

**BYLAWS AND RULES OF PROCEDURE
OF THE
SPOKANE CITY/COUNTY HISTORIC LANDMARKS COMMISSION**

Revised October 2018

ARTICLE I – NAME

The name of this organization shall be the Spokane City/County Historic Landmarks Commission, hereinafter termed the “Commission” or “SHLC.”

ARTICLE II – PURPOSE

The Commission serves as the official historic preservation advisory body to the City of Spokane and Spokane County. Its purpose is to identify, recognize, preserve, protect, enhance and educate the public about those buildings, districts, landscapes, objects, sites and structures which serve as visible reminders of the historical, pre-historical, architectural, archaeological, educational, and cultural heritage of the City and County. The intent of this ordinance is to keep qualifying historic buildings in use through their listing on the Spokane Register of Historic Places, incentivize rehabilitation, review changes to historic properties, and promote preservation in all neighborhoods, in balance with property rights protections under Washington state law. The Commission is responsible for the stewardship of historic and architecturally significant properties in the City, unincorporated areas of the County, and, upon request, incorporated towns, in order to affect the recognition and preservation of such properties (Spokane Municipal Code 04.35.010 and 17D.100/Spokane County Code 1.48.010).

ARTICLE III – AUTHORITY

The Commission shall be governed by the terms of the Spokane Municipal Code 04.35 and Spokane County Code Chapter 1.48, as they may be amended or revised. The Commission uses Robert’s Rules of Order as the established rules for the conduct of its meetings and the transaction of its business.

ARTICLE IV – MEMBERSHIP

The Commission shall consist of eleven (11) residents of the City of Spokane or Spokane County who have demonstrated experience and/or interest in historic preservation.

Section 1. Appointments

The Spokane City Council, hereinafter termed “City Council” shall appoint nine (9) of the eleven Commission members:

1. Two (2) architects who are registered in the State of Washington, one of whom may be a registered landscape architect;
2. A state-certified real estate appraiser;
3. Two (2) historians with appropriate degrees or equivalent experience;
4. A professional archaeologist or anthropologist with appropriate degrees;
5. An experienced preservation construction specialist; and
6. Two (2) City residents at large.

The Spokane County Board of County Commissioners, hereinafter termed “Board of County Commissioners,” shall appoint two (2) of the eleven Commission members:

1. Two (2) County residents at large.

A “Youth Liaison” may also be appointed by the current SHLC Commissioners to act as liaison to a younger audience and report on issues pertaining to youth in Spokane. The Youth Commissioner position is a non-voting position that will provide a platform for younger voices in local government. Responsibilities of the position will fall on the individual filling the position. The Youth Commissioner must:

1. Live in the City or County of Spokane;
2. Be a Junior or Senior in high school; and
3. Have a demonstrated interest in historic preservation, architecture, history or related field.

Section 2. Terms of Appointment

The length of term of the appointment is three (3) years. No member will be deemed to have served one term if he/she resigns or is removed after appointment or if he/she serves an un-expired term of less than two years. All members hold their offices at the pleasure of the appointing authorities. No member may serve more than two consecutive terms of three years, unless the council and/or board shall so designate. In the event of a vacancy, the City Council or Board of County Commissioners shall be asked by the Commission to fill the unexpired term.

Mayoral recommendations must be approved by City Council for all professional and City at large positions. County at large positions are approved by the Board of County Commissioners.

Section 3. Attendance

Faithful and prompt attendance at all meetings of the Commission and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on the Commission. Each member is expected to attend all meetings scheduled by the Commission. In the event attendance is not possible, the Commission member shall inform the secretary prior to the meeting to advise the Commission of the absence.

Absence from a total of four regular meetings in any one calendar year shall be grounds for the Commission recommending dismissal to the Board of County Commissioners and/or the City Council. The Commission may recommend to the Board of County Commissioners or the City Council dismissal or removal for inefficiency, neglect of duty or malfeasance of any member.

Section 4. Committee Responsibilities and Site Visits

Commissioners are required to serve on at least one committee: Nominations to Historic Registers, Design Review and Special Valuation with the possibility of other committee assignments such as noted in ARTICLE VIII – COMMITTEES, Section 4. Each committee shall have no fewer than three (3) members plus two (2) alternates to insure at least two (2) committee members attend site visits. The Commission may conduct site visits in order to make more fully informed recommendations. The Commission does not discuss the merits of public hearing items with citizens during site visits. No Commission action is taken on any item that requires public hearing or testimony during site visits. Committee members are required to attend site visits as part of their responsibility.

Section 5. Quorum

A quorum is a simple majority of the eleven members eligible to vote. Should there be less than eleven members on the Commission at any given time or less than eleven members eligible to vote, a quorum of six (6) shall still be required. A quorum is necessary to transact any official business. Any action of the Commission requires a majority vote. The Commission uses Robert's Rules of Order as the established rules for the conduct of its meetings and the transaction of business.

ARTICLE V – OFFICERS

The Officers of the Commission shall include an elected Chair and two Vice-Chairs from its membership.

Section 1. Chair

The Commission shall elect a Chair from its membership to serve for one year, with annual elections at the January SHLC meeting. It is the duty of the Chair to communicate to the Board of County Commissioners and the City Council such matters as may be directed by the Commission, and to perform other duties as may be requested by the Commission. Vacancy of the Chair shall be filled by a Vice-Chair.

Section 2. Vice-Chair

The Commission shall elect two Vice-Chairs from its membership to serve for one year, with annual elections at the January SHLC meeting. The Vice-Chairs of the Commission shall perform all duties of the Chair during the absence of the Chair. Vacancy of the Vice-Chair shall be filled by a nomination and election at the next regular meeting following the meeting at which the vacancy has been announced.

Section 3. Election of Officers

The nomination and election of the Chair and Vice-Chairs shall occur during the regular January meeting of the Commission. A slate of officers prepared by the Officer Slate Preparation Committee shall be presented. There may be additional nominations from the floor. Election shall be by a majority of those present and voting, provided there is a quorum. The term of these officers shall follow the January SHLC elections.

