



DRAFT

MEMORANDUM

Date: May 18, 1999

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

Re: Attached Discussion Paper Entitled *Preserving Cultural and Historic Resources*

Background:

On April 30, 1999 I forwarded to the Board a discussion paper entitled *Determining Species of Concern* which was drafted to facilitate deliberations by the Science Technical Advisory Team in considering which species might be protected under the Sonoran Desert Conservation Plan. That work is ongoing, following a 3 ½ hour meeting of the Science Team on May 11, 1999, and will continue as we develop the data layers and scientific information necessary for a conservation plan. The species of concern discussion paper will be amended to incorporate comment, and we can expect that a series of technical reports will be issued as the subject matter becomes increasingly defined.

Today I am forwarding the report which launches a similar information gathering process in the area of cultural resources. The attached paper entitled *Preserving Cultural and Historic Resources*, was drafted by County staff to facilitate discussion of the Cultural and Historic Resources Technical Advisory Team about protection of cultural resources under the Sonoran Desert Conservation Plan. This memorandum summarizes the discussion paper, describes the ways in which Pima County's preservation policy can be made more effective, and outlines the workplan which staff is pursuing to establish a more complete data layer on cultural and historic resources.

Report:

Divided into two major sections, the first part of the report provides an overview of historic preservation in Pima County, while the second part provides analysis and recommendations for improving Pima County's historic preservation policy.

Historic Preservation in Pima County: Part 1 of the report describes the potential conservation objectives under the Sonoran Desert Conservation Plan through several sections:

- ▶ Cultural Resources Conservation
- ▶ A Cultural and Historical Summary of Pima County
- ▶ Cultural Resources and the National Register
- ▶ Status of Cultural Resource Inventory and Site Protection in Pima County

Preserving Cultural and Historic Resources

May 18, 1999

Page 2

Sixteen major points of the report are summarized on page 34, including the following:

- ▶ Citizen pressure to preserve cultural resources can be traced back to the 1880s. In 1889, Congress designated the Casa Grande ruin as the first "archaeological reservation" placed under the protection of the Department of the Interior. In Pima County, current support for protection of such resources is reflected in the nearly 70 percent approval rating in the 1997 bond election for conservation of open space and historic preservation.
- ▶ During the past 100 years, a series of laws and national policies have been created to protect cultural sites. The National Register of Historic Places provides a listing for nationally recognized sites.
- ▶ At the local level, protection policies maintain the community's identity, continuity and sense of place. Pima County's heritage is longstanding, complex, and multi-cultural. Our legacy of at least 12,000 years has left us rich in archaeological, historical and cultural properties which give us the opportunity to commemorate and retain aspects of our Native American, Mexican, Spanish Colonial and Territorial heritage that vitalize our lives today.
- ▶ Population growth and the lack of effective protections has posed a serious threat to non-renewable cultural resources. Only 16 percent of eastern Pima County, and 7 percent of the entire County has been inventoried. Inventories typically occur in advance of development. An estimated 60 percent of known resources are now destroyed.
- ▶ There is a strong correlation between existing cultural sites and riparian areas, making the riparian restoration component of the Sonoran Desert Conservation Plan a natural ally of cultural and historic preservation.

Rewriting the Pima County Historic Zone - Analysis and Recommendations: Part 2 of the report compares existing Pima County protections for cultural resources to the ordinances of other jurisdictions and makes preliminary recommendations to improve the County's policy.

In 1972, Pima County established overlay requirements which could protect cultural and historic districts. Two districts were created but the zone is not functioning as originally intended, and it is not an effective tool in protecting sites.

Following a comparison of ordinances from the City of Tucson, City of Phoenix, City of Scottsdale, City of Santa Fe (New Mexico), Boulder County (Colorado), and Dade County (Florida), the report recommends that Pima County improve the effectiveness of its historic zone policy by:

- ▶ Creating a comprehensive preservation program within the Zoning Code; and

Preserving Cultural and Historic Resources

May 18, 1999

Page 3

- ▶ establishing Pima County as a Certified Local Government by meeting the State of Arizona's requirements for acceptance into the national program.

Preliminary Workplan:

In order to gather the information necessary for Pima County to protect cultural and historic resources, staff will work with the Cultural and Historic Resources Technical Advisory Team and the Arizona State Museum. The Arizona State Museum has served as a storehouse for knowledge about the cultural resources of the state for over one hundred years. Since the 1930s, museum researchers have compiled information on thousands of sites in its Archaeological Site Files Office, which serves as the state's permanent record for researchers and cultural resource managers. To facilitate both research and management needs, the Arizona State Museum has spent the last three and a half years computerizing their records, and the records of other state and federal agencies, as part of a collaborative effort to convert data on cultural resources from paper records into an electronic geographic information system (GIS) database. The AZSITE Cultural Resource Inventory consists of two spatially referenced databases: one for providing information on archaeological and historic sites and their locations, and the other on the locations of survey investigations. The data base currently contains information on approximately 58,000 sites and several thousand surveys state wide, including those in Pima County. The AZSITE project is the only comprehensive source of information on archaeological and historic sites in Pima County that is currently available in a GIS format.

Site Data: In establishing a site specific data layer for the Sonoran Desert Conservation Plan, the Arizona State Museum will provide Pima County with archaeological and historic site data for all of eastern Pima County in a GIS format that is compatible with the county's own GIS program. This will provide the county with critical management information on the extent and character of known archaeological and historic sites in eastern Pima County that can be integrated with data on other resources to be included in the Sonoran Desert Conservation Plan. Additional data entry is needed to complete the AZSITE data base for eastern Pima County. Estimates are that data entry will be required for approximately 2200 archaeological and historical sites, as well as approximately 1200 surveys. The site data will require data entry into the attribute files, as well as location data in the geographic information system. This latter task will be accomplished through digitizing the existing USGS paper maps containing site data. An estimated 650 hours will be needed to complete the site data portion of the file for eastern Pima County.

Survey Data: The survey data will require digitizing information on the 1200 surveys in the survey data base along with the accompanying attribute data. The Pima County Department of Transportation has digitized some portions of the county's cultural resource survey data and has made that information available to AZSITE; this may shorten the time needed to do the work. Estimates are that 770 hours will be needed to complete the survey data portion of the file for eastern Pima County. A total of 1420 hours will be required for this project, which may be reduced by up to 200 hours if existing information from Pima County proves useful.

Preserving Cultural and Historic Resources

May 18, 1999

Page 4

Cost: It is estimated that the total cost for the data entry project for eastern Pima County will be \$24,775.94. A contract with cost ceiling of \$25,000 is currently being developed to cover the entire cost to Pima County (labor and equipment).

Summary:

In June of 1999, the Cultural and Historic Resources Technical Advisory Team to the Sonoran Desert Conservation Plan will meet for the first time to begin discussions about the resource underpinnings for our regional conservation plan. This team, and the County's partnership with the Tohono O'odham Nation in developing the Cultural Historic Preservation element of the Sonoran Desert Conservation Plan, will be described in a conservation plan update forwarded to the Board under separate cover. The attached report provides an initial frame of reference for the Team. It will likely undergo numerous changes before recommendations are made to the Steering Committee about what resources should be covered by the Sonoran Desert Conservation Plan and how they should be protected. I will forward all reports to the Board as they are produced by staff.

Attachment

Preserving Cultural and Historic Resources: Pima County Sonoran Desert Conservation Plan

Part 1- Historic Preservation in Pima County

Cultural Resources Conservation	1
A Cultural and Historical Summary of Pima County, Arizona	6
Cultural Resources and the National Register of Historic Places	14
Status of Cultural Resource Inventory and Site Protection in Pima County	20
Recommendations for Revisions to Pima County Historic Zone Ordinance	31
Summary	34

Part 2 - Rewriting the Pima County Historic Zone: Analysis and Recommendations

Presented to:

Members of the Sonoran Desert Conservation Plan's
Cultural and Historic Resources
Technical Advisory Team.

Prepared by:

Linda Mayro and David Cushman
Pima County Cultural Resources Office
201 N. Stone Avenue, 7th floor
Tucson, AZ 85701



Pima County Board of Supervisors
Mike Boyd, District 1
Dan Eckstrom, District 2
Sharon Bronson, Chair, District 3
Raymond J. Carroll, District 4
Raúl M. Grijalva, District 5

County Administrator
Chuck Huckelberry



Historic Preservation in Pima County

Preserving Cultural and Historical Resources A Conservation Objective of the Sonoran Desert Conservation Plan

The preservation of historic sites for the public benefit, together with their proper interpretation, tends to enhance the respect and love of the citizen for the institutions of this country, as well as strengthen ... the hallowed traditions and high ideals of America.

Franklin Delano Roosevelt

Stewardship extends beyond preserving for future generations those spectacular sites and historic structures that pay tribute to America's past and the principles upon which our great nation was founded. Our cultural heritage is the gift of our forebears which carries a responsibility for us to share this inheritance with our children for future generations to understand and enjoy. By nurturing our cultural heritage, respecting what has been created, and passing it on, we give future generations the tools to find meaning and answers to questions in years ahead.

Bruce Babbitt
Secretary of the Interior

Lofty statements, these principles of preservation and stewardship continue to express broad conservation goals, which were established by the federal government shortly after our nation's independence in its policies toward its new public lands. Adopting the premise that it was government's duty to "superintend, execute, and perform all such acts and things, touching or respecting the public lands of the United States," the role of conservation in public policy would come to broadly encompass the protection of our nation's natural and cultural resources.

Cultural Resources Conservation

Cultural resources may be generally defined as historic properties or places, which include sites, structures, buildings, objects, districts, landscapes, and traditional cultural places that are significant representations of our nation's history, archaeology, architecture, engineering, and culture. In addition to the many advocates seeking the protection of some of the most sensitive and valuable natural resource areas, as early as the 1880s, citizen groups and others were actively voicing the need for the federal government to preserve the nation's archaeological sites and important historical sites and places. Of particular concern were the spectacular ruins of the Territorial Southwest, which were being looted and destroyed as public lands were sold or given up to homesteading and agriculture. In response to citizen pressure, Congress in 1889 designated the ruin of Casa Grande, Arizona, one of the nation's most visible and vulnerable prehistoric sites, as the very first "archaeological reservation" to be placed under the protection of the Department of Interior.

Historic Preservation

Page 2

By 1900, additional public lands with archaeological ruins and historic sites were being withdrawn from sale or other development with the expectation that Congress would also designate these places as future national parks. The Antiquities Act of 1906 codified this conservation ethic by providing for the designation of National Monuments and their preservation and protection.

Historic Preservation Protections

Since passage of the Antiquities Act of 1906, the federal government has long affirmed through federal law the principle that historic preservation is an important element in recognizing the value of cultural diversity and preserving American heritage values on the local, state and national levels. The development of a system of historic preservation laws and regulations spans nearly the last 100 years, beginning with the federal Antiquities Act, which was prompted by the destruction of archaeological sites from looting and vandalism. In 1916, Congress established the National Park Service within the Department of Interior which was expressly directed to preserve and protect cultural resources in the national parks.

By the 1930s, public works projects brought about by the Great Depression further focused on the development of parks by the National Park Service that contained archaeological and historical resources. Conceived on a broader notion of historic preservation, the Historic Sites Act of 1935 declared that it is national policy "to preserve for public use historic sites, buildings, and objects of national significance."

In contrast to the Great Depression years, by the 1960s, the US economy was booming, which led to the construction of interstate highways, suburban housing development, and public facilities. With flight to the suburbs now made possible by greater access to cars, highways, and new and relatively inexpensive housing, American cities began an era of urban decline that continues today. In an effort to counteract this economic decline, the federal government initiated a massive urban renewal program, which unfortunately resulted in the wholesale destruction of the historic commercial and neighborhood core areas of many cities and their replacement by public facilities and parking lots.

This virtual gutting of the historic hearts of our cities, including Tucson, prompted the passage of the National Historic Preservation Act of 1966, which today remains the key piece of federal legislation that recognizes and protects historic properties at the local, state, and national levels. The NHPA established the National Register of Historic Places and standards for designation and treatment of historic properties, created State Historic Preservation Offices in each state, established the Advisory Council on Historic Preservation, and mandated that agencies take into account the effects of their undertakings on historic properties that are considered eligible for the National Register. Rules and guidelines that implement the NHPA often serve as standards for state and local cultural resource protections.

Historic Preservation

Page 3

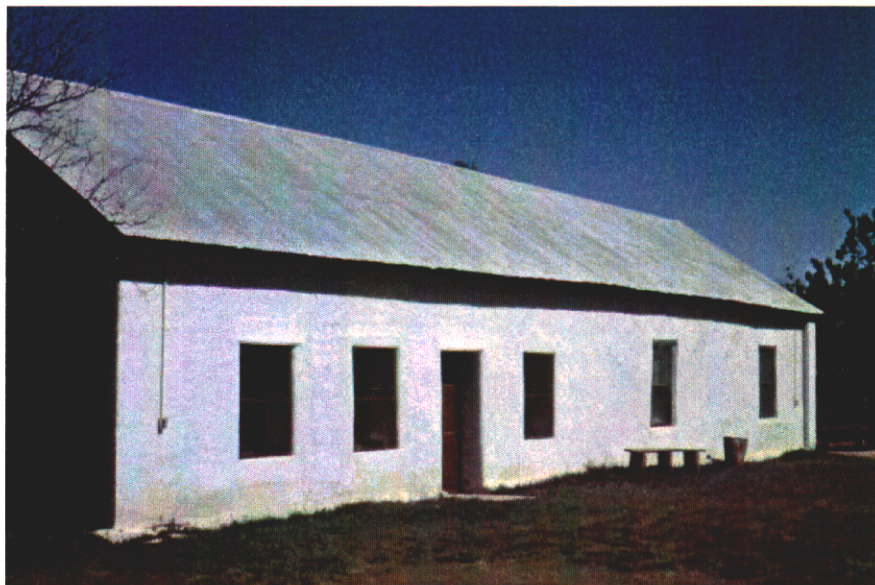
Statutory support for the protection of cultural resources in Arizona includes the Arizona Antiquities Act and the State Historic Preservation Act, which both apply to state agencies and political subdivisions of the State of Arizona. In 1990, the Arizona legislature passed two State laws that protect human burials and associated artifacts on both state and private lands. In Pima County, historic preservation policy derives from compliance with federal and state laws and local ordinances. Following the establishment of the Tucson-Pima County Historical Commission in 1974, together with the adoption of the first Pima County Historic Zone code to protect historic buildings and districts, Pima County additionally adopted a policy that acknowledges the need for "preservation of the county's historical and archaeological sites as required by law ...," and directs county departments to "review and recommend action for all known archeological or historic sites that [may be] impacted by any construction project funded by or under the direction of Pima County." With the adoption of policy that defines the county's responsibility toward cultural resources affected by its own projects, Pima County in 1985 extended this policy to private sector development by amending its zoning code.

Cultural Resources & the Community

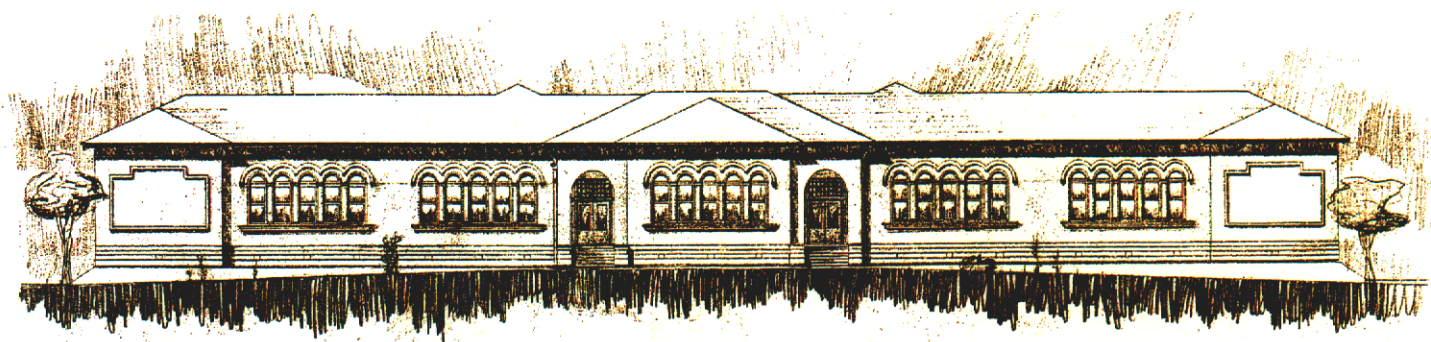
In addition to the protection of cultural resources significant to our nation's history, historic preservation at the local or community level is critical to maintaining a community's identity, continuity, and sense of place. Unlike many local government jurisdictions, Pima County is vast with a diverse, multi-cultural heritage. Larger than some states, Pima County comprises an area the size of Connecticut, Delaware, and two Rhode Islands, or 9240 square miles, with a total population of about 800,000 people. More than half live in the Tucson metropolitan area, with the rural areas and the Tohono O'odham Reservation very sparsely populated in comparison.

Pima County, with its long and complex prehistoric and historic past, has a diversity of historic properties located throughout a culturally diverse region. Furthermore, its Native American, Spanish Colonial, Mexican, and Territorial heritage remains very much a part of the community's vitality. The vast landscape, shaped by generations of its founding groups, and the regions's cultural origins together have come to define the community's heritage. This heritage, rich in history, cultures, regional character, and diversity, may be viewed as a mosaic of the region's ethnic diversity, archaeological past, history, architecture, technology, art, and traditions that is expressed in archaeological and historic sites and districts, buildings, structures, objects, rural historic landscapes, and traditional cultural places.

It is the goal of historic preservation to retain and celebrate a community's cultural heritage and to build a stronger sense of community by acknowledging the accomplishments of the past through conservation, restoration, rehabilitation, interpretation, and the protection of historic, cultural, and archaeological properties. As a result, historic preservation can contribute to community identity and stability, redevelopment, reinvestment, civic pride, heritage tourism, and economic development.



The historic Arivaca schoolhouse built in 1879 may be the oldest school building in Arizona. Restored by Pima County, it continues in use as a community meeting house within the Arivaca Townsite.



Architectural rendering of the Drachman School by Tucson architect Jody Gibbs. Adaptive use of this building is planned for compatible neighborhood housing for the elderly.

Historic Preservation

Page 4

Unfortunately, Pima County's historical and cultural heritage is substantially threatened by significant population growth, urbanization and sprawl that is changing the character, composition, and landscape of our southern Arizona communities and the Tucson metropolitan area. As development intensifies and expands, those cultural properties, archaeological sites, and historic sites and buildings that define Pima County's historical and cultural foundations and identity are forever removed from the landscape and removed from our collective sense of place and sense of the past. Historic preservation, like any system of values, has a philosophical basis or ethic. It assumes that historic properties have value as expressions of a community's cultural heritage and our sense of community and merit conservation.

Community support for historic preservation has been continually expressed from a broad spectrum of the concerned public. Consequently, both Pima County and the City of Tucson have passed Historic Preservation Ordinances, and a joint Tucson-Pima County Historical Commission has been established, together with County and City staff positions to develop and manage programs to encourage historic preservation and to mitigate impacts to archaeological and historic properties as necessary. Citizens have continued to support preservation issues. Some examples include: stopping the extension of Mission Road through the Mission San Agustín del Tucson, the "birthplace of Tucson," restoring San Xavier Mission, planning for the commemoration of the Tucson Presidio, prosecuting individuals for damaging archaeological sites ancestral to the Tohono O'odham, working to preserve the Robles Ranch, stopping the demolition of historic ranch buildings at Agua Caliente Park., and voicing considerable support for the protection of Tumamoc Hill, recently threatened by sale for development.

Volunteers have also come forward to recognize and protect Pima County historic properties. Some examples include the restoration of Kentucky Camp, removing graffiti from historic buildings, requesting an historic site marker for Arivaca, working with the National Park Service to establish the Anza National Trail, and requesting National Register nominations and the inventory of a variety of properties ranging from Arivaca dancehalls, to the Ajo historic district, to rural ranch houses, to Joesler-designed residences. The Pima County 1997 bond question for historic preservation and open space was a significant statement for conservation, being approved by nearly 70 percent of voters. Moreover, as Pima County continues to grow and develop, there will be increasing demand for the conservation of open space and for enhanced recreational opportunities that showcase our natural and cultural environment.

Another goal of historic preservation is to preserve the living cultural traditions that make our region unique. As land in Pima County continues to be developed, cultural and historic sites will also be destroyed in the process. Ironically, Pima County is rapidly losing its historic and cultural heritage just as there is increasing interest from residents and visitors who seek to experience the authentic natural and cultural landscape of the Southwest.



Pima County's historic ranches reflect a traditional way of life that is fundamental to our community's historical roots.
Shown from top: Canoa Ranch, Agua Caliente Ranch, cattle pasture in San Pedro Valley, and Robles Ranch.

Historic Preservation

Page 5

Some Goals of the Historic Preservation Element:

Consistent with the objectives of the Sonoran Desert Conservation Plan, the historic preservation element seeks to define and understand the cultural landscape and how our community's history, traditions and cultures have shaped the natural landscape.

- ▶ Historic preservation strengthens our sense of community by recognizing the contributions of Native peoples, Spanish missionaries and soldiers, Mexican settlers, and American pioneers and others in shaping the growth, character, and traditions of our region.
- ▶ Non-renewable cultural and historic resources that are threatened with destruction from development are saved as highly valued representations of our collective heritage.
- ▶ Traditional land uses by ranchers, rural communities, Native peoples and others continue without threat of development, serving to preserve long-standing cultural traditions and to retain the land's intrinsic historic values.
- ▶ Conservation of rural and unspoiled landscapes preserves both our natural and cultural environment and our ability to experience that environment as our ancestors did.
- ▶ Restoration of the natural and cultural environment of the Santa Cruz River provides the context for understanding how this historic corridor shaped our community's settlement and growth.
- ▶ Historic preservation can foster reinvestment and rehabilitation of the historic cores of our urban areas and rural communities and encourage compatible in-fill and "brown field" development.
- ▶ Preservation of historic and cultural resources as tangible links to our community's past and present allows the public to experience the unique historic sense of place that defines Pima County.

Historic Preservation

Page 6

A Cultural & Historical Summary of Pima County, Arizona

It is impossible to understand the value of cultural and historical resources without providing the historical context in which these resources developed, were built, and came to have significance and value to the community. The following summary is provided, not as an exhaustive detailing of events, but rather as a broad-brush historical overview that only touches on the broad patterns of history that have shaped our community in the time before Statehood.

Pimeria Alta before 1600

In those 100 centuries before the first Spanish explorers entered southern Arizona, the native peoples of this region developed a varied and successful adaptation to the upper Sonoran desert, leaving a rich and complex archaeological legacy.

Beginning about 10,000 B.C., the first people in southern Arizona were Paleo-Indian hunters who followed the movement of Ice Age mammoth, camel, horses, bison, and other large game. Known for their large distinctive spear points called Clovis points, a number of "kill sites" have been identified in southeastern Arizona.

As the large game became extinct, the Southwestern Archaic tradition developed and persisted for some 7000 years. These people were nomadic hunters and gatherers who moved around in small groups, exploiting seasonally available plant foods and animals, eventually adopting corn agriculture, the technology of canal irrigation, and a more settled life by about 1000 B.C.

The Hohokam Indians of southern Arizona, known for their distinctive red-on-buff pottery, developed into a successful society that occupied much of central and southern Arizona for nearly 1000 years. Hohokam communities were sustained through intensive agricultural food production supplemented by wild plant and animal resources. Through the exchange of surplus foods, cotton, pottery, shell jewelry, and other materials, they developed extensive trading networks and complex political alliances. By A.D. 1450, Hohokam society had collapsed, as had the other great prehistoric traditions throughout the Southwest.

By the late 1600s, native Piman Indians, who are likely to be the descendants of the Hohokam, were encountered by the early Spanish missionaries. "Pimeria Alta," homeland of the upper Pimas, extended from northern Sonora north to the Gila River. Early Spanish maps identify a number of separate Piman groups including the Pima and Sobaipuri living along the Santa Cruz and San Pedro rivers, and the Papago (Tohono O'Odham) of the western desert area.

Tucson Basin Hohokam pottery and artifacts from settlements along the Santa Cruz River, ca. A.D. 700-1400.



Historic Preservation

Page 7

Latecomers to the Southwest, the nomadic Apache migrated southward, eventually moving into the area north and east of Pimeria Alta by the 1600s. Although the Apache had adopted agriculture to a limited extent, wild plant gathering and hunting remained the dominant means of subsistence, supplemented by trade and raiding. Raiding of both native Piman villages and Spanish settlements for grain and livestock became a well established practice by the 1700s. The Apache continued their relentless attacks in southern Arizona on Spanish, Mexican, and later American settlements until they were finally stopped in the late 1800s by a significant US military campaign to "end the Apache problem."

Colonial New Spain 1540-1821

Sparked by tales of vast riches and gold, the Coronado expedition was sent north in 1540 through southeastern Arizona to Zuni - the land of Cibola. Although no gold or great cities were found, the Coronado expedition opened northern New Spain for colonization through the establishment of mission communities and military presidios.

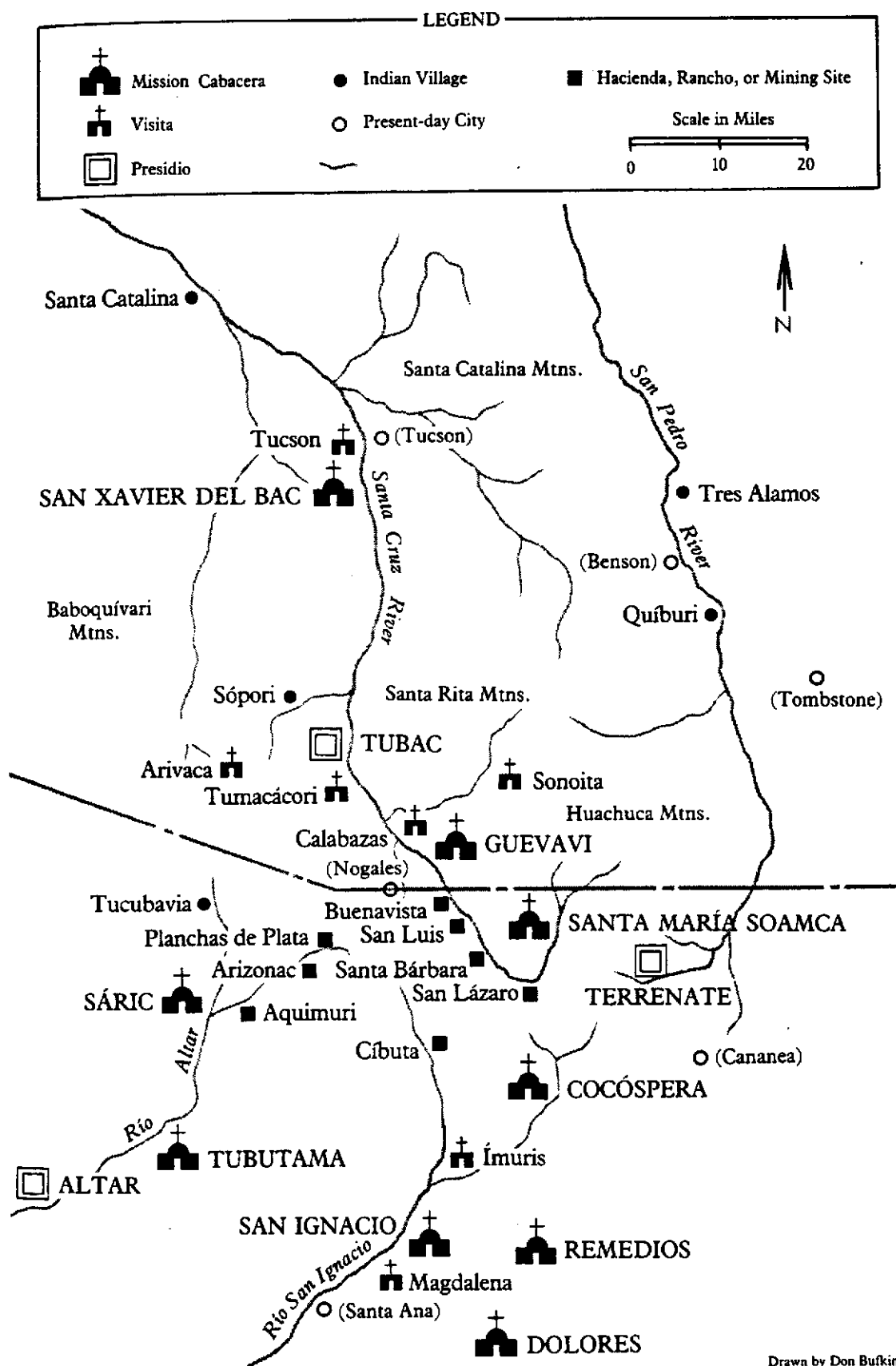
Spanish colonization of northern New Spain began in earnest with the missionary efforts of Father Eusebio Francisco Kino, who traveled through the Tucson area in the 1690s. The village at the base of "A" Mountain, called "stjukshon" by the native Pimas, was named San Cosme del Tucson by Kino. Translated, this Piman name means "at the foot of the black hill or mountain."

The Piman villages of Bac and Tucson had relatively little interaction with Europeans in the early 1700s. However, following the Pima revolt of 1751, and with increased Apache raiding, a military garrison was established at Tubac. The Apache were relentless, and Tucson, "the post farthest out" was attacked repeatedly in those years; its unprotected population reduced by disease and warfare.

