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No. 75204-9-I

COURT OF APPEALS OF THE STATE OF WASHINGTON,
DIVISION I

The CITY OF SEATTLE, DOCOMOMO US – WEWA, HISTORIC
SEATTLE, WASHINGTON TRUST FOR HISTORIC
PRESERVATION,

Appellant,

v.

The UNIVERSITY OF WASHINGTON,

Respondent.

FILED
Dec 19, 2016
Court of Appeals
Division I
State of Washington



**UNIVERSITY OF WASHINGTON'S RESPONSE TO BRIEF OF
AMICUS CURIAE**

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I. INTRODUCTION

The record in this case demonstrates that the University of Washington evaluates historic resources on its campus by means of a rigorous and comprehensive process that includes preparation of an Historic Resources Addendum (HRA) for any structure that would be affected by proposed development and is at least 50 years old. CP 276.¹ The HRA becomes part of the University's environmental review under the State Environmental Policy Act (SEPA), and the adequacy of that SEPA review is subject to appeal, just as is the ultimate decision that the Regents make after being informed by the SEPA process.

The trial court ruled that the University is not subject to the additional procedures in the City's Landmark Preservation Ordinance (LPO), and amicus Washington State Department of Archaeology and Historic Preservation (DAHP) asks this court to infer that the trial court's ruling "violate[s] the intent of the Certified Local Government program and threaten[s] its continued viability in Washington." Amicus Curiae Brief of DAHP at 3.² None of the parties, however, discussed or even referred to the Certified Local Government (CLG) program in their briefs.

¹ The University also prepares an Architectural Opportunities Report for its internal process, which involves review and advice of "the Site Programming Committee, the Campus Landscape Advisory Committee, the Architectural Commission, the Provost and/or the Executive Vice President and the Board of Regents." *See* CP 276.

² Hereinafter referred to as "Amicus Br."

This is a new issue, raised for the first time on appeal by amicus, and there is *no* factual support in the record for DAHP's position.

The record contains no facts regarding the state CLG program or the federal CLG program; no facts regarding which cities and counties enjoy CLG status; and no facts regarding what certification procedures or standards DAHP uses to certify CLGs. The record also contains no facts regarding why or how the City's lack of jurisdiction to enforce the LPO on the University campus places the City's CLG status at risk. *See* Amicus Br. at 6-7.³ As explained below, the ordinances of the other cities and counties that DAHP refers to in its brief in fact refute DAHP's argument rather than support it.

In addition, without citation to authority, DAHP asks this Court to infer that "jurisdiction" is a synonym for "geographical limits," and that federal law requires the City Council to regulate every historic property within the City's geographic boundaries. The CLG program that DAHP wants this Court to believe is at risk from the trial court's ruling, however, has been in effect since 1980,⁴ which is the same year that the State Supreme Court decided *State v. Seattle*, 94 Wn.2d 162, 615 P.2d 461

³ The amicus brief never actually asserts that Seattle *will* lose its CLG status if the trial court is upheld, nor that DAHP will feel compelled to recommend that Seattle should. DAHP merely suggests – repeatedly – that such a possibility exists.

⁴ National Historic Preservation Act Amendments of 1980, Pub. L. No. 96-515, 94 Stat. 2987 (1980).

(1980), and thereby affirmed that University property within the geographical limits of the City – the Metropolitan Tract in downtown Seattle – is not within the jurisdiction of the City’s LPO. According to the National Park Service website, DAHP certified Seattle as a CLG on June 3, 1987,⁵ even though the Supreme Court had decided that the Metropolitan Tract in the heart of Seattle was not subject to the LPO. DAHP’s own actions refute its argument to this Court.

Finally, DAHP’s position is refuted by Article XI, section 11 of the Washington State Constitution, which limits the authority of cities by drawing this same distinction between geographical limits and jurisdiction: the Constitution authorizes the City to make and enforce “within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.”

For all of the reasons summarized above and discussed below, DAHP’s position is without support in fact or law.

II. RESPONSE TO ARGUMENTS OF AMICUS

A. **“Jurisdiction” does not mean “geographic boundaries,” and the federal grant program does not require a local government to regulate structures outside of its jurisdiction.**

Nothing in federal law supports the fundamental premise of DAHP’s argument: that a local government must regulate all historic

⁵ http://grantsdev.cr.nps.gov/CLG_Review/search.cfm (last visited Dec. 16, 2016).

resources within its geographical boundaries in order to maintain CLG status. To obtain federal funding through the CLG program, a local government must regulate all historic resources over which it has “jurisdiction,” 54 U.S.C. § 302501(1)⁶ & 302503(3)(a), but the federal program does not punish the local government for failing to regulate historic resources that are *not* under its jurisdiction. Consistent with an unbroken string of statutes dating back over a century, most recently confirmed by our state’s Supreme Court in the 1980 *State v. Seattle* case,⁷ the Seattle City Council does not have jurisdiction to overrule decisions by the Board of Regents about the *use* of either the Metropolitan Tract or the University of Washington campus.

The word “jurisdiction” does not mean “geographic boundaries,” as DAHP asks this court to presume throughout its brief. *See* Amicus Br. at 13-14. If it did, the Federal District Court for the Western District of Washington would have jurisdiction over any and all legal disputes that arise west of the Cascades, without regard to whether they involve a federal question or diversity of litigants. Rather, the term “jurisdiction” means something closer to “authority.” *See Dougherty v. Dep’t of Labor & Indus. for State of Washington*, 150 Wn.2d 310, 315, 76 P.3d 1183

⁶ “The term ‘designation’ means the identification and registration of property for protection that meets criteria established by a State or locality for significant historic property **within the jurisdiction of a local government.**”

⁷ *State v. Seattle*, 94 Wn.2d 162.