ARTICLE VI - STAFF

Section 1. Historic Preservation Officer

The Spokane City/County Historic Preservation Officer (HPO) conducts the work program of the City/County Historic Preservation Office and serves as the primary staff person for the Spokane City/County Landmarks Commission, and shall provide such technical, administrative, and clerical assistance as required by the Commission including record keeping, application processing, notification, certification and general coordination of SHLC paperwork.

Section 2. Secretary

The Spokane City/County Historic Preservation Office staff shall act as Secretary of the Commission. The Secretary shall:

1. Assist the Commission in preparing necessary correspondence and documents related to their official duties and functions;
2. Ensure that when the Spokane/City County Historic Preservation Office and the Spokane Historic Landmarks Commission share responsibility for a project(s) that both entities will be appropriately acknowledged in marketing, press releases, promotion, and publications for their efforts;
3. Maintain a file of all studies, plans, reports, recommendations and resolutions made by the Commission in the exercise of its duties;
4. Keep an attendance record of the members of the Commission for all regular and special meetings;
3. Contact and advise the members in advance of all regular and special meetings; and
4. Fulfill all requirements for public disclosure of meetings, according to the Revised Code of Washington and the Washington Administrative Code.

ARTICLE VII – POWERS AND DUTIES

The Commission sets historic preservation policies for the City and County of Spokane. The major responsibilities of the Commission are to:

1. Identify and actively encourage the conservation of City and County historic resources;
2. Review nominations to the Spokane Register of Historic Places;
3. Review proposals to construct, change, alter, modify, remodel, move, demolish or significantly affect properties or districts on the Spokane register and overlay zones in accordance with the Secretary of the Interior's Standards and issue Certificates of Appropriateness;
4. Review applications for Special Valuation;
5. Recommend the designation of historic landmarks and districts;
6. Raise community awareness of historic resources;
7. Advise the City Council and Board of County Commissioners on matters of history, historic planning and preservation;
8. Each member will serve on at least one committee, attend committee site visits and prepare site visit reports and motions as needed. Lack of participation is grounds for dismissal. Nominating Committee members are required to read local and national historic register nominations. The Historians are required to review and comment on the nominations; and

9. Each member will be prepared to discuss all agenda items at SHLC meetings by reading and evaluating all relevant documents.

The duties of the Commission include, but are not limited to the following:

Section 1. Registers of Historic Places

The Commission shall:

1. Submit nominations to the State and National Registers of Historic Places after Certified Local Government review;
2. Review nominations to the Spokane Register, according to the criteria established in SMC Chapter 04.35 and 17D.100, and Spokane County Code Chapter 1.48;
3. Initiate and maintain the Spokane Register of Historic Places and encourage efforts by owners to maintain, rehabilitate and preserve properties; and
4. Enter into Management Agreements between property owners and the appropriate governing body and/or regulate properties through Design Review within an historic district overlay zone.

Section 2. Design Review

The Commission shall:

1. Review proposals to construct, change, alter, modify, remodel, move, demolish or significantly affect properties or districts which are listed on the Spokane Register or in a Spokane Register Historic District;
2. Review all applications for alterations to buildings on which the City or County owns a façade easement, and make recommendations to the appropriate building officials concerning the approval or denial of a permit; and
3. Review all proposals to alter properties within the boundaries of a Spokane Register Historic District. Non-contributing properties may be reviewed administratively per 17D.100.100C, however significant changes to non-contributing properties may require full Commission review based on consultation between the HPO and the Design Review Committee (17D.100.200A6 – Certificates of Appropriateness – When Required).

Section 3. Special Valuation

The Commission shall:

1. Serve as the local review board for special valuation of historic property within Spokane City and County;
2. Make determinations concerning the eligibility of historic properties for special valuation;
3. Verify that the improvements are consistent with the requirements established by the Secretary of the Interior's Standards, IRS and Washington State;
4. Enter into agreements with property owners for the duration of the special valuation period;
5. Approve or deny applications for special valuation; and
6. Adopt administrative rules and comply with all other local review board responsibilities.

Section 4. Preservation Planning

The Commission shall:

1. Conduct and maintain a comprehensive inventory of historic resources within the boundaries of Spokane County and publicize and periodically update inventory results;
2. Participate in City and County historic preservation planning, upon the direction of the City planning commission and County Commissioners; and
3. Review and comment to the City Council or Board of County Commissioners on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of City or County government, other neighboring communities, the state or federal governments, as they relate to historic resources in Spokane and Spokane County.

Section 5. Public Education

The Commission shall:

1. Participate in, promote and conduct public informational, educational and interpretive programs pertaining to historic resources;
2. 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 Spokane County area;
3. Be informed about and provide information to the public and City and County departments on the use of various federal, state, local and private funding sources available to promote historic resource preservation and other incentives for preservation of historic resources, including legislation, regulations and codes which encourage the use and adaptive re-use of historic properties;
4. Officially recognize excellence in the rehabilitation of historic buildings, landscapes, objects, sites and structures, and new construction in historic areas and encourage appropriate measures for such recognition;
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;
7. Advise the City Council or Board of County Commissioners generally on matters of Spokane County history and historic preservation;
8. Provide by the way of social media, pamphlets, newsletters, workshops and similar activities, information to the public on methods of maintaining and rehabilitating historic properties; and
9. Promote the programs of the Commission and encourage public awareness of its function.

Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances, and rules of procedure relating to the Commission as time and circumstances permit. Members shall familiarize themselves with agenda items prior to the Commission's deliberations on such items.