Following the Jesuit expulsion in 1767, the Franciscan priest Father Francisco Garces was assigned to Bac and the Tucson visita. Recognizing the importance of Tucson to closing the Apache frontier, Garces and Captain Juan Bautista de Anza helped the Tucson Indians construct an earthworks fortification in the center of their village. A church was built in 1772, which Garces named San Agustin del Tucson.

Tubac, some 50 miles south of Tucson, had been the northernmost Spanish fort in Pimeria Alta, but gave little protection to San Xavier del Bac and San Agustin del Tucson. Because of the vulnerability of these settlements and the plan to open a road to the California missions, King Carlos III ordered the realignment of the frontier forts. This task was assigned to Lt. Col. Hugo O'Connor, an Irish expatriate. O'Connor chose to move the Tubac garrison north to a new location on the east bank of the Santa Cruz River, opposite the mission of San Agustin del Tucson. On August 20, 1775, he marked the site for the Presidio San Agustin del Tucson.

The Northern Pimería Alta, 1691 – 1767



Drawn by Don Bufkin

Historic Preservation

Page 8

For two years the presidio was no more than a camp. Finally in 1777, Captain Pedro Allande began the construction of a log fortress. In 1782, the Tucson presidio was attacked by upwards of 600 Apache seeking to destroy both presidio and mission. Repulsed by cannon fire, the attack ceased leaving the Tucson presidio to recover and begin the construction of a massive adobe-walled fortress. When completed, the walls were three feet wide at the base and ten feet high, with one main west gate. Today, this site is defined by Washington St. on the north, Church St. on the east, Pennington St. on the south, and Main St. on the west.

Relative prosperity characterized the late 1790s. The massive San Xavier church was completed, as was the San Agustin convento and chapel. A third mission, Santa Ana del Chiquiburitac, was built to the northwest of Tucson in the Aguirre Valley. Considered visitas of San Xavier, the Tucson and Santa Ana missions were eventually abandoned by the 1840s.

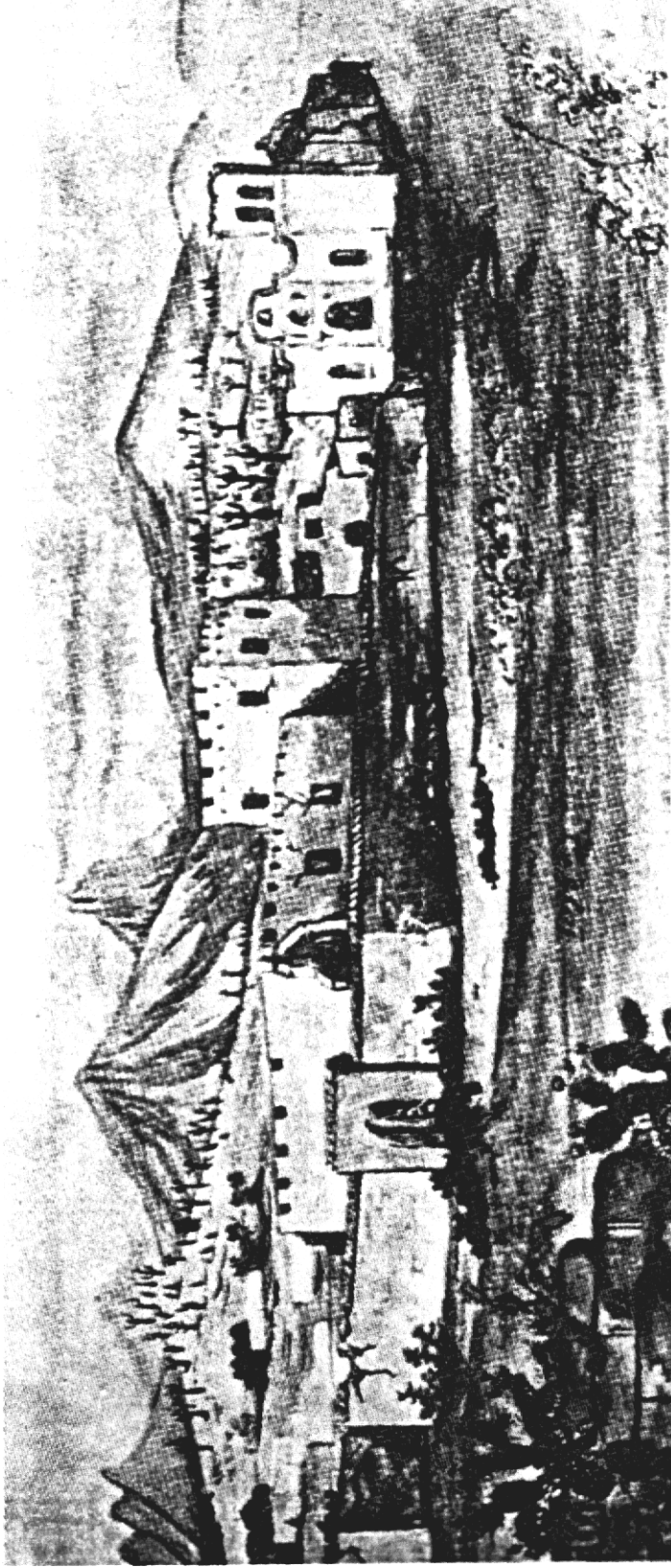
Mexican Independence

Knowledge of details about the Tucson Presidio is known to us only through sparse documentary resources and correspondence; however, the following first-hand account by Hilario Gallego, who lived within the Mexican garrison, is invaluable for understanding life on the frontier.

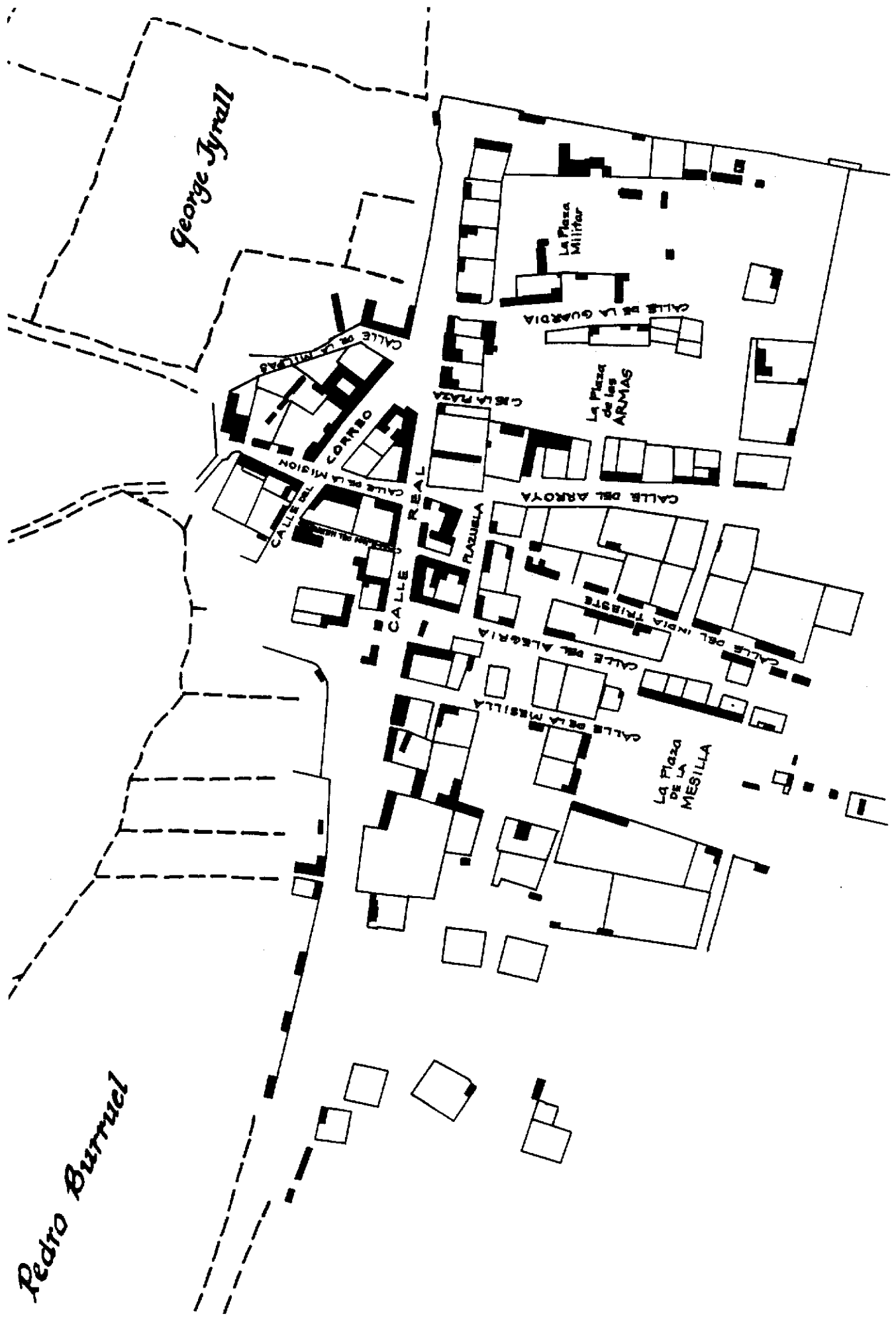
I was born inside the walled city of Tucson, January 14, 1850. Our house was a little one.... My father... had some land straight to the west of here. He was a farmer and had a few cows. Two little Apache Indian boys worked for him. There was a kind of peaceful tribe of Apaches that had a camp right out here a little way. Then there were the others, the wild Apaches, who were always on the warpath.... There was always a sentinel on the pointed hill ("A" Mountain) looking for the dust of the Indians. They were using that hill for a lookout place after I can remember.

The adobe wall about the city was about six feet high and two feet thick. There was an entrance facing west..., and there was always a guard of soldiers stationed there. On the east side..., was a small gate for people called the Gate of the Camp. At each of the entrances..., there was a cannon which was used when the Indians got too near the city. In the northeast corner of the wall, there was a round tower with portholes. Inside the east entrance... was an old ruined church. In the very early times, there was a cemetery inside the wall near this church....

There was a connected chain of little one-room houses all around the inside of the wall that had been built for the soldiers and their families and a few other people. There were no Americans here then. The houses had openings... and some of them had doors. A few had window openings. But most of them didn't even have holes for light; they were built just like a storehouse. None of those windows had glass....



Sketch said to be the Tucson presidio in 1848. (Chamberlain, *My Confession*)



The Tucson Presidio and settlement (detail) 1862

Historic Preservation

Page 9

Some of the doors were made of brush and sahuaro sticks tied together with twigs... or with rawhide. Some of the people lived outside of the wall, and there were a few stores on the outside. The women washed what clothes they had out in a ditch that ran along near the west wall. Whenever they went out to do their washing the guards always went with them. Inside the wall there was a well and folks had plenty of water to use.

We had church service once in four or five years -- just when the priest would come this way. The nearest church was at Magdalena. The San Xavier Mission was in charge of... caretakers, but there were no services held in it nor in the church (San Agustin) across the valley."

Hillario Gallego 1926

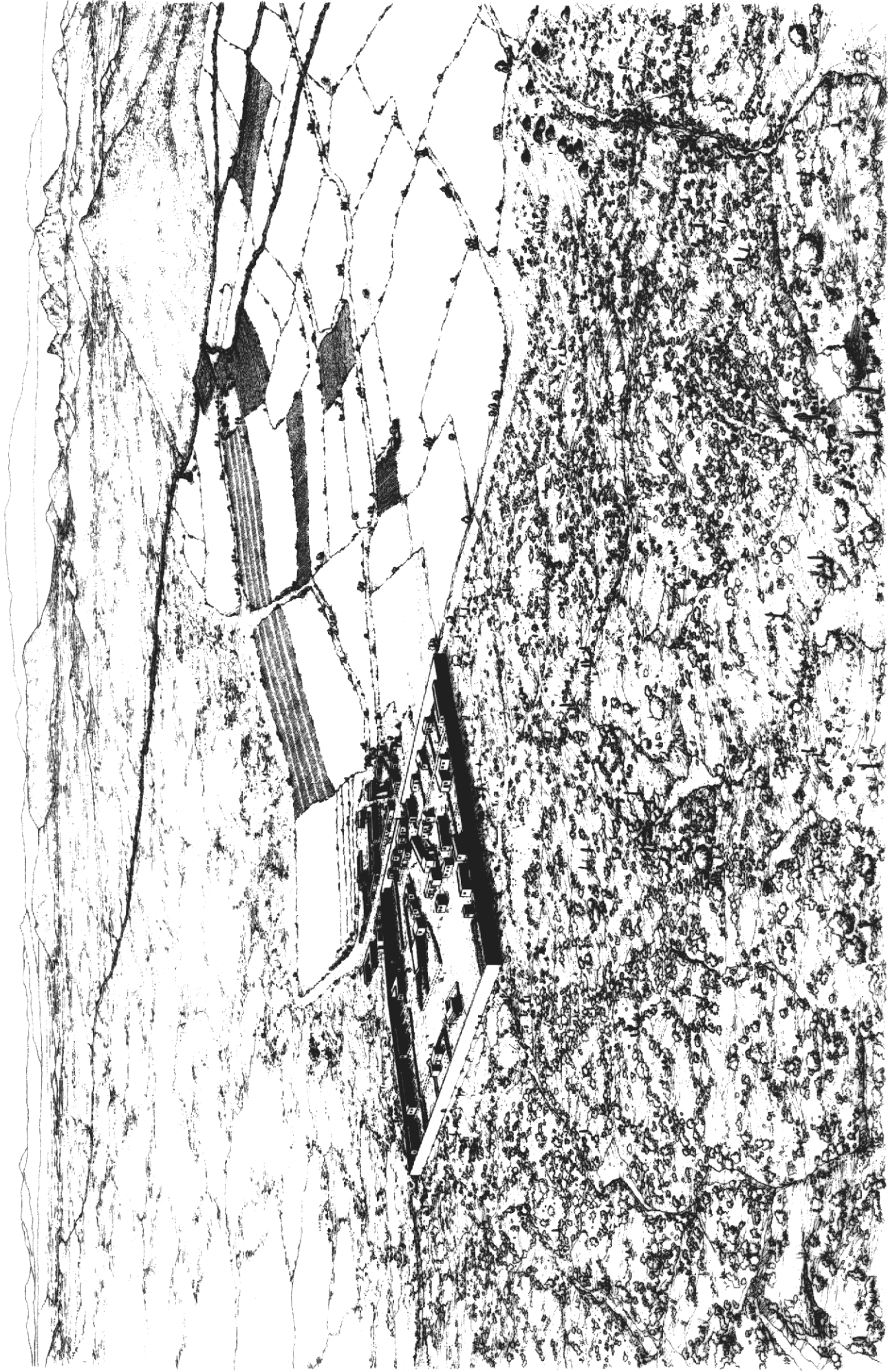
In the closing years of the 18th century, there was a notable decrease in Apache raiding due to the creation of "establishments of peace" that sought to settle Apaches near the presidios by providing them with food, clothing and other goods. The Tucson Apache settlement was located north of the Tucson presidio in the area of St. Mary's Rd. and the Santa Cruz River.

The period of relative prosperity was to be short-lived as New Spain was embroiled in its war of independence between 1810-1821. Always on the frontier, Tucson again fell victim to short supplies, disease, and an increase in Apache hostilities. Winning its independence in 1821, the Mexican Republic did not continue the missionary policies of Spain, and ultimately there would be no mission communities on the frontier. By 1841, San Agustin and San Xavier had lost their resident priests, and only the presidio chaplain remained. San Xavier del Bac would eventually revive as a community; San Agustin del Tucson would fall into ruin.

Sonoran Tucson

With the flag of Mexico now flying over its walls, the Tucson presidio struggled on much as before, as Apache raiding once again increased in intensity. Its population of 400 people of diverse ethnic backgrounds sought protection together within the walls. Outside contact was limited to occasional supply pack trains from other Sonoran towns and the few American frontiersmen and traders that ventured to this remote outpost.

Not everyone on the Sonoran frontier lived within the protected presidio communities. To encourage settlement, Spain offered large grants of land to potential farmers and ranchers. By expanding the frontier economy, Spain hoped to not only sustain its northward expansion but to create a tax base for itself. Mexico followed the same policy, and issued most of the land grants in southern Arizona between 1820 and 1833. Many of the land grants comprised former mission lands located in the Santa Cruz and San Pedro river valleys. With the deterioration of the presidio system and the increase in Apache raiding, most of the ranches were abandoned.



Artist's reconstruction of the Tucson Presidio, it's fields and the Mission San Agustín complex at the base of Sentinel Peak.
Looking west. ca. 1800.

Historic Preservation

Page 10

War with Mexico

By 1846, Mexico and the United States began a war that resulted in the annexation of Texas by the U.S. and the loss of nearly two thirds of Mexico's former territory. The mission of the Army of the West under the command of Colonel Stephen Watts Kearny was to conquer New Mexico and California and establish American control over the entire Southwest. Tucson was never a battleground during this conflict, although it was a campsite for Lt. Col. St. George Cooke who passed through Tucson with the Mormon Battalion in 1846.

At the end of the war in 1848, Mexico ceded a vast territory to the United States comprised of what is today California, Nevada, Utah, New Mexico, and Arizona north of the Gila River. As before, Tucson remained a frontier town and part of Mexican territory.

The discovery of gold in California in 1849 soon shattered Tucson's isolation, as gold seekers and adventurers sought their way westward to seek their fortunes.

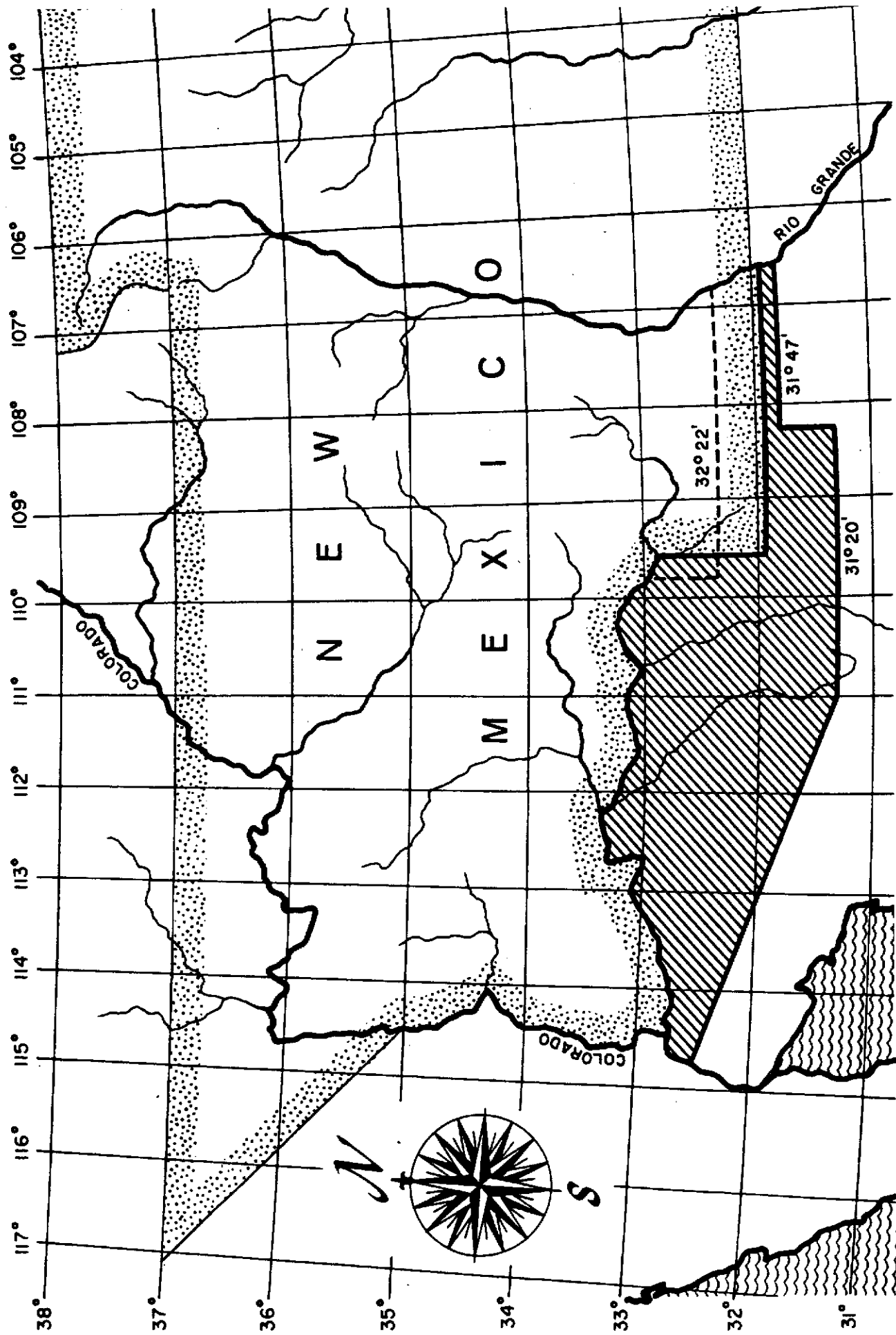
Gadsden Purchase

With the discovery of gold in 1849, California was quickly made the 31st state in 1850. Recognizing the need for a transcontinental railroad, the United States government considered appropriate routes. Although the Gila Trail was far too rugged for a railroad, Cooke's wagon road to the south in Mexican territory posed few obstacles.

James Gadsden was sent to Mexico City to negotiate a land sale with the Mexican government for the purpose of securing a southerly railroad corridor. While Mexico needed money after the war with the United States, Mexico would consider selling only enough land to give the United States its southerly route. After considerable debate, the Gadsden Purchase was completed in 1854 for a sum of \$10 million. Tucson and the Gadsden Purchase area were made part of Dona Ana County in the Territory of New Mexico.

Westward Expansion

In 1854, Tucson was still isolated from the rest of the New Mexico Territory and from California. Passenger and mail service were desperately needed. Described as "running from nowhere, through nothing, to no place," the first mail line began operation in 1857, ending Tucson's isolation. The following year, the Butterfield Overland Mail Company began bi-weekly service from St. Louis to San Francisco. The stage line opened Tucson to outside commerce and contacts as never before. The Tucson station was located at the southwest corner of Pearl and Pennington just outside the west gate of the presidio at Main and Alameda.



Gadsden Purchase 1854

Historic Preservation

Page 11

The new prosperity created yet new raiding opportunities for Apaches, and the stages were frequently targeted -- the horses stolen, the passengers killed, and the coach and mail burned. With the impending threat of civil war and the losses sustained from Apache attacks, the last stage left Tucson in March 1861, when the route was moved to the north through Nebraska, Wyoming, and Utah. Tucson was again isolated from the outside world.

The American Civil War

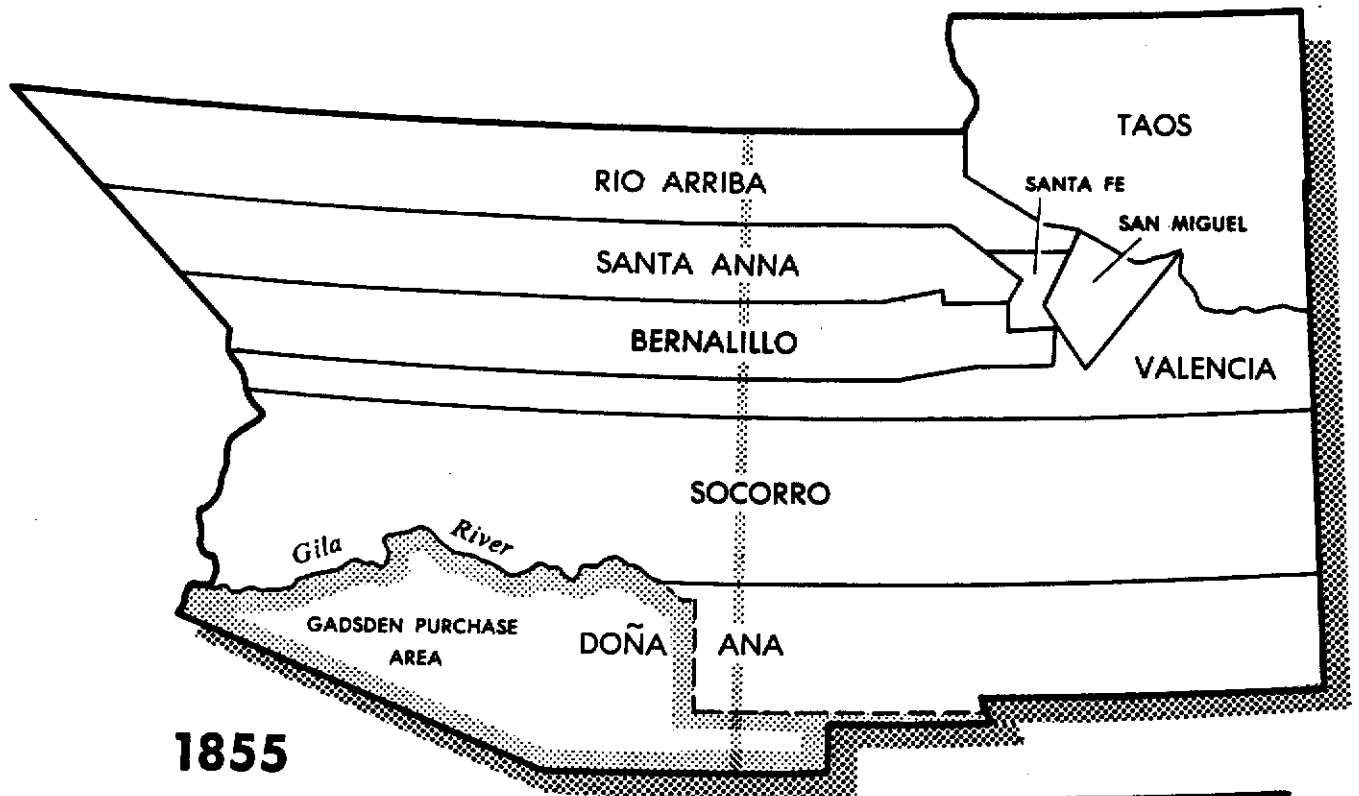
The Civil War began in 1861, and like the rest of the Nation, Tucson was divided. Fearing that Union property might fall into Confederate hands, all government forts were ordered to be destroyed. In Tucson, mills, houses, storehouses, barns, a lumberyard, granaries, wagons, furniture, and livestock were destroyed as the troops left. Made bitter by the destruction of so much property and cut off from any military protection, Tucsonans began to support the southern cause. When Lt. Col. John R. Baylor declared New Mexico and Arizona to be Confederate Territory, Tucson requested troops to fight the Apaches. Confederate troops were welcomed to Tucson on February 28, 1862.

In April 1862, the only Civil War engagement in Arizona was fought near Picacho Peak. Here, a Confederate patrol encountered a Union detachment. After a brief skirmish leaving three Union soldiers dead, both sides retreated. Word was out that the California Volunteers, some 2000 strong, under the command of Colonel James H. Carleton were heading for Tucson. The Confederate troops abandoned Tucson, and the Union again took possession of Tucson in May 1862.

Arizona Territory

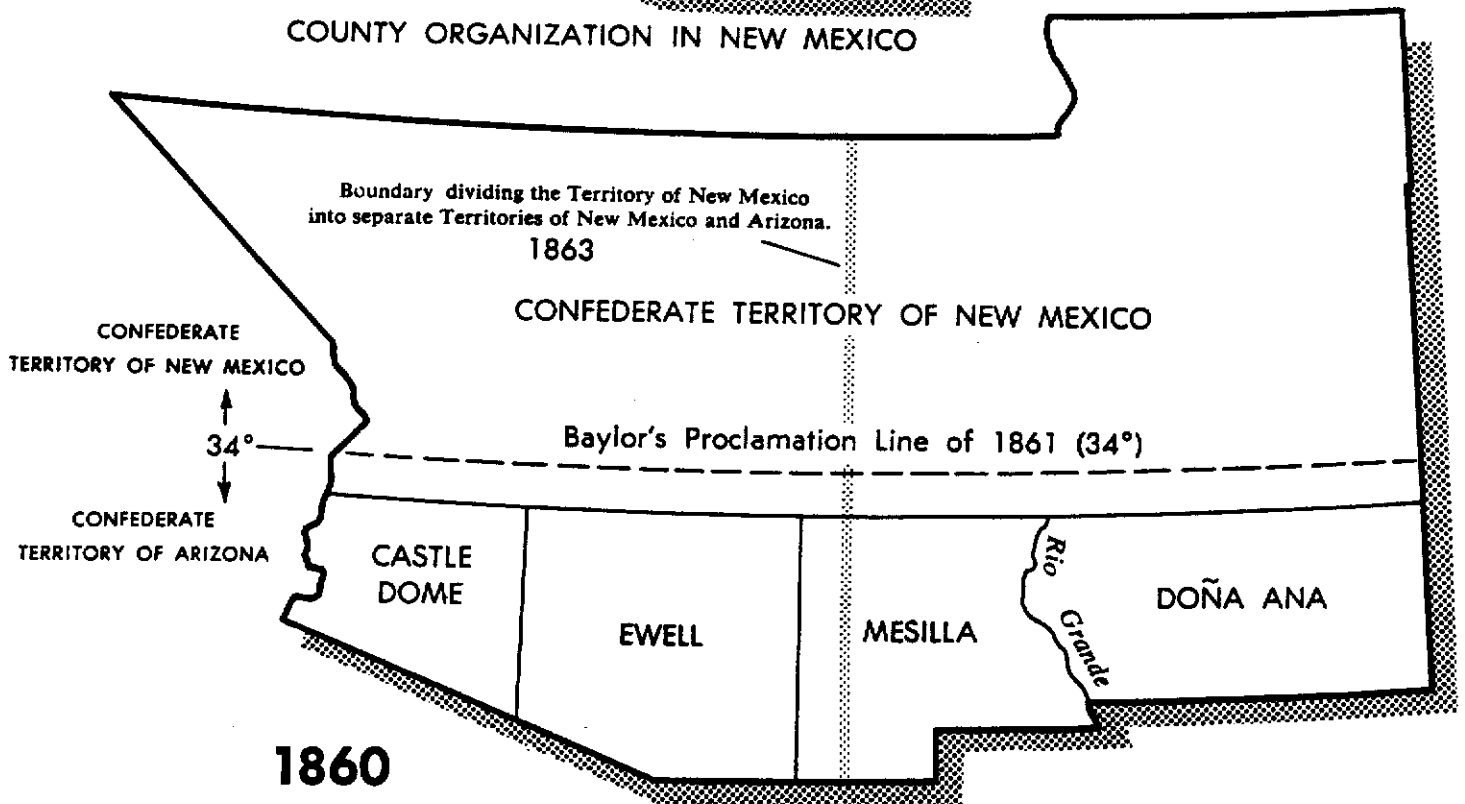
"Tucson is quite a place of resort for traders, speculators, gamblers, horse thieves, murderers, and vagrant politicians. If the world were searched over there could not be found so degraded a set of villains as form the principal society of Tucson...." (J. Ross Browne 1864).