(2003) (“Jurisdiction ‘is the power and authority of the court to act.’”); *see also Wimberly v. Caravello*, 136 Wn. App. 327, 335–36, 149 P.3d 402 (2006) (“By definition, jurisdiction is the power of a court to impose its judgment on the parties and subject matter of litigation.”). The University’s campus is within the geographical *borders* of Seattle, but the Seattle City Council’s jurisdiction does not include the authority to overrule decisions by the Board of Regents, who have “full control” over university property, RCW 28B.20.130(1), about the use of the campus.

Similarly, the federal government itself owns multiple historic structures in downtown Seattle, including: the Old Federal Office Building on First Avenue, which is listed on the National Register of Historic Places⁸; the old Federal Courthouse and grounds, which occupy a full city block between Fifth and Sixth Avenues and is listed on the National Register of Historic Places⁹; and the Henry Jackson Federal Building that occupies a full city block between First and Second Avenue. None of these buildings, and no other federally owned building, is designated as a Seattle Landmark, and the City’s LPO does not purport to regulate buildings owned by federal agencies. If the LPO did regulate federal buildings, the LPO would be preempted just as State law preempted the LPO in *State v Seattle*, yet DAHP does not suggest that the LPO is

⁸ National Register of Historic Places reference number 79003155.

⁹ National Register of Historic Places reference number 80004003.

defective for failing to control the use of federal historic structures or that Seattle's CLG status is endangered as a result. The historic status of federal buildings is simply not within the City Council's jurisdiction, even though the buildings are within the City's geographic boundaries.

B. The Certified Local Government program does not require an ordinance that interferes with property rights, let alone an ordinance that regulates state institutions of higher education.

The inference that DAHP asks this Court to draw – that Seattle could lose its CLG status because its ordinance does not prohibit demolition of on-campus structures – is belied by the very federal law DAHP purports to espouse. As DAHP acknowledges, that federal law requires “protection,” which is defined to mean a review *process* precedent to demolition. *See* Amicus Br. at 7 (quoting 54 U.S.C. § 302501(2)). The term does not require a local government to *prohibit* demolition of historic structures. Accordingly, many (probably all) of the CLGs listed by DAHP in its brief as having landmarks ordinances “similar to Seattle’s,” *see* Amicus Br. at 12 n.2 & 13 n.3, actually have historic preservation ordinances that do *not* prohibit alterations or demolition of historic structures.¹⁰ These CLGs have ordinances that contain “carrots” in the form of incentives such as special tax valuation and grant eligibility,

¹⁰ *See, e.g.*, Chap. 2.106 Thurston County Code (TCC); Chap. 17D.040 Spokane Municipal Code (SMC); Chap. 1.48 Spokane County Code (SCC); Chap. 17.39 Vancouver Municipal Code (VMC) (discussed at 7-13, *infra*).

without the “sticks” contained in the “controls” portion of Seattle’s ordinance, *see* SMC 25.12.490-660, which functionally prevent the property owner from demolishing a historic structure unless the controls result in an unconstitutional taking of property without payment of compensation.

For example, Thurston County’s ordinance is entirely voluntary, relying on tax incentives that make listing on the local register of historic places an attractive option for a homeowner, rather than a burden. *See* TCC 2.106.070 (procedures for special property tax valuation pursuant to RCW 84.26.030). Although the code requires review by the historic commission before any work is done on a designated historic property,¹¹ the code expressly provides that “[t]he applicant’s compliance with any recommendation made by the historic commission shall be voluntary.” TCC 2.106.050.B.5. Thurston County’s ordinance even gives property owners an “out” should future County Commissioners elect to make the program mandatory:

In the event that this chapter is amended to make compliance with the review mandatory rather than voluntary, all owners or properties on the historic register will be notified of the change in ordinance and given forty-five days to initiate removal of their property from the historic register.

¹¹ “No person shall . . . demolish any existing building or structure which is on the historic register or within an historic register district without review by the historic commission.” TCC 2.106.050.A.

TCC 2.106.040.C.3.

The City of Spokane requires its historic landmarks commission to grant a “certificate of appropriateness” before issuing a demolition permit for a historic structure.¹² However, should the City deny the Certificate of Appropriateness, the demolition permit still issues but with a forty-five day delay to develop “non-binding” mitigation and “encourage” salvage of significant parts:

If the historic landmarks commission denies the certificate of appropriateness, the demolition permit may not be issued for an additional forty-five days in order to permit the historic landmarks commission to develop non-binding mitigation measures to encourage the landowner to salvage significant architectural features of the structure and to require the landowner to provide documentation of the building before the issuance of the demolition permit.

SMC 17D.040.220.E.

The Spokane County Code also requires a certificate of appropriateness for demolition of a historic landmark and has a similar provision:

If no alternative to demolition can be found, the commission may take up to forty-five additional days to develop mitigative measures (e.g., to encourage the landowner to salvage significant architectural features of the building) and to require documentation of the building before the demolition permit is issued.

