

HISTORIC PRESERVATION
AGENDA
May 19, 2022
6:00
City Hall

- I. Call to Order
- II. Minutes for April 21, 2022
- III. Treasurer's Report
- IV. New Business - none
- V. Old Business
 - Grants
 - Masonic Temple Awning: We cannot use our grant money for this. It is considered maintenance
 - Steve suggested we use our own money for this. Cost is \$2,250.00.
 - Robworth historic listing
 - Kirby heard back from Jeannine Kalin. Cost around \$4,000-5,000. She would not be able to start until the fall
 - Jacque - update on owners of the Robworth and are they willing to be listed
 - 502 Main - SHPO says this is an allowable grant. Kate will push forward and might be able to do before May 31, our extension deadline. Otherwise, we could extend the deadline.
 - emailed the project summary descriptions that was sent to Kate
 - Yellowstone Trail education update - Amanda
 - Conley Street Bridge sign update - Jacque
 - Mission Statement
 - Sent draft of HP Ordinance we were working on to Jordan.
- VI. Committee Concerns
- VII. Next meeting June ____ 2022.

05/17/22
11:36:47

CITY OF DEER LODGE
Detail Ledger Query with Account Balances
For the Accounting Periods: 7/21 - 5/22

Page: 1 of 1
Report ID: L091

Funds 2935-2935, Accounts 101000-101000

Fund/Account/ Doc/Line #	Description	Vendor/Receipt From	Acct. Period	Debit	Credit	Ending Balance
2935 HISTORICAL PRESERVATION						
101000 Cash - Operating						
CR 35279 1	Batch #: 14762		9/21	85.00		
CR 36324 1	Batch #: 14879		4/22	88.00		
RV 996469 1	cash from historical preservat		4/22	88.00		
	Account Total:		4,128.54 DB	261.00		4,389.54 DB
	Fund Total:			261.00	0.00	
	Grand Total:			261.00	0.00	

Project Summary* (1250 characters)

Briefly describe your project. Include:

- the applicant organization
- what the project is
- who will do the work
- who will benefit
- why the project is necessary and important
- how and where the work will be accomplished
- when the work will be accomplished
- how much the work will cost
- how much grant funding is requested

Deer Lodge Development Group Inc. (DLDG) promotes commerce and community in Deer Lodge and Powell County. In 2019, we purchased a vacant, historic Main Street property. Originally constructed in 1913, renovations are underway to transform it into a visitors' center and our headquarters. From this centralized hub, connecting tourism hotspots at both ends of Deer Lodge, we will effectively promote non-resident engagement. This project is extensive. To make it possible we have pieced it out as follows: 1) restoration of the external structure, 2) renovation of a functional visitors' center, and 3) renovation of our operating headquarters and two incubator offices. Our first priorities are projects one and two. Preservation of the structure is paramount; we are seeking funding assistance to restore key areas of failing external brick. Without restoration, this structure is at risk of critical failure. We have engaged a local mason, David Lowery of Lowery Masonry, for this project. His quote is included in this application. His estimated cost for repair is \$5,200, of which we are requesting \$3,900 in grant funds with a \$1,300 match from us. Work is to be completed before May 2023, when we open the visitors center.

Describe your organization's history, mission, purposes, goals, programs, activities, and accomplishments. Define your organization's overall target audience and what your organization's qualifications are to do the project.

DLDG is a 501(c)3 founded in 2016 and run by a board of up to eight volunteers. As our slogan states, we "Preserve. Develop. Grow." – preserve what is here, encourage new development, and create a local environment conducive to growth. The tangible ways that we do this are widespread and diverse. For example, to increase resident and non-resident engagement we host an annual BBQ Cook-Off and Brewfest as well as a Powell County High School All-Class Reunion every 4 years. We actively promote business-friendly regulations by encouraging officials to consider tax-incentives and other opportunities. We host entrepreneurs who are interested in making Powell County a home for their enterprise. We partner with local groups as needed. For example, in 2021 we helped Powell County High School fundraise to repaint "The P", a large hillside letter representing "Powell County" which had not been repainted since the 1980's. Our target audiences include our local community as well as non-residents/tourists, and endeavoring entrepreneurs/business people. Although no board can do it all, we are uniquely qualified to succeed our endeavors by the diversity of our board, and the strength of our community support and community partners. We are financially healthy, with actionable long-term plans to remain so. Any funds awarded to us will be well-spent and by an organization which is poised to exist for decades to come.