Lacking civil law, military courts were established in an attempt to bring law and order to Tucson. Congress voted to divide New Mexico Territory, and on February 24, 1863, President Lincoln signed the bill creating Arizona Territory. Several names for the new territory had been considered: Montezuma, Arizuma, Arizonia, Pimeria, and Gadsonia. Pima County was created as one of the four original counties, with Tucson its county seat. The old Tucson presidio was beginning to fall away, as Tucson became an important supply depot for the military forts that were established to fight the Apaches. The Civil War Post of 1862 lay west of Main St. and south of Congress. In 1866, the post, newly named Camp Lowell, was moved to a tract southeast of what is Scott and Congress streets. A soldier describes Tucson in 1867, as "... the largest place that I have Seen Scince I left Sanfranciso, but like all the Citys of Arizona that I have Seen it is made of mud. Arrizona is the most forsaken looking Country that Can be made."



1855

COUNTY ORGANIZATION IN NEW MEXICO



1860

Historic Preservation

Page 12

Village of Tucson

By 1871 the population of Tucson had grown to 3000 people from 300 at the time of the Civil War. It was now the mercantile center of the territory as well as the capitol of Arizona Territory. New adobe buildings spread out from the original confines of the presidio walls. The Village of Tucson was finally incorporated in 1874, establishing property ownership and local government.

Tucson was rapidly moving toward better times in the 1870s. Schools had been started; the Apaches were quiet for the moment; civil law had been established; a jail and courthouse were built; stage and mail lines competed for business; fields were under cultivation; the ranching boom of the 1870s was underway; mining was growing; and leisure time could be spent at Carrillo Gardens or Levin's Park. As a consequence of persecution in Mexico, Yaqui Indians immigrated to Tucson and southern Arizona to seek refuge, further enriching the region's cultural mix. In 1880, the railroad was finally completed linking Tucson with the east and west coasts, bringing with it an era of even more rapid growth and change.

Isolated for most of its history, world events had always had little effect on the town. However, "war fever" erupted in 1898 with the Spanish-American war, and it was generally believed that the Spanish would be terrified of a regiment of Arizona cowboys. Volunteers came from all parts of the Arizona Territory. To lead Roosevelt's "Rough Riders," a flag was sewn overnight in Phoenix to lead the regiment to Cuba and home again to Arizona Territory.

Valentine State

"The time has now arrived when Arizona should be relieved from this state of tutelage and be endowed with the duties and responsibilities of statehood. The rapid increase in wealth and population, the energy and patriotism of her people are sure guarantees that she should wear the robes of state sovereignty with dignity and honor." (Governor Zulick 1889). The fight for statehood, begun in the early 1880s, would not be won until 1912.

Although a report to Congress in 1888 found Arizona to be "fitted for statehood," many members of Congress considered Arizona to be a "remote and backward region where English was seldom heard and the population... hardly fit for self-government." It was even suggested as late as 1901 that Arizona and New Mexico should be admitted as a single state. Outraged by this proposal, Arizona forced President Roosevelt in 1908 to recommend to Congress that the two territories be separated once and for all. Finally, President Taft supported statehood for the two territories.

Historic Preservation

Page 13

Consequently, Arizona convened a constitutional convention, and produced a state constitution, but it was considered too liberal by President Taft who vetoed the statehood bill in 1910. Arizona temporarily deleted the controversial provisions, and President Taft signed the statehood bill on Valentine's Day, February 14, 1912, admitting Arizona as the 48th state. New Mexico had been made the 47th state only one month earlier, on January 6, 1912. Tucson, having lost the status of Territorial Capitol to Phoenix in 1889 and still resentful that the town had been abandoned to Apaches by the withdrawal of Union troops at the start of the Civil War, did not react with any great enthusiasm to statehood. The Tucson Citizen of that day noted the event, but pointed out that "Admission Day was also the 50th anniversary of Arizona's admission to the Confederate States of America."

State Flag

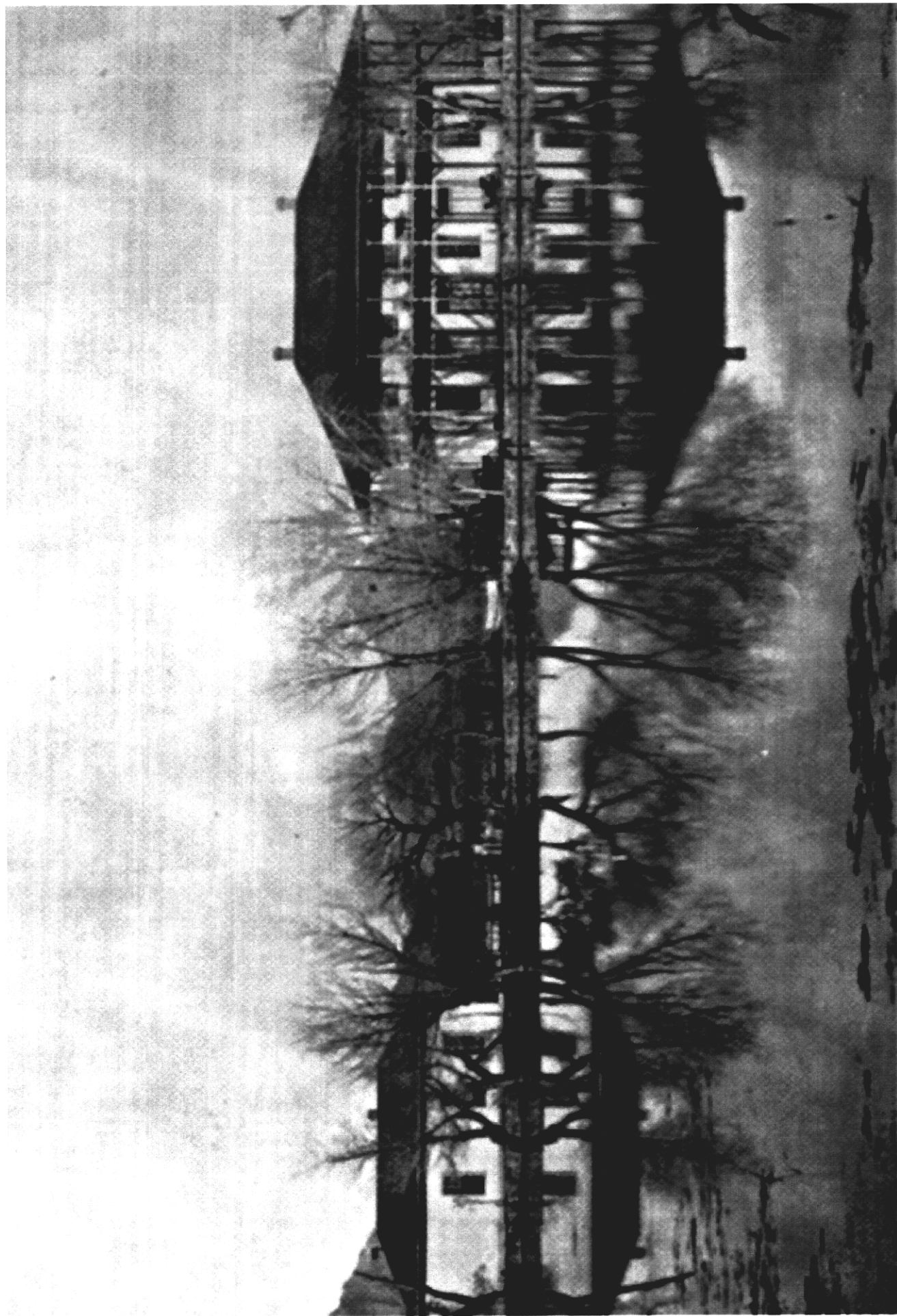
"I designed the flag that is known today as the State Flag, the only difference being that the first flag had a red bar entirely across the copper star, indicating our Indian Wars. Arizona colors are Blue and Old Gold. The old Spanish colors were Red and Gold. These colors had historical value, as they were the colors carried by Coronado. In considering something distinctive of Arizona, its copper industry was outstanding. In our connection with the Federal Union we were the last state to be admitted, so I decided to use something symbolic of the original colonies, so I used thirteen rays. I wanted to represent Arizona as a western state, ... and we used the setting sun. Superimposed upon the center of the flag is the copper-colored Star of Arizona. The flag in this way carries the state colors, the old Spanish colors, and the distinctive copper color of Arizona."

--Captain Charles Wilford Harris, 1911

Even with statehood, Arizona did not experience significant growth until after World War II. Long considered a kind of national sanitarium for health seekers, Tucson advertised itself through booster groups like the "Sunshine Club" who sought to capitalize on the region's climate and environment. With efforts to entice new residents to Tucson, the city's population grew rapidly from 5000 in 1890, to 40,000 by 1940, to about 400,000 in 1990. "Boosterism" and enticements proffered by "progressive" Tucson officials "offered to sell the desert to the Nation" and change Tucson's cultural character. A letter to the Daily Star, in the 1940s, expresses this sentiment:

We are ashamed of those districts where the poor ... are forced to crowd into the filth and dirt of those adobe houses.... We cheer for joy every time we see an old building torn down and a new one take its place. We are not proud of our "Mexican Town"... we are looking forward to the time when we can wipe it off the face of our map.... We believe in progress.

However, not everyone believed tearing down the Old Pueblo was progress, and so began the debate of how to preserve Tucson's cultural character and record of the past while building for the future.



Silver Lake, a resort with hotel, dining room, bar, dance hall, bath house, and race track was a popular recreation destination in Tucson in the 1880s. Looking west across Silver Lake.

Cultural Resources and the National Register of Historic Places

The National Historic Preservation Act, passed in 1966 in response to the virtual destruction of the historic cores of many cities in the name of "progress," created the National Register of Historic Places and defined historic properties broadly. Throughout this document, the term historic and cultural property may be used interchangeably with historic resource, cultural resource, and heritage resource. In each case, the term refers to the variety of property types that span some 12,000 years of human history, and may be archaeological, architectural, historical, or cultural in nature, or combinations of these terms.

The National Register of Historic Places is the nation's official list or inventory of properties that are significant representations of American heritage, and may be considered a national census of historic properties.. The National Register of Historic Places includes buildings, sites, districts, structures, or objects that are considered significant for their historical, architectural, archaeological, engineering, or cultural values, that have attained importance in the last 50 years. Criteria for eligibility define the range of resources and kinds of significance that will qualify properties for listing on the National Register. These definitions are included below as standards to provide guidance to Pima County for classifications of its cultural resources.

The National Register Criteria for Evaluation:

The quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- a. That are associated with events that have made a significant contribution to the broad patterns of history; or*
- b. That are associated with the lives of persons significant in our past; or*
- c. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- d. That have yielded, or have the potential to yield, information important in prehistory or history.*

National Register Categories of Historic Properties:

The National Register of Historic Places includes significant properties, classified as buildings, sites, districts, structures or objects.

Building — *A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. Buildings may include courthouses, houses, city or town halls, forts, schools, sheds, theatres, libraries, post offices, ranch houses, barns, industrial complexes, hotels, inns, railroad stations, and other types.*

Site — *A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure. Examples include buildings and structures, battle sites, campsites and trails, natural features of the environment, land marks, archaeological sites, traditional cultural places, ceremonial sites, rock art, village sites, ghost towns, and other locations.*

Districts — *A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan for physical development. A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources, The identity of a district results from the inter-relationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. Examples include areas that reflect one principal activity like an industrial mill site, mining, or ranching, or it can encompass several interrelated activities like a mill town or ghost town that includes industrial, residential, and commercial buildings, sites, structures, or objects. A district can also be a grouping of archaeological sites related primarily by their common components and patterns of land use.*

Structure — *The term structure is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter. Examples include bridges, canals, dams, earthworks, fences, water towers, kilns, railroad lines, tunnels, and other similar structures.*

Object — *The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be by nature or design movable, an object typically is associated with a specific setting or environment. Examples include boundary marker, fountain, monument, sculpture, or other similar objects.*

Historic Preservation

Page 16

Another way cultural resources are often discussed and conceptualized is by broad categories of resources that reflect either time, artistic merit, and traditional use. While the National Register categories are official designations for listing, cultural resources may be more descriptively defined as follows.

Archaeological Resources — Any material remains of past human life or activities which are preserved in their original setting, now an archaeological context, that are important in prehistory or history. These sites or districts may include occupation sites, work areas, farming sites, burials and other funerary remains, artifacts, campsites, hearths, rock art, intaglios, trails, battle sites, religious or ceremonial sites, caves and rock shelters, the architectural or other remains of structures of all kinds, such as pit houses, pueblo rooms, adobe or rock foundations, and other domestic features, usually dating from prehistoric or aboriginal periods, or from historic periods at least 50 years old, for which only archaeological vestiges remain. Examples include the Valencia Site, the Los Robles Archaeological District, the Tucson Presidio, and Mission San Agustin del Tucson.

Historic Resources — Sites, districts, structures, objects, or other evidences of human activities that represent facets of the history of the nation, state, or locality. Also places where significant historical or unusual events occurred even though no evidence of the event remains, or places associated with persons significant in our history that have gained importance in the last 50 years. Examples include Agua Caliente, ranches and homesteads, El Tiradito, the battle site of Picacho Peak, the Juan Bautista de Anza Expedition Trail and campsites, and the Kino mission sites.

Architectural Resources — Buildings, structures, landscaping, or other human constructions that possess artistic merit, are particularly representative of their class or period, or represent achievements in architecture, engineering, technology, or design that have gained importance in the last 50 years; such resources are often important for their archaeological and historical values as well. Examples include San Xavier Mission, the Pima County courthouse, Tucson Mountain Park, and Colossal Cave.

Rural Historic Landscapes — Also considered cultural landscapes, that portion of the exterior natural environment that has been modified, influenced, or given special cultural meaning by people who shaped the landscape to serve human needs. A rural historic landscape is a geographical area that historically has been used by people or shaped or modified by human activity, occupancy, or intervention, and that possesses a significant concentration, linkage, or continuity of areas of land use, vegetation, buildings and structures, roads and waterways and natural features. Historic landscapes may reflect the beliefs, attitudes, traditions, and values of these people. Examples include traditional ranch lands in the Cienega Creek and Altar valleys, the Sierrita Mountain Ranch area, the Silverbell Mountains region, Canoa Ranch, and Tumamoc Hill.

***Traditional Cultural Places** — A traditional cultural place may be defined as an historic site or district that is important because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. The traditional cultural significance of an historic property is derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. Examples include:*

- *a location associated with the traditional beliefs of a Native American group about its origins or cultural history, eg. Baboquivari Mountain.*
- *a rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents, eg. Sierrita Mountain Ranch.*
- *an urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices, eg. the Pasqua Yaqui community.*
- *a location where Native American religious practitioners have historically gone and are known or thought to go today to perform ceremonial activities in accordance with traditional rules of practice.*
- *a location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historical identity.*

Historic Contexts, Current Research, and Conservation Issues

To qualify for the National Register, a property must be significant; it must represent a significant part of the history, archaeology, engineering, or culture of an area, which can be judged and explained only when it is evaluated within its historic context. Historic contexts are those patterns, themes, or trends in history, in a geographic location, and time period by which a specific site may be understood. Simply stated — historic contexts are defined by theme, place, and time.

Historic contexts may also be defined at a variety of geographic levels or scales. A local historic context represents an aspect of the history of a town, city, county, cultural area, or regions or any portions thereof. Properties may be evaluated in a state context when they represent an aspect of the history of the State as a whole, and properties of national context significance represent an aspect of the history of the United States as a whole and may be considered National Historic Landmarks.

To assist in defining historic contexts for Arizona, the State Historic Preservation Office developed in 1996, the "Arizona Historic Preservation Plan" designed to identify what the public perceived as priorities for preservation. A public process involving surveys was undertaken to define these contexts. Generally, the public felt that the older and more unique properties were greater priorities for preservation and protection. However, a variety of themes were identified as important.

Historic Preservation

Page 18

The following themes and time periods were ranked from highest to least important:

	<u>Themes:</u>	<u>Time Periods:</u>
<u>Highest:</u>	Archaeology	Prehistoric
	Architecture	Territorial
	Transportation	Exploration
	Community Development	Statehood
	Ethnic Heritage	Recent
	Recreation/Tourism	
	Exploration	
	Education	
	Agriculture	
<u>Lowest:</u>	Military	

The response demonstrated two important results: 1) that it is important to the public that representations of all time periods are preserved; and 2) that older resources should take priority over newer ones. Statewide planning for the identification and evaluation of historic resources are guided by the following context studies prepared thus far by the State Historic Preservation Office. Although these represent state contexts that have been identified as priorities, these studies also provide the basis for local evaluation.

Historic Context Studies:

Archaic & Paleo-Indian Periods in Arizona

Basques in Arizona, from Spanish Colonial Times to the Present

Chinese in Arizona, 1870-1950

Commerce in Phoenix, 1870-1942

Gold & Silver Mining in Arizona, 1848-1945

Historic Trails in Arizona from Coronado to 1940

Homesteading in Arizona, 1862-1940

Lithic Sites in Arizona

Prehistoric Irrigation in Arizona

Prehistoric Non-irrigated Agriculture

Prehistoric Rock Art in Arizona

Prehistoric to Historic Transition Period in Arizona, circa AD 1500-1700

Cattle Ranching in Arizona, 1697-1950

Transcontinental Railroading in Arizona 1878-1945

The United States Military in Arizona, 1846-1945

Vernacular Architecture in Arizona, 1863-1920

Current Research and Conservation Issues:

In recent years due to rapid and extensive suburban growth, cultural resource inventories and other studies sponsored by private, state, county, city, and federal entities prior to development and construction have resulted in a tremendous amount of new information. Consequently, great strides forward have been made in understanding the Archaic and Hohokam periods, and to a lesser extent, Territorial period settlement.

However, still lacking are any new data relating to Paleo-Indian period, and only slightly more information has been gained into the transitional period between the Hohokam late Classic period and Spanish contact and the earliest historic period defined by the first Spanish entradas into the Southwest. Inventories of historic properties in small communities like Ajo or Arivaca or historic ranches in rural areas have not kept pace with other cultural resource studies.

While the amount of cultural resource studies completed for regulated development has multiplied tremendously, no such studies are completed for unregulated or "wildcat" subdivisions. As a result, there are significant gaps in information for these areas which tend to be in rural areas where little, if any, cultural resource knowledge exists. Because inventory and mitigation are typically precursors to development, it must be understood that virtually all sites identified as a requirement for rezonings or development plan approvals, road construction and other public works projects have been since destroyed.

The greatest threats to cultural resources continue to be vandalism, new construction, lack of awareness, and no financial incentives. Attempts by developers to conserve sites have been minimal and largely unplanned. Only the large tracts of land set aside for conservation by land management agencies tend to retain their cultural values. Consequently, those sites that remain intact and undisturbed and retain their integrity of place and setting become increasingly valuable for their historical and cultural importance and merit a considerable effort in conservation.

Status of Cultural Resource Inventory and Site Protection

As early as 1988, an assessment of the status of cultural resource inventory in Pima County was undertaken by the State Historic Preservation Office. That report, "The Pima County Archaeological Inventory Project," concluded "that a deficiency exists in all areas of Pima County where information comparable to that from large-scale intensive and systematic surveys is not available." Similarly, cultural resource inventories on the Tohono O'odham Reservation, in rural areas, and in western Pima County are very limited, and there is a similar dearth of historic site and building inventories in rural communities. Because inventory and cultural resource studies are largely driven by where development occurs, only the urban and suburban areas of eastern Pima County have experienced the greatest amount of study.

National Register Properties in Pima County:

As noted in earlier sections, the National Register of Historic Places is the nation's official listing of cultural resources, which conveys recognition of their importance to the nation and the community and affords these properties some measure of protection from government actions. Because sites need only be determined eligible for consideration under historic preservation laws, in cases where site destruction is imminent these cultural resources are never actually listed on the National Register. Those sites and districts, which do proceed to being nominated and listed, are also those most likely to benefit from long-term conservation and management objectives, resulting in their long-term preservation and protection by federal land management agencies or private property owners in historic districts like El Presidio or Fort Lowell. A list of National Register sites and districts that are located throughout Pima County is attached.

More than 100 individual properties and districts are currently listed, many of them located within the urban limits of the City of Tucson or within the boundaries of Saguaro National Park and on other public lands. While this may sound like a substantial conservation effort, nearly 4500 individual cultural resources have been identified and recorded with the Arizona State Museum. Many of these sites are just as important as those actually listed on the National Register, but because of eventual development plans, they were not listed. Unfortunately, many have been destroyed by the very development that caused them to be identified in the first place.

Arizona State Museum & the AZSITE Cultural Resource Inventory:

Over the past century, the Arizona State Museum has served as an archive for knowledge about the cultural resources of the state. One of the most useful resources for professionals doing federal, state, and locally mandated cultural resource management is the cultural resource Site Files Office.

Historic Preservation

Page 21

Since the 1930s, museum researchers have compiled information on thousands of sites located throughout the state, and this information serves as a permanent record for researchers and cultural resource managers. Because the records were kept in a paper format, and because other state and federal offices in Arizona also maintain separate cultural resource files, using the records for their intended education, research, planning and management functions became cumbersome and unmanageable.

In recognition of the need to consolidate all historic property records electronically and in one institution, the AZSITE project, a collaboration among the Arizona State Museum, the State Historic Preservation Office, Arizona State University, and the Museum of Northern Arizona, began in 1995. Its goal is to computerize the various archaeological and historical site records in Arizona from more than two dozen federal, state, and private agencies. The AZSITE project consists of two spatially referenced electronic databases: sites and survey project areas. The data base contains information on approximately 58,000 sites and historic properties state-wide and several thousand surveys. When entered, these data will be Internet-accessible to all authorized land managers and cultural resource offices, including Pima County.

By the end of 1998, various funding sources have provided or committed over \$500,000 in grant monies to the project. An initial planning grant came from the National Center for Preservation Technology and Training through the National Park Service, and the Federal Geographic Data Committee provided funding for a benefits analysis of adding BLM and Forest Service data to the file. A major source of funding will come from the Arizona Department of Transportation, which has committed Transportation Enhancement funds for two years of work. The BLM has supported software purchases and the Arizona Heritage Fund administered by Arizona State Parks has provided planning and implementation grants. Access to these data compiled in the AZSITE system is anticipated in summer 1999.

Summary of Inventory and Surveyed Areas:

At present, the Arizona State Museum site files contain information on virtually all sites and survey records in Pima County, except for historic property inventory records and National Register property records housed at the State Historic Preservation Office. Nearly 4500 site records and 1200 survey records exist for eastern Pima County, and work is currently underway to computerize these data and make them available to Pima County through the AZSITE system. While these data will provide the basis for the assessment of the status of cultural resource inventory, assessment, and protection to be addressed in the Sonoran Desert Conservation Plan, it must be noted that we will never know what the entire universe of cultural resources was prior to urbanization. Prior to the 1960s, there was very little cultural resource survey conducted in southern Arizona by academic researchers and there were no requirements that cultural resources be inventoried and assessed before development occurred. Consequently, almost no information exists for the urban Tucson area.

Historic Preservation

Page 22

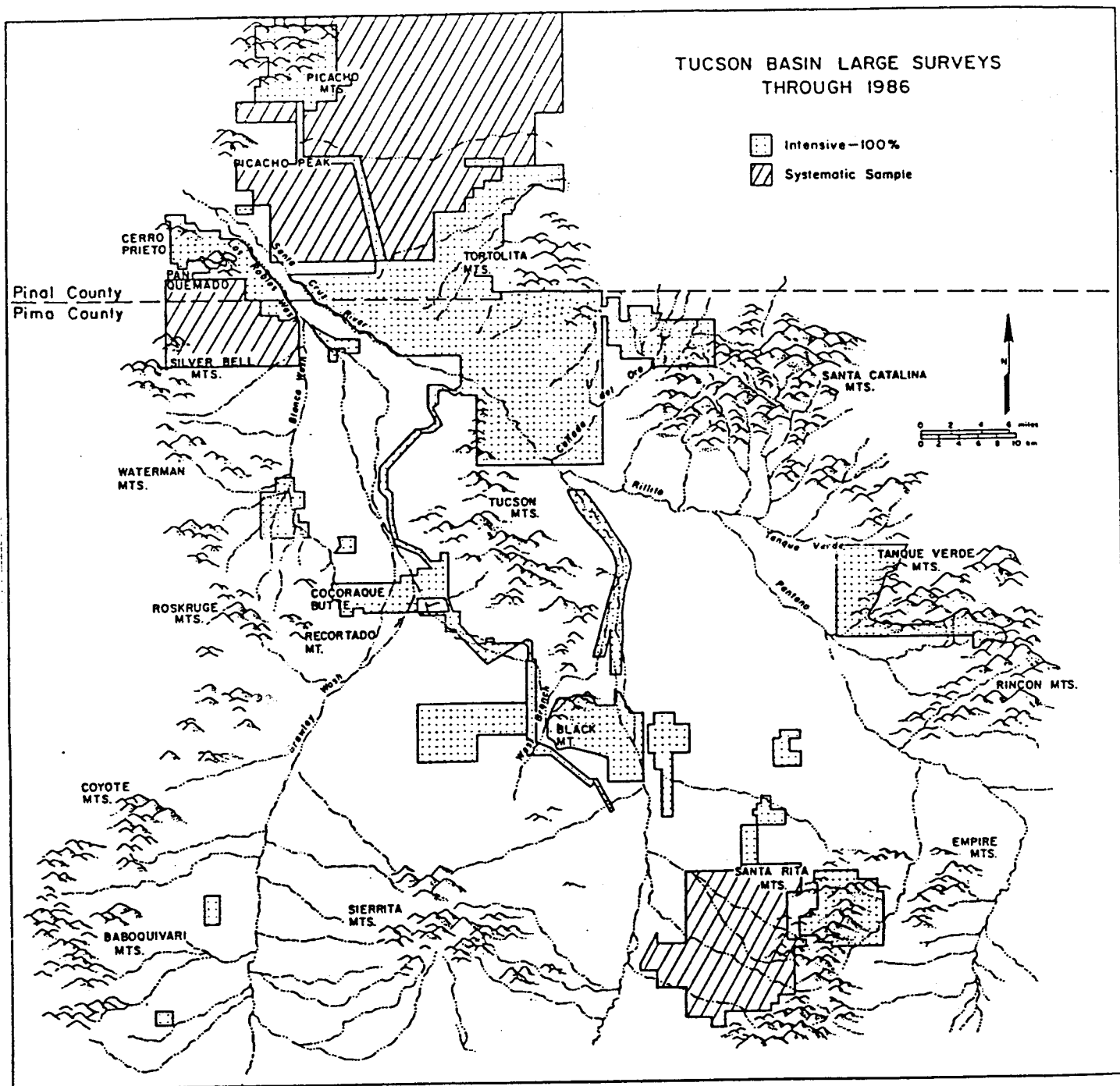
Since passage of the various federal, state, and local historic preservation laws and policies beginning in 1966, the number of cultural resource inventories completed for "compliance purposes" has dramatically increased in number and scope. In addition, federal land management agencies like the National Park Service, BLM, Forest Service, and Bureau of Reclamation and the Arizona State Land Department have sought to fulfill their mandated requirements to inventory their lands and prepare management plans to ensure conservation. The 1980s in particular was a time of substantial efforts to inventory these public lands leading to large areal surveys, which served both the land management agencies and provided the basis for both academic research and "compliance" studies required in advance of development.

The following figure illustrates where these large areal surveys had been completed by 1986. Notable among these surveys are the Northern and Southern Tucson Basin surveys, the Los Robles survey, Catalina State Park, Schuk Toak, San Xavier, Santa Rita Mountain survey, various CAP surveys, and Saguaro National Park east. As a consequence of these efforts, a number of these surveyed areas were nominated and listed as National Register districts, which has served to acknowledge their importance and promote their conservation.