¹² “Upon receipt of an application for the demolition of an historic structure listed on the Local Spokane Register or a contributing structure within a local historic district, the applicant is required to apply for a certificate of appropriateness for the proposed action.” SMC 17D.040.220.

SCC 1.48.270.

The City of Vancouver's historic preservation ordinance goes one step further, actually *requiring* its historic commission to issue a waiver of certificate of appropriateness if there is no agreed alternative to demolition of a historic structure:

A waiver of certificate of appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated Clark County heritage register property or in a Clark County heritage register historic district.

...

d. If no alternative to demolition is agreed upon, the commission **shall** issue a waiver of certificate of appropriateness.

VMC 17.39.080.C.5 (emphasis added).¹³

Not only has DAHP approved CLG status for jurisdictions with ordinances that do not compel preservation of historic resources the way Seattle's LPO does, DAHP itself propounds a model historic preservation ordinance for CLG applicants that mandates far less protection of historic resources, and greater protection of property owner rights, than Seattle's LPO. DAHP's website describes its model historic preservation ordinance as a model that:

provides all of the pieces that are needed to create an historic preservation program at the local level: an historic

¹³ The City of Vancouver is one of the CLGs listed by DAHP as having "concomitant institutional control of historic properties" with a state university, in that case Washington State University. *See Amicus Br.* at 12 n. 2.

preservation commission, a local register of historic places, design review of locally listed properties, and the special tax valuation incentive.

<http://www.dahp.wa.gov/sample> (last visited Dec. 15, 2016). By its express terms, the purpose of DAHP's model ordinance is not to impose controls on historic properties, but to identify historic resources and implement incentives for their protection. A copy of DAHP's model ordinance is provided as Addendum A to this brief.¹⁴ The model ordinance provides:

The purpose of this ordinance is to provide for the identification, evaluation, designation, and protection of designated historic and prehistoric resources . . . through special valuation, a property tax incentive, as provided in Chapter 84.26 RCW

DAHP Model Ordinance § 1.

DAHP's focus on incentives instead of controls – carrots rather than sticks – is reflected in numerous provisions of the model ordinance that contrast sharply with Seattle's LPO. For example, DAHP's model ordinance allows local governments to require owner consent before structures can be listed on the local register, § 5.B.4, whereas Seattle's LPO allows designation over the owner's objection, *see* SMC 25.12.370-520. The model applies only to properties 50 years of age or older, § 5.A, whereas Seattle's ordinance applies to properties 25 years of age,

¹⁴ DAHP's model ordinance is also available on DAHP's website: <http://www.dahp.wa.gov/sample-ordinances-design-review> (last visited Dec. 15, 2016).

SMC 25.12.350. Contrary to DAHP's concern for preserving the right of any member of the public to nominate a structure, which is allowed under Seattle's ordinance, SMC 25.12.370.A, DAHP's model ordinance allows cities to choose the option of limiting the right to nominate only to property owners, § 5.B.1. Whereas Seattle's ordinance affirmatively requires controls, SMC 25.12.490-835, the model ordinance merely prohibits demolition without a waiver, § 6.C.3, and the "punishment" for violation of the rule is removal of the demolished structure from the list of historic places, § 5.C.

DAHP's model ordinance does not prohibit demolition of historic properties. Rather, it provides for a process (one that is less rigorous than the University's process that requires preparation of an Historic Resource Addendum whenever a structure is at least 50 years old) through which a property owner and a local historic preservation commission work cooperatively to find alternatives to demolition. Then, should no alternative be discovered, the model ordinance provides a "Waiver of a Certificate of Appropriateness," which permits demolition. The model ordinance sets a much lower bar for historic preservation than Seattle's LPO and, as exemplified by Thurston County, the City of Spokane, Spokane County, and the City of Vancouver (to name a few), local

governments get and keep CLG status with ordinances that are even less protective than DAHP's model ordinance.

C. The trial court's decision does not impair Seattle's CLG status.

DAHP argues that affirmance of the trial court's decision "could impair" Seattle's ability to maintain its CLG status because only partial protection of historically significant properties in Seattle will be possible. Amicus Br. at 8-12. DAHP's argument presumes, however, that "protection" in the federal statute means "compelled preservation," which it does not: 54 U.S.C. § 302501(2) defines "protection" as a review process, not an outcome. Indeed, "protection" cannot mean "compelled preservation," or many (if not all) of the Washington local governments listed in DAHP's brief would not qualify as CLGs.

If Seattle's ordinance were similar to, for example, Thurston County's (not to mention DAHP's own model ordinance), it would not prevent the Regents from carrying out their statutory duty to govern the University. The trial court's decision meant that listing the nuclear reactor building on the National Register did not prevent the Regents from weighing all competing considerations and ultimately deciding to demolish it anyway. That would be the result in Thurston County, Spokane County, the City of Spokane, Vancouver, and any jurisdiction that adopted the DAHP model ordinance.

DAHP then argues that the public would suffer because University buildings could not be nominated as Seattle landmarks. Amicus Br. at 11. DAHP's argument ignores the fact that, under the University's internal process, consideration of historic values is automatic and there is no need for the public to nominate. See CP 276. The Regents study the historic import of every structure 50 years of age or older and prepare an Historic Resources Addendum, which contains all the information required of a Seattle landmarks nomination and which accompanies the project throughout design and construction. *Id.*

Finally, DAHP laments the loss of Seattle's public process, highlighting (perhaps unintentionally) the onerous nature of Seattle's ordinance. Amicus Br. at 9-10. DAHP's brief requires nearly two full pages of text to describe just the opportunities for public participation. *Id.* at 9-11. Yet, nothing in the CLG program mandates this level of public involvement, and it is not found in other ordinances approved by DAHP. Regardless, DAHP's brief completely ignores the University's own robust public process.