Project Description*

Describe the problem or need.

Consider including:

- how the project is related to the goals and purpose of the organization
- the goals of the project
- how the project will benefit and engage community members
- how the project addresses Montana's cultural and/or geographic diversity
- experts consulted, as appropriate
- the significance of your collection, artifact, building, structure, or subject
- events or people associated with the history of your project
- threats to the subject

This funding request for brick repointing is an integral part of our overall endeavor to restore our 502 Main Street property into a visitor center and our headquarters. As such, in speaking to “the project” here, we will refer to the entire restoration project, not just the brick repointing. In that light, the renovation of 502 Main Street fits our organization’s goals well. Firstly, in our goal to “preserve what is here”, this project preserves a property that has been a central downtown presence since 1913 but has been vacant and in disrepair for over a decade. This building is part of the Deer Lodge Central Business Historic District and is listed on the National Register of Historic Places as the “Milwaukee Meat Market”. Since we purchased the property in 2019, we have already completed some work in restoring the historic façade, which has been well received by the community. Many locals have fond memories of this property and are excited to see our progress and vision taking shape. This is only one of the many ways in which we are restoring a sense of community pride which we see as critical to continued progress. Looking beyond the importance of the physical property itself, when complete our visitor center will solve a key problem in Deer Lodge - the lack of a downtown connection between tourism hubs at each end of town. By solving this, we will provide a central, downtown touchpoint for non-residents where we can direct them into downtown businesses, restaurants, hotels, AirBnB and similar properties, and all Powell County has to offer. This meets our goals of encouraging growth and development. We have received grant funding for this renovation and intend to be open for in May 2023 for the summer tourism season. Furthermore, by developing a physical headquarters for DLDG, we also support our community by providing a tangible point of contact for those in need of our assistance and resources. In the section of the building set to house our headquarters, we will also have two incubator offices which start-ups can apply for and receive on scholarship for up to two years, rent free and with utilities and internet included. These specific endeavors clearly uphold our organizational goals by supporting the local community and existing and future businesses. As part of our façade restoration, we partnered with our local Historic Preservation Commission and the Montana Preservation Alliance. Their official report listed repointing of mortar joints as a top priority to preserve the general condition of the building. To complete this brick repointing, we have engaged local mason, David Lowery of Lowery Masonry, who has over 44 years of experience and has worked on other local properties of historic significance such as the Old Montana State Prison in the summer of 2021. Without his expertise and repointing, this property is at risk of critical failure.

Project Methods*

Describe who will perform the work and their credentials. Include the project timeline, the sequence of the work that will be accomplished, and how the work will be accomplished.

David Lowery, of Lowery Masonry, is a local mason with over 44 years of experience. He has previously worked on countless restoration projects. For example, in the summer of 2021 he did extensive work on the Old Montana State Prison wall. DLDG was recently awarded a Montana Department of Commerce Tourism Grant and with that we intend to complete renovation on the visitors center portion of the building by May 2023. We intend to be open to the public for the summer 2023 tourism season. This brick repointing is to be completed on a similar timeline - by May 2023 at the latest, most likely during the summer of 2022. We will couple his brick restoration with installation of a downspout on a rear gutter, the lack of which is contributing to water damage of the brick and mortar in that location.

Project Sustainability*

Describe future plans for this project after the grant work is accomplished. How will this project benefit the community after the work is accomplished? Will work continue on this project after grant period is over? If so, how, when, and why?

Specific to the brick, after the repointing and installation of rear downspout, the brick should be healthy and stable for the foreseeable future. Further needs for maintenance and/or addressing other failing areas if/when identified will be handled as needed. There is the possibility of putting a sealant on the brick to further enforce its long-term stability. However, that is cost prohibitive for us at this time. As for the 502 Main Street property on the whole, this property is to stay in the care of DLDG. We intent to function as a seasonal visitor center to begin, being open May-September, Thursday-Monday, 10am-4pm. We will use the property year-round for our operations as well as for the two incubator offices previously described. We hope that one day the visitor center will warrant year-round operation as well and have plans to accommodate that, if indicated. As previously described, this competed project will have widespread benefits to the community by building community pride, spurring further progress and development downtown, increasing non-resident expenditures in the downtown area as well as all of Deer Lodge and Powell County, housing incubator offices for start-ups in need, and providing a tangible way for those in need to contact DLDG.