Following the large areal surveys completed by federal and state agencies, surveys for compliance purposes in advance of development and construction projects by agencies and the private sector greatly increased during the housing and real estate boom of the 1990s. From a total of about 800 surveys completed by 1986, which represents a period of more than 50 years of record keeping at the Arizona State Museum, the number of surveys completed in the just last decade has grown to approximately 1200, a 50 percent increase, which reflects our community's rate of growth.

A brief assessment of the total acreage or square miles inventoried presents a similar dramatic increase. In 1986, approximately 463 square miles had been surveyed, which included most of the large areal surveys. In terms of percent of the county inventoried, simple statistics indicate that by 1986 about 11 percent of the land area of eastern Pima County had been surveyed and only 5 percent of the entire county area had been surveyed. By 1995 with the substantial increase in required compliance surveys, the amount of surveyed acreage increased to 661 square miles, or 16 percent of eastern Pima County and still only 7 percent of the entire county.

The number of sites recorded reflects a similar dramatic increase occurring over the last 10 years or so. In 1986 there was a total of 2955 cultural resources recorded throughout Pima County, and some 2000 sites, or 68 percent of the total, recorded in the Tucson metropolitan area of eastern Pima County. By 1995, due to the substantial increase in compliance activity in the Tucson metropolitan area, this number increased to a total of nearly 4500 sites, an increase of 52 percent. Eastern Pima County accounted for some 3400 sites, or some 75 percent of the total number of cultural resources known in the county.



The locations of large survey projects completed in the Tucson Basin and vicinity through 1986.

Historic Preservation

Page 23

More than anything, compliance surveys and sites identified in response to the intensification of growth are the cause for the disproportionate amount of site records in the metropolitan area.

	<u>Surveys</u> <u>Number</u>	<u>Area</u> <u>Sq.mi.</u>	<u>Percent of County</u>		<u>Number of Sites</u>		<u>Sites/Sq.mi.</u>
			<u>East</u>	<u>Total</u>	<u>East</u>	<u>Total</u>	<u>Total</u>
<u>By 1986</u>	800	463	11	5	2000	2955	6.4
<u>By 1995</u>	1200	661	16	7	3400	4500	6.8

Because survey intensity ranges from full to sample coverage, the average number of sites is very likely to be in the range of 7-10 sites per square mile. However, as data become available from updating AZSITE, these statistics will be refined to more accurately reflect the status of site and survey information, where sites have been located, what cultural groups are represented, and when and how these cultural groups used the land. Deficiencies in survey coverage, the kinds of sites represented, and numbers of sites will also be identified. However, trends that are apparent in the last decade appear to be consistent and probably reflect reasonably accurately how growth and development have served to increase our knowledge, but at the same time reflect how this growth is impacting the very heritage we have just identified. It is no accident that the Tucson Basin, with its history of available water, was intensively occupied throughout its history. Because of this focus of occupation, the cultural resource sensitivity in portions of eastern Pima County is extremely high. This area is also the focus of intensive development today.

Sites Protected — Sites Destroyed

Unlike the large areal surveys completed for land management agencies whose purpose was the protection and long-term conservation of cultural resources, large proposed development projects resulting from specific plans and other large rezoning projects completed cultural resource surveys in anticipation of site destruction. Notable among these large developments are Midvale Farms, Continental Ranch, Rancho Vistoso, Rancho Romero, La Paloma, Red Hawk/Dove Mountain, Sabino Springs, Rocking K, Vail Valley Ranch, Corona de Tucson, Rita Ranch, the proposed Canoa Ranch, and Fairfield Green Valley, among others.

While further analysis of the AZSITE data is needed to accurately quantify how much destruction has occurred, it is reasonable to assume that nearly all sites found within these development areas are or will be destroyed, some with the benefit of data recovery or documentation and many others with none. It is fortunate certainly that these subdivisions were regulated and that mitigation studies were done to retrieve the cultural information. However, "controlled destruction" is still destruction.

Historic Preservation

Page 24

Today in eastern Pima County, there are currently 4742 subdivisions covering some 161,000 acres or 252 square miles, which represent the urban area's regulated growth. At an average of 7-10 sites per square mile, regulated growth has probably destroyed some 1800-2500 cultural resources. However, how many unrecorded and undocumented historic and cultural properties have been destroyed by unregulated or wildcat subdivision is likely to be significant and cannot be accurately quantified. Moreover, because Pima County does not yet require demolition permits, it is not known how many historic buildings and structures have been lost through demolition. Efforts to identify these historic properties are necessary to attempt to prevent such losses in the future.

Later AZSITE data analyses will be necessary to bear this out, but it is likely that virtually all sites identified in the 1980s due to compliance activities for development and many other sites in the metropolitan area that were recorded in earlier times have since been destroyed. Using map overlays and simple statistics and data that are currently available, it may be estimated that between 40 to 60 percent of cultural resources in eastern Pima County have been destroyed or severely impacted from construction and development. Additional impacts from "wildcat" or unregulated subdivision and development will undoubtedly drive this percentage even higher.

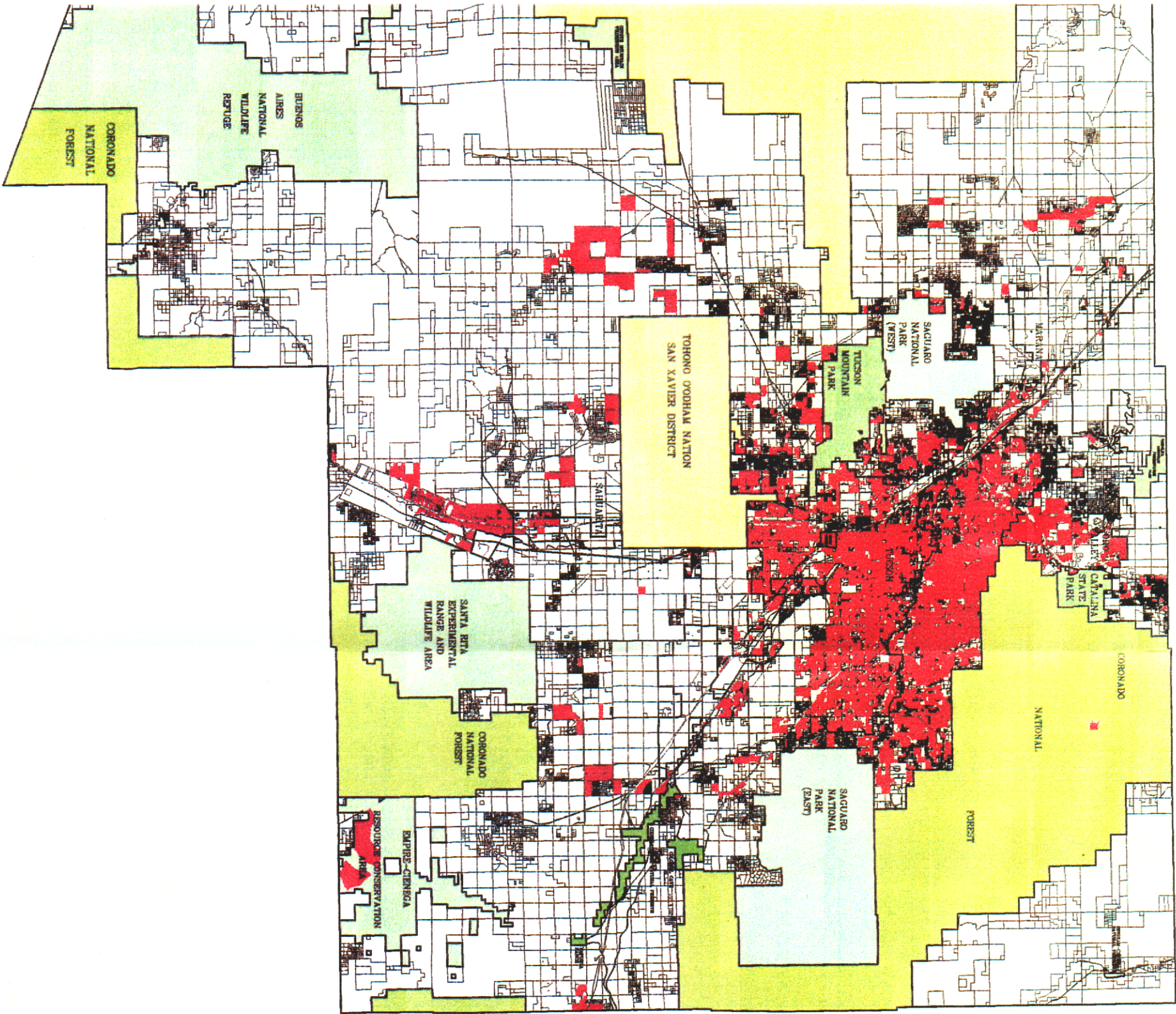
Those cultural resources that remain relatively undisturbed in the urban metropolitan area are now rare representations of the former cultural landscape that once characterized the Tucson Basin. Notable among these few remaining sites in the urban area are the Valencia Site, Los Morteros, the Marana Mound, University Indian Ruin, Sabino Canyon Ruin, and Tumamoc Hill. Historic sites and districts are largely within the City of Tucson, but a few historic sites like Agua Caliente Ranch, Tanque Verde Ranch, Colossal Cave, and Robles Ranch located on the suburban fringe remain as representations of the Territorial period. Many Spanish and Mexican period sites like the Tucson Presidio and Mission San Agustin are located within the urban core and have been heavily impacted by development and urban renewal in the 1960s.

Areas where the greatest protections have been achieved for cultural resources include the National Register sites and districts that resulted from land management surveys and conservation policies and plans adopted in the 1980s. A list of these locations follows. While not all large areal surveys resulted in National Register nominations and listings, project areas that are listed in the National Register include:

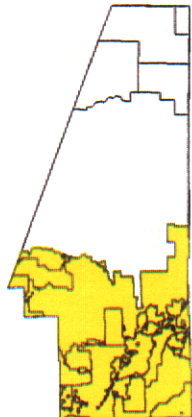
- Cocoraque Butte Archaeological District
- Empire Ranch
- Gunsight Mountain Archaeological District
- Kentucky Camp
- Los Robles Archaeological District
- Rincon Mountain Foothills Archaeological District
- Sutherland Wash Rock Art & Archaeological District
- Upper Davidson Canyon Archaeological District

Regulated Subdivisions and Parcel Boundaries in Eastern Pima County

- Platted Subdivisions
- Parcel Boundaries
- Administrative Boundaries



Pima County Index Map



The information depicted on this map is the result of a data collection project conducted by the Pima County Department of Transportation. The data was collected from various sources, including aerial photography, ground surveys, and other available information. The Pima County Department of Transportation is not responsible for the accuracy of the information depicted on this map. This product is subject to the Department of Transportation Technical Services Division's use restriction agreement.

Scale 1: 150,000



Pima County Technical Services
200 North Stone Avenue
Tucson, Arizona 85701-1807
Phone: (520) 740-5670 - Fax: (520) 796-3429
Web: www.pima.gov



NATIONAL REGISTER INFORMATION SYSTEM

Results

State, County, Name, Address, City, Listed date, Multiple, Reference number

AZ -- Pima Air Force Facility Missile Site 8 (571-7) Military Reservation 1580 W. Duval Mine Rd. Green Valley 19921203 92001234
AZ -- Pima Arizona Inn 2200 E. Elm St. Tucson 19880405 88000240
AZ -- Pima Armory Park Historic Residential District E. 12th St. to 19th St., Stone Ave. to 2nd Ave. Tucson 19760730 76000378
AZ -- Pima Armory Park Historic Residential District (Boundary Increase) Roughly, 19th, 20th, and 21st Sts. from Stone Ave. to Jacobs Ave. Tucson 19960705 96000754
AZ -- Pima Barrio Libre Roughly bounded by 14th, 19th, Stone and Osborne Sts. Tucson 19781018 78000565
AZ -- Pima Bates Well Ranch Bates Well Rd. E side Ajo 19940520 94000493
AZ -- Pima Blixt--Avitia House 830 W. Alameda St. Tucson 19920330 Menlo Park MPS 92000251
AZ -- Pima Boudreaux--Robison House 101 N. Bella Vista Dr. Tucson 19920330 Menlo Park MPS 92000253
AZ -- Pima Bray--Valenzuela House 203 N. Grande Ave. Tucson 19920330 Menlo Park MPS 92000255
AZ -- Pima Bull Pasture E of Lukeville on Organ Pipe Cactus National Monument Lukeville 19780901 78000380
AZ -- Pima Cannon, Dr. William Austin, House 1189 E. Speedway Tucson 19821025 82001663
AZ -- Pima Cavalry Corrals N. Craycroft Blvd. Tucson 19781213 Fort Lowell MRA 78003359
AZ -- Pima Cienega Bridge 5.3 mi. SE of Vail on Marsh Station Rd. Vail 19880930 Vehicular Bridges in Arizona MPS 88001642
AZ -- Pima Cocoraque Butte Archeological District Address Restricted Tucson 19751010 75000355
AZ -- Pima Colonia Solana Residential Historic District Roughly bounded by Broadway Blvd., S. Randolph Way, Camino Campestre, and S. Country Club Tucson 19890104 88002963
AZ -- Pima Colossal Cave Preservation Park Historic District Jct. of Old Spanish Trail and Colossal Cave Rd. Vail 19920710 92000850
AZ -- Pima Copper Bell Bed and Breakfast 25 N. Westmoreland Ave. Tucson 19920330 Menlo Park MPS 92000254
AZ -- Pima Cordova House 173--177 N. Meyer Ave. Tucson 19720504 72000198
AZ -- Pima Coronado Hotel 410 E. 9th St. Tucson 19821130 82001622
AZ -- Pima Desert Laboratory W of Tucson off W. Anklam Rd. on Tumamoc Hill Tucson 19661015 66000190
AZ -- Pima Dodson--Esquivel House 1004 W. Alameda St. Tucson 19920330 Menlo Park MPS 92000252
AZ -- Pima Dos Lomitas Ranch Organ Pipe NM Ajo 19940506 94000426
AZ -- Pima El Camino Del Diablo NW of Lukeville Lukeville 19781201 78000560
AZ -- Pima El Conquistador Water Tower Broadway and Randolph Way Tucson 19800620 80000771
AZ -- Pima El Encanto Apartments 2820 E. Sixth St. Tucson 19941230 94001181
AZ -- Pima El Encanto Estates Residential Historic District Roughly bounded by Country Club Rd., Broadway Blvd., Fifth St., & Jones St. Tucson 19880129 87002284
AZ -- Pima El Montevideo Historic District 3700 and 3800 blocks of streets between Broadway & 5th St. Tucson 19940912 94001070
AZ -- Pima El Presidio Historic District Roughly bounded by W. 6th, W. Alameda Sts., N. Stone and Granada Aves. Tucson 19760927 76000379
AZ -- Pima El Tiradito 221 S. Main St. Tucson 19711119 71000115
AZ -- Pima Empire Ranch 6 mi. E of Greaterville Greaterville 19750530 75000354
AZ -- Pima Fort Lowell Park N. Craycroft Blvd. Tucson 19781213 Fort Lowell MRA 78003358
AZ -- Pima Fourth Avenue Underpass Fourth Ave. Tucson 19880930 Vehicular Bridges in Arizona MPS 88001654
AZ -- Pima Gachado Well and Line Camp E of Lukeville in Organ Pipe Cactus National Monument Lukeville 19781102 78000348
AZ -- Pima Greenway, John and Isabella, House 1 Greenway House Dr. Ajo 19980223 98000052
AZ -- Pima Growler Mine Area N of Lukeville Lukeville 19781114 78000350
AZ -- Pima Gunsight Mountain Archeological District Address Restricted Three Points 19910621 90000996
AZ -- Pima Hughes, Sam, Neighborhood Historic District Roughly bounded by E. Speedway Blvd., N. Campbell Ave., E. 7th St. and N. Bentley Ave. Tucson 19940929 94001164
AZ -- Pima I'toi Mo'o--Montezuma's Head and 'Oks Daha--Old Woman Sitting Organ Pipe NM Ajo 19940502 94000399
AZ -- Pima Iron Horse Expansion Historic District Roughly bounded by Eighth St., Euclid Ave., Hughes and Tenth Sts., and N. Fourth and Hoff Aves. Tucson 19860619 86001347

AZ -- Pima Julian--Drew Building 182 E. Broadway Tucson 19960329 96000306
AZ -- Pima Kentucky Camp Historic District Address Restricted Sonoita 19951122 95001312
AZ -- Pima Lemmon Rock Lookout House Coronado National Forest Tucson 19880128 <i>National Forest Fire Lookouts in the Southwestern Region TR 87002465</i>
AZ -- Pima Los Robles Archeological District Address Restricted Red Rock 19890511 <i>Hohokam Platform Mound Communities of the Lower Santa Cruz River Basin c. A.D. 1050--1450 MPS 89000337</i>
AZ -- Pima Lowell Ranger Station Off Sabino Canyon Rd. NE of Tucson, Coronado NF Tucson 19930610 <i>Depression-Era USDA Forest Service Administrative Complexes in Arizona MPS 93000529</i>
AZ -- Pima Manning Cabin 10 mi. E of Tucson in Saguaro National Monument Tucson 19750331 75000169
AZ -- Pima Manning, Levi H., House 9 Paseo Redondo Tucson 19790727 79000421
AZ -- Pima Matus, Antonio, House and Property 856 W. Calle Santa Ana Tucson 19910722 91000900
AZ -- Pima Men's Gymnasium, University of Arizona E. Fourth St., University of Arizona campus Tucson 19901004 90001526
AZ -- Pima Milton Mine NW of Lukeville Lukeville 19780901 78000351
AZ -- Pima Officer's Quarters N. Craycroft Blvd. Tucson 19781213 <i>Fort Lowell MRA 78003366</i>
AZ -- Pima Old Adobe Patio 40 W. Broadway Tucson 19710603 71000117
AZ -- Pima Old Library Building University of Arizona campus Tucson 19791128 79000422
AZ -- Pima Old Main, University of Arizona University of Arizona campus Tucson 19720413 72000199
AZ -- Pima Pie Allen Historic District Roughly bounded by N. Euclid Ave., E. 6th St., N. Park Ave., and E. 10th St. Tucson 19960620 96000648
AZ -- Pima Pima County Courthouse 115 N. Church St. Tucson 19780623 78000566
AZ -- Pima Post Trader's Store and Riallito House 5425 E. Fort Lowell Rd. Tucson 19781213 <i>Fort Lowell MRA 78003367</i>
AZ -- Pima Post Trader's Storehouse 5354 E. Fort Lowell Rd. Tucson 19781213 <i>Fort Lowell MRA 78003368</i>
AZ -- Pima Quartermaster's Corrals N. Craycroft Rd. Tucson 19781213 <i>Fort Lowell MRA 78003370</i>
AZ -- Pima Quartermaster Storehouse 5479 E. Fort Lowell Rd. Tucson 19781213 <i>Fort Lowell MRA 78003369</i>
AZ -- Pima Rillito Racetrack--Chute 4502 N. First Ave. Tucson 19860612 86001322
AZ -- Pima Rincon Mountain Foothills Archeological District Address Restricted Tucson 19791016 79000252
AZ -- Pima Ronstadt--Sims Adobe Warehouse 911 N. 13th Ave. Tucson 19890511 <i>Spring, John, MRA 88002133</i>
AZ -- Pima Ronstadt House 607 N. 6th Ave. Tucson 19790226 79000423
AZ -- Pima Sabedra--Huerta House 1036--1038 N. 13th Ave. Tucson 19881110 <i>Spring, John, MRA 88002132</i>
AZ -- Pima San Pedro Chapel 5230 E. Ft. Lowell Rd. Tucson 19930428 93000306
AZ -- Pima San Xavier del Bac 9 mi. S of Tucson via Mission Rd. Tucson 19661015 66000191
AZ -- Pima Santa Ana del Chiquiburitac Mission Site Address Restricted Tucson 19750918 75000357
AZ -- Pima Santa Cruz Catholic Church 1220 S. Sixth Ave. Tucson 19941007 94001196
AZ -- Pima Schwalen--Gomez House 217 N. Melwood Ave. Tucson 19920330 <i>Menlo Park MPS 92000250</i>
AZ -- Pima Site No. HD 13-11 E. Fort Lowell Rd. Tucson 19781213 <i>Fort Lowell MRA 78003373</i>
AZ -- Pima Site No. HD 13-13 E. Fort Lowell Rd. Tucson 19781213 <i>Fort Lowell MRA 78003372</i>
AZ -- Pima Site No. HD 13-4 N. Craycroft Blvd. Tucson 19781213 <i>Fort Lowell MRA 78003376</i>
AZ -- Pima Site No. HD 4-8A E. Fort Lowell Rd. Tucson 19781213 <i>Fort Lowell MRA 78003374</i>
AZ -- Pima Site No. HD 5-26 5495 E. Fort Lowell Rd. Tucson 19781213 <i>Fort Lowell MRA 78003360</i>
AZ -- Pima Site No. HD 7-0A 5429 E. Fort Lowell Rd. Tucson 19781213 <i>Fort Lowell MRA 78003361</i>
AZ -- Pima Site No. HD 7-13 5531 E. Fort Lowell Rd. Tucson 19781213 <i>Fort Lowell MRA 78003365</i>
AZ -- Pima Site No. HD 9-28 5668 E. Fort Lowell Rd. Tucson 19781213 <i>Fort Lowell MRA 78003363</i>
AZ -- Pima Site Nos. HD 12-4/12-8 E. Fort Lowell Rd. Tucson 19781213 <i>Fort Lowell MRA 78003375</i>
AZ -- Pima Site Nos. HD 5-28/5-25 3031 N. Craycroft Blvd. Tucson 19781213 <i>Fort Lowell MRA 78003364</i>
AZ -- Pima Site Nos. HD 9-11/9-2 5651 E. Fort Lowell Rd. Tucson 19781213 <i>Fort Lowell MRA 78003362</i>
AZ -- Pima Sixth Avenue Underpass Sixth Ave. Tucson 19880930 <i>Vehicular Bridges in Arizona MPS 88001655</i>
AZ -- Pima Smith, Professor George E. P., House 1195 E. Speedway Tucson 19820603 82002090
AZ -- Pima Sosa--Carrillo--Fremont House 145--153 S. Main St. Tucson 19710603 71000116
AZ -- Pima Southern Pacific Railroad Locomotive No. 1673 Himmel Park Tucson 19920109 91001918
AZ -- Pima Speedway--Drachman Historic District Roughly bounded by Lee St., Park Ave., Speedway Blvd., 7th Ave., Drachman St., and 2nd Ave. Tucson 19890921 89001460
AZ -- Pima Spring, John, Neighborhood Historic District Roughly bounded by W. Speedway Blvd., N. Ninth Ave., W. Fifth St., N. Main Ave., W. Second St., and N. Tenth St. Tucson 19890511 <i>Spring, John, MRA 88002131</i>
AZ -- Pima Stone Avenue Underpass Stone Ave. Tucson 19880930 <i>Vehicular Bridges in Arizona MPS 88001656</i>
AZ -- Pima Sutherland Wash Archeological District Address Restricted Tucson 19880815 88000228
AZ -- Pima Sutherland Wash Rock Art District Address Restricted Tucson 19931019 93001107
AZ -- Pima U.S. Post Office and Courthouse 55 E. Broadway Tucson 19830210 83002995
AZ -- Pima University Heights Elementary School 1201 N. Park Ave. Tucson 19831006 83003494
AZ -- Pima University of Arizona Campus Historic District Roughly bounded by E. Second St., N. Cherry Ave., E.

Fourth St., and Park Ave. Tucson 19860613 86001254
AZ -- Pima Upper Davidson Canyon Archeological District Address Restricted Sonoita 19920103 91001891
AZ -- Pima USDA Tucson Plant Materials Center 3241 N. Romero Rd. Tucson 19970702 97000592
AZ -- Pima Valencia Site (BB:13:15;BB:13:74) Address Restricted Tucson 19840517 84000762
AZ -- Pima Velasco House 471--475--477 S. Stone Ave. and 522 S. Russell St. Tucson 19740305 74000460
AZ -- Pima Ventana Cave Address Restricted Santa Rosa 19661015 66000189
AZ -- Pima Victoria Mine N of Lukeville Lukeville 19780901 78000349
AZ -- Pima Warner, Solomon, House and Mill 350 S. Grand Ave. Tucson 19760603 76000380
AZ -- Pima West University Historic District Roughly bounded by Speedway Blvd., 6th St., Park and Stone Aves. Tucson 19801210 80004240
AZ -- Pima Wright, Harold Bell, Estate 850 N. Barbara Worth Tucson 19850118 85000081

Pima County Historic Preservation Bond Projects:

In addition to federal and state land management agencies, Pima County itself began an open space acquisition program in 1986, which supplemented large preserves already under county management for conservation and limited recreational uses. These areas include Tucson Mountain Park, Colossal Cave and Posta Quemada Ranch, Cienega Creek, and other lands. While these county lands complement conservation by federal and state agencies, significant tracts of environmentally and culturally sensitive lands were nonetheless being developed in the 1980s and 1990s at a rapid rate in areas adjacent to these preserves, resulting in impacts to pristine desert habitat, wildlife, unspoiled views, and cultural resources. Intensive development was impacting the very quality of life issues that people come to Tucson to enjoy.

Consequently, in response to rapid growth and the loss of open space and its natural and cultural values, Pima County voters in 1997 overwhelmingly passed the Open Space and Historic Preservation bond question, which provided \$6.4 million for specific properties to be acquired for conservation purposes and for the rehabilitation, restoration, and interpretation of historic and cultural properties identified for conservation through a public process of nominations. Those properties that were consistently nominated include both properties already owned by Pima County and other properties that should be acquired for the purpose of conservation. At this time, there are eleven candidate bond projects that have been selected for their historical and archaeological significance and for their potential to provide the broadest public benefit.

Historic Properties: These projects include National Register properties already owned by Pima County that are in need of restoration to ensure these sites are preserved for the enjoyment and benefit of future generations. Some of these sites include Colossal Cave Visitors' Center and Museum and the Agua Caliente Ranch buildings. Other projects would seek to acquire significant historic properties for public use, such as the San Agustin Mission Site, which is known as the "Birthplace of Tucson," Robles Ranch in Three Points, and establishment of the Anza National Trail in cooperation with the National Park Service.

Archaeological Sites: These projects include significant archaeological and cultural properties that would be acquired for protection and interpretation in public parks and open space. As growth in Pima County has intensified, there has been a significant loss of archaeological and cultural properties. Sites that could still be protected for future public appreciation include Tumamoc Hill, the Valencia Site, and Los Morteros.

Historic Preservation

Page 26

The historic preservation bond projects approved by voters in 1997, and adopted by the Pima County Board of Supervisors include:

Colossal Cave - Restoration and rehabilitation efforts planned for historic buildings used by the public at Colossal Cave owned by Pima County. This site is listed on the National Register of Historic Places. Restoration involves removing inappropriate modifications to buildings, reconstruction of roofs to correct structural deficiencies, and restoration of architectural design integrity.

Agua Caliente Ranch - Restoration and rehabilitation of historic ranch buildings owned by Pima County. This site has been determined to be eligible for the National Register of Historic Places, and restoration will allow for adaptive reuse for public programs such as classes, park orientation, lectures, and other special events. Restoration will benefit the public by allowing continued use of original historic buildings for educational and park uses.

Empirita Ranch - The original ranch buildings owned by Pima County may be eligible for the National Register of Historic Places. Building assessments and restoration of buildings are planned to allow preservation and continued use of historic structures by the public.

Robles Ranch - Residents from Three Points (Robles Junction) have requested that this original building that literally began the settlement of Robles Junction in 1883 be obtained and restored as a community building for the residents in this rural area. The restored ranch buildings would function as a community center, Sheriff's substation, offices for various social services, and as a meeting and recreation center for the community. This historic ranch has been determined eligible for the National Register of Historic Places.

Mission San Agustín - Acquisition of the "Birthplace of Tucson." This site at the base of Sentinel Peak or "A" Mountain has been occupied since prehistoric times and first noted by Father Kino in the 1690s as San Cosme de Tucson, the site of an historic Piman village known as "stjukshon, which gave Tucson its name. Ruins of the San Agustín Mission, Convento, and Mission Gardens dating from the 1700s remain, as well as prehistoric features. The site has been determined eligible for the National Register of Historic Places, and a public park commemorating the historic beginnings of Tucson is planned.

Canoa Ranch - Restoration and rehabilitation of the historic Canoa Ranch complex is planned for public use following acquisition through donation or purchase. The ranch complex is comprised of 12 buildings and other structures that were built in the period from about 1880 - 1930. The complex includes two compounds enclosing a number of residences, a bunkhouse and smaller quarters, a former school house, stables, corrals, and other outbuildings. The ranch buildings would be restored for public use and enjoyment to preserve and showcase an important historic property in the middle Santa Cruz Valley.

Anza National Trail & Campsites - The Anza National Historic Trail extends for 1200 miles from the Mexico border to San Francisco. Acquisition and interpretation is planned for public access and enjoyment of approximately 60 miles of the Anza National Trail and six campsite locations along the west bank of the Santa Cruz River in Pima County. The Anza Trail has been nominated as a "Millennium Trail" and the site for the celebration of Spanish contributions to the settlement and development of the United States.

Tumamoc Hill - Acquisition of this significant and extensive prehistoric dry-farming site comprised of 320 acres on the western slopes of Tumamoc Hill is planned to preserve this National Historic Landmark, that is also listed on the National Register of Historic Places, as open space and to protect its natural and cultural values.

