

# OPINION

To Build A Better World, Start In Your Own Community

## Guest Opinion

# Moratorium needed now

By Fred Wilson

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"Historic Preservation" is suddenly in the spotlight in Longmont. I'd like to give you some background on the subject in general and on some specific issues recently in the news.

City Council has an advisory board known as the Historic Preservation Commission that consists of seven members chosen from the community by the council. The commission meets monthly and spends much of its time processing applications for the historic designation of properties in the city. Historic designation has benefits (tax credits for restoration projects, for instance) but it also places limits and conditions on what may be done with the structure. In the last decade or so, more than 100 of these applications were approved by the HPC and sent to council as ordinances to be considered. The common thread among these applications was this: the property owner originated all

City Council confirmed each and every application for designation, in accordance with the wishes of the owners.

In the past few months, the HPC has been faced with a different, and more difficult, task. According to our city ordinances, properties older than 50 years must be taken to the commission for consideration before they can be demolished. The owners of the Ahlberg Funeral Chapel wished to demolish their building and build a new structure and were required to get the OK from the HPC. The commission determined that the structure was historically significant and asked that it be designated as such. City Council considered the request and decided, by a clear majority, that historic designation was not appropriate.

Why do you suppose the Council turned down this request after confirming a string of more than 100 in a row? I can't speak for my colleagues



Wilson

but I can tell you why I voted the way I did. It was the recollection of these words, from the Fifth Amendment to the U.S. Constitution: "... nor shall private property be taken for public use, without just compensation." We were being asked to take steps that would severely hamper the Ahlberg's ability to use their property as they wished and we were offering them no compensation whatever. I believe that the Council was justified in refusing the request.

A similar situation occurred a few months later: the Bemis house was scheduled for demolition and the HPC once again requested that Council designate it as a landmark. The request was refused and the Council made clear to the HPC that it would be unlikely to designate properties over the objection of the owners unless there were extraordinary circumstances involved.

Our Landmark Designation ordinance allows for the submission of applications for designation by four entities: the City Council, the HPC, the owner of the property, and "an organization with experience and expertise in historic designation." An ad hoc group calling itself the Historic Longmont Foundation is currently exploiting that last rather nebulous definition. The foundation was evidently formed, about a month ago, for the express purpose of re-submitting applications for historic designation on the two properties that have already come to Council and been dismissed as not suitable.

In action last Thursday evening, the HPC granted this organization legitimacy as an agent for historical preservation. By doing so, the HPC

has abdicated its authority in favor of a group that, at least by its own account, is far more capable of making decisions on properties than the HPC, the City Council, or the owners.

The usurpation of the Historic Preservation Commission's authority by an ad hoc group is a very troubling development. The HPC has set a precedent for accepting thin evidence of "experience and expertise" in granting power to self-defined "historic preservation" organizations. The door seems to be opened wide for other groups to make use of the historic designation process to harass property owners, delay and derail redevelopment plans, cause strife and consume countless hours of city staff and council time.

The use of historic designation to stop redevelopment is neither new nor unique to Longmont. The cases I have cited above are actually all about zoning: Terry Street has been part of the Central Business District zone for many years and as such is eligible for commercial development. Those who object realize that the zoning has been in place and shown on all the city's maps for decades and would be difficult to change. Attempting to use historic designation to accomplish de facto downzoning in this area serves no one well: it violates the constitutional rights of the property owners and it devalues the process of legitimate landmark designation.

I intend to propose that City Council declare a moratorium on historic designations until the authorizing ordinance, currently under review, is made more specific as to who shall submit applications. I feel that power should be reserved for the Council, the Historic Preservation Commission and the property owner. To allow other organizations into the process invites redundancy at best and chaos at worst.

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