Deer Lodge Preservation Ordinance

1. Statement of purpose.

The purpose of this Preservation Ordinance is to establish a local historic preservation program to promote the preservation of historic and prehistoric sites, structures, objects, buildings and districts through education, identification, evaluation and protection of historic and pre-historic resources.

This preservation ordinance is designed to achieve the following goals:

- A. Create a local historic preservation program that will:
 - 1. Recognize the uniqueness and visual character of the area by encouraging historic preservation activities;
 - 2. Promote public appreciation and education by encouraging greater knowledge, awareness and understanding of the area's cultural history;
 - 3. Promote heritage tourism as a benefit to the local economy by identifying and protecting the area's significant historical and cultural values;
 - 4. Encourage the integration of historic preservation into private, local, state and federal decision-making processes having the potential to affect prehistoric and historic properties within the jurisdiction of the city-county;
 - 5. Strengthen civic pride and cultural stability through preservation in neighborhoods and commercial areas;
 - 6. Stabilize and enhance the economy of the city through the continued use, preservation and revitalization of historic resources;
 - 7. Support the city's commitment to historic preservation by participating in the Certified Local Government Program, (established by Section 101(c) of the National Preservation Act, as amended, (54 U.S.C. 300101 et seq.) and Montana Code Annotated 76-2-301 and 321).
 - 8. Establish a historic preservation commission comprised of local residents and citizens, to advise the local government in the development of preservation programs and policies.
- B. Establish the position of local historic preservation officer, and describe the qualifications, duties and responsibilities of the position.

2. Objective

The objective of this chapter is to establish a local historic preservation program to promote the preservation of historic preservation of historic resources at the local level; and describe the duties and responsibilities of the Historic Preservation Commission (Commission) and the Historic Preservation Officer (HPO). The historic preservation program will include the identification, evaluation and protection of historic and prehistoric resources within the City, as well as providing general information and education about these resources.

3. Definitions.

- A. Alteration or change: any modification, demolition, removal, major repair or construction involving a local register or historic property. Alterations and changes may include, but are not limited to, covering, removing, and replacing of original materials and features, the addition of new materials and the construction of new additions.
- B. Archeological Properties:
- C. By-Laws: Approved by the Mayor on February 5, 2001, the Deer Lodge City Council adopted Resolution No. 979 to create the Deer Lodge Historic Preservation Commission. The By-Laws adopted in 2017 outline the purpose, appointments, officers, meetings, powers, duties, and procedures for the organization.
- D. Historic District: For Deer Lodge this refers to the Deer Lodge Central Business Historic District as defined by the National Register of Historic Places nomination form and any addenda thereto certified

by the National Park Service.

- E. Certificate of appropriateness (COA): a signed and dated document submitted by the applicant to the HPO or HPC for review of proposed alterations or changes to, or demolition of, a property, covered under this chapter.
- F. National Register of Historic Places: the official list of the nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.
- G. Ordinary maintenance and repair: work to prevent deterioration of a property or any part thereof by returning the property as nearly as practical to its original condition.
- H.
- I. Historic Properties:

4. Creation of a preservation commission. The Deer Lodge Preservation Commission (Commission) shall consist of a minimum of five (5) members who are residents of the City and have a demonstrated interest, competence, or knowledge in historic preservation. Commission membership shall include at least three members with professional expertise in the disciplines of history, planning, archaeology, architecture, architectural history, or other related disciplines, to the extent that such professional expertise is available in the community. The Mayor, with approval of the City Council, will make all appointments to the Commission. Terms of office will be three (3) years and will be staggered. Appointments continue until the member vacates the Commission by sending a written letter of resignation or attending a regularly scheduled meeting and voicing his resignation, or until the member is not in compliance with the By-Laws. If a vacancy results in less than the minimum five (5) members, the vacancy shall be filled within sixty (60) days. The commission shall elect from its membership a chairperson and vice chairperson at its first regularly scheduled meeting of each year. The chairperson shall preside at all meetings and hearings of the commission and shall have duties normally conferred by parliamentary usage on such officers. The chairperson shall be a regular voting member of the commission. In the absence of the chairperson, the vice chairperson shall preside over meetings and hearings.