Los Morteros - Acquisition and interpretation of this Hohokam ballcourt village site along the north end of the Tucson Mountains is planned for public enjoyment and protection of this important site. This site is not only important for its extensive Hohokam village but also for the 1775 campsite known as "Llano del Azotado" of the Anza Expedition and the 1858 "Point of the Mountain" Butterfield Stage Station. Creation of Los Morteros Heritage Park is planned to commemorate this site.

Valencia Site - Through acquisition and interpretation, this significant Hohokam ballcourt community in the southern Tucson Basin could be preserved and protected for future public appreciation. This National Register site represents some 500 years of Hohokam occupation, and there is evidence for earlier Archaic settlement here as well. Creation of the Valencia Site Archaeological Park is planned.

Pantano Townsite - Through acquisition of this parcel located along Cienega Creek, the ghost town of Pantano could be preserved for public interpretation. Pantano was once a substantial railroad community along the Southern Pacific Railroad between 1887 to the 1950s when it was abandoned. Only foundations and the town cemetery remain. Incorporation of the parcel into the Cienega Creek Preserve is planned together with stabilization and public interpretation.

In addition to the approved bond projects that have received funding, three alternative historic preservation projects have been identified for possible funding in the event that any of the approved projects cannot be completed.

Historic Preservation

Page 28

The alternative projects are located in the City of Tucson, and they have been proposed either by Mayor and Council, City staff, or various preservation groups for consideration in the Pima County Historic Preservation Bond Program.

Drachman School - Feasibility studies are currently underway by the City of Tucson for the preparation of adaptive reuse plans for the 90 year old Drachman School that would benefit the Santa Rosa Neighborhood and Barrio Historico. Funding would assist in the restoration of this historic building for community use as compatible neighborhood housing for the elderly.

Fort Lowell Park - Acquisition of a parcel comprising the southwest portion of the original fort complex would serve to expand Fort Lowell Park for the public benefit and protect some of the best-preserved original buildings.

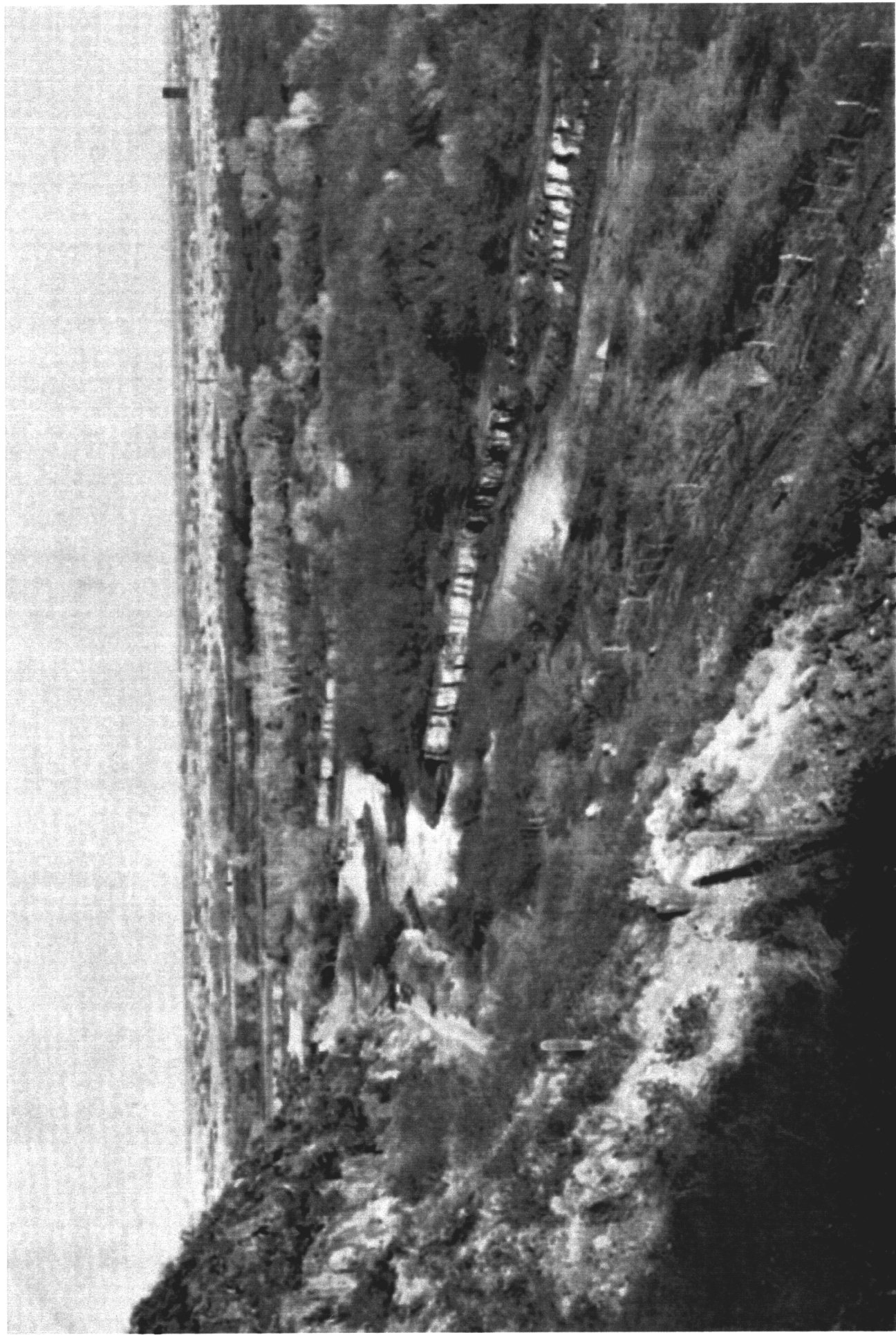
Tucson Presidio - The Tucson Presidio 1775-1856 once protected this Spanish Colonial mission and settlement. Today, the Presidio area is bounded by Church, Washington, Main, and Pennington. Only one undeveloped parcel remains at the corner of Church and Washington, which contains the northeast corner of the Tucson Presidio. Acquisition and commemoration of the Presidio for the benefit and enjoyment of the public are planned.

Santa Cruz River Restoration & El Paseo de las Iglesias:

Also consistent with the Sonoran Desert Conservation Plan are plans to restore the riparian habitat and conserve, protect, and interpret cultural resources along the segment of the Santa Cruz River from San Xavier Mission to Mission San Agustin del Tucson, a distance of some 8-9 miles. This historic travel corridor between the two 18th century Spanish missions followed the route of the Camino Real, which extended from Spanish Colonial cities in what is today Mexico to Tucson the northern-most outpost of Colonial New Spain. When encountered by Fr. Kino in the 1690s, the segment of river between the two missions was a virtual oasis in the desert with great potential. Kino observed:

The fields and lands for sowing were so extensive and supplied with so many irrigation ditches running along the ground ... they were sufficient for another city like Mexico.

Historical accounts of Tucson indicate that the river flowed perennially at Mission San Xavier del Bac and near downtown Tucson at Mission San Agustin. If we are to trust these historical accounts, the flow of the Santa Cruz River prior to 1890 was at the very least dependable, if not truly perennial.



View from Sentinel Peak looking downstream across the confluence of the West Branch and the Santa Cruz River, 1904.
(Arizona Historical Society)

Historic Preservation

Page 29

Numerous sites cultural sites important to Pima County and Tucson are located along the historic corridor of the Santa Cruz River, especially where water was once abundant. Some of these sites include: San Xavier del Bac, the Anza National Trail and Camino Real, the Hohokam Valencia Site, the Julian Wash Site, Silver Lake and its hotel and mills, Warners Lake and Mill, the Solomon Warner House, Tumamoc Hill, the Tucson Presidio, and Mission San Agustin, also known as the "birthplace of Tucson."

The basic features of the Paseo de las Iglesias project to restore the riparian habitat and cultural landscape of the Santa Cruz River demonstrate the conservation ethic embraced by the Sonoran Desert Conservation Plan and the integration of its natural and cultural elements:

- Riparian restoration opportunities along the river to benefits plant and animal communities;
- Preservation, protection, and interpretation of numerous and diverse cultural resources;
- Potential recharge opportunities for CAP and other water sources;
- Traditional Native American flood-water farming on and near the Tohono O'odham Nation;
- Establishment of the route of the Juan Bautista de Anza National Trail

Partners in Preservation:

As a basis for planning for the Sonoran Desert Conservation Plan, the system of preservation of historic resources relies on the efforts of a varied array of governments, organizations, groups, and individuals. While Pima County is attempting to provide the goals and guidance for cultural resource conservation, the cooperation and partnership of those who have a stake in the preservation of the past and who share these conservation goals will be key to the Plan's successful implementation. Moreover, participation in the implementation of the Historic Preservation Element of the Sonoran Desert Conservation Plan should serve to establish stronger links between these varied interests.

The following is a listing of some of the key partners who have a stake in the preservation of Pima County's heritage resources and whose knowledge and guidance will be sought to implement the Plan:

Tribal Interests:

- Tohono O'odham Nation
- Yaqui Nation
- Apache Tribe
- Hopi Tribe
- Zuni Tribe

Historic Preservation

Page 30

Federal Government Partners:

- National Park Service
- Bureau of Land Management
- US Forest Service
- US Fish & Wildlife Service
- US Army Corps of Engineers
- Bureau of Reclamation
- US Department of Defense

State Partners:

- State Historic Preservation Office
- Arizona State Parks
- Arizona State Museum
- Arizona State Land Department
- Arizona Historical Society

Local Advocates:

- Unincorporated rural communities
- Neighborhood organizations
- Property owners
- Volunteer groups

Local Government Partners:

- City of Tucson
- City of South Tucson
- Towns of Marana, Oro Valley, Sahuarita, Casas Adobes, Tortolita

As a consequence of these preservation partnerships and the results of the planned AZSITE analyses, it is anticipated that recommendations and goals for cultural resource inventory and conservation will be brought forward in a regional perspective offered by the Sonoran Desert Conservation Plan. Implementation of these recommendations will take even greater consensus-building and inter-jurisdictional cooperation regarding conservation, historic site designation and zoning and the protection and consistent treatment of archaeological sites.

Members of the Historic Preservation Technical Advisory Team, with assistance from our preservation partners will be instrumental in preparing technical reports that expand on this report, provide for data compilation, recommend additional studies, conduct data analyses, prepare synthetic statements about the status of our heritage resources, and finally make recommendations about how to conserve and protect the remaining historic and cultural resources in Pima County.

Recommendations for Revisions to the Pima County Historic Zone Ordinance

Various elements of the Sonoran Desert Conservation Plan call for the preservation and protection of lands that contain unique or significant environmental, historic or cultural resources. As discussed in the plan, one method to ensure preservation is acquisition, another is land use regulation to ensure compatible land use, and another is conservation incentives for property owners. While acquisition of certain key parcels has been approved through the Open Space and Historic Preservation Bond projects, it will not be possible or desirable to purchase for conservation purposes the very large tracts of land that might be considered natural and cultural landscapes.

The remaining conservation measures are really land use policies that allow for historic designation through zoning and incentives for property owners to designate and protect their historic properties. Although Pima County has had an Historic Zone (Chapter 18.91 of the Pima County Zoning Code since 1972), only two historic districts, one around San Xavier Mission and a second near Fort Lowell, have been designated. The current ordinance only addresses "districts" and does not allow for any other designation of historic property types as discussed earlier in this document. Moreover, an overlay zone does not exist for the protection of archaeological resources or traditional cultural places like ranches and their land base. As a consequence of these deficiencies and direction from the Board of Supervisors in January 1999, it is recommended that the current Pima County Historic Zone Ordinance be revised to comprehensively address a wide range of archeological, historical, and cultural properties that include:

- Historic Districts
- Historic Sites and Landmarks
- Rural Historic Landscapes
- Archaeological Districts
- Archaeological Sites

Two levels of historic site designation are possible: listing on the National Register of Historic Places and local Historic Zoning, together with incentives for designation and protection. As tangible links to its past, historic buildings reflect the unique character of a community neighborhoods and rural areas. Consequently, various federal and state laws have been enacted to support the preservation of these buildings through tax reductions and other incentives. Arizona's historic property owners can benefit from these programs if their properties meet certain criteria, principally eligibility and listing on the National Register of Historic Places.

The second part of this document provides an analysis of various historic preservation ordinances either in effect or proposed, and makes recommendations for revisions to the existing Pima County Historic Zone.

Historic Preservation

Page 32

The State Historic Property Tax (SPT) Program:

For non-income producing (residential) properties, this part of the SPT program offers a reclassification of property effectively reducing up to 50 percent the property tax assessment for owners of properties listed on the National Register of Historic Places, either individually or as contributor to a National Register district. This is a 15 year agreement during which the property is maintained according to federal and state standards to protect its historic qualities, and it must be used wholly for non-income producing purposes. Brief reports and photo must be filed annually to maintain eligibility for the tax reduction. Primary participants in the program are owner-occupied residential properties. The program is administered jointly by the County Assessor and the State Historic Preservation Office.

The commercial property component of the SPT is available to qualified historic, commercial, income-producing properties listed on the National Register of Historic Places. Under this part of the SPT program, the owner of a historic commercial building may request to enter into a 10 year program whereby the building's first year tax is assessed as before (the temporary tax classification does not necessarily change the current base assessment), while any modifications and improvements intended to restore or rehabilitate the property are assessed at only 1 percent of their full cash value. The intent of this program is to provide the owner an opportunity to make the building presentable to potential tenants and allow the owner and tenants the opportunity to make improvements without the threat of significant tax increases. Primary users of this program are owners of commercial, industrial, or rental residential properties. The program is administered by the County Assessor and State Historic Preservation Office.

The Federal Investment Tax Credit Program (FITC):

The FITC program is oriented toward investment properties. The FITC authorizes a 20 percent investment tax credit for substantial rehabilitation of historic properties, together with accelerated depreciation for income-producing properties. Like the State program, properties must be listed individually or as contributors within an historic district listed on the National Register. Application for the program is made through SHPO, and if approved, it is forwarded to the National Park Service for certification.

Other Economic Incentives:

Historic designation, whether listing on the National Register or local zoning, almost always has a beneficial effect on property values, commercial revitalization, business investment, and increased tourism. This was confirmed by a number of national studies in the mid 1990s. Studies in Denver and Virginia concluded that historic preservation provides for economic growth and development.

Historic Preservation

Page 33

Denver, like many western cities suffering from flight to the suburbs and sprawl, saw its urban core being abandoned and severely affected by disinvestment. In its lower downtown section before historic designation, nearly 40 percent of the buildings were vacant, and 30 percent of the properties had been foreclosed. Properties values plummeted and blighted conditions worsened, but city leaders took the initiative and designated the Denver Downtown Historic District, despite property owners fear of a loss of property rights and a further erosion of property values. However, just the opposite happened — occupancy rates increased to 90 percent, reinvestment fostered new compatible development, and property values doubled. It was concluded that scarcity (historic character) and certainty (assurances about compatible development) create value.

In Virginia, a state-wide study assessed the economic impact of historic preservation on tourism, job creation, property values, and downtown revitalization. The study found that 70 percent of tourists visit historic sites, and those with an interest in history stayed longer and spent 2.5 times more than other visitors. Preservation work on 900 buildings in Virginia was credited with creating more than 12,000 jobs and \$270 million in household income, and the study found that property values appreciated more within designated historic districts than elsewhere in the city. In addition, preservation activities in small communities throughout Virginia resulted in substantial downtown revitalization.

In Pima County, heritage tourism is an important economic opportunity that has been confirmed by recent studies conducted for the Metropolitan Tucson Convention and Visitors Bureau in 1995-96 and the Arizona Office of Tourism in 1998. National tourism studies confirm the trend.

In Pima County, some of the most popular recreational pursuits were hiking and sight-seeing, visiting historic sites, and visiting museums, and interestingly, only 11 percent played golf. Overall, tourism generated 36,500 wage and salary jobs or 12 percent of all jobs in Pima County, and 2.5 million visitors generated \$17 million in tax revenues to Pima County.

The State study indicated similar results and interest in heritage tourism. State-wide, tourism is a \$10 billion industry, providing more than 270 thousand jobs, and it attracts more than 26 million visitors who visit the state because of its natural and cultural attractions.

National studies confirm the important role that heritage sites and museums play in travelers' decisions about their destinations. Nearly 46 percent of the 200 million US adult travelers included a cultural, arts, heritage, or historic activity while on a trip of more than 50 miles during 1998, and the survey found that visiting an historic community or building was the most popular cultural activity.

Historic Preservation

Page 34

Summary:

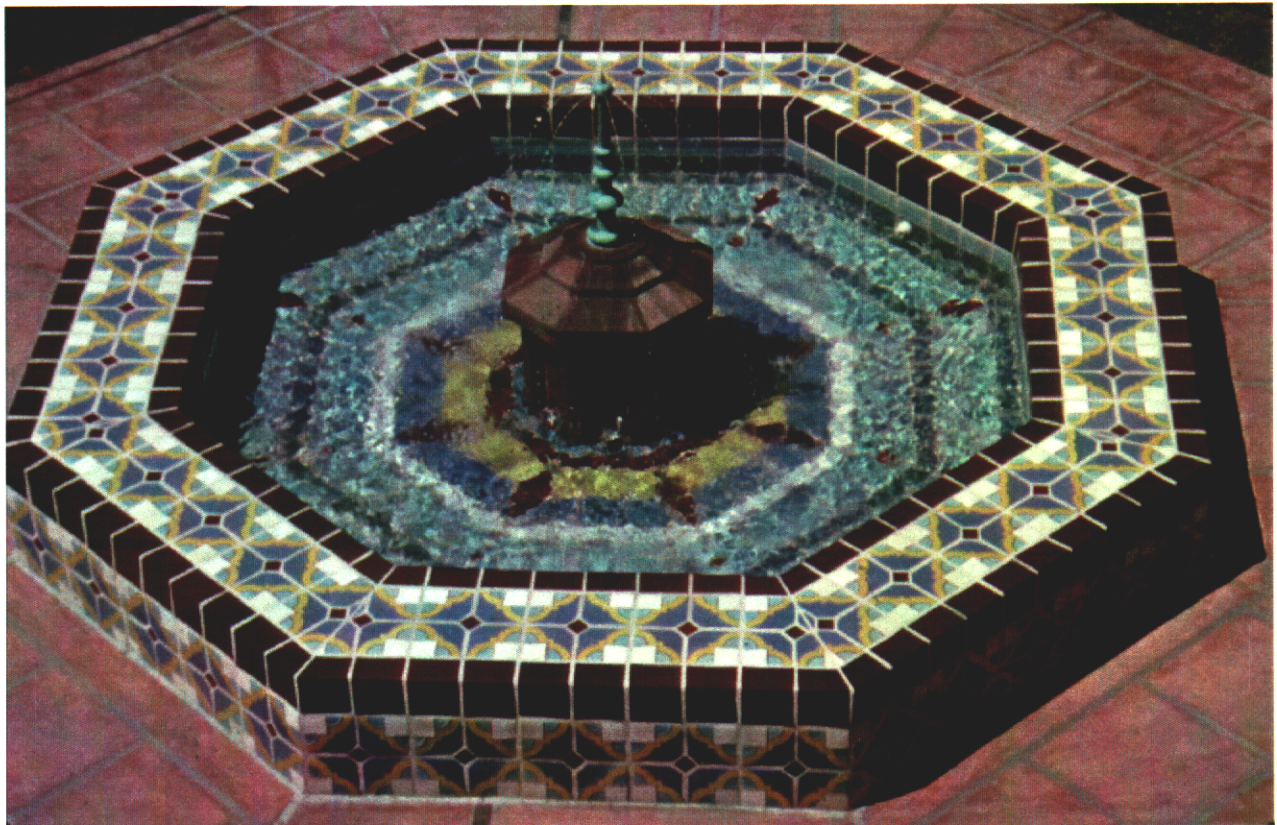
To conclude this report on the Historic Preservation element of the Sonoran Desert Conservation Plan, it is worth summarizing some of the key points made:

- Historic preservation is an important element in recognizing the value of cultural diversity and preserving American heritage values.
- National policy for the conservation of historical sites has existed since 1906.
- A body of preservation law has developed over the last 100 years to preserve our important cultural sites.
- The National Register of Historic Places is the official listing of historic properties significant in American history, archaeology, architecture, engineering, and culture.
- Preservation at the local level is critical to maintaining a community's identity, continuity, and sense of place.
- Pima County has a long and complex multi-cultural heritage spanning nearly 12,000 years, leaving a rich legacy of archaeological, historical, and cultural properties.
- Pima County's Native American, Spanish Colonial, Mexican, and Territorial heritage remains very much a part of the community's vitality.
- Non-renewable cultural resources are threatened by population growth, urbanization, and unregulated subdivisions.
- Existing cultural resource data indicate a correlation of site location and development; conversely little data exist for the rural areas of Pima County.
- Approximately 16 percent of eastern Pima County has been inventoried and only 7 percent of the entire county. Most sites are recorded in advance of development.
- It is estimated that 40 to 60 percent of all cultural resources are now destroyed.
- Conservation of cultural resources is most successful in lands set aside as open space and as sites and districts listed on the National Register of Historic Places.
- Pima County historic preservation bond projects will acquire and preserve a number of National Register eligible sites and areas in eastern Pima County.
- Partnerships will assist in the development of goals and strategies for cultural resource conservation strategies to be identified in the Sonoran Desert Conservation Plan.
- Possible cultural resource conservation strategies include:
 - acquisition (open space and historic preservation bond projects)
 - land use policies (revisions to the Pima County Historic Zone Code)
 - incentives for historic designation (tax incentive programs)
- Historic preservation can have a beneficial effect on property values, commercial revitalization, business investment, and heritage tourism.



Above: Pima County Courthouse Fountain from 1928, before it's demolition in the 1930s.

Below: Pima County reconstructed the fountain in the mid 1990s to restore the architectural integrity of the courthouse courtyard. Designed by architect Roy Place.



Historic Preservation Sources Consulted

- Arizona State Parks
1996 *Arizona Historic Preservation Plan*. State Historic Preservation Office, Arizona State Parks Board, Phoenix.
- Charney, Alberta and Julie Leones
1997 *Tourism in the Tucson Metropolitan Area*. University of Arizona College of Business and Public Administration and College of Agriculture, Tucson.
- Cosulich, Bernice
1953 *Tucson*. Treasure Chest Publications, Tucson.
- Dart, Allen and William H. Doelle
1988 *The Pima County Archaeological Inventory Project*. Institute for American Research Technical Report No. 87-11
- Dobyns, Henry F.
1976 *Spanish Colonial Tucson*. University of Arizona Press, Tucson.
- Keller, J. Timothy, and Genevieve P. Keller
1987 *How to Evaluate and Nominate Designed Historic Landscapes*. National Register Bulletin 18. National Register of Historic Places, National Park Service, Washington, D.C.
- King, Thomas F.
1998 *Cultural Resource Laws & Practice*. AltaMira Press and Sage Publications, Walnut Creek, CA.
- McClelland, Linda Flint, J. Timothy Keller, Genevieve P. Keller, and Robert Z. Melnick
1990 *Guidelines for Evaluating and Nominating Rural Historic Districts*. National Register Bulletin 30. National Register of Historic Places, National Park Service, Washington, D.C.
- National Park Service
1983 *The Secretary of Interior's Standards for Archaeology and Historic Preservation*. Federal Register 44716-68.

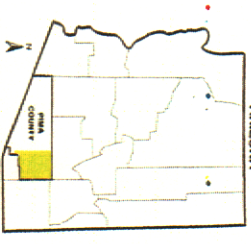
1996 *Juan Bautista de Anza National Historic Trail, Comprehensive Management and Use Plan, Final Environmental Impact Statement*. US Department of Interior, National Park Service, Washington, D.C.

1999 *Cultural Resources and the Interior Department*. Cultural Resource Management, Volume 22, No.4. National Park Service, Washington, D.C.
- National Register of Historic Places
1990 *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. National Register Bulletin 38. National Register of Historic Places, National Park Service, Washington, D.C.

1991 *How to Apply the National Register Criteria for Evaluation*. National Register Bulletin 15. National Register of Historic Places, National Park Service, Washington, D.C.
- Officer, James E.
1989 *Hispanic Arizona, 1536-1856*. University of Arizona Press, Tucson.
- Pima County
1994 *Pima County Comprehensive Plan*. Pima County Development Services Department, Planning Division, Tucson.
- Rypkema, Donovan
1998 *The Economics of Historic Preservation*. National Trust for Historic Preservation, Washington, D.C.
- Sonnichsen, C.L.
1987 *Tucson: The Life and Times of an American City*. University of Oklahoma Press, Norman.
- Turner, Teresa, Edward H. Spicer, and Rosamond B. Spicer
1982 *The People of Fort Lowell*. Fort Lowell Historic District Board, Tucson.
- Walker, Henry and Don Bufkin
1979 *Historical Atlas of Arizona*. University of Oklahoma Press, Norman.

Sonoran Desert Conservation Plan

Concept Plan Adopted March 2nd, 1999 by the Pima County Board of Supervisors

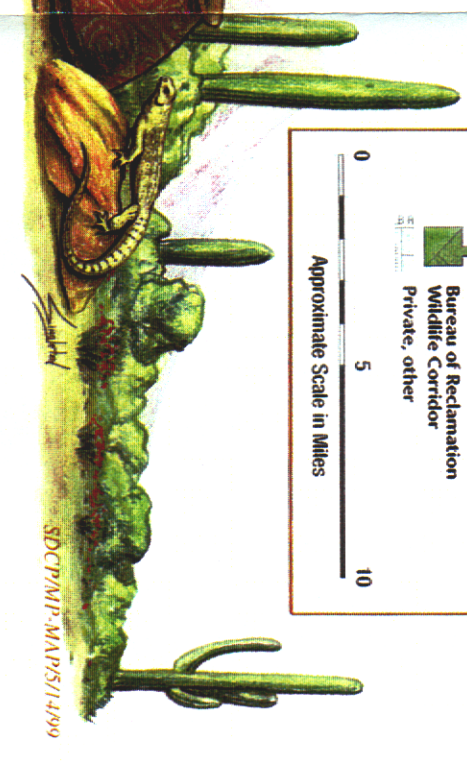


Elements

- Ranch Conservation
- Historic and Cultural Preservation
- Riparian Protection and Restoration Projects
- Anza National Historic Trail
- Anza Campsites
- Arizona Trail
- Riparian Corridors
- Proposed Mountain Park Expansion Boundaries
- Biological Corridors
- Proposed Empire-Cienega NCA
- Critical and Sensitive Habitat
- Palo Verde / Saguaro
- Ironwood
- Riparian Habitat



Eastern Pima County



**Rewriting the Pima County Historic Zone:
Analysis and Recommendations**

Pima County Cultural Resources Program
May 14, 1999

Executive Summary

This report makes an argument in favor of revising Chapter 18.91 (Historic Zone) of the Pima County Zoning Code to make it an effective means of recognizing and protecting places of historic and cultural importance to the citizens of Pima County. To assist in making these changes, Pima County's Historic Zone is compared with the historic preservation ordinances of six other local governments across the country, three of which are in Arizona, two are regional to the Southwest, and the last is from the Southeast.

This analysis demonstrates that other communities also recognize the importance of protecting cultural resources through local controls over private actions that may affect these resources. It also reveals that there are a wide variety of approaches to how this can be achieved. Using the results of this review, a set of generalized recommendations is presented for how Pima County should change its Historic Zone. These recommendations will be clarified and made specific in the drafting stage of the ordinance should the County wish to move forward with a revision of the Historic Zone.

For additional information, three appendices are included with this report. Appendix A contains an ordinance comparison table detailing the relevant elements of each reviewed ordinance; Appendix B is an outline of the proposed ordinance to revise Pima County's Historic Zone; and, Appendix C includes a copy of the preservation ordinance from Dade County, Florida, to illustrate how one community has achieved its historic preservation objectives.

**Rewriting the Pima county Historic Zone:
Analysis and Recommendation**

Introduction.....	1
Ordinance Comparison	2
Pima County, Arizona.....	2
City of Tucson, Arizona.....	3
City of Phoenix, Arizona	4
City of Scottsdale, Arizona.....	6
City of Santa Fe, New Mexico.....	7
Boulder County, Colorado	8
Dade County, Florida.....	9
Discussion.....	11
Recommendations.....	15
Conclusions.....	18
Appendix A - Ordinance Comparison Table	
Appendix B - Legislative Outline	
Appendix C - Historic Preservation Ordinance, Dade County, Florida	

Introduction:

Pima County is blessed with an abundance of cultural resources that reflect a rich and proud heritage. Each period in the county's history is represented within its borders from the earliest Native American occupations of the land, through the Spanish Colonial and succeeding Mexican periods, followed by the American territorial era culminating in Arizona's statehood, and finally, to the present day. Pima County's archeological sites, its buildings, churches and shrines, its ranches and railroads, its rural historic landscapes, are all a part of this legacy that together remind us of how deep our heritage goes and how important it is to who we are and where we live. Even so, there is a tendency to take these historic places for granted - until they are threatened or lost.