ARTICLE VIII – COMMITTEES

Section 1. Nominations to Historic Registers Committee

The Nominations to Historic Registers Committee shall consist of no fewer than three (3) members of the Commission as appointed by the Chair, and may include the Chair. The two Historian positions on the SHLC shall serve on the Nominations Committee. It shall be the duty of this Committee to:

1. Review applications for nominations to the National and Spokane Registers of Historic Places, based on criteria outlined in SMC Section 17D.100.020, SCC 1.48.110 and National Register Bulletin #15, “How to Apply the National Register Criteria for Evaluation;”
2. Review nominations for Spokane Register Historic Districts, based on criteria outlined in SMC Section 17D.100.040.
3. Review determinations of eligibility when requested by property owner or other interested party.
4. Visit the property to review proposed nomination. Other members of the Commission may also attend site visits as long as a quorum is not present; and
5. Designate a Commission member to give a report at the Commission meeting, and to give the recommendation of the committee as to action by the Commission.

Section 2. Design Review Committee

This Committee shall be responsible for review of applications to construct, change, alter, modify, remodel, move, or significantly affect properties or districts on the Spokane Register and as provided in SMC 17D.100.200 and SCC 1.48.260. The Committee shall review design standards for local Historic Districts based on the procedures outlined in SMC Section 17D.100.030 (C). The Committee also reviews applications for alterations to buildings on which the City or County owns a façade easement and makes recommendations to the appropriate building officials.

The Design Review Committee shall consist of no fewer than three (3) members of the Commission as appointed by the Chair, and may include the Chair. It shall be the duty of this Committee to:

1. Review applications for design review, based on the Secretary of the Interior’s Standards for Rehabilitation or standards approved for historic districts;
2. Visit the property to review proposed design change; other members of the Commission may also attend site visits; and
3. Designate a Commission member to give a report at the Commission meeting, and to give the recommendation of the committee as to action by the Commission.

Section 3. Special Valuation Committee

The Commission serves as the local review board for Special Valuation of historic property in Spokane County (Resolution 85-66, November 4, 1985). It will make determinations concerning the eligibility of historic properties for special valuation; verify that the improvements are consistent with the Washington State Advisory Council’s Standards for Rehabilitation and Maintenance; enter into agreements with property owners for the duration of the special valuation

period; approve or deny applications for special valuation; and adopt administrative rules and comply with all other local review board responsibilities.

The Special Valuation Committee shall consist of no fewer than three (3) members of the Commission as appointed by the Chair, and may include the Chair. It shall be the duty of this Committee to:

1. Review applications for Special Valuation, based on criteria outlined in SMC 04.35.080 and 17D.100.310, and SCC 1.48.100;
2. Visit the property to review completed work as described in application. Other members of the Commission may also attend site visits; and
3. Designate a Commission member to give a report at the Commission meeting, and to give the recommendation of the committee as to action by the Commission.

Section 4. Other Committees

The Chair may appoint and establish as many committees as deemed necessary in order to carry out the functions of the Commission. Membership of a committee shall consist of that number of members as the Chair deems appropriate. Other Committees include but are not limited to:

1. Officer Slate Preparation Committee

The Officer Slate Preparation Committee shall meet once a year or as needed and consist of three (3) members: the Chair and two (2) Commissioners as appointed by the chair. It shall be the duty of this Committee to:

- a. Prepare an annual slate of Committee members for consideration of the Officer positions;
- b. Present a nomination in the event of any resignations; and
- c. Report its findings to the Commission for recommendation.

2. Demolition Review Committee

This Committee shall be responsible for review of applications to demolish Spokane Register properties; properties located within a National Register Historic District; properties located in the downtown overlay zone (Map 17D.100.230-M1, Downtown Boundary Area) or properties located in Spokane Register historic districts as provided in SMC 17D.100.200, 17D.100.230 and SCC 1.48.260. The Committee shall provide guidance to the rest of the Commission on eligibility of properties located within the Downtown Boundary Area not covered by a National Register Historic District as well as properties within National Register Historic Districts whose status may have changed from the time the nomination was approved. The Committee shall review applications for Certificates of Appropriateness for demolitions as required by SMC 17D.100.220.

- a. Review applications for demolition and eligibility status, based on the specific criteria described in the SMC 17D.100.220 and 230;
- b. Visit the property to review proposed demolition and eligibility status; other members of the Commission may also attend site visits; and
- c. Designate a Commission member to give a report at the Commission meeting, and to give the recommendation of the committee as to action by the Commission.

3. New Commissioner Appointment Committee

The New Commissioner Appointment Committee shall consist of three (3) members: Chair and two (2) members of the Commission as appointed by the Chair. The City and County shall be notified of vacancies; qualified applicants will be interviewed and

recommendations made to the appropriate governing body. It shall be the duty of this Committee to:

- a. Identify and solicit qualified candidates for new appointments to the Commission; and
- b. Report its findings to the Chair for recommendation to the City Council and Board of County Commissioners.

ARTICLE IX - MEETINGS

Section 1. Regular Meetings

Regular meetings of the Commission shall be held on the third Wednesday of each month. All meetings are open to the public. Regular meetings shall consist of a public hearing and business meeting. Public Hearing portion of the regular meeting consists of scheduled applications for nominations to the Spokane and National Register of Historic Places, Design Review applications, and Special Valuation applications. The Public Hearing portion of the meeting is followed by the Business Meeting, at which business of the Commission is conducted, including approval of minutes of past meetings, old and new business, Chairman's report, and Staff report.

Procedures for conducting regular meetings:

1. Public Hearing
 - a. Call to Order: Chair calls the meeting to order, noting the date and time
 - b. Attendance: Chair asks for a roll call
 - c. Public procedure
 - d. Changes to agenda
 - e. Regular order of business – procedures for nominations, design review and special valuation review shall be as follows:
 - i. Staff Report: Findings of Fact
 - ii. Applicant introduction
 - iii. Committee Report
 - iv. Committee comments
 - v. Commission discussion
 - vi. Comments by applicant
 - vii. Comments by public
 - viii. Motion for action
 - ix. Comments on Motion
 - x. Vote
 - xi. Congratulatory and appreciative comments
2. Commission Meeting
 - a. Adoption of minutes
 - b. Old business
 - c. New business
 - d. Chairman's Report
 - e. Staff Report
 - f. Other business
 - g. Adjournment

Section 2. Special Meetings

Special meetings may be called at any time by the Chair of the Commission or a majority of the Commission members. Notice of the time and place of special meetings shall be given to the secretary in sufficient time to meet public meeting disclosure requirements. Workshops or other educational sessions are considered special meetings.