When the Commission considers any action that will affect or potentially affect a property that is normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Commission, the Commission shall seek expertise in this area before formulating its recommendation.

5. Powers and duties of the Commission.

The Commission will:

- A. Review and comment on planning programs undertaken by the City of Deer Lodge, Powell County, and State and Federal agencies which relate to historic resources, such land use, municipal improvements, housing and other types of planning.
- B. Consult with City, County, State and Federal agencies on all applications, environmental assessments, and other similar documents pertaining to historic districts, historic and archeological properties.
- C. Make recommendations to the Deer Lodge City Council and other pertinent bodies or organizations concerning matters being reviewed by such boards. The Commission shall notify all members by letter or by email of such meetings.
- D. Provide information, advice, and guidance, upon request by property owners, as to the restoration, rehabilitation, landscaping and/or maintenance of potentially historic buildings or structures. The Commission may recommend voluntary design guidelines, which will be made available to the public for assistance in preservation projects.
- E. The Commission shall enforce appropriate State and Local legislation for the designation and protection

of historic properties. To meet this duty the Commission shall review proposed demolishing of, changes to, or other actions that may affect locally designated historic prehistoric properties.

- F. Consider and recommend to the city council to designate additions to and deletions from the register of historical resources;
- G. Keep current and publish a register of historical resources;
- H. Make recommendations to the planning commission and the city council on integrating historic preservation best practices in city planning. ;
- I. Encourage public understanding of and involvement in the unique historical, architectural and environmental heritage of the city through educational and interpretative programs;
- J. Explore means for the protection, retention and use of any historical resource, historic district, or potential historical resource or district within the city;
- K. Make recommendations to the city council of private efforts to raise funds on behalf of historic preservation.
- L. The Commission is specifically denied the power to acquire any property or interest therein for or on behalf of itself or the city;
- M. Recommend and encourage the protection, enhancement, appreciation and use of structures of historical, cultural, architectural, community or aesthetic value which have not been designated as historical resources but are deserving of recognition;
- N. Encourage the cooperation between public and private historic preservation groups;
- O. Carry out or assist studies and programs designed to identify and evaluate properties worthy of preservation.
- P. Participate in the review of all proposed Local Register and National Register of Historic Places nominations within the City.

6. Qualifications and duties of the historic preservation officer (HPO).

In compliance with the Montana Certified Local Government (CLG) Program the City County shall designate a local Historic Preservation Officer.

- A. The HPO must have a demonstrated interest, competence or knowledge in historic preservation with professional expertise in history, planning, archaeology, architecture, architectural history, historic archaeology or a closely related field to the extent that such professional expertise is available to the community. The HPO must be accessible to the general public through regular office hours.
- B. Duties of the HPO include:
 - 1. Serve as the primary point of contact to the general public for the local historic preservation program.
 - 2. Coordinate the activities of the historic preservation program.
 - 3. Provide historic preservation technical support and assistance to the HPC, government agencies and the general public.
 - 4. Assist the HPC and local government in fulfilling their duties per this Chapter and the Montana Certified Local Government Program.

7. Criteria for designating historical resources (properties, districts, and landmarks).

An historic resource may be designated a [local?] landmark, and an area may be designated an historic district pursuant to **Article 6** of this Ordinance, if it meets one or more of the following criteria:

- A. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
- B. It is identified with persons or events significant in local, state or national history; or
- C. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
- D. It is representative of the notable work of a builder, designer, or architect; or

- E. Its unique location or singular physical characteristic(s) represents an established and familiar visual feature or landmark of a neighborhood, community, or the City.

8. Procedures for designating historical resources.

Prior to city council consideration for designating or deleting historical resources or districts, written consent shall be obtained from the property owner(s) of record;

- A. The city council shall set a public hearing prior to designating or deleting a historical resource or district;
- B. The city clerk shall give notice of the public hearing which notice shall contain the date, time and place of the hearing, the general nature of the proposed designation or deletion and the street address or legal description of the property involved. Said notice shall be published once in the official newspaper of the city at least ten days before the date of the hearing. Said notice shall be mailed, postage prepaid, at least ten days before the date of the hearing to affected property owners and all persons, shown on the last equalized assessment roll as owning real property located within a radius of three hundred feet of the exterior boundaries of the property which is subject to the proposed designation or deletion;
- C. The city shall make findings of fact and determinations in writing
- D. The decision of the city council shall be made by resolution which shall be recorded with the city clerk.