During the 1960's, a massive federal development program to revitalize the downtown centers of the nation's cities prompted a public hue and cry as old neighborhoods were razed and a new vision of the future was literally and figuratively imposed on the record of the past. In reaction to this "urban renewal," the voters began to demand that the old be considered while planning for the new and this resulted in the passage of the National Historic Preservation Act in 1966. States and local communities all across the country followed the federal lead and established their own laws and regulations to provide a means of identifying, evaluating and treating the effects of government funded or authorized development on cultural resources. In Tucson, the construction of the Government Plaza in the early to mid 1970s set in motion the same forces as elsewhere culminating in the passage of local laws to protect places of historic importance to the citizens of both the City of Tucson and Pima County.

In 1972, Pima County passed an ordinance amending the Zoning Code to establish overlay requirements recognizing and protecting cultural resources defined as historic districts. The Historic Zone ordinance created a mechanism for defining districts and for reviewing development plans that propose to alter or modify the historic characteristics of the district through renovation, new construction or demolition. Two historic district zones were established by this process, the Fort Lowell historic district zone and the San Xavier environs historic zone, and in 1979 the ordinance was amended to add specific regulations for each of these areas. Since 1985, these districts have been annexed by the City of Tucson either in whole (Fort Lowell) or in part (San Xavier) as the city has expanded into Pima County. Although in years past the Binghamton and Foothills areas have expressed interest in forming historic districts, no other districts have ever been formed since the ordinance was first adopted almost thirty years ago.

As more the Tucson metropolitan area develops and pushes into the unincorporated portions of Pima County, more of the county's cultural resources will be threatened and eventually lost. The county's citizens are beginning to see this problem and want to do something about it. Voter approval of the 1997 historic preservation and open space bond question is an indicator of the public's support for historic preservation. Rural historic communities like Ajo and Arivaca have recently requested assistance in establishing historic districts and contain many historic ranches and significant archaeological sites that are worthy of designation. Pima County has formally recognized the value of preserving its cultural resources in its laws and policies; however, an important means of achieving this goal, the Historic Zone, is not functioning as originally intended. It is time therefore to revise this chapter of the Pima County Zoning Code and make it a comprehensive and effective tool for historic preservation in Pima County.

In taking this step, the county should also become a partner with the National Park Service through its Certified Local Government Program. This federal aid program is designed to assist local governments with historic preservation planning and is administered through the State Historic Preservation Offices in each state and territory. Becoming a certified local government will allow Pima County to compete for historic preservation grant dollars that are available only to CLG members. It will also link the county to over 1150 other local governments across the country, 19 of which are in Arizona, that have met the requirements for certification.

Finally, rewriting the Historic Zone will enable the county to integrate historic preservation with other countywide planning efforts including the Sonoran Desert Conservation Plan and the Comprehensive Plan. All of these goals are achievable by rewriting this chapter of the Code.

This report compares and analyzes seven historic preservation ordinances: four local to Arizona (including Pima County's), two that are regional to the Southwest and one that is a national example. These ordinances were selected to show how other communities protect their cultural resources from the same kinds of development pressures that Pima County is currently experiencing. Following this comparison, the strengths and weakness of the models are discussed and general recommendations for changing the current Historic Zone are presented. Finally, an outline of legislation that will achieve a comprehensive rewrite of the existing Historic Zone is proposed.

Ordinance Comparison

Appendix A contains information on each of the seven ordinances analyzed and is presented in table form. For each law, the local community, the date the law was originally enacted, the type of resources that are covered, and the review entities are identified. Then an outline is presented of the review process for nominating and designating historic properties, as well as the process used to review alterations to, and demolitions of, those properties. Whether the law provides for economic hardship, contains incentives to encourage preservation, and has enforcement provisions that are specific to the ordinance is also discussed. The process by which appeals are handled is also briefly examined. Lastly, a note is included on whether the local government is a CLG, and if so, when it was certified.

I. Pima County, Arizona

Pima County enacted its ordinance in 1972. It is specifically designed to function as an overlay zone in that a new set of requirements is added to the land uses that are permitted in the underlying zone. The Board of Supervisors (BOS) has ultimate decision making authority and is advised by the Planning and Zoning Commission (P&Z). Pima County and the City of Tucson are unusual in that they share a preservation commission that was created not through their respective preservation ordinances, but by means of a joint City/County Resolution in 1974. However, the Tucson Pima County Historical Commission is not mentioned and has no role in the county's Zoning Code. Historic sites, structures, objects, landscapes or spaces may be nominated as Historic Districts if they meet certain criteria based upon the requirements for listing properties in the National Register of Historic Places maintained by the National Park Service. The National Register criteria are used for this purpose by each of the laws examined

for this study.

Properties may be nominated as a Historic District Zone (HDZ) by not less than 51% of the property owners or the P&Z. A citizens Historic Advisory Board must be established by the Board of Supervisors for each district upon nomination to assist with the designation of the district and to advise the P&Z on development actions that occur within the Historic District. Alterations to, or demolition of, existing structures within an HDZ, or new construction within an HDZ, are subject to review and public hearings and must follow design criteria specified in the ordinance. Pima County cannot deny a demolition permit; it can however delay issuance up to 180 days. Economic hardship is provided for if the applicant can demonstrate that preservation is "economically unfeasible," but what this means and how it is to be demonstrated is not specified. There are no incentives for preservation, such as tax credits, and no specific provisions for enforcement or penalty for violation contained within the ordinance. Enforcement is handled through another section of the Code (chapter 18.95). Pima County is not presently a Certified Local Government.

The greatest strength of the Pima County ordinance lies in its recognition of the need for local involvement in decisions regarding development proposals that may affect a Historic District Zone. The historic advisory boards build local participation into both the designation process and the development review process and gives the citizens some say over what happens within these districts.

Despite this advantage, the ordinance is not working. It is designed to preserve multiple historic structures within zoned areas but does not provide for individual landmarks of any kind, nor is it useful in preserving archaeological sites or other cultural resources. The Tucson Pima County Historical Commission has no responsibilities in the ordinance and thus the county's official source of advice on historic preservation is shut out of the process by which historic district zones are created and managed. Similarly lacking is any means of formally listing historic properties in a register of historic places that would highlight their importance and give official recognition to their contribution to Pima County's history and culture. Lastly, the lack of incentives, financial or otherwise, plus the hardships inherent in forming a historic advisory board and then creating a district may actually have encouraged against district nomination. The fact that only two historic districts have been created since 1972, indicates that the means by which Pima County has to recognize and preserve important cultural and historic places under county law is in need of revision.

II. City of Tucson, Arizona

Tucson also adopted its Historic Preservation Zone ordinance in 1972, which is a part of its land Use Code. It too is explicitly an overlay zone and functions in much the same way as the Historic Zone in Pima County. The Tucson Pima County Historic Commission (TPCHC) is given an explicit advisory role with review responsibilities in the ordinance, however. The City's ordinance also establishes the Planning Director as the review authority within the City and identifies the Mayor and Council as the ultimate authority on property designation and appeals. In addition, the law creates a separate review process for pending districts in anticipation of development actions that may occur in an area that is being considered for historic designation. Nominations may be proposed by the property owners, by the TPCHC or by the Mayor and

Council. If a historic district is being proposed, a majority of the property owners by area (51%) or by count (65%) may also initiate the rezoning. The process of nominating and designating a property as either a landmark or district is quite involved and requires a number of steps with public hearings along the way. For districts, The Mayor and Council appoints a citizens Historic Advisory Board (HAB) that then acts to define and report upon the significance of the area to be designated. The city currently has six local districts and two residential areas have expressed interest in becoming districts.

Development criteria for all development and improvements affecting a designated property must be followed whether or not a building permit is also required; these criteria are clearly presented and affect height, aspect, proportions, setbacks, roof type, etc. Review of design plans differs depending whether the work that is being proposed is a renovation of, or improvement to, an existing building, new construction within a district boundary or demolition. The essential distinction made in the city ordinance, however, is the kind of property that will be affected. Landmarks and properties that contribute directly to the designation of a historic district are afforded greater protection by means of decision making at the level of the governing body. Sites, structures, and non-contributing properties within historic properties are subject to a lower level of decision making through the Planning Director. In each case, however, the Tucson Pima County Historic Commission is given a review role. Another interesting aspect of this ordinance is that it creates separate review requirements for development actions that are minor (as defined) from those that have a more substantial impact to cultural resources. In the former case, the process is expedited and decisions are made administratively.

In 1989 The City amended its Historic Preservation Ordinance to meet the State of Arizona's requirements for membership into the National Park Service's Certified Local Government program. The amendment establishes development standards that include a listing of all sites, structures, landmarks and districts, with their contributing and non-contributing properties. It also more clearly defines the roles of the TPCHC, the HAB and the Planning Director for development review.

Overall, the City of Tucson's preservation ordinance has a high degree of flexibility built into it that makes it useful as a planning tool. It clearly identifies those kinds of properties that are of highest priority (landmarks and contributing properties), and establishes a higher level of review for these properties. It imposes meaningful sanctions for violation in the ordinance including fines, permit restrictions and even denial, and may also be used to require reconstruction of historic properties affected without approval in violation of the Land Use Code. There are no incentives for historic preservation, however. Despite its nod to archaeological resources as an important part of the city's heritage, the ordinance was not designed with these kinds of resources in mind. One final note: the organization of the Tucson Historic Preservation Zone Code is highly fragmented making it difficult to follow.

III. City of Phoenix, Arizona

Phoenix passed its preservation ordinance into law in 1986. Like Tucson and Pima County, the ordinance is structured as an overlay zone to achieve both property designation and development review and compliance. The ordinance establishes the citizen review entity in the Historic Preservation Commission (HPC), but also creates the post of the Historic Preservation Officer

(HPO) as the city's staff person on historic preservation related matters. The HPO is given review and decision making responsibilities for property designation, alterations, new construction, and demolition. Currently, the HPO has a staff of two full time planners, two half time specialists, and an administrative secretary.

Three types of resources are covered in Phoenix's ordinance: Landmarks, districts, and archaeological resources. Landmarks may be separately designated within districts to call out their extraordinary importance - a useful means of establishing multiple layers of significance for individual properties. The process of designation is lengthy involving the HPO, the HPC, the Planning Commission and finally the City Council and at least two, possibly three public hearings. Once approved, the HPC is charged with adopting design guidelines and standards for the property(ies) to guide subsequent decisions on effect and how to treat the effects of development on the property.

Alterations and new construction require one of two certificates issued by the HPO before the Building Official can give authorization for a proposed action within or involving a district, landmark or site. Certificates of No Effect are issued for proposals that have minor or no impacts to historic properties. If the HPO decides that more substantial effects will occur, a Certificate of Appropriateness is required, which has a higher compliance standard that the applicant must meet. The HPO can approve, deny, or condition the approval of this certificate and thereby control development to ensure that effects that are inconsistent with the standards and guidelines for the property are not approved.

Demolition is handled in much the same way and requires a Certificate of Demolition also issued by the HPO. Phoenix, too, recognizes the special problems that can arise with requests for demolition in an area where designation is pending and the ordinance contains provisions for this kind of situation. Phoenix also requires that in certain cases of demolition, the proponent submit a reuse plan indicating how the land will be used after demolition occurs. Economic hardship may be claimed in cases where demolition threatens a designated property and a distinction is made between property that is income producing and non income producing; however, there is no specific requirements for financial disclosure and how this issue is decided is ambiguous.

There are no incentives in the ordinance. Enforcement is provided giving the HPO the authority to issue Stop Work Orders and the city to enforce these through injunctions. Additional enforcement is undoubtedly available through the Zoning Code. Appeals are built into each section of the ordinance where appropriate and follow a process beginning at the HPC, then going to the Planning Commission, and finally ending with a hearing before the full City Council.

Phoenix is a Certified Local Government and has been since 1988. At present, the city has 93 individually listed properties and 30 districts.

This ordinance is highly effective, simply laid out, and easy to follow. Its use of certification for alterations and demolition is a common approach to historic preservation in many other parts of the country. The most important aspect of this ordinance is the role of the Historic Preservation Officer as the administrative authority on historic preservation for the city. The HPO both advises the governing body and has review responsibilities and decision-making authority. An

important part of the duties of the HPO is to assist and inform the public about the city's cultural resources. The ordinance does have its drawbacks, the most notable of which is its failure as a tool for preserving the archaeological record. Despite its recognition of the value of archaeological sites, only two out of 93 properties have been designated.

IV. City of Scottsdale, Arizona

Scottsdale is currently in the process of drafting a historic preservation zoning overlay ordinance and has been working on a draft for several years. The city is doing this for many of the same reasons that Pima County is now considering an ordinance: to provide a means of protecting historic resources and archaeological sites in the face of growing development pressure, and to become a Certified Local Government. Scottsdale has examined many other ordinances but has chosen to model its effort on Phoenix's example and their draft reflects this emulation. Like Phoenix, Scottsdale creates a Historic Preservation Commission (HPC) and establishes its duties and composition. It creates the position of the Historic Preservation Officer (HPO) and assigns this office with considerable responsibility. It also creates the position of the City Archaeologist, a significant recognition of the need to have someone on staff who is an expert in archaeological matters. This position is created because the ordinance contains a separate set of review requirements for development actions that may affect archaeological sites that are not designated properties. A historic register is also formerly established under the ordinance and this is the official listing for properties that are designated as Historic Districts, Historic Resources, and Historic Landmarks.

Any one of a number of sources including the property owner, the Historic Preservation Commission, the Planning Commission, or the City Council itself may nominate properties for designation. District nominations, may also be nominated by more than 75% of the property owners. A designation report explaining the significance of the property is required, but the ordinance does not specify who is to prepare this document. Designation is more involved than in Phoenix requiring at least three public hearings, whereas Phoenix requires only two (although a third may be held at the level of the City Council). If the Scottsdale City Council approves a designation, then a Historic Preservation Plan is required. The applicant and the HPO are to prepare the plan. This document establishes standards and guidelines for the property that will enable the HPO and the HPC to assess the effects of any proposed development on the property's historic character and integrity. Note: a time period within which the Historic Preservation Plan must be prepared is not specified nor are the consequences of a failure to prepare such a plan.

The review process for alterations and new construction, as well as that for demolition, is much the same as in Phoenix. Scottsdale also proposes to use certificates of No Effect for minor alterations that do not impact the integrity of a designated property, as well as Certificates of Appropriateness for more substantial proposed changes. The HPO makes decisions about the former and the HPC decides on the latter. All appeals go to the City Council. The Historic Preservation Commission also reviews requests for demolition, but unlike Phoenix, the Scottsdale ordinance allows for this approval to be conditioned so that mitigative measures can be employed as part of the demolition process. Scottsdale borrows the Reuse and Replacement Plan idea from Phoenix requiring that if a property within a Historic District is to be demolished the proponent present a plan for what will replace it.

Economic hardship is provided for, but like Phoenix, the requirements for demonstrating this are not specified. There are no incentives for preservation. The enforcement provisions are substantial, however, involving the power to issue Stop Work Orders and to seek injunctions to enforce an order. Civil and criminal penalties, fines, denial of permits and the revocation of licenses for a defined period where appropriate are all available options under the law. The process for appeals is inserted throughout the ordinance where applicable. Like Phoenix, Scottsdale builds into its draft ordinance a process whereby proposed demolition within areas that have been nominated as historic districts, but not designated as such, can be reviewed.

The Scottsdale draft Historic Property Zone ordinance is very comprehensive, broad in scope, and carefully structured to anticipate the community's preservation needs. The inclusion of both a Historic Preservation Officer and a City Archaeologist is bold. Archaeological sites are often included in general statements about the importance of a community's history but are often ignored in a procedural sense. The Scottsdale draft ordinance makes these resources equally important as those in the built environment.

V. City of Santa Fe, New Mexico

Santa Fe, New Mexico, located in northern New Mexico, has taken a different approach to historic preservation than the other communities reviewed thus far. Their ordinance was adopted in 1957 making it one of the oldest preservation ordinances in the country. Five Historic districts exist within the city limits, each of which was created as the result of a separate ordinance amending the City Code. The first district was established with the passage of the original ordinance and the remaining four were created in 1983. All districts are in effect zoning overlays that add preservation requirements to the existing limitations to land use.

Santa Fe's ordinance recognizes historic districts, contributing properties within districts, and landmarks, which by definition are individual properties outside of a district boundary. The ordinance creates the Historic Design Review Board (HDRB), a voluntary citizen oversight committee, as the main decision making body subject only to the Santa Fe City Council. The Planning Department advises the Board on historic preservation related matters and to this end it has a professional historic preservation planner on staff. The Board maintains a listing of properties, which serves as a municipal historic register and the criteria for designation is based on the National Register criteria as it is elsewhere. To nominate a property or district the City Council, the HDRB, or an unspecified petitioner may initiate the proceedings. This requires submitting a statement of significance, proposed boundaries, and design standards for the property. The nomination process is not specified in the historic district ordinance but does follow the city's rezoning procedures involving a series of public hearings and a final approval of the City Council.

Alterations or new construction must be approved by the HDRB and must adhere to specific design standards established in the ordinances for each district. The application is required to go through two hearings before the Board: a preliminary hearing, where a decision is made whether the proposal has merit and is in order; and, a final review, during which the proposal may be granted, denied or conditioned. Appeals go before the City Council.

Demolitions are handled in the same manner. The applicant submits a request to the HDRB,

which then asks the Planning Department and other departments in the city to review the request and provide recommendations. Within 65 days the HDRB must hear the proposal and render a decision. The request may be granted or denied and appeals go before the City Council.

There are no provisions for economic hardship or specific incentives for preservation. Enforcement is handled through the existing zoning requirements. The appeals process is addressed in a separate section within the body of the ordinance.

Of note is the City's emphasis on preserving the exterior and visible portions of buildings and imposing a restricted range of building styles and façade treatments within district boundaries. A great deal of attention is given in the ordinances to signage and their restrictions. Maintenance of the exterior appearance of buildings is also required and can be enforced. The city acknowledges the importance of archaeological resources to its history and a whole separate ordinance with development review requirements was adopted in 1987. Santa Fe is a Certified Local Government and has been since 1986.

VI. Boulder County, Colorado

Boulder County, in northwest Colorado, is another regional example of a local government that has a preservation ordinance in effect. The law was enacted in 1992, and a year later, Boulder County became a Certified Local Government. Its preservation requirements are added to the county's Land Use Code and are tied to the issuance of building permits

Boulder County established a citizen Historic Preservation Advisory Board (HPAB) to be the main source of decision making on matters related to historic preservation in the county. It is answerable to the Board of County Commissioners (BCC) and serves in a voluntary capacity like other citizen boards and commissions. The county has one designation that of Historic Landmark, but this can include sites, structures, as well as districts. The owner, the HPAB, and the BCC can nominate a property; however, owner consent for designation is required for all individually owned properties. Sites and districts with multiple owners must have the approval of 67% of the owners to be designated as a Historic Landmark. Two hearings before the HPAB are needed to designate a property: a first review of the application, and then a final review. Boulder County also established a Historical Site Survey to identify historic properties within the county and this forms the basis for their ongoing inventory of cultural resources. The criteria for Landmark designation follow the National Register criteria, as it does elsewhere.

If upon final review, the HPAB recommends the designation of a property to the Board of County Commissioners, then the HPAB prepares a designation report that contains standards and guidelines for the particular property. This will then be used to assess effects to the Landmark if and when development is proposed that may impact its historic character. The BCC reviews the designation proposal and makes a decision; acceptance requires a Resolution of Approval, which also contains the standards and guidelines for the property.

Reviews of all alterations, new construction, and demolition affecting a Landmark goes through the HPAB, which has the authority to approve or deny issuance of a Certificate of Appropriateness. A denial can be reconsidered with changes to the proposed action. There is no Certificate of No Effect for minor alterations, as there is for Phoenix and Scottsdale; however,

exceptions to a Certificate of Appropriateness are built into the ordinance. It is also worth noting that there is no intermediate review step involving a planning commission between the HPAB and the BCC. The HPAB reviews the application by evaluating the proposed action against the standards and guidelines contained in the Resolution of Approval.

Boulder County reviews demolitions in a manner that is unique among the preservation ordinances reviewed for this analysis. Applicants proposing demolition affecting a Landmark must go through the same process as for alterations discussed above. However, if the property is not designated, and it is greater than 50 years in age, then the applicant must still go through the HPAB for a building permit for demolition. The HPAB then determines whether the property *could* be listed as a Landmark. If so, then the demolition can be stayed for up to 120 days but cannot be denied. This provides time for discussions with the owner about other options to the proposed demolition including preservation as a Landmark.

Economic Hardship can be claimed and the ordinance contains recommended information that the HPAB would likely need to approve such a claim; however, submittal of this information is not mandatory. There are no incentives or enforcement mechanisms specified in the ordinance. The appeals process is outlined in a separate section and all appeals go to the BCC.

This is a simple, workable, preservation ordinance that minimizes the number of steps that are required for designation, as well as for approvals of alterations, new construction, and demolition. Much of the authority is concentrated in the hands of the Historic Preservation Advisory Board, which may also create separate citizen advisory committees to represent the interests of specific geographic or thematic areas. These boards are similar in concept to Pima County's Historic Advisory Boards, only they are not required for designation. The provision for reviewing building permits for properties greater than 50 years old and assessing them for their eligibility for Landmark designation is an effective way to build inventory and designation into the review process. However, the ordinance does not allow for the denial of a demolition permit for a property that could be listed. This limitation and the lack of any mention of archaeological sites detract from its overall strength.

VII. Dade County, Florida.

Dade County is located in southern Florida and contains within its borders the City of Miami. The county has had a preservation ordinance on the books since 1981 and has been a CLG since 1987. The ordinance covers sites, districts and archaeological zones. It is one of the few communities in the country to explicitly recognize the value of archaeological resources as historic properties and to include them in the regulatory process. It is worth noting that this law gives a deadline (July 1, 1982) by which time all municipalities within the unincorporated areas of Dade County were to have passed their own ordinances complying with the provisions of this section of the Dade County Code.

The ordinance establishes the citizen oversight authority, in this case the Historic Preservation Board (HPB) and gives it authority to function to protect the county's cultural resources. While there is no register specified, one of the duties of the HPB is to maintain an inventory of historic properties called the Historic Survey. The County Manager is recognized in the ordinance as the administrative authority and provides staff support to the HPB. As such, Dade County has

created a Historic Preservation Office with a staff of five to meet the Board's needs. The Board of County Commissioners (BCC) is the elected governing body and is the source of all appeals.

The criteria for designating a historic property are the same as those established by the federal government, and the ordinance borrows much of the same language from the National Register of Historic Places. A property can be nominated by the owner or the HPB, whereupon a designation report is prepared by the preservation office. Note: the HPB need not have the owner's consent if it chooses to designate a property on its own. The designation report must include a statement of significance, the boundaries of the proposed property and a recommendation as to the standards that should be adopted to permit regulatory review of proposed development. Dade County uses these recommendations in conjunction with generalized design standards and guidelines but does not require that standards be prepared for each individual property, as is the case elsewhere. A hearing is held before the HPB and it decides to approve or not to approve the proposed designation. During this review, a moratorium on development is placed on the property thereby preventing a rush to alter or demolish before a decision on designation can be made.

Alterations, new construction and demolitions require approval via a Certificate of Appropriateness (COA). This ordinance distinguishes between regular COAs and special COAs where the difference depends on whether the proposed changes are minor or more substantial. This is similar to the provisions for Certificates of No Effect and Appropriateness that Phoenix makes and that Scottsdale is considering in its ordinance. Minor changes are reviewed by the HPB without a hearing whereas more substantial alterations require full review by the HPB at a public hearing. In both cases, the HPB must make a decision within 60 days and may approve, deny or condition its approval. Requests for demolition are handled as a case requiring a special COA and go through a public hearing. There are additional criteria, however, that must be considered by the HPB in reviewing a request for demolition and the HPB has the option of approving a request but delaying its implementation for up to six months.

The Historic Preservation Board may grant a finding of economic hardship and the ordinance has strict financial disclosure requirements. There is a county property tax credit for the improvement of historic properties contained in the ordinance making Dade County the only local government reviewed in this analysis to include a specific financial incentive for historic preservation. Enforcement includes provisions for Stop Work Orders, as well as civil and criminal penalties and fines, including an option to require restoration. Again, all appeals go to the BCC and the appeals process is contained in a single section in the ordinance.

This ordinance also has provisions for considering the effects of new construction on archaeological sites. Development proposed within the limits of an "archaeological zone," defined as an area that is likely to yield information on the history and prehistory of Dade County, requires a Certificate to Dig. Archaeological zones may contain known sites as well as areas with a high potential for containing sites. The issuance of this certificate cannot be denied, but it can be conditioned giving Dade County the means to stipulate a plan to treat effects prior to construction approval. This must occur within a 60 day time period unless the HPB decides to have the property designated as a site or district.

Dade County has an extremely effective ordinance (see Appendix C) that gives the county firm

control over public approval of private actions that may affect cultural resources. The power of decision making is clearly vested in the Historic Preservation Board. The Board of County Commissioners is acknowledged as the ultimate sources of decision-making and appeal but procedurally the HPB handles the bulk of the public review. Dade County also has a historic preservation staff that was created after the ordinance took effect when county officials realized that special expertise was needed on staff to serve the Board and to be the contact point for the public coordination of historic preservation. The staff has both architectural and archaeological personnel and handles the full range of preservation planning activities.

Discussion

Each law that has been reviewed has the same basic components. They all establish a historic preservation commission or some citizen advisory committee that is the regulatory source of advice to local government on historic preservation related matters. They all have a process for nominating and designating historic places that are subject to the requirements of the law. They all contain the mechanisms needed for reviewing and deciding upon the acceptability of proposed changes to, or demolition of, designated historic properties, as well as new construction that may either directly or indirectly affect such properties. Each contains a process for appealing decisions affecting the use of registered properties. There are significant differences beyond these basics that reflect the values and political realities of each community. In the following discussion, some of those differences are highlighted to illustrate how these communities have chosen to meet their preservation objectives.

The most obvious difference among the laws, is the lack of a preservation commission or board cited in the ordinance for Pima County. Even Tucson references the Tucson Pima County Historic Commission in its law and the lack of this reference means that by law there is no one source of expertise on historic preservation in the County. Instead the Planning and Zoning Commission is dependant upon the advice given to it by the individual Historic Advisory Boards. No property can be designated without the formation of a Board, which only adds to the threshold that must be achieved in order to make designation a reality. Santa Fe, Boulder County, and especially Dade County have powerful preservation commissions that handle much of the decision making in their jurisdictions. This serves to elevate historic preservation as a valued objective within the community. Santa Fe has further committed itself to historic preservation by hiring a professional preservation Planner; however, both Phoenix and Dade County have gone further and created staffs of preservation experts to handle a wide spectrum of review, planning, and educational needs.

Pima County also suffers from a lack of an official register of historic places. Not every community has created such a register through their ordinance but they do have an official listing of historic properties that achieves the same purpose, in Tucson and Santa Fe for example. Others, such as Scottsdale create the register right in their ordinance. The advantage of the register is that it confers formal recognition by the community on properties that have been designated in a way that is more than just a technical tally for zoning purposes. This formal recognition can then be tied into similar state and national registers conferring added protection to a property.

The process of nominating and designating properties varies considerably. Those who may

nominate include the property owner, and usually the preservation commission and the governing entity; however, how many owners can nominate and whether their consent is required for designation differs. In Dade County, the owner(s) and the Historic Preservation Board may nominate a property, but the owner's consent is not required for the actual designation. In Boulder County, nominations for an individual property can be made without the owner's approval, but the owner must approve for the property to be designated. For districts, where multiple properties are affected, Boulder County can only approve a designation if the owners of more than 67% of the land to be included in the district agree to the designation. Other communities establish who can nominate but do not address the issue of consent. In Pima County, a proposed historic zone may be initiated by greater than 51% of the property owners by area. Tucson's ordinance states that a historic zone may be proposed by either more than 51% of the owners by land area or more than 65% of the owners by count. Scottsdale recommends a supermajority whereby a proposal to create an historic district may be initiated by more than 75% of the owners with land in the district.

In some cases, nomination requires public hearings too, such as in Tucson where the Mayor and Council must hear requests to initiate the process of designation. In other places, however, nominations are not reviewed by the governing body but are processed at a lower decision making level, such as the preservation commission in Boulder County, Colorado. Tucson, as well as Phoenix, Scottsdale, Santa Fe, and Dade County all require that as part of the nomination process a statement of significance or designation report be prepared. This document identifies what is to be designated, where it is located, how it will be bounded in space, and why it is believed to be worthy of preservation. Designation reports are often prepared by "staff" but exactly who on staff is not specified. In places where there is a Historic Preservation Officer, such as Phoenix, the HPO puts together the designation report. In Pima County and in Tucson, the Historic Advisory Boards formed for each designation have this responsibility.

The process of designation is also variable. This is generally a more arduous process in all cases because designation has real implications for property owners and assigns responsibilities on the local government to uphold regulations that pertain to the designated property. This can range from the simple to the very complicated. Dade County holds a hearing and the Historic Preservation Board makes a decision. On the other hand, The Scottsdale ordinance has a four-step process with three public hearings involving the Historic Preservation Office, the Historic Preservation Commission, the Planning Commission, and finally the City Council.

Some communities also require that design standards and guidelines be prepared for each property or district to be designated either before designation (Boulder County) or after designation (Phoenix and Scottsdale). Others use standards that are more generic in nature and are included in the preservation ordinance itself (Pima County, Tucson, Dade County, and Santa Fe). In all cases, these standards and guidelines are prepared to guide future decision making, if and when, development that may affect the designated property is proposed. This enables the reviewer to determine whether or not the proposed change will have an effect, whether the effect is minor or substantial, and what kind of treatment should be required should mitigation be necessary. The standards and guidelines are therefor a critical factor in making preservation work in any community.