Procedures for conducting special meetings:

1. Public Hearing
 - a. Call to Order: Chair calls the meeting to order, noting the date and time
 - b. Attendance: Chair asks for a roll call
 - c. Public procedure
 - d. Changes to agenda
 - e. Regular order of business – procedures for nominations, design review and special valuation review shall be as follows:
 - i. Staff Report: Findings of Fact
 - ii. Applicant introduction
 - iii. Committee Report
 - iv. Committee comments
 - v. Commission discussion
 - vi. Comments by applicant
 - vii. Comments by public
 - viii. Motion for action
 - ix. Comments on Motion
 - x. Vote
 - xi. Congratulatory and appreciative comments
 - f. Adjournment

Section 3. Public Disclosure

All regular and special Commission meetings shall be open to the public. Notices of all regular and special meetings shall comply with applicable Washington State Laws, including but not necessarily limited to RCW Chapter 42.30.

Section 4. Ex-parte

No one Commissioner can, in the absence of and without representation or notification of other parties, have improper contact with interested parties at SHLC meetings, Site Visits or outside of public meetings.

Section 5. Action

The SHLC shall act on each application at the meeting unless a majority of the Commission decides to defer consideration to a later date. Requests for continuance may be granted if all parties agree. The Chair will publicly announce the continuance, and the application automatically set on the agenda for the next regularly scheduled meeting. In such a case, no further notice is required for the principles in the application.

Section 6. Disruption

In the event of the uncontrollable disruption of the meeting, the SHLC may clear the meeting room and continue in executive session or may adjourn and reconvene at another location selected by majority vote of the members. In such a case, business shall be restricted to those items on the printed agenda. Persons or news media representatives not participating in the disturbance may be readmitted in this situation.

Section 7. Conflicts of Interest

Commission members shall avoid any conflict of interest and even the appearance of such a conflict. Any Commission member who has such an interest in any official act or action before the Commission or Commission Committee, shall publicly disclose on the record for the Commission such interest, and shall withdraw from any official consideration of the matter if excused by the body.

Nothing in this section shall prevent the Commission from voting to excuse or prevent a Commission member from taking part in an official capacity as a Commission member in any hearing, consideration, determination or vote where the Commission believes that there is an appearance of conflict of interest. These conflict of interest provisions shall not be construed to prevent Commission members from addressing the Commission on such matters once they have been properly excused from taking part in an official capacity as a Commission member in any business before the Commission.

A member shall withdraw from all participation, including all formal and informal discussion and voting, in any issues upon declaration of a conflict of interest or upon the assertion that there is a reasonable public presumption that a conflict or a special privilege may be obtained when:

1. The Commission member or a close relative (spouse, sibling, child or parent) is the applicant before the Commission; owns property within 100 feet of the matter of business or subject property before the Commission; or is a party to or has a financial interest in the matter of business or subject property before the Commission;
2. A property or matter of business before the Commission in which a business associate or employer of the Commission member is the applicant before the Commission; owns property within 100 feet of the matter of business or subject property before the Commission; or is a party to or has a financial interest in the matter of business or subject property before the Commission; and
3. Any Commission member who has a professional relationship, with regard to past employers or as a director or policy maker for any organization, association, or non-profit corporation that has a matter of business or property before the Commission, shall publicly disclose on the record of the Commission as early as possible the Commission member's relationship with the past employer or organization, and may elect to withdraw from any official consideration of the matter if excused by the body.

Section 8. Cancellation of Meetings

Whenever there is no business for the Commission the Chair may dispense with a regular meeting by giving notice to all members not less than twenty-four hours prior to the time set for the meeting. In the event of severely inclement weather, or for good cause, the Chair may dispense with a

regular meeting by giving reasonable notice to all members prior to the time set for the meeting. In the event of cancellation, the secretary shall inform the City Council and Board of County Commissioners.

Section 9. Conduct of Members at Public Hearings

As public servants, Commissioners and staff are expected to conduct themselves in accordance with the law. These standards set forth both a baseline for such legal conduct as well as aspirational goals for ethical behavior that may require a conscientious effort to attain. Commissioners and staff should thoroughly understand the legal framework of historic preservation and consistently operate within the bounds of their authority and responsibility under the law. Commissioners and staff should treat all citizens fairly, impartially and with respect, and refrain from discrimination or harassment of any kind.

ARTICLE X – RULES AND PROCEDURES OF PROPERTY DESIGNATION REVIEW

Under the provisions of the Spokane Municipal Code 17D.100 and Spokane County Code Chapter 1.48, the Spokane Historic Landmarks Commission is directed to initiate and maintain a Spokane Register of Historic Places (SRHP or Local Register) and to review nominations to the Local Register.

Any building, structure, site, or object may be placed on the Local Register if:

1. SHLC determines it meets SRHP criteria; and
2. Spokane City Council or Board of County Commissioners approves it.

A property owner(s) or a designated agent of the property owner(s) may nominate a building, structure, site, or object for inclusion on the Local Register. There shall be a minimum of one (1) public hearing as well as a posting of the hearing. Owner consent for individual properties is required for placement on the SRHP.

In the case of historic districts, a nomination denoting all structures within the boundaries as contributing/non-contributing shall be submitted to the HPO along with design standards specific to the district. When the nomination and design standards are deemed complete, a public hearing shall be scheduled for the Commission to vote on a preliminary approval of the documents. The HPO will then publicize the nomination and design standards to the proposed district property owners for review and a vote. If the required simple majority of property owners gives consent through the return of a ballot; the HPO schedules a public hearing before the SHLC to recommend final approval of an historic district overlay zone for consideration by the City Council per SMC 17D.100.110.

