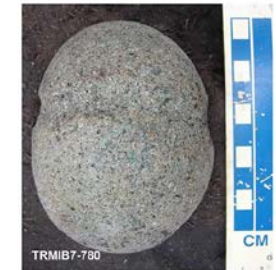
## Archeological Resources

The location of archeological resources is protected information and is not available for public release.

Occasionally, there may be a report that includes such information reviewed by HPC. This may require that the HPC go into executive session for discussion and the report will not be made available to the public with the rest of the agenda.



Have you seen this artifact?  
**MISSING**  
*presumed*  
**STOLEN**



**DESCRIPTION:** Prehistoric stone maul (hammer)  
**LAST SEEN:** July 12<sup>th</sup>, 2007 Shoshone National Forest.  
**DOCUMENTED MISSING:** August 10<sup>th</sup>, 2007

**REPORT STOLEN ARTIFACTS  
OR DAMAGE TO ARCHAEOLOGICAL SITES**

If you witness or have any information about theft or destruction of any archaeological materials on either Forest Service or BLM lands in and around the Big Horn Basin, please contact an archaeologist or law enforcement personnel at the [Shoshone National Forest](http://ShoshoneNationalForest.com) 307-527-6241 or [Cody BLM Field Office](http://CodyBLMFieldOffice.com) 307-578-5900 or contact the [Park County Historic Preservation Commission](mailto:commission@preservoparkcounty.com) [commission@preservoparkcounty.com](mailto:commission@preservoparkcounty.com)

**THEFT OF ARTIFACTS FROM FEDERAL LANDS IS A CRIME,  
AND  
IT'S NOT OK**



# Cultural Resources Studies

## Section 106 review

- Section 106 review documentation may be substituted for a Cultural Resource Study. (10-30.30.050.A.3.c.(5))
- This is processed through the State and coordinated with the HPO.
- Generally, there is no Commission review unless referred by the HPO.
- There are strict review timelines for the State with the Section 106 process