9. Procedures and standards for reviewing alterations and demolitions.

- A. Mass — the height of a building, its bulk, and the nature of roof line;
- B. Proportions between the height of a building and its width (is its appearance predominantly horizontal or predominantly vertical?);
- C. Nature of the open spaces around buildings, including the extent of setbacks, the existence of any side yards (with an occasional view to the rear) and their size, and the continuity of such spaces along the street;
- D. Existence of trees and other landscaping, and the extent of paving;
- E. Nature of the openings in the facade, primarily doors and windows—their location, size, and proportions;
- F. Type of roof — flat, gabled, hip, gambrel, mansard, etc.;
- G. Nature of projections from the buildings, particularly porches;
- H. Nature of the architectural details—and, in a broader sense, the predominant architectural style;
- I. Nature of the materials;
- J. Color;
- K. Texture;
- L. Details of ornamentation; and
- M. Signs.

10. How and when to determine economic hardship.

The City of Deer Lodge may offer the following incentives to the owner(s) of property meeting the criteria for designation in order to encourage their participation in the preservation program:

- A. If located within the Historic District, a reduction in the parking requirements for any approved addition to the structure and/or site, or approved change in use;
- B. Relaxation of development standards for additions to designated structures and/or site;
- C. Expedited processing of permit applications;
- D. Liberal interpretation of the Historic Building Code;
- E. Availability of grants for rehabilitation, as may be budgeted from time-to-time;
- F. Inclusion in a pamphlet to be distributed to residents and tourists;

- G. Identification plaques for designated improvements;
- H. Such other incentives as the City Council may from time-to-time implement.

11. Penalties.

Any person who constructs, alters, removes or demolishes a cultural resource without applying for a permit will be in violation of this Ordinance and will be ineligible for waivers of fees or grants.

Historic resources shall be kept in good repair and eliminate any elements that pose a public safety or health problem. The owner or other person having legal custody and control of a property shall repair such building or structure if it is found to have any of the following defects:

- A. Building elements attached that may fall and injure members of the public or property.
- B. Deteriorated or inadequate foundation.
- C. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.
- D. Deteriorated, crumbling or loose exterior plaster.
- E. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
- F. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
- G. Any fault, defect or deterioration in the building which renders it structurally unsafe or not properly watertight.

If the Commission has reason to believe that a Resource is being neglected and subject to damage from weather or vandalism, the Commission shall notify the owner or other person having legal custody and control of the Resource and to discuss with them the ways to improve the condition of the property. In addition the Commission will also notify the Code Enforcement Officer and the City Council. If no attempt or insufficient effort is made to correct any noted conditions thereafter, the Commission may, at a noticed public hearing, make a formal request that the property owner take action to require corrections of defects in the subject property.

12. Appeal process.

Each of the following actions by the Commission may be appealed to the City Council:

- A. A determination of the Commission that an application for the designation of a Landmark or of a Historic District does not merit formal consideration by the Commission, and a determination thereto not to schedule a public hearing.
- B. A decision of the Commission, after a public hearing, to approve, in whole or in part, or disapprove the designation of a Landmark.
- C. A decision of the Commission, after a public hearing, defining and describing an appropriate Landmark Parcel upon which a Landmark is situated.
- D. A determination of the Commission, after a public hearing, amending, modifying or rescinding any decision to designate a Landmark or Landmark Parcel, or any preliminary or supplemental designations, determinations or decisions, as additions thereto.
- E. A decision of the Commission to approve in whole or in part, or disapprove an application for a certificate of appropriateness.
- F. Any decision of the Commission relating to a structure of merit.
- G. The approval or disapproval of an application of a Landmark, Historic District, Structure of Merit, or certificate of appropriateness that occurred as a result of the expiration of the required time periods for

processing such applications.

