

# Spanish Fork Historical Preservation Commission

- Established at the Spanish Fork City Council meeting on December 4, 2001.
- **Proposed Purpose:** The purpose of the Spanish Fork Historic Preservation Commission is to identify, document, preserve, educate, promote, and protect the city's rich heritage through stories, artifacts, and historical sites within Spanish Fork.

## Existing Spanish Fork Municipal code:

[https://spanishfork.municipalcodeonline.com/book?type=ordinances#name=7.20 Historic Preservation](https://spanishfork.municipalcodeonline.com/book?type=ordinances#name=7.20%20Historic%20Preservation)

### 7.20 Historic Preservation

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### 7.20.010 Definitions

For the purposes of this Chapter, certain words and terms shall be interpreted as follows:

**"Alteration"** means any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

**"Building Code"** means the nationally recognized building code adopted by Spanish Fork City.

**"Certificate of Appropriateness"** means a certificate issued by the Historic Preservation authorizing an alteration, construction, removal, or demolition of a landmark or of a structure within a historic district.

**"Certificate of Economic Hardship"** means a certificate issued by the Historic Preservation authorizing an alteration, construction, removal, or demolition, even though a Certificate of Appropriateness has previously been denied.

**"Commission"** means the Spanish Fork City Historic Preservation Commission as designated by this chapter.

**“Construction”** means the act of adding an addition to an existing structure on a lot or property.

**“Council”** means the Spanish Fork City Council.

**“Demolition”** means any act or process that destroys in part or in whole a historic site, landmark, or structure.

**“Design Guideline”** means a standard of appropriate activity that will preserve the historic and architectural character of a structure or site.

**“Designation”** means the legal listing of a site, structure, building, natural feature, or district, as a historic site or landmark pursuant to this chapter.

**“Emergency Situations”** means any unforeseen circumstances or combination of circumstances with calls for immediate action by the commission, in order to obtain building and demolition permits to remedy a damaging, dangerous, unhealthy, or otherwise adverse situation to a nominated or designated historic landmark.

**“Hazardous or Dangerous Building”** means a building which has been determined by the Chief Building Official to be structurally unsound or unsafe to the general public in accordance with the provisions of the Building Code.

**“Historic Site”** means any district, building, structure, object, or site, formally designated to the Spanish Fork List of Historic Sites pursuant to procedures prescribed herein.

**“Intensive Level Survey”** means detailed historic research and documentation of the structures significance, including information on previous owners (chain of title), the builder, and/or architect; significant events that may have taken place on the property; a detailed description of the building and site, including the form and style of the building, distinctive architectural features, exterior materials, and a description of any additions or changes that may have altered the original character of the structure.

**“Nomination”** is that act of proposing a site, structure, building, or natural feature, to be formally designated as a historic site.

#### **7.20.020 Historic Preservation Commission**

A Historic Preservation Commission is hereby established with the following provisions:

1. The Commission shall consist of five members, one of whom shall be a member of the City council, with a demonstrated interest, competence, or knowledge in historic preservation. The members shall be appointed by the City Council for terms of five years. The initial appointments shall be for one, two, three, four, and five-year terms. Thereafter, appointments shall be for the full five-year term. No member shall serve more than two consecutive terms.

2. To the extent available in the community, two Commission members shall be professionals, as defined by National Park Service regulations, from the disciplines of history, archaeology, planning, architecture, or architectural history.
3. The Commission shall meet as needed, at least twice each year. The members shall select a chairperson who shall conduct the meetings, and who shall have the authority to call meetings. The members shall also select a secretary, who shall keep the minutes of the meetings.

#### **7.20.030 Commission Duties**

The Historic Preservation Commission shall have the following duties:

1. **Survey and Inventory Community Historic Resources.** The Historic Preservation Commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten years.
2. **Review Proposed Nominations to the National Register of Historic Places.** The Historic Preservation Commission shall review and comment to the State Historic Preservation Officer on all proposed National Register nominations for properties within Spanish Fork City. When the Historic Preservation Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission shall seek expertise in that area before rendering its decision.
3. **Provide advice and information.**
  1. The Commission shall act in an advisory role to the City Council regarding the identification and protection of local historic and archaeological resources.
  2. The Commission shall work toward the continuing education of citizens regarding historic preservation and community history.
  3. The Commission shall assist in the maintenance and rehabilitation of City-owned historic buildings and sites, when called upon to do so.
  4. The Commission shall apply for and administer grants and other financial aid for historic preservation projects in the City.
4. **State Historic Preservation Laws.** The Commission shall become familiar with state laws regarding historic preservation and notify the State Historic Preservation Office of any known proposed action which will destroy or affect a site, building, or object owned by the State of Utah and included on or eligible for the State or National Registers.

#### **7.20.040 Historic Sites List**

There is hereby created a Historic Sites List, which shall contain the identification of properties designated by the City Council as historic properties. The list shall contain the

address of the property, photographs, if available, and a brief history of the property detailing the reasons why it has been designated as an historic property. The Commission may recommend to the City Council that historic properties be added to the Historic Sites List as a means of providing recognition to and encouraging the preservation of historic properties in the community.