Section 1. Spokane Register of Historic Places Criteria

The following are categories for the inclusion of properties on the Local Register as stated in the Secretary of the Interior's Standards and pertaining to the Spokane Municipal Code 17D.100.020.

Generally a building, structure, object, or site which is more than fifty years old may be placed on the SRHP if it has significant character, interest, or value as a part of the development, heritage or cultural characteristics of the city, county, state or nation. The property must also possess integrity

of location, design, materials, workmanship, setting, feeling and association and must fall into one or more of the following categories:

- A. It is associated with events that have made a significant contribution to the broad patterns of the history of the city, county, state or nation; or
- B. It is associated with the lives of persons significant in the history of the city, county, state or nation; or
- C. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction; or
- D. It has yielded, or is likely to yield, information important in prehistory or history.
- E. A property that represents the culture and heritage of the City of Spokane in ways not adequately addressed in the other criteria, as in its visual prominence, reference to intangible heritage, or any range of cultural practices.

Rather than using the National Register Criteria Considerations, the evaluation of nominations of properties to the SRHP shall take into account how residents of Spokane County and City have responded to broad patterns of history and wide-spread cultural and social influences in specific ways. For instance, Expo 1974 was Spokane's specific response to the use of urban renewal and shaping and hosting a large-scale event that fostered the consideration of our relationship with the environment.

If we consider *outstanding* significance through the lens of our community's responses and programs to shape the built environment, from the project to build one structure to broader initiatives we will recognize places that contribute in an important way to the sense of place in Spokane City and County. Thinking of sense of place as being formed by settings (buildings or larger areas), activity and meaning is a framework that can be used to evaluate resources, such as well-known meeting places like the Clock Tower, and our Milk Bottle and Dutch Windmill commercial buildings. We can use this analytic framework to consider:

- Properties related to our native sons and daughters or Spokanites who become known for their work or influence in broader spheres
- Important projects that have happened in the past and that we have had time to consider over time, even if 50 years have not passed
- Common building types that have meaning in people's lives: schools, libraries, churches, local commercial chains, etc. that also provide a sense of place
- Memorials and monuments
- Public art
- "That's a landmark" visually important places
- Resources proposed for designation under Category E.

Section 2. Application Standards for the Spokane Register of Historic Places

An acceptable Spokane Register of Historic Places application is a nomination form completed and submitted, according to uniform guidelines provided by the Historic Preservation Office for the City/County of Spokane.

Uncompleted forms and those with insufficient or plagiarized documentation will not be considered and will be returned to the applicant with recommendations.

Section 3. Procedures for Nomination Review Meetings

1. Pre-meeting
 - a. Applicant/Designated Agent
 - i. Submits the completed application to Staff at least one (1) month before the regularly scheduled meeting at which the application is to be considered.
 - b. Staff and Commission
 - i. Reviews the application for completeness and includes the nomination on the agenda based on determination that the application is complete.
 - ii. Nomination Committee attends site-visit.
 - iii. Determines if the property meets the criteria.
 - iv. Prepares the Management Agreement and other documents for listing
2. Meeting
 - a. Nomination review will occur at regularly scheduled meetings as detailed in the rules for conducting SHLC meetings.
 - b. Commission members apply designation categories, as outlined in SMC 17D.100.020 and SCC 1.48.110, to the property or district to evaluate the nomination.
 - i. Determines eligibility for listing on the SRHP.
3. Post-meeting
 - a. Staff
 - i. Completes a Management Agreement
 - ii. Notifies the owner and applicant in writing of the SHLC's recommendation within one (1) week of the meeting
 - iii. Notifies the applicant of the appeals process
 - iv. Forwards the Commission's recommendation for individual properties to the City Council or Board of County Commissioners including the application and supporting documentation
 - b. Spokane City Council or Board of County Commissioners – Once the Management Agreement and Nomination is submitted, they can concur with or reject the Commission's recommendation, or send it back to the Commission for further study.

Section 4. Disagreements

If the SHLC and the owner cannot agree on management standards, no contract is entered into between the parties and the property is not placed on the SRHP.

Section 5. Appeals or Resubmission

The Commission's recommendation may be appealed to the hearing examiner only by an owner of record whose property was the subject of the preliminary designation, within ten (10) days of the execution of the findings of fact set forth in SMC 17D.100.050 and SCC 1.48.190. Such application for appeal shall be filed with the historic preservation office. An appeal must state the grounds upon which the appeal is based. The appeal is reviewed by the hearing examiner only on the record of the commission.

A negative recommendation or a non-acceptance of an application by the SHLC is not irrevocable. If new information becomes available or if the applicant wishes, the application may be resubmitted to the SHLC. In such a case, the entire procedure must begin anew.

If the applicant disagrees with the Commission's recommendation, the applicant may appeal the decision to the Hearings Examiner per SMC 17D.100.080A. In such a case, documentation shall be limited to that material presented during the SHLC public hearing and the minutes of that meeting, otherwise known as a "closed record."

Section 6. Negotiated Standards and Additional Information

The owner, the Commission or the Historic Preservation Officer may request a negotiation process leading to more specifically defined or different management standards for a specific piece of property. While the negotiation process is occurring, the requirements for a Certificate of Appropriateness continue to be in effect.

Once a property has been approved by the SHLC and City Council or the Board of County Commissioners for placement on the Spokane Register of Historic Places or has been designated as a contributing property within a Spokane Register Historic District, the Certificate of Appropriateness review process becomes effective and the property is eligible for Special Valuation. For non-contributing properties within the boundaries of a Spokane Register Historic District, most Certificates of Appropriateness applications may be approved administratively; however, the HPO may, in consultation with the Design Review Committee, recommend full SHLC review of an application.

Only in the event that a property is no longer deemed appropriate for designation to the Spokane Register of Historic Places, the SHLC may initiate removal by following the same procedure as provided for listing.