Deer Lodge Preservation Ordinance

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 7. Support the city's commitment to historic preservation by participating in the Certified Local Government Program, (established by Section 101(c) of the National Preservation Act, as amended, (54 U.S.C. 300101 et seq.) and Montana Code Annotated 76-2-301 and 321).
 8. Establish a historic preservation commission comprised of local residents and citizens, to advise the local government in the development of preservation programs and policies.
- B. Establish the position of local historic preservation officer, and describe the qualifications, duties and responsibilities of the position.

2. Objective

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5. Powers and duties of the Commission.

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- B. Consult with City, County, State and Federal agencies on all applications, environmental assessments, and other similar documents pertaining to historic districts, historic and archeological properties.
- C. Make recommendations to the Deer Lodge City Council and other pertinent bodies or organizations concerning matters being reviewed by such boards. The Commission shall notify all members by letter or by email of such meetings.
- D. Provide information, advice, and guidance, upon request by property owners, as to the restoration, rehabilitation, landscaping and/or maintenance of potentially historic buildings or structures. The Commission may recommend voluntary design guidelines, which will be made available to the public for assistance in preservation projects.

- E. The Commission shall enforce appropriate State and Local legislation for the designation and protection of historic properties. To meet this duty the Commission shall review proposed demolishing of, changes to, or other actions that may affect locally designated historic prehistoric properties.
- F. Consider and recommend to the city council to designate additions to and deletions from the register of historical resources;
- G. Keep current and publish a register of historical resources;
- H. Make recommendations to the planning commission, and the city council on integrating historic preservation best practices in city planning ;
- I. Encourage public understanding of and involvement in the unique historical, architectural and environmental heritage of the city through educational and interpretative programs;
- J. Explore means for the protection, retention and use of any historical resource, historic district, or potential historical resource or district within the city;
- K. Make recommendations to the city council of private efforts to raise funds on behalf of historic preservation.
- L. The Commission is specifically denied the power to acquire any property or interest therein for or on behalf of itself or the city;
- M. Recommend and encourage the protection, enhancement, appreciation and use of structures of historical, cultural, architectural, community or aesthetic value which have not been designated as historical resources but are deserving of recognition;
- N. Encourage the cooperation between public and private historic preservation groups;
- O. Carry out or assist studies and programs designed to identify and evaluate properties worthy of preservation.
- P. Participate in the review of all proposed Local Register and National Register of Historic Places nominations within the City.

Commented [HK1]: This needs to be addressed more completely in its own section – and likely further defined as to procedures in the zoning codes.

Commented [HK2]: Try to be consistent in how you refer to historic resources – districts, etc. An expanded set of definitions will help.

Commented [HK3]: See above

6. Qualifications and duties of the historic preservation officer (HPO).

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 3. Provide historic preservation technical support and assistance to the HPC, government agencies and the general public.
 4. Assist the HPC and local government in fulfilling their duties per this Chapter and the Montana Certified Local Government Program.

7. Criteria for designating historical resources (properties, districts, and landmarks).

An historic resource may be designated a [local?] landmark, and an area may be designated an historic district pursuant to **Article 6** of this Ordinance, if it meets one or more of the following criteria:

Commented [HK4]: I'd refine this section and be consistent with your vocabulary – and define the terms – for example, what's the difference between a property and a landmark here?

- A. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
- B. It is identified with persons or events significant in local, state or national history; or
- C. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or

- D. It is representative of the notable work of a builder, designer, or architect; or
- E. Its unique location or singular physical characteristic(s) represents an established and familiar visual feature or landmark of a neighborhood, community, or the City.

8. Procedures for designating historical resources.

Prior to city council consideration for designating or deleting historical resources or districts, written consent shall be obtained from the property owner(s) of record;

- A. The city council shall set a public hearing prior to designating or deleting a historical resource or district;
- B. The city clerk shall give notice of the public hearing which notice shall contain the date, time and place of the hearing, the general nature of the proposed designation or deletion and the street address or legal description of the property involved. Said notice shall be published once in the official newspaper of the city at least ten days before the date of the hearing. Said notice shall be mailed, postage prepaid, at least ten days before the date of the hearing to affected property owners and all persons, shown on the last equalized assessment roll as owning real property located within a radius of three hundred feet of the exterior boundaries of the property which is subject to the proposed designation or deletion;
- C. The city shall make findings of fact and determinations in writing
- D. The decision of the city council shall be made by resolution which shall be recorded with the city clerk.