The University's consideration of historic values helps the University fulfill its obligations under SEPA. As demonstrated by the CSE II project, the public has multiple opportunities to provide public comment on all environmental impacts, including impacts to historic

resources. *See* CP 276-77. Similar to the Seattle City Council, the Board of Regents may take action only at open public meetings in accordance with the Open Public Meetings Act, Chapter 42.30 RCW. And final decisions of the Board of Regents, and their accompanying SEPA decisions, may be appealed to superior court. *See* WAC 197-11-680(4).

D. DAHP's slippery slope argument rests on no firmer ground than Appellants' slippery slope arguments before this Court and the Superior Court.

DAHP suggests at pages 12 and 13 of its brief that affirming the trial court will rob all local jurisdictions of the power to designate historic properties owned by state institutions of higher education. This hyperbole is reminiscent of Appellants' suggestion that affirming the trial court would mean that no local jurisdiction will ever again exercise any regulatory control over any property owned by any state institution of higher education, anywhere in the state. *See* City's Opening Brief at 15-19. As the Supreme Court has repeatedly stated, however, the issue is one of legislative intent: *Edmonds Sch. Dist. No. 15 v. City of Mountlake Terrace*, 77 Wn.2d 609, 614-15, 465 P.2d 177 (1970) (legislature did not intend for school districts to be exempt from local building codes); *accord Snohomish Cnty. v. State*, 97 Wn.2d 646, 648 P.2d 430 (1982) (city's attempt to zone a state penitentiary out of existence defeated because the legislature intended the Department of Corrections to make the decision);

accord City of Everett v. Snohomish Cnty., 112 Wn.2d 433, 437-41, 772 P.2d 992 (1989) (rejecting four other types of analysis in favor of analysis of legislative intent). Each of these cases pre-dates the Growth Management Act, and together they demonstrate that local government authority to regulate state property does not depend only on the GMA, but upon legislative intent as expressed in applicable statutes.

The trial court found it unnecessary to decide the issue of legislative intent, and the only issue of legislative intent on appeal is whether the legislature intended to overrule *State v Seattle* in order to give the City Council the authority to veto decisions by the Board of Regents about what use of the campus is in the best interest of the University. This issue could not arise in any other city because no other city has an historic preservation ordinance that purports to veto a decision about campus use by the governing body of a state institution of higher education. DAHP's own model ordinance does not require such a veto, and DAHP has failed to identify a single ordinance other than Seattle's requiring such a veto.

This lawsuit is only about the application of Seattle's Landmarks Preservation Ordinance to the University's campus. There is no evidence of any other ordinance that directly usurps the authority granted to the Board of Regents to decide what use should be made of the campus to further the University's mission.

III. CONCLUSION

DAHP's arguments, raised only by amicus and for the first time in this Court, find no support in the record and would fail on their merits if they did. The University respectfully requests that the Court reject the arguments advanced by DAHP.

RESPECTFULLY SUBMITTED this 19th day of December,
2016.

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DECLARATION OF SERVICE

I hereby certify that on December 19, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will notify all parties in this matter who are registered with the Court's CM/ECF filing system of such filing and service was also provided as noted below.

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DATED this 19th day of December, 2016.

/s/ Kelly M. Mueller

Kelly M. Mueller

DECLARATION OF SERVICE - 2

ADDENDUM A

HISTORIC PRESERVATION ORDINANCE

Section 1	Purpose
Section 2	Title
Section 3	Definitions
Section 4	_____ Historic Commission
Section 5	_____ Register of Historic Places
Section 6	Review of Changes to _____ Register Properties
Section 7	Review and Monitoring of Properties for Special Property Tax Valuation

SECTION 1. PURPOSE

The purpose of this ordinance is to provide for the identification, evaluation, designation, and protection of designated historic and prehistoric resources within the boundaries of _____ [LOCAL GOVERNMENT] and preserve and rehabilitate eligible historic properties within the _____ [LOCAL GOVERNMENT] for future generations through special valuation, a property tax incentive, as provided in Chapter 84.26 RCW in order to:

- A. Safeguard the heritage of the _____ [CITY/COUNTY] as represented by those buildings, districts, objects, sites and structures which reflect significant elements of the _____ [LOCAL GOVERNMENT] history;
- B. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the _____ [LOCAL GOVERNMENT] history;
- C. Stabilize or improve the aesthetic and economic vitality and values of such sites, improvements and objects;
- D. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, objects, sites and structures;
- E. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and,
- F. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

SECTION 2. SHORT TITLE

The following sections shall be known and may be cited as the "historic preservation ordinance of _____ [LOCAL GOVERNMENT]."

SECTION 3. DEFINITIONS

The following words and terms when used in this ordinance shall mean as follows, unless a different meaning clearly appears from the context:

- A. "_____ [LOCAL GOVERNMENT] Historic Inventory" or "Inventory" means the comprehensive inventory of historic and prehistoric resources within the boundaries of the _____ [LOCAL GOVERNMENT].
- B. "_____ [LOCAL GOVERNMENT] Historic Preservation Commission" or "Commission" means the commission created by Section ____ herein.
- C. "_____ [LOCAL GOVERNMENT] Register of Historic Places", "Local Register", or "Register" means the listing of locally designated properties provided for in Section ____ herein.