Section 7: Preliminary Eligibility Determination for Properties within a Spokane Register Historic District

A preliminary approval for a Spokane Register Historic District will take place at a public hearing of the SHLC prior to submittal of the nomination and design standards to the property owners of the proposed district. The purpose of the preliminary approval is to give the SHLC the opportunity to review and comment on the boundaries of the district, the contributing/non-contributing statuses as noted within the nomination; the period of significance of the district as determined by the nomination author; the criteria under which the district is being nominated; the design standards created; and any other recommendations the SHLC may have.

After the nomination and design standards receive a preliminary approval vote from the SHLC, the HPO will give sixty (60) day notice to the property owners of record within the proposed boundaries of the historic district for their review and consent. A petition or ballot will be created and mailed to each property owner within the boundaries of the historic district sixty (60) days prior to the final designation hearing by the SHLC. Petitions must be returned to the HPO office and the district will only move forward to the City Council for final approval if fifty percent (50%) plus one ballots are returned in favor of the creation of the historic district. The sixty (60) day notice period may be extended to allow for the return of additional ballots if the required amount is not returned within the initial balloting period. Every effort will be made by the Historic Preservation Office to confirm that the owner of record of properties within the district matches Spokane County Assessor records for each returned ballot.

If sufficient ballots are returned and a majority of property owners are in agreement with the creation of a Spokane Register Historic District, the SHLC will schedule a final approval and recommendation of the nomination and design standards to the City Council.

City Council will approve an historic district overlay zone that will be noted on the official zoning map of the City.

Section 8. Preliminary Eligibility Determination for Properties within the Downtown Boundary Area or in a National Register Historic District

A preliminary determination of eligibility will follow the same procedures and standards as listed above for determining whether or not a property meets the SRHP criteria. Any individual can request a preliminary determination of eligibility. If the property falls within the Downtown Boundary or National Register Historic District (NRHD), commission review is required. In an acknowledgement of the fact that most NRHD's in Spokane were listed many years ago, properties previously denoted as contributing to a National Register Historic District may be reviewed by the SHLC to determine if they still meet the qualifications set out in the NRHD nomination to be considered contributing at the present time.

Determinations of eligibility will be concluded by the SHLC within thirty (30) days of the request by the applicant. The applicant or their agent shall provide documentation to the SHLC stating how the building does or does not meet the criteria for listing two (2) weeks prior to the public hearing of the SHLC.

ARTICLE XI – RULES AND PROCEDURES OF DESIGN REVIEW AND ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS

Under the provisions of the Spokane Municipal Code 17D.100 and Spokane County Code Chapter 1.48, the Spokane Historic Landmarks Commission is directed to issue Certificates of Appropriateness, "COAs." Design Review is the process through which the SHLC reviews proposed changes to Spokane's listed historic resources. Once a property is listed on the SRHP either individually or as part of an historic district, any work done on the exterior of the property or additional resources included in the Management Agreement or covered by the historic district overlay zone will require a Certificate of Appropriateness. COAs are required for:

1. Relocation;
2. Change in use;
3. Any work that affects the exterior of a historic property;
4. New construction, alterations or additions, and
5. Demolitions (refer to SMC 17D.100.220-230 and SCC 1.48.270)

Section 1. Criteria for Design Review

The basis for all rehabilitation design review shall be the Secretary's Standards for Rehabilitation developed by the United States Department of the Interior:

- a) Every reasonable effort shall be made to provide compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- b) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided.
- c) All buildings, landscapes, objects sites and structures shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall not be undertaken.
- d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be retained and preserved.
- e) Distinctive stylistic features or examples of skilled craftsmanship shall be preserved.
- f) Deteriorated architectural features shall be repaired rather than replaced. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- i) 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.
- j) New additions or adjacent or related new construction 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.

Section 2. Application Standards

Documentation is required for alterations to or demolition of a property on the Spokane Register of Historic Places. Required documentation shall minimally include all the materials identified on the COA Application and shall illustrate:

1. Existing conditions;
2. Proposed alterations; and
3. Impact on adjacent historic properties.

Section 3. Design Review in Spokane Register Historic Districts

Contributing properties within SRHDs shall follow all of the required procedures for an individually listed property on the Spokane Register. In the case of non-contributing properties, design review shall generally be reviewed administratively for work that occurs on the street facing façade of the non-contributing building (for buildings on corners, both facades that face the street will be considered “street-facing” facades). In some cases, the HPO in conjunction with the Design Review Committee may require full SHLC review of substantial alterations of non-contributing buildings where the proposed changes will negatively impact the historic resources in the district.

The SHLC will also review all new construction within an SRHD, based upon the design standards approved with the historic district overlay zone.

Section 4. Historic District Standards and Exceptions

The intent and purpose of each local historic district designation is to serve as the main guidance for the evaluation of all applications. This is important to keep in mind as many applications meet the overall intent of the standards for rehabilitation that retain historic character of a building, but may not meet every individual standard, and therefore, are mostly, rather than completely, in compliance with the standards. As carefully as standards are drafted, they do not address every situation that will arise and are not always as clear as they might be. In addition, some properties with unusual conditions may have extenuating circumstances due to the configuration of the building, prior alterations, grade change, etc. that would make it incapable of meeting a standard. The Commission is charged with interpreting and applying the standards in a fair and consistent manner, but should use flexibility and defensible judgement when reviewing applications to arrive at solutions that are architecturally appropriate for each case based primarily on the architectural character of the building, rather than introducing intrusive elements. The Commission has the opportunity, and responsibility, to consider exceptions to the standards.

Any design review that requires an exception to the applicable standards will be considered by the entire Commission, unless Staff and/or the Design Review Committee determines that it is minor enough that its approval would not have a noticeable effect on the overall historic integrity of the property.

Exceptions and their Documentation

The Commission has long held to the position that approvals of proposals are building-specific only and that the Commission is not establishing precedent when it approves an alternative solution for meeting the intent of rehabilitation.

This point of view shall be maintained when exceptions to historic district standards are considered. For the record, the Commission will document the criteria and/or the rationale used as the basis for the approval of an exception. Exceptions that become common should initiate revising the Historic District Standards.