Commented [HK5]: Take a look at the Butte-Silver Bow procedures – and remember to match the terms/definitions you use above consistently.

9. Procedures and standards for reviewing alterations and demolitions.

- A. Mass — the height of a building, its bulk, and the nature of roof line;
- B. Proportions between the height of a building and its width (is its appearance predominantly horizontal or predominantly vertical?);
- C. Nature of the open spaces around buildings, including the extent of setbacks, the existence of any side yards (with an occasional view to the rear) and their size, and the continuity of such spaces along the street;
- D. Existence of trees and other landscaping, and the extent of paving;
- E. Nature of the openings in the facade, primarily doors and windows—their location, size, and proportions;
- F. Type of roof — flat, gabled, hip, gambrel, mansard, etc.;
- G. Nature of projections from the buildings, particularly porches;
- H. Nature of the architectural details—and, in a broader sense, the predominant architectural style;
- I. Nature of the materials;
- J. Color;
- K. Texture;
- L. Details of ornamentation; and
- M. Signs.

Commented [HK6]: Again, check with other MT ordinances, like the Butte Silver Bow ordinances, for language and appropriate place to codify these procedures. The design guidelines may be better suited to a separate document referenced in the ordinance.

10. How and when to determine economic hardship.

The City of Deer Lodge may offer the following incentives to the owner(s) of property meeting the criteria for designation in order to encourage their participation in the preservation program:

- A. If located within the Historic District, a reduction in the parking requirements for any approved addition to the structure and/or site, or approved change in use;
- B. Relaxation of development standards for additions to designated structures and/or site;
- C. Expedited processing of permit applications;
- D. Liberal interpretation of the Historic Building Code;

- E. Availability of grants for rehabilitation, as may be budgeted from time-to-time;
- F. Inclusion in a pamphlet to be distributed to residents and tourists;
- G. Identification plaques for designated improvements;
- H. Such other incentives as the City Council may from time-to-time implement.

11. Penalties.

Any person who constructs, alters, removes or demolishes a cultural resource without applying for a permit will be in violation of this Ordinance and will be ineligible for waivers of fees or grants.

Historic resources shall be kept in good repair and eliminate any elements that pose a public safety or health problem. The owner or other person having legal custody and control of a property shall repair such building or structure if it is found to have any of the following defects:

- A. Building elements attached that may fall and injure members of the public or property.
- B. Deteriorated or inadequate foundation.
- C. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.
- D. Deteriorated, crumbling or loose exterior plaster.
- E. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
- F. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
- G. Any fault, defect or deterioration in the building which renders it structurally unsafe or not properly watertight.

If the Commission has reason to believe that a Resource is being neglected and subject to damage from weather or vandalism, the Commission shall notify the owner or other person having legal custody and control of the Resource and to discuss with them the ways to improve the condition of the property. In addition the Commission will also notify the Code Enforcement Officer and the City Council. If no attempt or insufficient effort is made to correct any noted conditions thereafter, the Commission may, at a noticed public hearing, make a formal request that the property owner take action to require corrections of defects in the subject property.

12. Appeal process.

Each of the following actions by the Commission may be appealed to the City Council:

- A. A determination of the Commission that an application for the designation of a Landmark or of a Historic District does not merit formal consideration by the Commission, and a determination thereto not to schedule a public hearing.
- B. A decision of the Commission, after a public hearing, to approve, in whole or in part, or disapprove the designation of a Landmark.
- C. A decision of the Commission, after a public hearing, defining and describing an appropriate Landmark Parcel upon which a Landmark is situated.
- D. A determination of the Commission, after a public hearing, amending, modifying or rescinding any decision to designate a Landmark or Landmark Parcel, or any preliminary or supplemental designations, determinations or decisions, as additions thereto.
- E. A decision of the Commission to approve in whole or in part, or disapprove an application for a certificate of appropriateness.
- F. Any decision of the Commission relating to a structure of merit.

G. The approval or disapproval of an application of a Landmark, Historic District, Structure of Merit, or certificate of appropriateness that occurred as a result of the expiration of the required time periods for processing such applications.