- D. "Actual Cost of Rehabilitation" means costs incurred within twenty-four months prior to the date of application and directly resulting from one or more of the following: a) improvements to an existing building located on or within the perimeters of the original structure; or b) improvements outside of but directly attached to the original structure which are necessary to make the building fully useable but shall not include rentable/habitable floor-space attributable to new construction; or c) architectural and engineering services attributable to the design of the improvements; or d) all costs defined as "qualified rehabilitation expenditures" for purposes of the federal historic preservation investment tax credit.
- E. A "building" is a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.
- F. "Certificate of Appropriateness" means the document indicating that the commission has reviewed the proposed changes to a local register property or within a local register historic district and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.
- G. "Certified Local Government" or "CLG" means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established its own historic preservation commission and a program meeting Federal and State standards.
- H. "Class of properties eligible to apply for Special Valuation in _____ [LOCAL GOVERNMENT]" means _____ [ALL/IDENTIFY SELECTED TYPES] properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, until _____ [LOCAL GOVERNMENT] becomes a Certified Local Government (CLG). Once a CLG, the class of properties eligible to apply for Special Valuation in _____ [LOCAL GOVERNMENT] means only _____ [ALL/IDENTIFY SELECTED TYPES] properties listed on the _____ [LOCAL/LOCAL AND NATIONAL/NATIONAL] Register of Historic Places or properties certified as contributing to an _____ [LOCAL/LOCAL AND NATIONAL/NATIONAL] Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.
- I. "Cost" means the actual cost of rehabilitation, which cost shall be at least twenty-five percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.
- J. A "district" is a geographically definable area urban or rural, small or large—possessing a significant concentration, linkage, or continuity of sites buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.
- K. "Emergency repair" means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.
- L. "Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed in a local register of a Certified Local Government or the National Register of Historic Places.
- M. "Incentives" are such rights or privileges or combination thereof which the _____ [CITY/COUNTY] Council, or other local, state, or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of Register properties. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, beneficial placement of public

improvements or amenities, or the like.

- N. "Local Review Board", or "Board" used in Chapter 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties means the commission created in Section ____ herein.
- O. "National Register of Historic Places" means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.
- P. An "object" is a thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
- Q. "Ordinary repair and maintenance" means work for which a permit issued by the _____ [LOCAL GOVERNMENT] is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.
- R. "Owner" of property is the fee simple owner of record as exists on the _____ [NAME OF COUNTY] County Assessor's records.
- S. "Significance" or "significant" used in the context of historic significance means the following: a property with local, state, or national significance is one which helps in the understanding of the history or prehistory of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include _____ [NAME OF CITY/TOWN], _____ [NAME OF COUNTY], or _____ [NAME OF REGION (e.g. southwest)] Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.
- T. A "site" is a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of ruined or now non-extant building or structure of the location itself possesses historic cultural or archaeological significance.
- U. "Special Valuation for Historic Properties" or "Special Valuation" means the local option program which when implemented makes available to property owners a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation. (Chapter 84.26 RCW).
- V. "State Register of Historic Places" means the state listing of properties significant to the community, state, or nation but which may or may not meet the criteria of the National Register.
- W. A "structure" is a work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.
- X. "Universal Transverse Mercator" or "UTM" means the grid zone in metric measurement providing for an exact point of numerical reference.
- Y. "Waiver of a Certificate of Appropriateness" or "Waiver" means the document indicating that the commission has reviewed the proposed whole or partial demolition of a local register property or in a local register historic district and failing to find alternatives to demolition has issued a waiver of a Certificate of Appropriateness which allows the building or zoning official to issue a permit for

demolition.

- Z. "Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties" or "State Advisory's Council's Standards" means the rehabilitation and maintenance standards used by the _____ [LOCAL GOVERNMENT] Historic Preservation Commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

SECTION 4. _____ HISTORIC COMMISSION

A. Creation and Size

There is hereby established a _____ [LOCAL GOVERNMENT] Historic Preservation Commission, consisting of _____ [5 - 15] members, as provided in subsection ____ below. Members of the _____ [LOCAL GOVERNMENT] Historic Preservation Commission shall be appointed by the _____ [TITLE OF CHIEF LOCAL ELECTED OFFICIAL] and approved by the _____ [CITY/COUNTY] Council and shall be residents of the _____ [CITY/COUNTY], except as provided in subsection ____ below.

B. Composition of the Commission

1. All members of the commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgement.
2. The commission shall always include at least _____ [INDICATE NUMBER] professionals who have experience in identifying, evaluating, and protecting historic resources and are selected from among the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines [CHOOSE ONE, SEVERAL, OR ALL DISCIPLINES]. The commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is related to meeting Certified Local Government (CLG) responsibilities cited in the Certification Agreement between the _____ [TITLE OF CHIEF LOCAL ELECTED OFFICIAL] and the State Historic Preservation Officer on behalf of the State. Furthermore, exception to the residency requirement of commission members may be granted by the _____ [TITLE OF CHIEF LOCAL ELECTED OFFICIAL] and _____ [CITY/COUNTY] Council in order to obtain representatives from these disciplines.
3. In making appointments, the _____ [TITLE OF CHIEF LOCAL ELECTED OFFICIAL] may consider names submitted from any source, but the _____ [TITLE OF CHIEF LOCAL ELECTED OFFICIAL] shall notify history and _____ [CITY/COUNTY] development related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source.