Beyond designation, the two most important steps in any preservation law involve alterations to

and demolition of historic properties. The review process for each involve decision making that results in an approval or denial, where permitted, and in some cases an opportunity to condition an approval. This is where public control over private actions for the purposes of historic preservation becomes real in legal and political terms. Each community has a slightly different process for making these decisions that is tailored to its individual decision making apparatus. In Tucson, a distinction is made between proposed alterations that are minor from those that are more substantial. Minor alterations are defined in the ordinance and include changes that do not require a building permit and that will cost less than \$1500 dollars. The local Historic Advisory Board and the Tucson Pima County Historical Commission review the plans and then make their recommendations to the Planning Director who either makes a decision to approve the plan or can require a full review. Minor changes require minimal documentation and the reviews are expedited within a matter of days. Major alterations require far more documentation and take much longer. Both Phoenix and Scottsdale make a similar distinction between minor and major alterations. They certify their decision by way of Certificates of No Effect for minor alterations or a Certificate of Appropriateness for the approval of more substantial changes. The utility of certification is that approval can be conditioned, where appropriate, in order to direct development in a way that maintains the historic character and integrity of the property. Boulder County and Dade County also use certificates to approve alterations, new construction, and demolition and this is a very common approach to review approval across the country.

It is demolition that prompts the greatest scrutiny from local government, as it should, since demolition is by definition destructive and irreversible. When it comes to demolition, Tucson makes a further distinction between properties that are either landmarks or properties that directly contribute to the historic character of a district, and properties that are either intrusive to a district or are not individually worthy of merit. How applications for demolition are reviewed and by who varies on how important the city determines the property to be.

In some cases, however, an application to demolish a designated property cannot be denied. This is true in Pima County. Boulder County can deny demolition if the property is designated; but if it is not, then even if it could be designated demolition cannot be denied. Provisions in the ordinances of each community are included that may delay approval up to a set time limit during which efforts can be made to save the property from destruction. In Santa Fe, the Historic Design Review Board can deny demolition, as can Dade County's Historic Preservation Board. The Phoenix ordinance requires that the Historic Preservation Officer make the decision one way or another, but in Scottsdale demolitions must be approved by the Historic Preservation Commission. Both of these communities have an interesting added requirement in cases where a historic property will be torn down; they stipulate that the proponent must submit a reuse plan that shows what will be constructed on the property after the demolition occurs. Each law specifically provides for emergency demolition as a matter of public health and safety. Similarly, each law has a process for appealing decisions on both alterations and demolitions that involve the local governing body.

Economic Hardship can be claimed in every case studied except for Santa Fe. This applies only to demolition where the owner can claim that maintaining a building instead of demolishing it would result in a financial loss. Pima County requires only that the Planning Commission find that preservation is "economically unfeasible;" however, there is no discussion of how this decision is to be made or what it should be based upon. Dade County requires that the owner

submit to the Historic Preservation Board a full financial disclosure to demonstrate that preservation will cause economic hardship. Boulder County avoids the heavy handed approach of Dade County by only recommending that the owner submit certain financial information sufficient for the Historic Preservation Advisory Board to decide the issue.

Incentives and enforcement are the carrot and the stick that historically have been used to make historic preservation work. With one exception (Dade County), however, incentives are not addressed in these ordinances and all of the attention is given over to enforcement. Dade County's ordinance contains a provision for setting aside funds for the preservation of designated properties contingent upon funding. It also contains a provision for deducting 100% of the cost of improvements made to a historic property from taxes levied by the county.

Enforcement, like other aspects of these seven laws, varies from those ordinance that contain specific enforcement provisions to those that do not, and from those that provide a variety of enforcement tools to those that are more limited in their treatment of violators. Boulder County, Pima County and the City of Santa Fe have no specific enforcement provisions in their ordinance relying instead on what is already contained in their zoning regulation or development codes to address infractions. Tucson, Phoenix, Scottsdale, and Dade County all have provisions in their ordinance to issue Stop Work Orders that can be backed up by injunctions. All four of these communities can levy fines and criminal penalties are possible. Scottsdale and Tucson have the ability to deny permits to an individual for future actions within a set time period, and to impose a requirement to restore historic properties that have been affected by an unauthorized action.

Lastly, few of the ordinances in this analysis provide a mechanism for preserving archaeological sites. Every ordinance has within it a reference to "sites," but it is clear from the way the laws are written and how the regulatory process works that archaeological sites are at best an after thought. Phoenix is a good example of this problem. The Historic Preservation Office does not handle archaeological issues as a matter of practice; the Pueblo Grande Museum has an archaeologist on its staff who, despite any regulatory authority, has developed a working relationship with developers in the Phoenix area. On occasion, these developers agree to avoid archaeological sites or allow for data recovery. Scottsdale is clearly trying to avoid this problem by working in a review process that includes archaeological sites. The City of Santa Fe has a whole separate archaeological ordinance that creates a process whereby development review and approval is conditioned upon completing any necessary archaeological studies, much like Pima County's rezoning and grading requirements. Dade County has decided to specifically recognize the value of archaeological sites and includes this kind of cultural resource with other historic property types in its historic preservation ordinance.

In sum, there is basic agreement among these seven laws as to the goals and objectives of historic preservation. In all cases, there is a recognition that preservation means being able to control private actions through public law when those actions may adversely affect a valued cultural resource, the preservation of which is deemed in the public interest. It is apparent that there is a lot of borrowing from one community to the next as each becomes aware of the need to protect their cultural resources and looks elsewhere for guidance. What differs between them is the specifics of how this is achieved. This analysis provides examples of what other communities have done, and are now doing, so that Pima County may take advantage of ideas that are legally sound and effective in meeting its own preservation needs.

Those needs revolve around the present and future losses of cultural resources due to development pressures that are being experienced now and are expected in the coming years. These resources include individual structures of exceptional importance, multiple properties from historically important areas, historic and prehistoric archaeological sites, and the vast open spaces created by the historic use of the rural landscape for ranching over the past 150 years. An ordinance designed to capture publicly approved private developments that may affect these cultural resources must be comprehensive but must also find the right balance between protecting private rights and the public interest in preserving Pima County's cultural resources.

Recommendations

Pima County has the opportunity to revamp its Historic Zone and replace it with a set of regulations that will be more effective in preserving cultural resources for its citizens. There are two main objectives to these recommendations: A) create a comprehensive preservation program within the Zoning Code; and B) establish Pima County as a Certified Local Government by meeting the State of Arizona's requirements for acceptance into the National CLG program. The following are the elements recommended for inclusion in a revision of Chapter 18.63 (Historic Zone) of the Zoning Code. These elements will form the basis for an outline of legislation included at the end of this paper.

Please note that specific review processes and requirements have yet to be developed but will be prepared during the legislative drafting stage of the ordinance. All proposed changes will be designed to be consistent with other chapters of the Zoning Code.

Definitions: The definition section of the ordinance must be expanded to clarify the meaning and use of new terms and concepts. Five types or categories of properties are recommended: Historic District, Historic Landmark, Historic Rural Landscape, Archaeological Site, and Archaeological District. It is also recommended that these terms be defined so that a property can be nominated under multiple designations, i.e., a landmark may be within a district or historic rural landscape; a district may be listed containing both historic structures and archaeological sites.

Historic Commission: The existing Tucson Pima County Historical Commission (TPCHC), created by a joint city/county resolution, must be formally linked to the Zoning Code. This is needed to establish the commission as the Board of Supervisor's citizen advisory body and to give it review authority within the code. Creation of a historic commission with a review function is one of the four requirements of the Certified Local Government program. Since the TPCHC already exists, all that may be needed to tie it to the Zoning Code is a reference to the existing city/county Resolution, as amended.

Historic Preservation Officer: A Historic Preservation Officer should be created to give formal recognition to the existing Cultural Resources Manager as the staff contact for historic preservation in county government. This position should be given responsibilities similar to that envisioned by Scottsdale whereby the HPO assists in the preparation of documents and report needed for nomination and designation and can provide comments and recommendations to the review entities. Other duties should include outreach and education, grant writing, and technical assistance to other government staff and the public.

Register of Historic Places: A formal Pima County Historic Register should be created as an open-ended list of designated properties. Upon formal designation, a property will be listed in the Register. Maintaining this list and identifying properties that may be listed should also be a responsibility of the HPO.

Historic Zones - General: It is recommended that a section in the ordinance be created that establishes the general requirements for the nomination and designation of properties as Historic Preservation Zones, as well as the review processes for alterations, new construction, and demolition that may affect designated properties. Another section will contain specific requirements for the different types of properties that may be designated, as outlined below. General requirements would include the following subjects

Designation Criteria: The criteria for designating historic properties should be modeled after, and consistent with, the criteria for listing on National Register of Historic Places and the Arizona State Register of Historic Places. The language is readily available and can be borrowed as needed.

Nomination/Designation Process: The nomination process should be structured so that the property owner(s), the Tucson Pima County Historical Commission, or the Board of Supervisors are able to nominate a property; however, owner consent should be required for designation if the property is an individual site or structure. If multiple owners may be affected, then a majority of owners (to be defined) should consent to designation before a rezoning proposal is acted upon. Both nomination and final designation should go through a review process that involves decision making through public hearings before the appropriate review entities but ultimately should be approved by the Board of Supervisors. The HPO can assist proponents in the preparation of nominations and management plans needed for designation. The TPCHC should have an opportunity to make comments and recommendations, and the Planning and Zoning Commission should have a similar review role once the designation process becomes a formal request for rezoning.

Historic Advisory Boards: These boards need not be mandatory, as they are now, especially if the TPCHC is to be formally recognized as the advisory body to the Pima County Board of Supervisors. Instead, creating a Historic Advisory Board should be optional for any of the five property type designations. The duties of the HAB will need to be established in relation to the TPCHC; however, as envisioned, HABs can be formed to assist the proponent and the HPO with designation of a particular property, and to advise the historical commission about proposed developments that may affect the property once designated. In practical terms, it is more likely that a HAB will be formed for historic and archaeological districts, and to a lesser extent for individual properties and landmarks. This option to form a HAB will enable local participation in decision making, where that is desired, without making this a requirement of designation, a process which can be a major obstacle to creating a Historic Zone.

Review of alterations or new construction: Alteration (as defined) involving a designated property or any new construction within the limits of a designated property or district should require approval. The county should consider provisions for an expedited review of minor alterations (as defined) similar to the processes utilized by the Cities of Tucson and Phoenix.

More substantial alterations and new construction should go to the TPCHC and the HAB (if formed) for review and comment with their recommendations to be passed on to the appropriate review entity(ies) for decision making at public hearings.

Review of demolitions: As in the case of alterations, demolitions should also require approval by means of a review process involving public hearings before the appropriate review entities. It is appropriate that the TPCHC review these requests and make comments and recommendations. Ultimately, the request for demolition should go before the Board of Supervisors at a public hearing for final decision. Provisions must be made for the County Building Official to approve an emergency demolition to protect the public health and safety.

Economic Hardship: It is recommended that the ordinance provide an opportunity for property owners to request demolition approval by the Board of Supervisors based on the argument that to deny demolition of a designated property(ies) would impose an economic hardship. A decision on the merits of the argument should be based upon the submittal of financial information to the BOS of sufficient detail for the Board to make an evaluation. What that information should consist of will be defined in the ordinance.

Historic Zones - Specific: The code should contain a section for each of the property types that can be zoned as a Historic Preservation Zone. i.e., Historic Districts, Landmarks, Historic Rural Landscapes, Archaeological Districts, and Archaeological Sites, to establish any special criteria needed for designation and management that are in addition to the general requirements. This will enable the county to identify particular characteristics that must be included in a designation for a particular property type, and to direct in the preparation of a management plan needed to assist reviewers in determining the effects of any proposed development and the treatment of those effects. The utility of this approach is that it avoids the "one size fits all" approach to preservation planning and recognizes the differences between the various property types and the threats that they may experience.

Appeals: The ordinance should contain provisions for appeals to be located in one section in the ordinance. That way the reader can go to this section to see how appeals can be made and to whom and under what circumstances. All appeals should ultimately go to the BOS for resolution if they cannot be resolved at a lower levels within the decision making process.

Incentives: As mentioned above, incentives are given short shrift in other preservation ordinances. It is recommend that the county strongly consider providing county property tax credits to cover all or part of the costs of preservation related improvements to designated properties. What can be covered, to what extent, and how the costs must be documented can be defined in the ordinance. There are several state models that can be used for this purpose. The county can commit to providing the public information on other tax programs available through the state and federal government, as well as grant moneys that may be available through the Certified Local Government. Providing this information and other kinds of technical information on historic preservation should be a part of the duties of the Historic Preservation Officer.

Enforcement: Making the Historic Zone requirements enforceable must be an important element of this ordinance to demonstrate that Pima County is serious about historic preservation,

and that there are consequences for violating the requirements of the Zoning Code. At present, zoning violations are addressed under Chapter 18.95 "Compliance and Enforcement" of the Code. This chapter already provides for the denial of permits, fines, and injunctions for violations. The county should consider other mechanisms, such as Stop Work Orders, that may be within the County's existing legal authority, to bolster enforcement and make it an effective tool for enhancing the protection of designated properties.

Certified Local Government: Pima County should also take this opportunity to meet the requirements for certification as a Certified Local Government.

The benefits of becoming a CLG are numerous. Pima County will be eligible for state matching grants such as: architectural and archaeological surveys; state and National Register nominations; writing historic contexts; preparing needs assessments, reuse and rehabilitation feasibility studies, and preservation plans; publishing inventories and tour guides, drafting ordinances, etc. The county can also receive technical assistance and training through the SHPO and the National Park Service, including information and publications, technical advice, and planning assistance. Becoming part of a national preservation program with access to the full range of planning and resource management services will be enormously beneficial to Pima County as well. There are currently 1151 CLGs across the country, each of which is a local government, including counties, many of which are grappling with the same growth related problems as Pima County. These other communities represent a pool of potential information and advice on a wide range of historic preservation related topics. Finally, becoming a CLG can provide rural unincorporated communities in Pima County the opportunity to become involved in historic preservation. Unincorporated communities cannot pass their own laws and so cannot become CLGs. However, Pima County can assist these communities in developing programs that can be funded through grants that Pima County submits on their behalf.

The State of Arizona has four basic requirements for becoming a CLG. These are:

- 1) Enact and enforce an ordinance for the protection of historic properties
- 2) Establish a historic district commission with powers of review over development projects that may result in alterations to, relocations, or demolition of historic resources individually, as well as any new construction within the limits of historic districts.
- 3) Maintain a system for survey and inventory of historic properties.
- 4) Provide for adequate public participation in preservation planning.

The changes to the Historic Zone as outlined above will satisfy these requirements. Once an ordinance is enacted, then Pima County can apply for certification from the Arizona SHPO. This will require approval by the Board of County Supervisors

Conclusion:

Pima County has the good fortune of having an active citizenry who supports protecting the

places and things that are emblematic of a rich and proud history. The current Historic Zone could not have been passed into law were this not so. However, this law, once intended to recognize and provide protection to places of historic importance is not doing the job for which it was intended. As the greater Tucson area experiences increased growth pressures and more of the rural countryside is developed for residential, commercial, and industrial uses, more of the county's cultural resources will be threatened with destruction. The need exists therefore to take steps to anticipate these threats and to protect notable and important properties of all kinds for the benefit of the citizens of Pima County. Rewriting the Historic Zone and using the Zoning Code to this end is a viable way of achieving this worthy goal. This is consistent with the on going planning efforts to develop a Sonoran Desert Conservation Plan for the long term health of Pima County's natural, cultural, and economic environments.

To assist in drafting the proposed historic preservation legislation needed to revise the present Historic Zone, an outline is included in Appendix B.

Appendix A

Ordinance Comparison Table

Ordinance Comparison	PIMA COUNTY, AZ.	CITY OF TUCSON, AZ
Ordinance Name/Year Enacted	Historic Zone/1972	Historic Preservation Zone/1972
Resource Type Covered	Historic Districts	Historic Districts, Historic Landmarks
Review Entities: Citizen Review Body(ies)	Planning and Zoning (P& Z) Historic Advisory Boards (HAB) Design Review Committee (DRC)	Historic Commission (TPCHC) Historic Advisory Boards (HAB)
Staff/Officer	Zoning Inspector (ZI)	Planning Director (PD)
Governing Body	Board of Supervisors (BOS)	Mayor & Council (M&C).
Local Register:	No register specified. Criteria for HZ designation follows National Register.	No register specified. Criteria for designation not specified.
Nomination	May be initiated by >51% owners or P&Z. 1. P&Z recmds. HAB to BOS. 2. BOS est. HAB.	May be initiated by 51% owners by area, 65% of owners by count, or by M&C (districts); owner, TPCHC or M&C (landmark); 1. M&C hearing to initiate 2. M&C est. HAB.
Designation	1. HAB assists P&Z with est. district 2. P&Z hearing; recmds. to BOS 3. BOS hearing; decision	1. HAB prepares inventory rept. 2. Planning Dept reviews and recmds. to Zoning Inspector (ZI). 3. ZI hearing; recmds. to M&C. 4. M&C hearing; decision.
Alterations/New Construction:	Permitted activity. Design criteria specified.	Permitted activity. Development criteria specified by property type.
Review process	1. Design plan reviewed by ZI. 2. Goes to HAB and DRC. 3. DRC reviews; hearing 4. DRC decides, notifies ZI. 5. Appeals to BOS.	1. HAB and TPCHC reviews plans, recmds. to PD. 2. Planning Dir. reviews; decides. (expedited review for minor alts.) 3. Appeals to M&C.
Demolitions:	Permitted activity	Permitted activity
Review process	1. Application goes to P&Z 2. P&Z reviews; hearing. 3. P&Z instructs Building Official. 180 day review max. No provision for denial. 4. No appeal specified.	1. Application goes to PD staff; 2. HAB and TPCHC review, recmds. to Planning Dir. or M&C (with hearing) depending on property type. 3. P&Z or M&C reviews; decides. Permit may be denied. 4. Appeals to M&C
Economic Hardship	Yes - if preservation is "economically unfeasible"	Yes – applicant must prove economic hardship if building is not demolished.
Incentives	None	None
Enforcement/Penalties	None – subject to zoning enforcement.	Fine – depending on property type; limit on permits or reconstruction req.; prohibition or restriction on building permits depending on property type.
Appeals	Specified under Design Plan review; BOS	Process specified under separate appeal procedure in Code.
CLG?	No	Yes/1989

Ordinance Comparison	PHOENIX, AZ	SCOTTSDALE, AZ
Ordinance Name/Year enacted	Historic Preservation Ordinance of the City of Phoenix/1986	Historic Property Zone/in draft
Resource Type Covered	Landmarks, districts, archaeological resources	Historic district, historic resource, historic landmark, archaeological resource
Review Entities: Citizen Review Body(ies)	Historic Preservation Commission (HPC) Planning Commission (PC)	Historic Preservation Commission (HPC) Planning Commission (PC)
Staff/Officer	Historic Preservation Officer (HPO) Planning Department (PD)	Historic Preservation Officer (HPO) City Archaeologist
Governing Body	City Council (CC)	City Council (CC)
Register	No register specified. Criteria for listing follows NR.	Establishes Scottsdale Historic Register Criteria for listing follows NR.
Nomination	Source of nomination unspecified. Application submitted to PD.	Owner(s), >75% owners (district), HPC, PC, CC. Designation report required (does not specify who will prepare).
Designation	1. PD submits to HPO. HPO prepares report on the property and recmds. to HPC. 2. HPC hearing; HPC recmds. to PC. 3. PC hearing; PC recmds. to CC. 4. CC decides. If approved, HPC adopts design guidelines/standards.	1. HPO reviews application and recmds. to HPC. 2. HPC hearing; HPC recmds. to PC and CC. 3. PC hearing; PC recmds. to CC. 4. CC hearing; CC decides. If approved, HP Plan required to be prep. by applicant and HPO.
Alterations/New Construction	Permitted activity. Requires certification (No Effect, Appropriateness).	Permitted activity. Requires certification (No Effect, Appropriateness).
Review process	1. Building Official (BO) refers request to HPO. 2. HPO issues Cert. of No effect – minor alts. or 2. HPO issues cert. of Appropriateness – major alts; hearing. May grant, deny or condition approval. 3. Appeals to HPC then to CC.	1. Building Official (BO) refers request to HPO. 2. HPO issues Cert. of No Effect – minor alts. or 2. HPC issues Cert. of Appropriateness – major alts; hearing. May grant, deny, or condition approval. 3. Appeals to CC.
Demolitions	Permitted activity. Requires Certificate of Demolition.	Permitted activity. Requires Certificate of Demolition.
Review process	1. BO refers request to HPO. 2. HPO issues certificate. May deny. 3. Appeal goes to HPC; hearing, then CC; hearing. 4. If request approved –Replacement/Reuse Plan required (exemptions).	1. BO refers request to HPO. 2. HPO reviews request, sets up HPC hearing. 3. HPC reviews request and issues certificate; hearing. May deny or condition approval. 4. Appeal goes to CC; hearing. 5. If request approved – Replacement/Reuse Plan required (exemptions).
Economic Hardship	Yes, HPO reviews application. Distinguishes between income and non-income producing property. No specific financial disclosure required, ambiguous.	Yes - HPC reviews application. Distinguishes bet. income and non-income property. No specific financial disclosure required, ambiguous
Incentives	None.	None
Enforcement/Penalties	Stop work order; injunction.	Stop work order; injunction. Civil and criminal penalties, fines, permit denial, license revocation where applicable.
Appeals	Throughout ordinance	Throughout ordinance.
CLG?	Yes/1988	No

Ordinance Comparison	SANTA FE, NM	BOULDER COUNTY, CO.
Ordinance Name/Year Enacted	Historic Districts Ordinance/1957	Boulder County Land Use Code/1992
Resource Type Covered	Historic districts, contributing properties, landmarks	Historic Landmarks
Review Entities: Citizen Review Body(ies)	Historic Design Review Board (HDRB).	Historic Preservation Advisory Board (HPAB)
Staff/Officer	Planning Division (PD)	"County Staff"
Governing Body	City Council (CC)	Board of County Commissioners (BCC)
Register	HDRB to maintain list of properties. Criteria for listing generally follow NR.	Historical Site Survey. Landmark criteria generally follow NR criteria.
Nomination	CC, HDRB, or "petitioner" may initiate. Requires significance statement, boundaries, standards, etc.	1. Property owner, HPAB, BCC can initiate. District must have 67% of owner's consent for designation. 2. HPAB first review; hearing; 3. HPAB final review; hearing
Designation	Procedure for est. HP districts not specified; follows same as for amending zoning districts. CC makes decision to designate.	1. HPAB recmds. to BCC and prepares designation report with guidelines. 2. BCC hearing; BCC decides. Issues Resolution of Approval (RA).
Alterations/New Construction	Approved activity. Requires HDRB review and approval.	Permitted activity. Required Certificate of Appropriateness (CA)
Review process	1. Applicant submits request to HDRB for preliminary review/comment; hearing. 2. Submittal goes to HDRB for final review; hearing. 3. HDRB decides. May grant, deny or condition approval. 4. Appeals to CC	1. Applicant submits request for review to HPAB; hearing 2. HPAB evaluates using criteria and RA 3. HPAB makes decision. May deny. May also reconsider with changes. 4. Appeals to BCC.
Demolitions	Approved activity. Requires HDRB review and approval.	Permitted activity. Requires CA.
Review process	1. Applicant submits request to HDRB for review. 2. PD and other city staff reviews and recmds. to HDRB; hearing 3. HDRB decides; may grant or deny. 4. Appeals to CC.	1. Applicant submits request for building permit for demolition. 2. HPAB reviews application. Determines if property eligible as a Landmark (exemptions); hearing. 3. If property designated, may grant or deny. If property eligible, HPAB may stay (but not deny) permit for 120 days. 4. Appeals to BCC
Economic Hardship	None	Yes – HPAB reviews application. Financial disclosure encouraged; hearing
Incentives	None	None
Enforcement/Penalties	City code – zoning violation	None in section
Appeals	Process addressed in a separate section. in ordinance	Process addressed in separate section. All appeals got to BCC.
CLG?	Yes/1986	Yes/1993

Ordinance Comparison	Dade County, FL
Ordinance Name/Year Enacted	Historic Preservation Ordinance/1981
Resource Type Covered	Sites, districts, archaeological zones
Review Entities: Citizen Review Body(ies)	Historic Preservation Board (HPB)
Staff/Officer	County Manager (HP staff)
Governing Body	County Commission (CC)
Register	Criteria for listing follows NR
Nomination	Owner(s), HPB. Designation report prepared by HP staff.
Designation	<ol style="list-style-type: none"> 1. HPB notifies owner if HPB nominated. Owner consent not required. 2. HPB hearing; HPB decides. Moratorium on development during review process.
Alterations/New Construction	Permitted activity. Requires Cert. of Appropriateness (regular or special). CA Standards and guidelines adopted by HPB.
Review process	<ol style="list-style-type: none"> 1. Applicant submits request for CA to HPB. 2. HPB reviews application. For reg. COA - HPB makes decision. For Special COA; hearing. 3. HPB decision within 60 days. May approve, deny or condition approval. 4. Appeals to BCC
Demolitions	Permitted activity. Requires special COA.
Review process	Same as review process for Special COA. HPB follows additional demo. criteria. May deny demolition or delay for 6 months.
Economic Hardship	Yes – HPB reviews request for variance. Owner must provide financial disclosure.
Incentives	Yes – Tax exemption; financial assistance.
Enforcement/Penalties	Stop work order. Civil and criminal penalties, fines, restoration.
Appeals	Process addressed in one section.
CLG?	Yes/1987

Appendix B

Historic Preservation Zone - Legislative Outline

Sections:

I. Purpose and intent

Broad policy statement

II. Definitions

II. Historic Preservation Commission, Historic Preservation Officer

A. Tucson Pima County Historical Commission (TPCHC). Cite existing Pima County/City of Tucson resolution, "as may be amended," to establish:

Composition

Terms

Duties - review. Advisory to the BOS

Public hearings/notification

Appeals

B. Historic Preservation Officer: Pima County Cultural Resources Manager.

Duties:

Maintain system of survey and inventory

Provide technical assistance to TPCHC and to public

Apply for and manage preservation grants

Conduct outreach and education, etc.

C. Historic Advisory Boards. Appointed by the BOS during nomination process

Composition

Terms

Duties - Advisory to the TPCHC

Public hearings/notification

III. Historic Districts, Landmarks, Landscapes, Archaeological Districts, Sites.

A. Use and special exception

B. Pima County Historic Register - established

C. Historic Zones - general

1. Criteria for designation – parallel with State and National Register

2. Nomination

Initiated by owner, owners (>51%), TPCHC, or Board of Supervisors (BOS)

Identify property(ies), boundaries, statement of significance

Hearing before BOS to consider

3. Designation

Designation report – management guidelines

Advisory Boards – may be established. Not mandatory.

Hearing before BOS to approve/deny

4. Development Criteria for New Construction or Alterations.

(Initiated through a request for approval)

Review process

Minor - administrative (expedited)

Substantial - TPCHC review; hearing

5. Demolition

(Initiated through a request for approval)

Review Process - TPDHC review; hearing

BOS review; hearing

Economic hardship – financial disclosure

D. Historic Zones - specific

1. Historic Districts

Special criteria for designation, development, management,

i.e., distinguish between contributing and non-contributing properties.

2. Historic Landmarks

Special criteria for designation, development, management;

i.e., Canoa Ranch complex, Agua Caliente ranch.

3. Historic Rural Landscapes

Special criteria for designation, development, management,

i.e., Empire ranch.

4. Archaeological Districts

Special criteria for designation, development, management,

i.e. Canoa Ranch east of the Santa Cruz River.

5. Archaeological Sites

Special criteria for designation, development, management,

i.e. Los Morteros site, Valencia Site

IV. Appeals - hearings. BOS ultimate source of all appeals.

V. Incentives

Rehabilitation tax credit

Technical Assistance

VI. Enforcement/Penalties

Stop work order

Fines

Prohibitions – withhold permits for prescribed time period

Appendix C

Historic Preservation Ordinance, Dade County, Florida

Dade County Code Chapter 16

The Metropolitan Dade County Historic Preservation Ordinance

Sec. 16A-1. Short title.

This chapter shall be known and may be cited as the
"Metropolitan Dade County Historic Preservation Ordinance."
(Ord. No. 81-13, § 1, 2-17-81)

Sec. 16A-2. Declaration of legislative intent.

It is hereby declared as a matter of public policy that the
protection, enhancement and perpetuation of properties of historical,
cultural, archaeological, aesthetic and architectural merit are in the
interests of the health, prosperity and welfare of the people of Dade
County. Therefore, this chapter is intended to:

- (1) Effect and accomplish the protection, enhancement
and perpetuation of buildings, structures,
improvements, landscape features and
archaeological resources of sites and districts which
represent distinctive elements of the County's
cultural, social, economic, political, scientific,
religious, prehistoric and architectural history;
- (2) Safeguard the County's historical, cultural,
archaeological and architectural heritage, as
embodied and reflected in such individual sites,
districts and archaeological zones;
- (3) Foster civic pride in the accomplishments of the
past;

- (4) Protect and enhance the County's attraction to visitors and the support and stimulus to the economy thereby provided; and
- (5) Promote the use of individual sites and districts for the education, pleasure and welfare of the people of Dade County.

(Ord. No. 81-13, § 2, 2-17-81)

Sec. 16A-3. Scope of regulations.