1. Criteria for designating properties to the Historic Sites List. Any district, building, structure, object, or site may be designated to the Historic Sites List if it meets all of the criteria outlined below:
  1. It is located within the official boundaries of the City.
  2. It is at least 50 years old.
  3. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the house when viewed from the public way. If the property does not meet the integrity requirements outlined in 3. (a), it may still qualify for designation if it meets one of the following requirements for exceptional significance:
    1. It is directly associated with events of historic significance in the community.
    2. It is closely associated with the lives of persons who were of historic importance to the community.
    3. It exhibits significant methods of construction or materials that were used within the historic period.
  4. It has been documented according to the Utah State Historic Preservation Office standards for intensive level surveys (June 1993 version or subsequent revisions) and copies of that documentation have been placed in the local and state historic preservation files.
2. Designation Procedures. Any person, group, or government agency may nominate a property for listing on the Historic Sites List. The nomination and listing procedures are as follows:
  1. Completed Intensive Level Survey documentation for each nominated property must be submitted to the Commission.
  2. The Commission will review and consider properly submitted nominations at its next scheduled meeting. The Commission will notify the nominating party and the property owner, in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The Commission may not recommend placement on the Historic Preservation list over the objection of the owner.
3. Results of Designation to the Historic Sites List.

1. Owners of officially designated historic sites may obtain a historic site certificate from the Commission. The certificate contains the historic name of the property, the date of designation, and signatures of the mayor and the Commission chairperson.
2. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.
  1. The City will delay issuing a demolition permit for thirty (30) days and will notify a member of the Commission, which will take responsibility for the documentation.
  2. Documentation will include, at minimum, exterior photographs (both black and white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor plan drawing of the building.
  3. The demolition permit will be issued after thirty (30) days of the initial application whether or not the Commission has documented the building. The permit may be issued earlier if the Commission completes its documentation before the thirty-day deadline.
  4. The documentation will be kept in the Commission's historic site files, which are open to the public.
4. Removal of Properties from the Historic Sites List. Properties which, in the opinion of the Commission, no longer meet the criteria for eligibility may be removed from the Historic Sites List after review and consideration by the Commission.

#### **7.20.050 Effect Of Designation Of The Historic Sites List**

1. Properties designated to the Historic Sites List may receive special consideration in the granting of conditional use permits in order to encourage their preservation.
2. In the event of rehabilitation of the property, local building officials may consider waiving certain code requirements in accordance with Chapter 34 of the Uniform Building Code (1994 Edition), which deals with historic buildings, and the Uniform Code for Building Conservation, a special code for existing buildings.
3. Owners of Historic Sites may seek assistance from the Commission in applying for grants or tax credits for rehabilitating their properties.
4. Proposed exterior work on buildings located on Historic Sites is subject to the review and approval of the Commission. The purpose of this review is to ensure the preservation of historic properties to the greatest degree possible. This review applies only to exterior work which requires a building permit, sign permit, or demolition permit. Applications for building, demolition, or sign permits shall be forwarded by the Building Inspection Department to the Historic Preservation Commission prior to their issuance. A certificate of appropriateness shall be issued by the Commission prior to the issuance of a permit for a property on the Historic Site List.
5. Claims of Economic Hardship. The Commission may approve a Certificate of Appropriateness for Rehabilitation or Demolition of a landmark property if the

owner has presented substantial evidence demonstrating that unreasonable economic hardship will result from denial of the certificate of appropriateness.

1. Economic Hardship Criteria. In order to sustain a claim of unreasonable economic hardship, the Commission may require the owner to provide information as to whether the property is capable of producing a reasonable return for the owner.
2. Demonstration of economic hardship by the owner shall not be based on conditions resulting from willful or negligent acts by the owner, purchasing the property for substantially more than market value at the time of purchase, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.
6. An applicant who has been denied any permit by the Building Official, based on the Commission's refusal to issue a Certificate of Historic Appropriateness, may appeal that decision to the City Council. The appeal must be made, in writing, within ten (10) days after the Commission's decision.
7. Enforcement. The provisions of this section are subject to the enforcement provisions established in the Building Code adopted by the City, or the Uniform Code for Building Conservation.

#### **7.20.060 Standards For Rehabilitation And Design Guidelines**

The following standards and guidelines shall be used by the Commission in determining the historic appropriateness of any application pertaining to Historic Site List properties. In approving an application for a Certificate of Appropriateness, the Commission must find that the project substantially complies with all of the following standards and guidelines that pertain to the application and that the decision is in the best interest of the City.

1. The standards for rehabilitation are as follows:
  1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
  5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature,

the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  10. New additions shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. General Design Guidelines are as follows:
1. Avoid demolition of Historic Site List buildings. They are a finite resource and cannot be replaced.
  2. Vacant buildings should be weather- and vandal-proofed in order to minimize further deterioration and the threat to public safety.
  3. Rehabilitation work, especially on the exterior and the principal facade, should preserve existing historic features or replace them if absolutely necessary with features and materials known to have existed on the building. Avoid dressing up buildings by adding features based on speculation.
  4. Avoid moving buildings whenever possible, especially to create artificial groupings of historic buildings. If buildings must be moved, the new site should be similar to the original site and the original setback and orientation of the building on the lot should be replicated.
  5. New additions should be subordinate to the original building, i.e. lower in height, attached to the rear or set back along the side, and subordinate in scale and architectural detailing.
  6. Materials should be similar to original materials.
  7. Window and door openings should be similar in size and orientation (vertical or horizontal) to the original openings and should take up about the same percentage.