Items for which Exceptions shall be considered:

1. Use of an alternative material when its location is where one cannot determine the material due to its distance. Examples include materials used to replicate cornices, or components of a building that are out of the line of sight due to distance or an oblique angle.
2. Proposed work for which the standards are not clear, or are not specifically addressed. In this case, solutions based on the architectural vocabulary of the building in question or other appropriate examples in the district could become the basis for approval.
3. New types of proposed work, driven by energy conservation, water conservation, or other programs and factors that serve the public good, but must be integrated into the goals of the historic district standards.
4. Uncommon situations when guidance should be found within the building or similar buildings that possess better historic integrity.

Section 5. Procedures for COA Hearings

1. Pre-meeting
 - a. Applicant/Designated Agent
 - i. Submits the completed application to Staff for design review at least three (3) weeks before a regularly scheduled meeting.
 - b. Staff and/or Commission
 - i. Staff notifies the applicant of the Commission review requirements.
 - ii. Staff may meet with the applicant to transmit design guidelines and information on necessary documentation and completion of the application form.
 - iii. Staff reviews the application for completeness and includes the application on the agenda.
 - iv. Design Review Committee attends site visit.
 - v. Staff and Design Review Committee review the modifications and prepare a report for the Commission.
2. Meeting
 - a. Design Review will occur at regularly scheduled meetings as detailed in the rules for conducting SHLC meetings.
 - b. Commission members shall review the proposed work using information from the site visit and application materials, comparing this information with the design review criteria outlined in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings or in the case of historic districts, the standards approved with the nomination.
 - c. Design Reviews
 - i. If the alterations meet the Standards, a COA is issued.

- ii. If the alterations fail to meet the Standards, the COA is denied and the appeals procedure begins.
 - iii. If the alterations meet the Standards with modification, the COA is issued with conditions.
- 3. Post-meeting
 - a. Applicant/Designated Agent
 - i. If the owner agrees in writing to comply with the SHLC's recommendations and conditions, a Certificate of Appropriateness is issued.
 - ii. If the owner disagrees with the recommendation, the owner can reapply with modifications.
 - b. Staff and/or Chair
 - i. Notifies owner and applicant in writing of the SHLC's recommendation within one (1) week of the meeting.
 - ii. If recommendation is against issuing a COA, advise the applicant of the reasons for the denial and notify applicant of the appeals process.

Section 6. Exemptions

The following activities do not require a COA or review by the SHLC:

1. Ordinary repair and maintenance,
2. Emergency measures,
3. Work involving interior features of a property that the Commission has not designated as historic,
4. Work on non-contributing features: detached garages, landscapes and signage, etc.

ARTICLE XII – RULES AND PROCEDURES FOR DEMOLITIONS AND ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS

Section 1. Demolition within the National Register Historic District or in the Downtown Boundary Area

If a property is located in a National Register Historic District or in the Downtown Boundary Area (as shown on SMC Map 17D.100.230-M1) and is contributing or has been determined eligible for listing, the applicant must obtain a Certificate of Appropriateness for demolition. In order to receive a Certificate of Appropriateness for demolition for an eligible historic structure or contributing building to a NRHD, the applicant must:

1. Obtain a building permit for a replacement structure that meets the following:
 - a. has a floor area ratio of at least sixty percent (60%) of the landmark structure to be demolished;
 - b. have the new construction reviewed by the SHLC for its appropriateness to the surrounding neighborhood based on the Secretary of the Interior's Standards;
 - c. the replacement structure shall satisfy all applicable zoning and design guidelines;
 - d. in lieu of a building permit, the applicant may obtain a demolition permit if they have a valid and binding commitment for financing sufficient for the replacement of the structure that satisfies the director of building services in consultation with the HPO (SMC 17D.100.230A3);

2. Show economic hardship; or
3. Retaining the building threatens public health, safety and welfare according to orders of the building official or fire marshal.

Section 2. Demolitions of Spokane Register Historic Places (SRHP) Properties or Contributing Properties in a Spokane Register Historic District (SRHD)

A Certificate of Appropriateness (COA) is required for the demolition of a property listed on the SRHP or considered to be a “contributing” property within a SRHD. After the application for a COA for demolition is received, the HPO and applicant shall meet within forty-five (45) days to determine if there are feasible alternatives to demolition. An extension of an additional forty-five (45) days to explore alternatives to demolition may be mutually agreed upon.

If at the end of the forty-five (45) day period and any extensions, the applicant must apply for a COA for demolition. COA applications must be submitted three (3) weeks prior to the next SHLC meeting in order to be placed on the agenda. At the meeting, the SHLC may either issue or deny the COA by taking into account the following from the SMC 17D.100.220:

1. The historic importance of the property:
 - a. Importance can be found in any of the criteria used in the nomination of the property and additional ones that have since been recognized;
 - b. Importance should be determined using any or all of the categories of the SRHP criteria for eligibility; and
 - c. Importance considered in the review will be documented in writing and made available to the public.
2. The nature of the redevelopment which is planned for the property:
 - a. Redevelopment will be compatible with the existing area in scale, height, footprint, and materials.
 - b. The new structure will not be visually or experientially intrusive through color or other visual qualities, and will not introduce an excessively different form of built environment into a historic district
3. The condition of the existing structure:
 - a. Condition takes into consideration the physical soundness of the building, the presence of hazardous materials, and the potential for rehabilitation
 - b. The integrity is so lost that no evidence remains for its rehabilitation
 - c. The condition of the existing structure shall be assessed for soundness and the ability to be structurally stabilized during the rehabilitation period
 - d. Many buildings have materials that must be abated and their presence alone will not be a factor for approving demolition
 - e. The availability of replacement materials will not be a factor for approving demolition
4. The effect on the surrounding neighborhood of the planned replacement use:
 - a. This criteria also addresses the effect the removal of the property and new construction will have on the neighborhood

- b. Highly visible, iconic, well-known, “landmark-like” properties that are demolished introduce a sense of loss that cannot adequately be replaced by the new development and its use; and some historic buildings that do not have such qualities may be replaced with compatible new construction without the overall effect of loss
- 5. The overall effect of the proposed redevelopment on the neighborhood character and the elements of the neighborhood’s urban design:
 - a. Redevelopment and use should be a complimentary component of the historic district rather than a dominating new element
 - b. Vacating alleys or streets to accommodate a replacement development would significantly alter a neighborhood’s historic urban design, street grid, and sense of scale
- 6. Any proposed mitigation measures under which the owner would salvage significant architectural features of the structure after properly documenting the building before demolition.