C. Terms

The original appointment of members to the commission shall be as follows (this example is for a commission of seven): three (3) for two (2) years, two (2) for three (3) years; and two (2) for four (4) years. Thereafter, appointments shall be made for a three (3) year term. Vacancies shall be filled by the _____ [TITLE OF CHIEF LOCAL ELECTED OFFICIAL] for the unexpired term in the same manner as the original appointment.

D. Powers and Duties

The major responsibility of the Historic Preservation Commission is to identify and actively encourage the conservation of the _____ [CITY'S/COUNTY'S] historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the _____ [CITY'S/COUNTY'S] history and historic resources; and to

serve as the _____ [CITY'S/COUNTY'S] primary resource in matters of history, historic planning, and preservation.

In carrying out these responsibilities, the Historic Preservation Commission shall engage in the following:

1. Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the _____ [LOCAL GOVERNMENT] and known as the _____ [LOCAL GOVERNMENT] Historic Inventory, and publicize and periodically update inventory results. Properties listed on the inventory shall be recorded on official zoning records with an "HI" (for historic inventory designation). This designation shall not change or modify the underlying zone classification.
2. Initiate and maintain the _____ [LOCAL GOVERNMENT] Register of Historic Places. This official register shall be compiled of buildings, structures, sites, objects, and districts identified by the commission as having historic significance worthy of recognition and protection by the _____ [LOCAL GOVERNMENT] and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties.
3. Review nominations to the _____ [LOCAL GOVERNMENT] Register of Historic Places according to criteria in Section ____ of this ordinance and adopt standards in its rules to be used to guide this review.
4. Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register as provided in Section ____; and adopt standards in its rules to be used to guide this review and the issuance of a certificate of appropriateness or waiver.
5. Provide for the review either by the commission or its staff of all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic resources or adjacent properties.
6. Conduct all commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation and adopt standards in its rules to guide this action.
7. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic and prehistoric resources.
8. Establish liaison support, communication and cooperation with federal, state, and other local government entities which will further historic preservation objectives, including public education, within the _____ [LOCAL GOVERNMENT] area.
9. Review and comment to the _____ [CITY/COUNTY] Council on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of the _____ [LOCAL GOVERNMENT], other neighboring communities, the _____ [COUNTY], the state or federal governments, as they relate to historic resources of the _____ [LOCAL GOVERNMENT].
10. Advise the _____ [CITY/COUNTY] Council and the Chief Local Elected Official generally on matters of _____ [LOCAL GOVERNMENT] history and historic preservation.
11. Perform other related functions assigned to the Commission by the _____ [CITY/COUNTY] Council or the Chief Local Elected Official.
12. Provide information to the public on methods of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops, or similar activities.
13. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas; and encourage appropriate measures for such recognition.
14. Be informed about and provide information to the public and _____ [CITY/COUNTY] departments on incentives for preservation of historic resources including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.
15. Review nominations to the State and National Registers of Historic Places.
16. Investigate and report to the _____ [CITY/COUNTY] Council on the use of various federal, state, local or private funding sources available to promote historic resource preservation in the _____ [LOCAL GOVERNMENT].
17. Serve as the local review board for Special Valuation and:
 - a) Make determination concerning the eligibility of historic properties for special valuation;
 - b) Verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance;
 - c) Enter into agreements with property owners for the duration of the special valuation period as required under WAC 254-20-070(2);

- d) Approve or deny applications for special valuation;
 - e) Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the 10 year special valuation period; and
 - f) Adopt bylaws and/or administrative rules and comply with all other local review board responsibilities identified in Chapter 84.26 RCW.
18. The commission shall adopt rules of procedure to address items 3, 4, 6, and 18 inclusive.

E. Compensation

All members shall serve _____ [WITH/WITHOUT] compensation.

F. Rules and Officers

The commission shall establish and adopt its own rules of procedure, and shall select from among its membership a chairperson and such other officers as may be necessary to conduct the commission's business.

G. Commission Staff

Commission and professional staff assistance shall be provided by the _____ [TITLE OF LOCAL GOVERNMENT PERSONNEL OR INDICATE USE OF A QUALIFIED CONSULTANT] with additional assistance and information to be provided by other _____ [CITY/COUNTY] departments as may be necessary to aid the commission in carrying out its duties and responsibilities under this ordinance.

SECTION 5. _____ REGISTER OF HISTORIC PLACES

A. Criteria for Determining Designation in the Register

Any building, structure, site, object, or district may be designated for inclusion in the _____ [NAME OF LOCAL REGISTER] if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least 50 years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories. [SELECT ANY OR ALL OF THE CATEGORIES AND INCLUDE ADDITIONAL CATEGORIES IF DESIRED]

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history.
2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction.
3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art.
4. Exemplifies or reflects special elements of the _____ [CITY'S/COUNTY'S] cultural, special, economic, political, aesthetic, engineering, or architectural history.
5. Is associated with the lives of persons significant in national, state, or local history.
6. Has yielded or may be likely to yield important archaeological information related to history or prehistory.
7. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event.
8. Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person.
9. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns.
10. Is a reconstructed building that has been executed in an historically accurate manner on the original site.