- (1) This chapter is intended to and shall govern and be applicable to all property located in unincorporated Dade County, Florida. Nothing contained herein shall be deemed to supersede or conflict with applicable building and zoning codes. Provisions contained herein shall be cumulative and read in conjunction with other provisions of the Dade County Code. All municipalities within Dade County shall have up to and including July 1, 1982, to adopt local ordinances with respect to districts, individual sites and archaeological zones. Adherence with this chapter by municipalities shall be deemed accomplished by the filing of each municipality's respective ordinance with the Clerk of the Dade County Board of County Commissioners.

- (2) Before a municipal historic preservation ordinance shall be filed, it shall address the following sections: The establishment of an Historic Preservation Board with powers and duties; the creation of a process to designate individual sites, districts and archaeological zones; a process of review of certificates of appropriateness and certificates to dig; and an appeal process. Municipalities shall also submit the proposed ordinance to the National Register of Historic Places for certification by the National Register to be eligible for the 1981 Economic Recovery Tax Act as amended. Although municipalities are not restricted for implementing the ordinance prior to National Register certification, the municipality must obtain certification as expeditiously as reasonably possible.

- (3) Should any municipality fail to adopt an ordinance regulating historic preservation prior to July 1, 1982, this chapter shall govern.

(Ord. No. 81-13, § 3, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Annotation-CAO 82-23

Sec. 16A-4. Definitions.

- (1) *Archaeological zone*: An area designated by this chapter which is likely to yield information on the history and prehistory of Dade County based on prehistoric settlement patterns in Dade County as determined by the results of the Dade County historic survey. These zones will tend to conform to natural physiographic features which were the focal points for prehistoric and historic activities.
- (2) *Certificate of appropriateness*: A certificate issued by the Board permitting certain alterations or improvements to a designated individual site or property in a designated district.
 - (a) *Regular certificate of appropriateness*: A regular certificate of appropriateness shall be issued by the staff of the Preservation Board, based on the guidelines for preservation approved by the Board.
 - (b) *Special certificate of appropriateness*: For all applications for a special certificate of appropriateness involving the demolition, removal, reconstruction or new construction at an individual site or in a district, a special certificate of appropriateness is required that is issued directly by the Board.
- (3) *Certificate to dig*: A certificate that gives the Board's permission for certain digging projects that may involve the discovery of as yet unknown or known archaeological sites in an archaeological zone. This certificate is issued by staff of the Board

based on the guidelines for preservation approved by the Board.

(4) *Certificate of recognition:* A certificate issued by the Board recognizing properties designated pursuant to this chapter.

(5) *Demolition:* The complete constructive removal of a building on any site.

(6) *Districts:* A collection of archaeological sites, buildings, structures, landscape features or other improvements that are concentrated in the same area and have been designated as a district pursuant to this chapter.

(7) *Exterior:* All outside surfaces of a building or structure.

(8) *Guidelines for preservation:* Criteria established by the Preservation Board to be used by staff in determining the validity of applications for a regular certificate of appropriateness and any certificate to dig and to establish a set of guidelines for the preservation of buildings in south Florida.

(9) *Historic Preservation Board:* A board of citizens created by this chapter as described in Sections 16A-5 through 16A-9.

(10) *Historic survey:* A comprehensive survey compiled by the Historic Preservation Division of the Dade County Office of Community and Economic Development involving the identification, research and documentation of buildings, sites and structures of any historical, cultural, archaeological or architectural importance in Dade County, Florida.

(11) *Individual site:* An archaeological site, building, structure, place or other improvement that has been designated as an individual site pursuant to this chapter. Under the provisions of this chapter interior spaces may be regulated only where a building or

structure is a designated individual site.

(12) *National Register of Historic Places:* A federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended.

(13) *Ordinary repairs or maintenance:* Work done to prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

(14) *Owner of a designated property:* As reflected on the current Metropolitan Dade County tax rolls or current title holder.

(15) *Undue economic hardship:* Failure to issue a certificate would place an onerous and excessive financial burden upon the owner that would amount to the taking of the owner's property without just compensation.

(16) *Landscape feature:* Any improvement or vegetation including, but not limited to outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture and exterior lighting.

(Ord. No. 81-13, § 4, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-5. Historic Preservation Board--Created and established.

There is hereby created an Historic Preservation Board, ("the Board"), as a governmental agency of the County government in and for Dade County, Florida. The Board is hereby vested with the power, authority and jurisdiction to designate, regulate and administer historical cultural, archaeological and architectural resources in Dade County, Florida, as prescribed by this chapter

under the direct jurisdiction and legislative control of the Board of County Commissioners.

(Ord. No. 81-13, § 5, 2-17-81)

Cross reference--Standards for creation and review of boards, commissions, etc., §§ 2-11.36--2-11.40.

Sec. 16A-6. Same--Members.

The Board shall consist of nine (9) members appointed by the Board of County Commissioners. Each member of the Board shall be, and shall hold office only so long as he or she is, a resident and registered voter of Dade County, Florida. Appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation. The Board of County Commissioners should attempt to appoint architects, realtors, archaeologists, historians, art historians, lawyers or other individuals from the business, financial and other segments of the community who, by virtue of their profession or business, have demonstrated concern for historic preservation. The term of office of membership shall be one (1) year for one (1) member, two (2) years for two (2) members, three (3) years for three (3) members and four (4) years for three (3) members, with appointments thereafter to be for a term of four (4) years for each member. Any vacancy occurring on the Board shall be filled by the County Commission for the remainder of the unexpired term, at the earliest possible date. Members shall be eligible for reappointment, and shall hold office until their successors have been duly appointed and qualified. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, as shall be determined and approved by the County Commission. Before entering upon the duties of office, each member shall file written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the Clerk of the County Commission. A member of the Board may be removed from office only by a two-thirds vote of the entire membership of the County Commission; however, whenever a member of the Board shall fail to attend three (3) consecutive

meetings, the Chairman shall certify the same to the County Commission. Upon such certification, the member shall be deemed to have been removed and the County Commission shall fill the vacancy by appointment.

(Ord. No. 81-13, § 6, 2-17-81)

Sec. 16A-7. Same--Organization.

The members of the Board shall select a Chairman who shall serve at the pleasure of the Board and such other officers as may be deemed necessary or desirable. The County Manager shall provide adequate personnel for the Board, including but not limited to representatives from the departments of community and economic development, building and zoning, and planning which shall be deemed the staff of the Board. Minutes of each Board meeting shall be kept and prepared under the supervision and direction of the Board, and copies of such minutes shall be filed with the Clerk of the County Commission.

(Ord. No. 81-13, § 7, 2-17-81)

Sec. 16A-8. Same--Rules and regulations.

The Board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this chapter. Such rules and regulations shall conform to the provisions of this chapter and shall not conflict with the Constitution and General Laws of the State of Florida, and shall govern and control procedures, hearings and actions of the Board. No such rules and regulations shall become effective until a public hearing has been held upon the proposed rules and regulations, and any amendments or modifications thereto, and the same have been approved by the County Commission and filed with the Clerk of the Commission. Upon approval by the Commission, such rules and regulations shall have the force and effect of law within Dade County, Florida. The Board shall prescribe forms for use by applicants in compliance with the provisions of this chapter. The Board may authorize any one (1)

of its members to administer oaths and certify to official acts.
(Ord. No. 81-13, § 8, 2-17-81)

Section 16A-9. Same—Powers and duties.

The Historical Preservation Board shall have the following enumerated powers and duties:

- (1) Adopt or amend rules of procedure.
- (2) Designate individual sites, districts and archaeological zones.
- (3) Issue or deny certificates of appropriateness and certificates to dig.
- (4) Approve historical markers and issue certificates of recognition for individual sites and designated properties in a district.
- (5) Recommend zoning and building code amendments to the proper authorities.
- (6) Establish guidelines for preservation and criteria for issuance by staff of regular certificates of appropriateness.
- (7) Promote the awareness of historic preservation and its community benefits.
- (8) No actions of this Board will supersede or be construed as superseding the authority of the Board of County Commissioners.
- (9) Review and update the historic survey for its quality and professional merit, and validate the findings of the survey as bona fide and sincere.

- (10) Implement the authority of this chapter and fulfill the tasks set forth for this Board by the County Commissioners in this chapter and other ordinances.

- (11) Record and maintain records of the Board's actions and decisions.

- (12) Follow and abide by the laws of the United States of America, the State of Florida and Dade County.

- (13) Provide an annual report to the Board of County Commissioners.

(Ord. No. 81-13, § 9, 2-17-81)
Annotation—CAO 84-8.

Sec. 16A-10. Designation process and procedure.

(1) *[Criteria.]* The Board shall have the authority to designate areas, places, buildings, structures, landscape features, archaeological sites and other improvements or physical features, as individual sites, districts or archaeological zones that are significant in Dade County's history, architecture, archaeology or culture and possess an integrity of location, design, setting, materials, workmanship or association, or:

- (a) Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric and architectural history that have contributed to the pattern of history in the community, Dade County, south Florida, the State or the nation; or
- (b) Are associated with the lives of persons significant in our past; or
- (c) Embody the distinctive characteristics of a type,

period, style or method of construction or work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction; or

- (d) Have yielded, or are likely to yield information in history or prehistory; or
- (e) Are listed in the National Register of Historic Places.

(II) *[Properties not generally considered; exceptions.]*
Certain properties, which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature and properties that have achieved significance within the last fifty (50) years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

- (a) A religious property deriving primary significance from architectural or artistic distinction of historical importance.
- (b) A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with an historic event or person.
- (c) A birthplace or grave of an historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life.
- (d) A cemetery which derives its primary significance from graves of persons of transcendent importance,

from age, distinctive design features, or from association with historic events.

- (e) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance.
- (f) A property or district achieving significance within the past fifty (50) years if it is of exceptional importance.

(III) *[Investigation and designation report.]* Prior to the designation of an individual site, a district, or an archaeological zone, an investigation and designation report must be filed with the Board. The format of these reports may vary according to the type of designation; however, all reports must address the following: The historical, cultural, architectural or archaeological significance of the property or properties being recommended for designation; a recommendation of boundaries for districts and archaeological zones and identification of boundaries of individual sites being designated; a recommendation of standards to be adopted by the Board in carrying out its regulatory function under this chapter with respect to certificates of appropriateness and certificates to dig. Where a report is filed recommending designation of a district, the report must identify those properties, if any, within the district which are not historically or architecturally compatible with structures in the district. The standards for regulating such non-conforming properties shall provide that a certificate of appropriateness may be required only for new construction on such properties. All reports shall take into consideration projected, proposed or existing public improvements and developmental or renewal plans.

(IV) Procedure.

- (a) *Petition of the owner.* The owner(s) of any property in unincorporated Dade County may petition this Board for designation of their property

as an individual site, district or archaeological zone provided that they appear before the Board with sufficient information to warrant the investigation of the property for future designation and the Board finds that the property may be worthy of designation. The Board shall, based on its findings, either direct the staff to begin the designation process or deny the petition. Nothing in this subsection shall be deemed to restrict the power of the Board to initiate the designation process pursuant to this section.

(b) *Directive of the Board.* The Board shall, upon recommendations from staff or the acceptance of petitions pursuant to part (IV), subsection (a) of this section, direct staff to begin the designation process by preparing a designation report, pursuant to part (III) of this section and any other standards the Board may deem necessary, and submitting this report according to the procedures described herein.

(c) *Notification of owner.* For each proposed designation of an individual site, district or archaeological zone, the Board is encouraged to obtain the permission of the property owner(s) within the designated area, and is responsible for mailing a copy of the designation report to the owner(s) as notification of the intent of the Board to consider designation of the property at least fifteen (15) days prior to a public hearing held pursuant to this section.

(d) *Notification of government agencies.* Upon filing of a designation report, the Secretary of the Board shall immediately notify the appropriate building and zoning department, the appropriate public works department and any other County or

municipal agency, including agencies with demolition powers, that may be affected by said filing.

(e) *Notification of a public hearing.* For each individual site, district or archaeological zone proposed for designation, a public hearing must be held no sooner than fifteen (15) days and within sixty (60) days from the date a designation report has been filed with the Board. Owners of record or other parties having an interest in the proposed designated properties, if known, shall be notified of the public hearing by certified mail to the last known address of the party being served; however, failure to receive such notice shall not invalidate the same as such notice shall also be perfected by publishing a copy thereof in a newspaper of general circulation at least ten(10) days prior to the hearing. Owners shall be given an opportunity at the public hearing to object to the proposed designation.

(f) *Requirement of prompt decision and notification.* Within seven (7) days of a public hearing on a proposed individual site, district or archaeological zone, the Board shall by written resolution state its decision to approve, deny or amend the proposed designation and shall direct the Secretary of the Board to notify the following of its actions with a copy of the resolution:

- (1) The appropriate building and zoning department,
- (2) The County Clerk,
- (3) The appropriate municipal clerk when necessary,
- (4) Owner(s) of the affected property and other parties having an interest in the property, if

No building, structure, improvement, landscape feature or archaeological site within Dade County which is designated pursuant to Section 16A-10 shall be erected, altered, restored, renovated, excavated, moved or demolished until an application for a certificate of appropriateness regarding any architectural features, landscape features or site improvements has been submitted to and approved pursuant to the procedures in this section. Architectural features shall include, but not be limited to, the architectural style; scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style and color of roofs, windows, doors and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to Section 16A-10. Landscape features and site improvements shall include but are not limited to, site regrading, subsurface alterations, fill deposition, paving, landscaping, walls, fences, courtyards, signs and exterior lighting. No certificate of appropriateness shall be approved unless the architectural plans for said construction, alteration, excavation, restoration, renovation, relocation or demolition are approved by the Board.

(II) *[Board to develop procedures.]* The Board shall develop procedures for making application for both a regular and special certificate of appropriateness.

(III) *[Standards for issuance.]* The Board shall adopt and may from time to time amend the standards by which applications for any certificate of appropriateness are to be measured and evaluated. In adopting these guidelines, it is the intent of the Board to promote maintenance, restoration, adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites and streetscapes. These guidelines shall also serve as criteria for staff to make decisions regarding applications for regular certificates of appropriateness.

(IV) *Regular certificates of appropriateness.* Based on the

- known,
- (5) The appropriate planning department,
- (6) The appropriate public works department, and
- (7) Any other County or municipal agency, including agencies with demolition powers, that may be affected by this action,
- (8) Dade County Property Appraiser.

(g) *[Amendment or rescission.]* The Board may amend or rescind any designation provided it complies with the same manners and procedures used in the original designation.

(h) *Moratorium.* Upon the filing of a designation report by the staff, the owner(s) of the real property which is the subject matter of the designation report or any individual or private or public entity shall not:

- (1) Erect any structure on the subject property,
- (2) Alter, restore, renovate, move or demolish any structure on the subject property until such time as final administrative action, as provided by this chapter, is completed.

(i) *Recording of designation.* The Board shall provide the Clerk of the Circuit Court with all designations for the purpose of recording such designation and the Clerk of the Circuit Court shall thereupon record the designation according to law.

(Ord. No. 81-13, § 10, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 88-28, § 2, 4-19-88)

Sec. 16A-11. Application for certificates of appropriateness.

(1) *[Certificate required as prerequisite to alteration, etc.]*

guidelines for preservation, the designation report, a complete application for regular certificate of appropriateness, any additional plans, drawings or photographs to fully describe the proposed alteration and any other guidelines the Board may deem necessary, the staff of the Board shall, within ten (10) days from the date a complete application has been filed, approve or deny the application for a regular certificate of appropriateness by the owner(s) of a designated individual site, or property within a designated district. The findings of the staff shall be mailed to the applicant within three (3) days of staff decision accompanied by a statement in full regarding the staff's decision. The applicant shall have an opportunity to challenge the staff decision by applying for a special certificate of appropriateness within thirty (30) days of the staff's findings.

(V) *Special certificates of appropriateness.*

- (a) An applicant for a special certificate of appropriateness shall submit his application to the Board pursuant to Section 16A-10 and accompany such application to the Board with full plans and specifications, site plan and samples of materials as deemed appropriate by the Board to fully describe the proposed appearance, color, texture or materials, and architectural design of the building and any outbuilding, wall, courtyard, fence, landscape feature, paving, signage and exterior lighting. The applicant shall provide adequate information to enable the Board to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes. If such application involves a designated archaeological site the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site.

- (b) The Board shall hold a public hearing upon an

application for a special certificate of appropriateness affecting property under its control. In such instances, notice and procedure of the public hearing shall be given to the property owner(s) by certified mail and to other interested parties by an advertisement in a newspaper of general circulation at least ten (10) days prior to the public hearing.

- (c) The Board shall act upon an application within sixty (60) days of receipt of application materials adequately describing the proposed action. The Board shall approve, deny or approve in modified form an application, subject to the acceptance of the modification by the applicant, or suspend action on the application for a period not to exceed thirty (30) days in order to seek technical advice from outside its members or to meet further with the applicant to revise or modify the application.

- (d) The decision of the Board shall be issued in writing. Evidence of approval of the application shall be by certificate of appropriateness issued by the Board or the Board's designated staff representative to the applicant and, whatever its decision, notice in writing shall be given to the applicant and the Director of the Building and Zoning Department. When an application is denied, the Board's notice shall provide an adequate written explanation of its decision to disapprove the application. The Board shall keep a record of its actions under this chapter.

(VI) *Demolition.*

- (a) Demolition of a designated building, structure, improvement of site may occur pursuant to an order of a government agency or a court of competent

jurisdiction or pursuant to an approved application by the owner for a special certificate of appropriateness.

- (b) Government agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts or archaeological zones pursuant to Section 16A-10. The Board shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by said government agency regarding demolition of any designated property. The Board may make recommendations and suggestions to the government agency and the owner(s) relative to the feasibility of and the public interest in preserving the designated property.

- (c) No permit for voluntary demolition of a designated building, structure, improvement or site shall be issued to the owner(s) thereof until an application for a special certificate of appropriateness has been submitted and approved pursuant to the procedures in this section. Refusal by the Board to grant a special certificate of appropriateness shall be evidenced by written order detailing the public interest which is sought to be preserved. The Board shall be guided by the criteria contained in part (VI), subsection (d) herein. The Board may grant a special certificate of appropriateness which may provide for a delayed effective date of up to six (6) months. The effective date shall be determined by the Board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition delay period, the Board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the

purposes of this chapter. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of the property by public or private bodies or agencies, and exploration of the possibility of moving one (1) or more structures or other features.

- (d) In addition to all other provisions of this chapter, the Board shall consider the following criteria in evaluating applications for a special certificate of appropriateness for demolition of designated properties:

- (1) Is the structure of such interest or quality that it would reasonably meet national, State or local criteria for designation as an historic or architectural landmark?
- (2) Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
- (3) Is the structure one (1) of the last remaining examples of its kind in the neighborhood, the County or the region?
- (4) Does the structure contribute significantly to the historic character of a designated district?
- (5) Would retention of the structure promote the general welfare of the County by providing an opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage?
- (6) Are there definite plans for reuse of the property if the proposed demolition is

carried out, and what will be the effect of those plans on the character of the surrounding area?

(VII) *[Building permit not to issue without certificate.]* No building permit shall be issued by the Director of the Building and Zoning Department which affects any designated property in Dade County without a certificate of appropriateness.

(VIII) *[Compliance of work with certificate standards.]* All work performed pursuant to the issuance of any certificate of appropriateness shall conform to the requirements of the certificate. The County Manager shall designate an appropriate official to assist the Board by making necessary inspections in connection with enforcement of this chapter and shall be empowered to issue a stop work order if performance is not in accordance with the issued certificate. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports shall be furnished to the Board and copies of any stop work orders both to the Board and the applicant. The Building and Zoning Director or appropriate official and staff for the Board shall be responsible for ensuring that any work not in accordance with an issued certificate of appropriateness shall be corrected to comply with the certificate of appropriateness prior to withdrawing the stop work order.

(IX) *[Emergency temporary measures.]* For the purpose of remedying emergency conditions determined to be dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction or other repairs to a building or site in Dade County, pursuant to an order of a government agency or a court of competent jurisdiction. The owner of a building damaged by fire or natural calamity shall be permitted to stabilize the building immediately without Board approval, and to rehabilitate it later under the normal review procedures to this chapter.

(X) *[No action to constitute approval.]* If no action upon an

application is taken within sixty (60) days from the date of application, such action shall be deemed to have been approved and no other evidence of approval shall be needed. This time limit may be waived by mutual written consent of the applicant and the Board.

(XI) *[Power of review.]* The Board shall have the authority to review applications for certificates of appropriateness for all property in Dade County, however owned, by either private or public parties. The purposes of this chapter shall apply equally to plans, projects or work executed or assisted by any private party, governmental body or agency, department, authority or Board of the city, County or State.
(Ord. No. 81-13, § 11, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-12. Variances.

Where by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this chapter would result in serious undue economic hardship to the applicant, the Board shall have the power to vary or modify adherence to this chapter; provided always that its requirements ensure harmony with the general purposes hereof and will not adversely affect Dade County.

(a) In any instance where there is a claim of undue economic hardship, the owner may submit, by affidavit, to the Board at least fifteen (15) days prior to the public hearing, the following information:

(1) For all property:

- (i) The amount paid for the property, the date of purchase and the party from whom purchased;
- (ii) The assessed value of the land and improvements thereon according

- to the two (2) most recent assessments;
- (iii) Real estate taxes for the previous two (2) years;
- (iv) Annual debt service, if any, for the previous two (2) years;
- (v) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property;
- (vi) Any listing of the property for sale or rent, price asked and offers received, if any; and
- (vii) Any consideration by the owner as to profitable adaptive uses for the property; and

(2) For income-producing property:

- (i) Annual gross income from the property for the previous two (2) years;
- (ii) Itemized operating and maintenance expenses for the previous two (2) years; and
- (iii) Annual cash flow, if any, for the previous two (2) years.

- (b) The Board may require that an applicant furnish such additional information as the Board believes is relevant to its determination of undue economic hardship and may provide in appropriate instances that such additional information be furnished under seal. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant,

the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

(Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-13. Maintenance of designated properties.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit. (Ord. No. 81-13, § 12, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-14. Certificates to dig.

(1) *[When required; how granted.]* Within an archaeological zone, new construction, filling, digging, the removal of trees, or any other activity that may alter or reveal an interred archaeological site shall be prohibited without a certificate to dig. All applications to all appropriate municipal or County agencies involving new construction, large-scale digging, the removal of trees or any other activity that may reveal or disturb an interred archaeological site, in an archaeological zone will require a certificate to dig before a permit is issued. Based on the designation report for the archaeological zone, a complete application for a certificate to dig and any additional guidelines the Board may deem necessary, the staff of the Board shall, within ten (10) days from the date the completed application is filed, approve the application for a certificate to dig by the owners of a property in a designated archaeological zone. The certificate to dig may be subject to specified conditions, including but not limited to conditions regarding site excavation. In order to comply with the site excavation requirements of the certificate to dig, the applicant may agree to permit the County Archaeologist to conduct excavation from the time of the approval of the certificate to dig until the effective date thereof. The findings of the staff shall be mailed to the applicant by registered mail promptly. The applicant shall have the

opportunity to challenge the staff decision or any conditions attached to the certificate to dig by requesting a meeting of the Board. The Board shall convene within thirty-five (35) days after such a request and shall make every effort to review and reconsider the original staff decision to arrive at an equitable decision. The decision of the Board shall be reduced to writing within seven (7) days from the date of the meeting.

(II) *Approved certificates to dig.* Approved certificates to dig shall contain an effective date not to exceed sixty (60) days at which time the proposed activity may begin, unless the Board decides to designate the site in question as an individual site or district pursuant to Section 16A-10 in which all the rules and regulations pertaining to the designation process shall apply from the date the designation report has been filed.

(III) *[Work to conform to certificate; stop work order.]* All work performed pursuant to the issuance of a certificate to dig shall conform to the requirements of such certificate. It shall be the duty of the appropriate government agencies and the staff of the Board to inspect from time to time any work pursuant to such certificate to assure compliance. In the event work is performed not in accordance with such certificate, the official designated by the County Manager pursuant to Section 16A-11 (IX) [VIII] shall be empowered to issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such projects as long as such stop work order shall continue in effect.
(Ord. No. 81-13, § 13, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-15. Appeals.

Within twenty (20) days of the written decision of the Board, an aggrieved party may appeal the decision by filing a written notice of appeal with the Clerk of the Board of County Commissioners. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within sixty (60) days of the filing of the appeal or the

first regular County Commission meeting which is scheduled, whichever is later in time, the County Commission shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the Board. Nothing contained herein shall preclude the County Commission from seeking additional information prior to rendering a final decision. The decision of the County Commission shall be in writing and a copy of the decision shall be forwarded to the Board and the appealing party.

Within the time prescribed by the appropriate Florida Rules of Appellate Procedure, a party aggrieved by a decision of the County Commission may appeal an adverse decision to the Circuit Court in and for Dade County, Florida. The party taking the appeal shall be required to pay to the Clerk of the Board the sum of one hundred dollars (\$100.00) to defray the costs of preparing the record on appeal.

(Ord. No. 81-13, § 14, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-16. Penalties.

Failure by an owner of record or any individual or private or public entity to comply with any provisions of this chapter shall constitute a violation hereof and shall be punishable by civil or criminal penalties including a fine not more than five hundred dollars (\$500.00) per day for each day the violation continues and including a requirement that any work performed contrary to this chapter must be removed and the property returned to its condition prior to commencement of said action.

(Ord. No. 81-13, § 15, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 88-28, § 3, 4-19-88)

Sec. 16A-17. Incentives.

All properties designated as individual sites or as designated properties within a district shall be eligible, upon application by the owner(s), for any available financial assistance set aside for historic preservation by Metropolitan Dade County contingent on the

availability of funds and the scope of the project as described in the application.

(Ord. No. 81-13, § 16, 2-17-81; Ord. No. 82-99, § 1, 10-19-82)

Sec. 16A-18. Tax exemptions for historic properties.

(a) *Scope of tax exemptions.* A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation or rehabilitation of historic properties. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties which result from restoration, renovation or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Dade County. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to section 9(b) or Section 12, Article VII of the Florida Constitution. The exemption does not apply to personal property. The exemption under this ordinance does not apply to properties within a community redevelopment area previously or hereafter established pursuant to Part III of Chapter 163, Florida Statutes, by either the Board of County Commissioners of Dade County or the governing body of any city or other municipality within Dade County.

(b) *Duration of tax exemptions.* Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the ordinance approving the exemption. The duration of the exemption as established in the ordinance granting the exemption shall continue regardless of any change in the authority of the County to grant such exemptions or any change in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements which qualified the property for an exemption, must be maintained in their historic state over the period for which the

exemption was granted.

(c) *Eligible properties and improvements.*

(1) Property is qualified for an exemption under this section if:

(A) At the time the exemption is granted the property:

(1) Is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or

(2) Is a contributing property to a national-register-listed district; or

(3) Is designated as a historic property, or as a contributing property to a historic district, under the terms of a local preservation ordinance; and

(B) The Metropolitan Dade County Historic Preservation Board has certified to the Board of County Commissioners that the property for which an exemption is requested satisfies paragraph (A).

(2) In order for an improvement to a historic property to qualify the property for an exemption, the improvement must:

(A) Be consistent with the United States Secretary of the Interior's Standards for

Rehabilitation; and

- (B) Be determined by the Metropolitan Dade County Historic Preservation Board to meet criteria established in rules adopted by the Department of State.

(d) *Applications.* Any person, firm or corporation that desires an ad valorem tax exemption for the improvement of a historic property must, in the year the exemption is desired to take effect, file with the Board of County Commissioners a written application on a form prescribed by the Department of State. The application must include the following information:

- (1) The name of the property owner and the location of the historic property;
- (2) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements;
- (3) Proof, to the satisfaction of the Dade County Historic Preservation Board, that the property this is to be rehabilitated or renovated is a historic property under this section;
- (4) Proof, to the satisfaction of the Dade County Historic Preservation Board, that the improvements to the property will be consistent with the United States Secretary of the Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the Department of State;
- (5) Other information identified in appropriate Department of State regulations, or requested by the Dade County Historic Preservation Board; and

- (6) If the property is within the jurisdiction of the Dade County Historic Preservation Board, a completed application for a certificate of appropriateness for the qualifying restoration, renovation, or rehabilitation.

(e) *Required covenant.* To qualify for an exemption, the property owner must enter into a covenant or agreement with the Board of County Commissioners for the term for which the exemption is granted. The form of the covenant or agreement must be established by the Department of State and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in Section 212.12(3), Florida Statutes.

(f) *Review by Historic Preservation Board.* The Metropolitan Dade County Historic Preservation Board, or its successor, is designated to review applications for exemptions. The Dade County Historic Preservation Board must recommend that the Board of County Commissioners grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the Department of State. The recommendation, and the reasons therefor, must be provided to the applicant and to the Board of County Commissioners before consideration of the application at an official meeting of the Board of County Commissioners.

(g) *Approval by Board of County Commissioners.* A majority vote of the Board of County Commissioners shall be required to approve a written application for exemption. Such

exemption shall take effect on the January 1 following substantial completion of the improvement. The Board of County Commissioners shall include the following in the ordinance approving the written application for exemption:

- (1) The name of the owner and the address of the historic property for which the exemption is granted.
- (2) The period of time for which the exemption will remain in effect and the expiration date of the exemption.
- (3) A finding that the historic property meets the requirements of this section.

(Ord. No. 93-15, § 1; 3-2-93)