In the case where the COA for the demolition permit is denied, no demolition permit may be issued. The applicant may appeal the decision to the Hearings Examiner within thirty (30) days.

In order to bring an application for demolition back to the SHLC after the denial of a COA, significant changes from the initial application must take place.

ARTICLE XIII – RULES AND PROCEDURES OF SPECIAL VALUATION REVIEW

In 1985, the Washington State Legislature passed a “special valuation” law which makes it possible for Certified Local Governments (CLGs), for a ten (10) year period, to insure that property taxes will not reflect substantial improvements made to certain classes of properties as identified by the CLG. The CLG may amend the criteria for eligibility, however, if made more restrictive these do not become effective for two (2) years following October 1 of the year they were enacted. This means that owners of certain types of historic properties have the potential to realize substantial tax savings.

Review and monitoring of properties for Special Property Tax Valuation is outlined in SMC 17D.100.310 and SCC 1.48.100 which meets the requirements set forth in Chapter 84.26.RCW. Only properties on the Spokane Register of Historic Places or certified as contributing to a Spokane Register Historic District are eligible for special valuation.

Section 1. Criteria for Special Valuation

The criteria to be followed in the Special Valuation process is the Secretary of the Interior’s Standards for Rehabilitation as established in the Federal Code Regulations (36 CFR 67).

Section 2. Application Standards

Documentation shall include, at a minimum, all identified materials illustrating: that the property is eligible for Special Valuation status; when the work occurred; whether special valuation financial requirements have been fulfilled; and whether the work complies with the Secretary of the Interior's Standards for Rehabilitation.

Complete applications shall consist of the following documentation:

1. A legal description of the property,
2. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation,
3. A narrative statement of the rehabilitation work,
4. Architectural plans or other legible drawings depicting the completed rehabilitation work, and
5. 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
6. For properties located within historic districts, in addition to the standard application documentation, a statement from the appropriate local official, as specified in local administrative rules or by the local government, indicating the property is a certified historic structure ("contributing to the district") is required.

Section 3. Procedures for Special Valuation Meetings

1. Pre-Meeting
 - a. Applicant/Designated Agent
 - i. Submit the application to the Spokane County Assessor's Office. The application must be submitted before October 1 for action before December 31 of that year. A twenty-four (24) month period is calculated based on the date application is submitted to the Assessor's Office.
 - ii. Maintain accurate records of project costs and dates.
 - b. County Assessor
 - i. Verifies the legal owner and legal description.
 - ii. Verifies and provides the assessed value of the property at the start of the twenty-four (24) month period.
 - iii. Transmits application to HPO for SHLC review within ten (10) days of receipt.
 - c. Staff:
 - i. Reviews application and prepares the Staff Report for the Commission.
 - d. Commission
 - i. Reviews application and the Staff Report.
 - ii. Special Valuation Committee attends site visit.
2. Meeting
 - a. Special Valuation review will occur at regularly scheduled meetings as detailed in the rules for conducting SHLC meetings.
 - b. SHLC determines if:
 - i. The property is on the SRHP or certified as contributing to a SRHD.

- ii. The work was done within the twenty-four (24) months prior to the application date.
- iii. The work complies with the Standards by not adversely affecting those elements that contribute to the property's significance.
- iv. The "qualified rehabilitation expenditures" constitute at least twenty-five percent (25%) of the assessed value of the improvements on the property prior to rehabilitation.

3. Post Meeting

a. Applicant/Designated Agent

- i. Maintain the property in good condition as long as the special valuation is in effect.
- ii. If the owner fails to comply with the terms of the agreement or the property loses historic value to such an extent that it is no longer deemed appropriate for inclusion to the SRHP by a majority of the SHLC members, the owner and assessor are notified of the disqualification. Violators will have to pay back the following:
 - 1. all back taxes that would otherwise have been owed,
 - 2. interest on back taxes,
 - 3. a penalty equal to twelve percent (12%) of back taxes, and
 - 4. interest may be due.

b. Staff

- i. Notifies owner and applicant in writing of the SHLC's recommendation within one (1) week of the meeting.
- ii. Notifies applicant of the appeals process if the application is denied.
- iii. If the Commission approves the application, Staff transmits a "Certification of Approval for Special Valuation on Historic Property" form to the County Assessor's office for recording.
- i. Monitors the property for continued compliance throughout the ten-year (10) special valuation period through design review of proposed changes to the property.

Section 4. Appeals or Resubmission

1. A denial of an application by the SHLC is not irrevocable. If new information becomes available or if the applicant wishes, the application may be resubmitted to the SHLC. In such a case, the entire procedure must begin anew.
2. 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.

ARTICLE XIV – AMENDMENTS

These Bylaws may be amended by a two-thirds vote of the members present and voting at any regular meeting of the Commission, provided that the total votes in favor of the amendment is a majority of the membership of the Commission, and provided that the text of the proposed amendment has been presented at the previous regular meeting and sent to the members at least two (2) weeks in advance of the regular meeting at which it is to be voted upon.

ARTICLE XV – SEVERABILITY

If any provision of these bylaws or its application by any person or circumstances is held invalid, the remainder of the bylaws or the application or provision to other persons or circumstances is not affected.

ADOPTED BY THE SPOKANE HISTORIC LANDMARKS COMMISSION ON THE 17TH OF OCTOBER 2018.

Chairperson

Co-Vice-Chairperson

Co-Vice-Chairperson