11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

B. Process for Designating Properties or Districts to the
_____ [NAME OF LOCAL REGISTER]

1. _____ [ONLY PROPERTY OWNERS/ COMMISSION MEMBERS/ANY PERSON] may nominate a building, structure, site, object, or district for inclusion in the _____ [NAME OF LOCAL REGISTER]. Members of the Historic Preservation Commission or the commission as a whole may generate nominations. In its designation decision, the commission shall consider the _____ [NAME OF INVENTORY] and the _____ [CITY/COUNTY] Comprehensive Plan.
2. In the case of individual properties, the designation shall include the UTM reference and all features—interior and exterior—and outbuildings that contribute to its designation.
3. In the case of districts, the designation shall include description of the boundaries of the district; the characteristics of the district justifying its designation; and a list of all properties including features, structures, sites, and objects contributing to the designation of the district.
4. The Historic Preservation Commission shall consider the merits of the nomination, according to the criteria in Section _____ and according to the nomination review standards established in rules, at a public meeting. Adequate notice will be given to the public, the owner(s) and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with Chapter 42.30 RCW, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation in _____, [LOCAL GOVERNMENT] and any other form of notification deemed appropriate by _____ [LOCAL GOVERNMENT]. If the commission finds that the nominated property is eligible for the _____ [NAME OF LOCAL REGISTER], the commission _____ [SHALL LIST THE PROPERTY IN THE REGISTER/SHALL LIST THE PROPERTY IN THE REGISTER WITH OWNER'S CONSENT/MAKE RECOMMENDATION TO THE _____ (City/County) COUNCIL THAT THE PROPERTY BE LISTED IN THE REGISTER/MAKE RECOMMENDATION TO THE _____ (City/County) THAT THE PROPERTY BE LISTED IN THE REGISTER WITH OWNER'S CONSENT.] In the case of historic districts, the commission shall consider [A SIMPLE MAJORITY OF PROPERTY OWNERS/ _____ PERCENTAGE OF PROPERTY OWNERS] to be adequate for owner consent. Owner consent and notification procedures in the case of districts shall be further defined in rules. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing.
5. Properties listed on the _____ [NAME OF LOCAL REGISTER] shall be recorded on official zoning records with an "HR" (for Historic Register) designation. This designation shall not change or modify the underlying zone classification.

C. Removal of Properties from the Register

In the event that any property is no longer deemed appropriate for designation to the _____ [NAME OF LOCAL REGISTER], the commission may initiate removal from such designation by the same procedure as provided for in establishing the designation, Section _____. A property _____ [MAY/MAY NOT] be removed from the _____ [NAME OF THE LOCAL REGISTER] without the owner's consent.

D. Effects of Listing on the Register

1. Listing on the _____ [NAME OF LOCAL REGISTER] is an designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties to an historic district.
2. Prior to the commencement of any work on a register property, excluding ordinary repair and

maintenance and emergency measures defined in Section _____, the owner must request and receive a Certificate of Appropriateness from the commission for the proposed work. Violation of this rule shall be grounds for the commission to review the property for removal from the register.

3. Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a Certificate of Appropriateness.
4. Once _____ [NAME OF THE LOCAL GOVERNMENT] is certified as a Certified Local Government (CLG), _____ [ALL/IDENTIFY SELECTED TYPES] properties listed on the _____ [NAME OF LOCAL REGISTER] may be eligible for Special Tax Valuation on their rehabilitation (Section _____).

SECTION 6. REVIEW OF CHANGES TO _____ REGISTER OF HISTORIC PLACES PROPERTIES

A. Review Required

No person shall change the use, construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, or demolish any existing property on the _____ [NAME OF LOCAL REGISTER] or within an historic district on the _____ [NAME OF LOCAL REGISTER] without review by the commission and without receipt of a Certificate of Appropriateness, or in the case of demolition, a waiver, as a result of the review.

The review shall apply to all features of the property, interior and exterior, that contribute to its designation and are listed on the nomination form. Information required by the commission to review the proposed changes are established in rules.

B. Exemptions

The following activities do not require a Certificate of Appropriateness or review by the commission: ordinary repair and maintenance—which includes painting—or emergency measures defined in Section _____.

C. Review Process

1. Requests for Review and Issuance of a Certificate of Appropriateness or Waiver

The building or zoning official shall report any application for a permit to work on a designated _____ [NAME OF LOCAL REGISTER] Register property or in a _____ [NAME OF LOCAL REGISTER] historic district to the commission. If the activity is not exempt from review, the commission or professional staff shall notify the applicant of the review requirements. The building or zoning official shall not issue any such permit until a Certificate of Appropriateness or a waiver is received from the commission but shall work with the commission in considering building and fire code requirements.

2. Commission Review

The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the commission for a review of proposed changes on a _____ [NAME OF LOCAL REGISTER] property or within a _____ [NAME OF LOCAL REGISTER] historic district and request a Certificate of Appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by such information as is required by the commission established in its rules for the proper review of the proposed project.

The commission shall meet with the applicant and review the proposed work according to the design review criteria established in rules. Unless legally required, there shall be no notice, posting, or publication requirements for action on the application, but all such actions shall be made at regular meetings of the commission. The commission shall complete its review and make its recommendations within thirty (30) calendar days of the date of receipt of the application. If the commission is unable to process the request, the commission may ask for an extension of time.

The commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. If the owner agrees to the commission's recommendations, a Certificate of Appropriateness shall be awarded by the commission according to standards established in the commission's rules.

The commission's recommendations and, if awarded, the Certificate of Appropriateness shall be transmitted to the building or zoning official. If a Certificate of Appropriateness is awarded, the building or zoning official may then issue the permit.

3. **Demolition**

A waiver of the Certificate of Appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated _____ [NAME OF LOCAL REGISTER] property or in a _____ [NAME OF LOCAL REGISTER] historic district. The owner or his/her agent shall apply to the commission for a review of the proposed demolition and request a waiver. The applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 calendar days from the initial meeting of the commission, unless either party requests an extension. If no request for an extension is made and no alternative to demolition has been agreed to, the commission shall act and advise the official in charge of issuing a demolition permit of the approval or denial of the waiver of a Certificate of Appropriateness. Conditions in the case of granting a demolition permit may include allowing the commission up to 45 additional calendar days to develop alternatives to demolition. When issuing a waiver the board may require the owner to mitigate the loss of the _____ [NAME OF LOCAL REGISTER] property by means determined by the commission at the meeting. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. After the property is demolished, the commission shall initiate removal of the property from the register.

4. **Appeal of Approval or Denial of a Waiver of a Certificate of Appropriateness.**

The commission's decision regarding a waiver of a Certificate of Appropriateness may be appealed to the _____ [CITY/COUNTY] Council within ten days. The appeal must state the grounds upon which the appeal is based.

The appeal shall be reviewed by the council only on the records of the commission. Appeal of Council's decision regarding a waiver of a Certificate of Appropriateness may be appealed to Superior Court.

SECTION 7. REVIEW AND MONITORING OF PROPERTIES FOR SPECIAL PROPERTY TAX VALUATION

A. Time Lines

1. Applications shall be forwarded to the commission by the assessor within 10 calendar days of filing.
2. Applications shall be reviewed by the commission before December 31 of the calendar year in which the application is made.
3. Commission decisions regarding the applications shall be certified in writing and filed with the assessor within 10 calendar days of issuance.

B. Procedure

1. The assessor forwards the application(s) to the commission.
2. The commission reviews the application(s), consistent with its rules of procedure, and determines if the application(s) are complete and if the properties meet the criteria set forth in WAC 254-20-070(1) and listed in Section ___ of this ordinance.
 - a. If the commission finds the properties meet all the criteria, then, on behalf of the _____ [LOCAL GOVERNMENT], it enters into an Historic Preservation Special Valuation Agreement (set forth in WAC 254-20-120 and in Section ___ of this ordinance) with the owner. Upon execution of the agreement between the owner and commission, the commission approves the application(s).

- b. If the commission determines the properties do not meet all the criteria, then it shall deny the application(s).
- 3. The commission certifies its decisions in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the assessor.
- 4. For approved applications:
 - a. The commission forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-20-090 (4) and identified in Section ___ of this ordinance) to the assessor,
 - b. Notifies the state review board that the properties have been approved for special valuation, and
 - c. Monitors the properties for continued compliance with the agreements throughout the 10-year special valuation period.
- 5. The commission determines, in a manner consistent with its rules of procedure, whether or not properties are disqualified from special valuation either because of
 - a. The owner's failure to comply with the terms of the agreement or
 - b. Because of a loss of historic value resulting from physical changes to the building or site.
- 6. For disqualified properties, in the event that the commission concludes that a property is no longer qualified for special valuation, the commission shall notify the owner, assessor, and state review board in writing and state the facts supporting its findings.

C. Criteria

1. **Historic Property Criteria:**

The class of historic property eligible to apply for Special Valuation in _____ [LOCAL GOVERNMENT] means _____ [ALL/IDENTIFY SELECTED TYPES] properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, until _____ [LOCAL GOVERNMENT] becomes a Certified Local Government (CLG). Once a CLG, the class of property eligible to apply for Special Valuation in _____ [LOCAL GOVERNMENT] means [ONLY] _____ [ALL/IDENTIFY SELECTED TYPES] properties listed on the _____ [LOCAL/LOCAL AND NATIONAL/NATIONAL] Register of Historic Places or properties certified as contributing to an _____ [LOCAL/LOCAL AND NATIONAL/NATIONAL] Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

2. **Application Criteria:**

Complete applications shall consist of the following documentation:

- a. A legal description of the historic property,
- b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation,
- c. Architectural plans or other legible drawings depicting the completed rehabilitation work, and
- d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed and documentation of both to be made available to the commission upon request, and
- e. For properties located within historic districts, in addition to the standard application documentation, a statement from the secretary of the interior or appropriate local official, as specified in local administrative rules or by the local government, indicating the property is a certified historic structure is required.

3. **Property Review Criteria:**

In its review the commission shall determine if the properties meet all the following criteria:

- a. The property is historic property;
- b. The property is included within a class of historic property determined eligible for Special Valuation by the _____ [LOCAL GOVERNMENT] under Section ___ of this ordinance;

- c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) (and identified in Section ___ of this ordinance) within twenty-four months prior to the date of application; and d. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 254-20-100(1) and listed in Section ___ of this ordinance).

4. **Rehabilitation and Maintenance Criteria:**

The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100 shall be used by the commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

D. Agreement:

The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).

E. Appeals:

Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to Superior Court under Chapter 34.05.510 -34.05.598 RCW in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization.