

**SPOKANE  
HISTORIC  
LANDMARKS  
COMMISSION**

**MEMBER NOTEBOOK  
2025**



[www.historicspokane.org](http://www.historicspokane.org)

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# **Section 1: Commission & Meeting Procedures**

- 1. Commission Members and Terms**
- 2. Meeting Procedures**
- 3. Templates for Site Visits and Motions**
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- 5. Working with Local Government**

# SPOKANE HISTORIC LANDMARKS COMMISSION 2025

Landmarks - Commission	MEMBER	ADDRESS	PHONE	COMMITTEE	TERM EXP.
	<b>Dawn Wynne</b> County at Large	306 W Graves Road Spokane, WA 99218	253-245-0298 (c) <a href="mailto:dawnwynne32@gmail.com">dawnwynne32@gmail.com</a>	Nominations Alt: Special Valuation	12/31/2025 (1 <sup>st</sup> term)
	<b>Elizabeth Wood</b> Historian	404 W Shannon Ave Spokane, WA 99205	509-953-3667 (c) <a href="mailto:elizabeth.geneva.wood@gmail.com">elizabeth.geneva.wood@gmail.com</a>	Nominations Alt:	12/31/2025 (1 <sup>st</sup> term)
	<b>Chris Noll</b> Anthropologist/ Archaeologist	5915 N Alberta Street Spokane, WA 99205	509-592-7576 (c) <a href="mailto:cnoll77@gmail.com">cnoll77@gmail.com</a>	Nominations Alt: Special Valuation	12/31/2025 (1 <sup>st</sup> term)
	<b>Donna Punihaole</b> City at Large	507 W 14 <sup>th</sup> Avenue Spokane, WA 99204	509-279-5650 (c) donnaPunihaole@yahoo.com	Special Valuation Alt: Nominations	12/31/2027 (1 <sup>st</sup> term)
	<b>Timothy Dickerson</b> Architect	1004 S Lincoln Street Apt 1 Spokane, WA 99204	509-869-9077 (c) <a href="mailto:tdickerson@rfmarch.com">tdickerson@rfmarch.com</a>	Design Review Alt: Nominations	12/31/2027 (1 <sup>st</sup> term)
	<b>Cole Taylor</b> Real Estate Appraiser	1709 S Upper Terrace Rd Spokane, WA 99203	509-998-5300 (c) <a href="mailto:cole.taylor74@gmail.com">cole.taylor74@gmail.com</a>	Special Valuation Alt: Nominations	12/31/2025 (2 <sup>nd</sup> term)
	<b>Nick Reynolds</b> City at Large	1220 W 11 <sup>th</sup> Avenue Spokane, WA 99204	509-863-7520 <a href="mailto:nreynol@hotmail.com">nreynol@hotmail.com</a>	Special Valuation Alt: Design Review	12/31/2025 (1 <sup>st</sup> term)
	<b>Jill-Lynn Nunemaker</b> County at Large	16724 N Golden Dr Colbert, WA 99005	951-285-1399 (c) <a href="mailto:jnunemaker@sclld.org">jnunemaker@sclld.org</a>	Nominations Alt: Design Review	12/31/2025 (2 <sup>nd</sup> term)
	<b>Kenneth (Mac) McCandless</b> Architect	243 W Waverly Place Spokane, WA 99205	509-325-0519 (h) 509-990-7640 (c) Macteri7685@gmail.com	Design Review Alt: Nominations	12/31/2025 (1 <sup>st</sup> term)
Staff	<b>Dana Bronson</b> Historian	2818 S Wall Street Spokane, WA 99203	509-951-6252 (c) <a href="mailto:dbronson@spokanelibrary.org">dbronson@spokanelibrary.org</a>	Nominations Alt: Special Valuation	12/31/2027 (1 <sup>st</sup> term)
	<b>J Thomas Sawyer</b> Preservation Contractor	13212 N Howard Lane Spokane, WA 99208	509-999-2473 (c) <a href="mailto:jthomassawyer@gmail.com">jthomassawyer@gmail.com</a>	Design Review Alt: Special Valuation	12/31/2025 (1 <sup>st</sup> term)
	<b>Megan Duvall</b> Historic Preservation Officer	808 W Spokane Falls Blvd Spokane, WA 99201	625-6543 (w) <a href="mailto:mduvall@spokanecity.org">mduvall@spokanecity.org</a>		
	<b>Logan Camporeale</b> Historic Preservation Specialist	808 W Spokane Falls Blvd Spokane, WA 99201	625-6634 (w) <a href="mailto:lcamporeale@spokanecity.org">lcamporeale@spokanecity.org</a>		

## Meeting Procedure Checklist for Landmarks Commission

**Call to Order:** Chair calls the meeting to order, noting the date and time.

**Attendance:** Chair asks for a Roll Call for attendance.

### **Public Hearing Begins:**

1. Are there any **changes** to the agenda?
2. Announce the first **agenda item**.
3. Ask for the **Staff Report: Findings of Fact**.
4. Ask the **Applicant(s)** to come forward, sign-in and sit at the table.
5. Ask for the **Committee Report**.
6. Would the **Applicant** like to identify him/herself and speak? Are there questions for the **Applicant**?
7. Ask the **Applicant(s)** to return to their seat in the audience.
8. **SHLC** discussion.
9. Would anyone from the **Public** wish to speak?
10. Do we have a **motion**? The person making the motion states exactly what is being proposed.
11. Do we have a **second** to the motion?
12. Is there a **discussion on the motion**?
13. Call for a **Vote**. Secretary calls the **roll call** vote.
14. Acknowledge the Applicant(s). Thank them and note they may stay if they wish.

**Subsequent public hearing items** proceed in the same manner until all are heard. This **concludes the Public Hearing** portion of the agenda.

### **Commission Meeting Begins:**

Are there **corrections to the Minutes**? Ask for a **motion to approve** the minutes.

Is there any **old business**?

Is there any **new business**?

**Chairman's Report**

**Staff Report**

Is there any **other business**?

**Motion to adjourn.** Do we have a **second** to the motion? The meeting adjourned at: **note the time**.

# Committee Site Visit Report and Motions

## Table of Contents:

- *Committee Site Visit Report*
- *Nomination to the Spokane Register of Historic Places Motion*
- *Nomination to the National Register of Historic Places Motion*
- *Certificate of Appropriateness Motion*
- *Demolition Permit (Historic District or Central Business District) Motion*
- *Special Valuation Motion*
- *Tabling a Motion*

## Committee Site Visit Report:

On \_\_\_\_\_, at \_\_\_\_\_,

visited the \_\_\_\_\_ at

\_\_\_\_\_. We verified the \_\_\_\_\_

and are/are not in agreement with the findings of fact.

## Nomination to the Spokane Register of Historic Places Motion:

I move, based on the Findings of Fact, the \_\_\_\_\_

at \_\_\_\_\_ is/is not eligible under category \_\_\_\_\_,

and recommend for approval by the City Council (or County Commissioners) to be placed on the Spokane Register of Historic Places.

## **Nomination to the National Register of Historic Places Motion:**

I move, based on the Findings of Fact, the \_\_\_\_\_  
at \_\_\_\_\_ meets criterion (single category)  
[criteria (multiple categories)] \_\_\_\_\_ , therefore, recommend/do not  
recommend for approval to be placed on the National Register of Historic Places.

## **Certificate of Appropriateness Motion:**

I move, based on the Findings of Fact, the Spokane Historic Register Management Agreement, and the Secretary of the Interior's Standards for Rehabilitation the application for a certificate of appropriateness to \_\_\_\_\_ at \_\_\_\_\_  
be approved/denied.

*For specific work requirements add:*

with the following modifications \_\_\_\_\_  
\_\_\_\_\_

## **Demolition Permit (Historic District or Central Business District)**

### **Motion:**

I move, based on the Findings of Fact and consideration of the nation register criteria 36 CFR 60 that the \_\_\_\_\_ at \_\_\_\_\_  
is/is not eligible for the National Register.



### **Special Valuation Motion:**

I move, based on the Findings of Fact, the Spokane Historic Register Management Agreement, and the Secretary of the Interior's Standards for Rehabilitation the application for Special Valuation of \_\_\_\_\_ at \_\_\_\_\_  
be approved/denied.

#### **Add for administrative review:**

; pending administrative review of the revised application and documentation.

#### **Add for stipulated item revisions:**

; pending revision of the application to [include or remove] the following: \_\_\_\_\_  
\_\_\_\_\_



### **Tabling a Motion:**

I move that we temporarily table this item until \_\_\_\_\_ and move on to the next item.





# Commission Procedures and Guidelines

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- 1.** Always have a printed agenda posted in a public place prior to beginning the commission meeting.
- 2.** Keep accurate minutes and records of all commission activities specifically outlining each case and the reasons an application was approved or denied.
- 3.** Commission members should never speak on behalf of the commission or advise applicants on the "likelihood of approval" of applications outside of the public hearing.
- 4.** Require an accurate representation of the applicant's request, sufficient enough to make an informed decision about the case.
- 5.** Always keep your elected officials and other boards and commissions informed of the role and responsibilities of the preservation commission.
- 6.** The commission chair should maintain order at all meetings and always allow relevant public comment.
- 7.** As a commission member, avoid any appearance of a conflict of interest due to personal, social, or financial gain in any case.
- 8.** All commission decisions for designations or certificates of appropriateness must be based only on the review criteria in the ordinance.
- 9.** All commission decisions must be based on a finding of fact that should be stated as a part of the motion to approve or deny the application.
- 10.** Refer to your local preservation ordinance often if you are a commission member. It should be the basis for all actions.

National Alliance of  
Preservation  
Commissions

P.O. Box 1605  
Athens, GA 30603

Phone:  
706.542.4731

## **Working with Local Government**

- 1.** Meet with your mayor and council at least once a year and update them on your activities, concerns, and problems.
- 2.** Request that a member of the council be appointed to serve as a liaison with the preservation commission.
- 3.** Get to know the other commissions and boards that serve the community as part of the local government, i.e. the planning commission, zoning appeals board, etc.
- 4.** Print an annual report of the activities of the commission emphasizing success stories and new programs.
- 5.** Learn how the commission can work with the housing administrator or Block Grant Administrator in your town to integrate preservation with projects serving low-income or elderly individuals.
- 6.** Meet with the fire inspector, listen to his concerns, and tell him about those of the commission regarding the protection of historic sites.
- 7.** Ensure that zoning ordinances, sign ordinances, etc. do not conflict with the design guidelines for landmarks and historic districts.
- 8.** Meet with the Director of Public Works and ensure that the commission reviews all public improvements in historic districts and that the designs are compatible.
- 9.** Meet with your city attorney before your commission runs into problems. Ask him/her to attend a meeting and critique it for proper procedural methods.

## **Integrating Preservation into the Planning Process**

- 1.** Coordinate the historic preservation review process with all other city or county agencies.
- 2.** Integrate the historic sites survey material into the local planning process.
- 3.** Review and coordinate land-use zoning in historic areas and for landmarks to avoid conflicts.
- 4.** Establish a procedure to ensure that all state and federal review requirements have been met prior to final review by the commission.
- 5.** Establish a phased-in procedure for reviewing large projects.
- 6.** Establish policies and a procedure for reviewing investment tax credit projects and coordinate it with the SHPO.
- 7.** Meet with owners of all properties and provide them with information and assistance regarding the preservation of structures before a crisis occurs.

## **Section 2 – Committee Resources**

- 1. New Commissioner Orientation and Committee Overview**
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- 6. Special Valuation/ SHLC Policy**

# **New Commissioner Orientation | Committee Overview**

## **Overview (and links to review):**

[City/County Historic Preservation Office Overview](#)

[Spokane Historic Landmarks Commission](#) – what are your roles and responsibilities ([SMC 4.35](#))

[Spokane Register of Historic Places](#)

[The National Register of Historic Places](#)

[The Secretary of the Interior's Standards](#)

## **Materials to Review**

[Briefing page](#) – where to go for all materials for the upcoming meeting as well as some other references.

Spokane Ordinance (SMC [17D.100](#))

- Local Historic Districts
- Demolition

Terms of a Management Agreement – what is it? ([SMC 17D.100.100](#))

[Secretary's Standards and Guidelines](#)

## **Questions:**

[What is a CLG?](#)

[What is our authority?](#)

## **Miscellaneous:**

[Open Meetings and Ethics](#) – training PowerPoint for all Commissioners

Motion “How to” – we have templates for all motions for the different types of items that we have hearings.

## **Work of the Nomination and Eligibility Committee**

- Review new nominations to registers
- Make recommendations on Determinations of Eligibility (per ordinance)
- Key Decision Points:
  - Is it an Appropriate Resource?
    - Age (generally 50 years)
    - Resource Category (Buildings Sites Districts Structures Objects)
  - Is there a defined Historic Context?
    - “The Story”
  - Eligibility Claimed under which Criterion?
    - A, B, C, D, and/or E
  - Does it Retain Integrity?
    - 5 aspects (Location, design, construction, workmanship and association)
- Key Tools:
  - Nomination form/ Staff Report & Recommendation
  - NPS Bulletin 15 (or other special bulletins)
  - Information from Site Visit

- Professional members are generally Historians, Architects, Anthropologists/Archaeologist

### **Work of the Design Review Committee:**

- **Enforce terms of the Management Agreement (all Management Agreements can be found on the Historic Preservation Office's website)**
- **Review Applications for Certificates of Appropriateness (COA)**  
After the Fact (not a common occurrence)
- **Key Decision Points:**  
Does the proposed work meet the Management Standards?  
What is proposed?  
What Standards apply (generally the Secretary's Standards)?  
Concept of "Managing Change"
- **Key Tools:**  
Staff Report & Recommendations  
Application for COA  
Information from Site Visit  
Secretary's Standards  
Specialist's Input  
Site Visit
- **Professional members are generally:** Preservation Construction Specialist, Architect

### **Work of the Special Valuation Committee:**

- **Review that work claimed was actually completed**
- **Review spreadsheet of costs submitted to the SHLC for Special Valuation**
- **Key Decision Points:**  
Was the claimed work completed?
- **Does the work meet the Secretary's Standards?**
- **Key Tools:**  
Staff Report and Recommendations  
Application materials from applicant  
Information from site visit
- **Professional members are generally:** Appraiser, Architect

## CONSIDERING CONFLICT OF INTEREST

*James K. Reap, Attorney at Law, Public Service Associate, College of Environment and Design, University of Georgia; and Melvin B. Hill, Jr. Robert G. Stephens, Jr. Senior Fellow in Law and Government, University of Georgia*

NAPC regularly receives inquiries about situations involving possible conflict of interest involving historic preservation commission members. Most questions concern the interpretation of the conflict of interest provisions of some local historic preservation ordinances and/or by-laws.<sup>1</sup> Attorneys James K. Reap and Melvin B. Hill have provided the following advice.

**The principal questions presented are:**

*Does ownership of property in a proposed or existing historic district by itself constitute a conflict of interest for a preservation commission member?*

*Does membership or involvement in an historic preservation organization or neighborhood association sponsoring a nomination or taking a position on a matter before the commission by itself constitute a conflict of interest for a preservation commission member?*

The generally accepted concept of a conflict of interest disqualifies an official from participating in discussion or voting on an issue in which the official, a family member, or entity connected with the official may receive a benefit or advantage that may not accrue to others similarly situated. A definition to that effect may be found in some local historic preservation ordinances and commission by-laws and local government codes. Financial or personal gain derived from the official action is generally the test.

**Historic District Designation and Financial Benefit**

First, let us consider the case of historic district designation. Whatever advantages or disadvantages accrue to properties in a designated historic district are shared by each and every property within that historic district. A commission member who owns a property in a proposed district has no advantage or expectation of benefit from a designation that is not shared by all property owners within that district. Such commission member owner derives no preference from the designation.

Many studies have shown that properties in designated local historic districts tend to become more attractive in the marketplace and over the years generally increase more in market value than properties located in a similarly situated district that has not been designated. After the designation of a historic district, it is the rising tide that frequently raises values of all properties indiscriminately. Yet, such general studies cannot constitute a reason to argue that a commission member who owns property in a proposed historic district has a conflict of interest in the designation process because of the mere possibility of future increase in value.

On the other hand, many consider the imposition of land use controls on private property as onerous, if not confiscatory. Considered from this point of view, a commission member who votes for designation of a district that includes his property may well be voting against his or her own best interests. *Such a vote would not be considered a financial benefit for the commissioner.*

It should also be noted that the only legal entity that can actually designate property as historic is the governing authority itself (i.e., the mayor and council or the county commission). Therefore, the vote of a preservation commission is not dispositive of the issue and the vote of a member who owns property in a proposed historic district itself will not directly affect the outcome.

**Review of Certificate of Appropriateness and Financial Benefit**

Second, let us consider whether a conflict exists when a commissioner owning property in an historic district votes on an application for a certificate of appropriateness.

If the application for a project comes from the commission member, a close relative or an entity in which the member has a property interest, there would be an obvious financial conflict of interest. Similarly, a conflict would exist when the applicant is a client of the commission member. A clear example would be where the commission member is the architect or builder for the applicant. However, this analysis shouldn't be taken too far. The key should be direct financial interest. The mere speculative possibility of benefit should not require recusal.<sup>2</sup>

In the situation where the commission member is merely a property owner within the district without any interest in the property subject to the application for a certificate of appropriateness, a similar analysis could be used as in the case of designation (above). A commission member who owns a property in a district has no advantage or expectation of benefit (or harm) from the issuance of a certificate of appropriateness not shared by all property owners within that district.

Some preservation ordinances do state as a matter of policy that a commission member who owns property within a certain distance of a property subject to an application for a certificate (e.g. 1,000 feet) may not participate or vote. Absent such a policy declaration by the local governing authority, there should not be a bar to participation without a demonstrated specific financial benefit or harm to the commissioner.

#### **Membership in an Historic Preservation Organization and Conflict of Interest**

Most ethicists would concede that conflicts of interest could go beyond financial issues alone. Many ethics codes also speak of "personal interests" as potentially disqualifying. One example of a disqualifying personal interest would be a personal animosity between a commission member and an applicant that would render the commissioner incapable of rendering an unbiased decision. Another example might be a situation where a certificate of appropriateness is requested for an addition to a neighboring house that would block the commissioner's view of the mountains.

What if a commissioner is a member of an historical society or historic preservation organization? Having personal values, philosophy, or beliefs about historic preservation should not be considered a disqualifying bias. Many states' historic preservation legislation call for the appointment of members who have knowledge and experience in the subject and live in the historic preservation jurisdiction. For example:

"A majority of the members of any such commission shall have demonstrated special interest, experience, or education in history or architecture; all members shall reside within the historic preservation jurisdiction of their respective municipality or county."<sup>3</sup>

In many cases, the law goes further by specifically authorizing the local governing body to consult with preservation organizations and historical societies in making appointments:

"In establishing such a commission and making appointments to it, a local governing body may seek the advice of any State or local historic agency, society, or organization."<sup>4</sup>

Logically, these organizations would make recommendation from among their membership, which would be reflective of their interest and expertise. The smaller the community, the more likely this is to be true. Many local ordinances go on to specify professions that should be represented on a commission like historian or architect. Professionals in these fields with interest and experience in preservation are likely to be members of local organizations. How should commission members use their expertise? Again, many states' historic preservation legislation identifies among the duties of preservation commission members such things as preparing an inventory of properties with a potential for designation, recommending properties to the local governing body for designation and reviewing applications for certificates of appropriateness.

Assuming the appropriateness of having commissioners with memberships or involvement in historic preservation organizations, what are their ethical responsibilities when that organization takes a position on a matter before the commission? If we apply the general principle that one should not be an advocate as well as a judge on any matter, we would have to look at the role of the commissioner in the nonprofit organization and the issue the organization is taking a position on. Generally ordinary members of nonprofit organizations have little role in the development of the organization's position on issues or in advocating actively for those positions. That role is usually relegated to the board of directors and officers.

An officer, board member, or other member who has been actively involved in preparing or advocating for a nomination or on a pending application for a certificate of appropriateness might be logically viewed as being unable to make an unbiased decision. A commissioner who is only a member of an organization and has taken no such development or advocacy role should be able to view the position of the nonprofit organization as just another piece of evidence to be weighed and balanced like any other.

Similarly, an architect who is a member of the local AIA chapter or a developer who is a member of the local homebuilders' association shouldn't be prevented for bringing their expertise to bear on the subject simply because their professional organization takes a position on a matter - unless they were involved in developing or advocating that position or were otherwise incapable of making an unbiased decision.

The possibility of conflict would be even more remote where a commission member has previous tangential dealings with the organization. A commissioner who is an attorney might, for example, have provided *pro bono* assistance to a preservation organization in drafting their bylaws or advising them on tax matters. That relationship could be considered *de minimis* and not rising to the level of a conflict where the organization takes a position on a matter before the commission.

The decision whether to recuse oneself in these situations is generally made by the member. However, many commissions provide that members disclose potential conflicts and seek guidance from the other members of the commission as to whether a conflict or appearance of conflict exists. Certainly this kind of disclosure is important so the public can see the member in question is not hiding a relationship that might influence his decision. If the commission decides that there is an appearance of a conflict, or if an individual member believes that his or her participation will be perceived as a conflict, then the individual commissioner should not participate in discussion or vote on the matter where the potential conflict exists.

Ultimately, the question is whether the public official by reason of a personal interest is placed in a situation of temptation to serve his own purposes to the prejudice of those for whom the laws authorize him to act. Put another way, *would an impartial concerned citizen, apprised of all the facts, feel there was the potential for non-objectivity on the part of the commissioner making the decision? If so, the commissioner should remove himself from the situation.*

1 There are provisions in some historic preservation ordinances and by-laws of historic preservation commissions that provides for the commission to discuss any alleged conflict of interest with the affected member and make a decision about it. Because this question could arise in a variety of jurisdictions, we thought we would clarify our understanding of the meaning of such provisions. Note that we say "understanding," rather than "opinion," because we are not the attorneys of record for any particular historic preservation commission.

2 The "Bag of Bagels Rule" provides an example of a benefit too remote to bar participation by a commission member. Suppose a commission member owns a bagel shop. A customer who buys a bag of bagels every weekend applies for a certificate of appropriateness. There is no direct connection between the business relationship and the matter before the commission. It is also highly unlikely the commissioner would allow this minor business relationship to affect the execution of his public responsibility. This situation could be described as *de minimis*, not rising to the level of a real conflict.

3 O.C.G.A. §44-10-24

4 Id.





NATIONAL ALLIANCE *of*  
PRESERVATION COMMISSIONS  
education + advocacy + training

## National Alliance of Preservation Commissions Code of Ethics for Commissioners and Staff

### Preamble

Preservation commissions have been established by local governments throughout the United States to promote the preservation and appropriate development of heritage resources in their communities. The National Alliance of Preservation Commissions (NAPC) is the only organization devoted solely to representing the nation's preservation commissions. Its mission is “to build strong local preservation programs through education, advocacy and training.” As part of that mission, the NAPC has developed this Code of Ethics to promote and maintain the highest standards of honesty, integrity and professionalism among the commissioners and staff who serve their communities through preservation commissions.

These principles are derived from general societal values and recognized principles of professional responsibility. As societal values compete, so may ethical principles. The need for full public disclosure may compete with the need to respect confidential information, for example. The ethical commissioner or staff member must carefully balance various public and private interests based on the facts and context of each situation guided by the commitment to serve the public interest.

Individual commissioners should be knowledgeable, accurate, honest and forthright in their dealings with other commissioners, local elected officials and staff, applicants and the general public. Although not elected by the public, preservation commissioners are accountable for their actions in the communities they serve.

This Code of Ethics comprises guidelines for ethical conduct organized under three main categories:

*Responsibility to the Community*  
*Responsibility to the Profession*  
*Standards of Professional Conduct*

Under each category are statements of principle to guide preservation commissioners and staff in choosing ethical courses of action for heritage preservation in their communities. The NAPC endorses this Code as the ethical benchmark to which all its members should aspire. In the absence of professional licensure for preservation commissioners and staff, the adherence to a code of ethics is a matter of personal responsibility. However, preservation commissions may wish to adopt these principles and standards as a guide. Although stated in the plural, each suggested rule also applies to an individual commissioner or staff member.

## **Responsibility to the Community**

*The most effective historic preservation takes place locally, and all preservation commissioners and staff should remember that it is their duty, as public servants, to advance the greater good of the community.*

1. Commissioners and Staff should be advocates for the community's heritage resources, striving to protect their integrity while recognizing the rights of citizens, individually and collectively, to their beneficial use and enjoyment.
2. Commissioners and Staff should promote public awareness, appreciation, access and support for the preservation of heritage resources.
3. Commissioners and Staff should develop standards and guidelines that are appropriate for the resources and protect the community's unique character, environment and quality of life.
4. Commissioners and Staff should respect the diversity of heritage resources that may hold different meanings for various groups and communities.
5. Commissioners and Staff should respect the public's right to know by providing full, clear and accurate information and observing both the letter and spirit of open meetings and open records laws.
6. Commissioners and Staff should provide opportunities for meaningful public participation in the work of the commission.
7. Commissioners and Staff should make timely, fair, informed and impartial decisions that guarantee citizens' rights to due process and equal protection under the law.
8. Commissioners and Staff should be sensitive to the interrelatedness of their decisions and the long-term implications for the resources and the community.
9. Commissioners and Staff should seek compromises or search for alternatives where necessary to achieve overall preservation goals and provide substantial justice for citizens.
10. Commissioners and Staff should recognize that the historic built environment changes over time and encourage new development that respects the historic character and fabric that preceded it.
11. Commissioners and Staff should continually evaluate and update their plans, ordinances, standards, guidelines and procedures to ensure they meet the community's current and future needs.
12. Commissioners and Staff should always strive to make decisions that are in the best interest of the community.

## **Responsibility to the Profession**

*Preservation commissioners and staff are drawn from many disciplines and backgrounds. The common thread that joins them is their interest and commitment to preserve heritage resources in their communities. A multi-disciplinary profession has developed over the years from the historic preservation movement, and commissioners and staff have an obligation to advance the best interests of this profession in the context of their commission work.*

1. Commissioners and Staff should be mindful that they are representatives of the greater local, state, and national preservation community and conduct themselves in a way that brings credit to their commission and the profession.
2. Commissioners and Staff should share their knowledge and experience and contribute to the

development of other colleagues, particularly newly appointed commissioners, students, and interns.

3. Commissioners and Staff should actively promote heritage preservation and strive to increase the involvement of underrepresented groups.
4. Commissioners and Staff should support through their memberships and other contributions organizations that promote heritage preservation.
5. Commissioners and Staff should work collaboratively with related professionals and professional organizations whose actions also affect heritage conservation including, but not limited to, planners, code officials, architects, landscape architects, archaeologists, attorneys, realtors, and developers.
6. Commissioners and Staff should treat fairly and comment responsibly on the professional views of colleagues and members of other professions.
7. Commissioners and Staff should render all practicable assistance to other colleagues and organizations in an emergency when heritage resources are at risk.
8. Commissioners and Staff should acquire a depth of knowledge that will enable them to explain to others the role of heritage preservation in a complex, modern world.
9. Commissioners and Staff should recognize that the field of heritage preservation is constantly evolving and actively pursue continuing educational opportunities in order to maintain, refine and enhance their capabilities as practitioners.

### **Standards of Professional Conduct**

*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.*

1. Commissioners and Staff should thoroughly understand the legal framework of heritage preservation and consistently operate within the bounds of their authority and responsibility under the law.
2. Commissioners and Staff should treat all citizens fairly, impartially and with respect, and refrain from discrimination or harassment of any kind.
3. Commissioners and Staff should not accept gifts or favors under any circumstances where it might appear that acceptance could influence their judgment.
4. Commissioners and Staff should disclose all personal or financial advantages that might accrue to them, their business interests or family members either directly or indirectly from a recommendation or decision.
5. Preservation Commissioners and Staff who have an actual or apparent conflict of interest in a matter coming before them should recuse themselves entirely from deliberations and decisions.
6. Commissioners and Staff are obligated to utilize their knowledge and experience to make decisions and therefore should abstain from participating and voting only in cases of a *bona fide* conflict of interest.
7. Commissioners and Staff should not disclose confidential information obtained in the course of their duties, except as required by the law, or use confidential information to further a personal interest.
8. Commissioners and Staff should not abuse their office by advancing an agenda that is not in

the best interest of the community or heritage preservation.

9. Commissioners and Staff should seek the advice of colleagues or other professionals on matters that fall outside their expert knowledge or competence.

10. Commissioners and staff should be consistent in their actions and recommendations, treating similarly situated properties similarly and providing clear explanations when different treatment is required.

11. Commissioners and Staff should reveal illegal conduct on the part of other commissioners, staff, officials, applicants or their representatives to an appropriate higher authority.

12. Commissioners and Staff should not participate in deliberations or decisions without adequate preparation and knowledge of the matter before them.

Commissioners and Staff should avoid dishonesty, never misrepresenting facts or distorting information to achieve a desired outcome.

13. Commissioners and Staff should recognize the uniqueness of heritage properties, applying preservation theories, methods, and standards appropriate to each particular case.

14. Commissioners and Staff should be sensitive to ethical issues and ensure they are raised, critically analyzed, and addressed by the commission and other appropriate authorities.

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*This Code of Ethics was developed by members of the NAPC through an interactive process beginning with a series of facilitated sessions held during the July 2006 NAPC FORUM in Baltimore, MD. The resulting set of principles was further developed and refined by members during the following three-month period leading up to the November 2006 annual meeting of NAPC in Pittsburgh, PA. The effort was supported by the Board of Directors and staff of NAPC and coordinated by Professor James K. Reap, an attorney and member of the Board, with the involvement of the Historic Preservation Advocacy and Professional Development class in the Master of Historic Preservation Program at the University of Georgia. The NAPC would like to acknowledge the organizations whose guidelines and materials were relied on in developing this code: the American Institute of Architects (AIA), American Planning Association (APA), American Institute of Certified Planners (AICP), American Institute for Conservation of Historic and Artistic Works (AIC), and International Council on Monuments and Sites (ICOMOS).*

# Reviewing a Nomination for Eligibility

For more information see Title 254 WAC. The SHLC reviews nominations for both the Spokane Register and the National Register. After review, the National Register nominations will be sent to the State office.

## DESCRIPTION OF PROPERTY

- **Begins with a summary paragraph** that creates a rough "sketch" of the building and its site. Briefly describes the general characteristics of the property, such as its location and setting, type, style, method of construction, size, and significant features. Describes the current condition of the property and indicates whether the property has historic integrity in terms of location, design, setting, materials, workmanship, feeling, and association.
- The description should be concise, factual, and well organized.
- **Describes the property and its physical characteristics.** Describes the setting, buildings and other major resources, outbuildings, surface and subsurface remains (for properties with archeological significance), and landscape features. The narrative should document the evolution of the property, describing major changes since its construction or period of significance.
- **Describes the building in a logical sequence** – from the ground up, facade by facade, from the exterior to the interior – using simple but clear language and avoiding complex sentences.
- Clearly delineates between the **original** appearance and **current** appearance. Begins by describing the current appearance of a particular feature. Then describes its original appearance and any changes (modifications), noting when the changes occurred.

## STATEMENT OF SIGNIFICANCE

- See **Criteria for Evaluation Sheet** for descriptions of Area of Significance (Criteria A, B, C, D, or E).
- The length of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it for Register listing. A property may have several dates of significance; all of them, however, must fall within the period of significance.
- **In the summary paragraph**, simply and clearly state the reasons why the property meets the Register criteria. Includes specific associations or characteristics through which the property has acquired significance, including historic events, activities, persons, physical features, artistic qualities, architectural styles, and archeological evidence that represents the historic contexts within which the property is important to the history of the community.

## HISTORIC CONTEXT

- **Discusses the chronology and historic development of the property.** Highlights and focuses on the events, activities, associations, characteristics, and other facts that relate the property to its historic contexts and are the basis for its meeting the Register criteria.
- Supports the property's **significance** and **integrity**.
- Explains the importance of the property in each area of significance by showing how the property is unique, outstanding, or strongly representative of an important historic context when compared with other properties of the same or similar period, characteristics, or associations.
- **Relates the property to important themes in the prehistory or history** of the community. Includes information about the history of the community or larger geographical area that explains the ways the property is unique or representative of its theme, place, and time.

## DESCRIPTION OF CRITERIA SIGNIFICANCE

*(A: Event; B: Person; C: Architectural/Construction; D: Archeological; E: Cultural)*

A nomination can include more than one criteria and supporting description summary.

- A. **Event:** If the property is significant for its association with historic events, what are the historically significant events or patterns of activity associated with the property? Does the existing building, object, or structure reflect in a tangible way the important historical associations? How have alterations or additions contributed to or detracted from the resource's ability to convey the feeling and association of the significant historic period?
- B. **Person:** If the property is significant because of its association with an individual, how long and when was the individual associated with the property and during what period in his or her life? What were the individual's significant contributions during the period of association? Are there other resources in the vicinity also having strong associations with the individual? If so, compare their significance and associations to that of the property being documented.
- C. **Design/Construction:** If the property is significant for architectural, landscape, aesthetic, or other physical qualities, what are those qualities and why are they significant? Does the property retain enough of its significant design to convey these qualities? If not, how have additions or alterations contributed to or detracted from the significance of the resource?
- D. **Information Potential:** Does the property have possible archeological significance, and to what extent has this significance been considered?
- E. **Cultural:** If the property 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.

## Criteria for Evaluation

Generally, a building, structure, object, site or district which is more than fifty (50) years old or determined to be exceptionally significant in an architectural, historical or a cultural manner may be designated an historic landmark or historic district 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 and association* (which differs from the National Register's seven aspects of integrity) and must fall into one or more of the following categories:

- A. Are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Are associated with the lives of significant persons in our past; or
- C. Embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded or may be likely to yield information important in history or prehistory.
- 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.

## National Register Criteria for Evaluation – as a Certified Local Government, we may be reviewing properties to the National Register of Historic Places:

Criterion A: Event

Criterion B: Person

Criterion C: Design/ Construction

Criterion D: Information Potential

The National Register Criteria recognize different types of values embodied in districts, sites, buildings, structures and objects. These values fall into the following categories:

**Associative value** (Criteria A and B): Properties significant for their association or linkage to events (Criteria A) or persons (Criteria B) important in the past.

**Design or Construction value** (Criterion C): Properties significant as representatives of the manmade expression of culture or technology.

**Information value** (Criterion D): Properties significant for their ability to yield important information about prehistory or history.

## How to Evaluate the Integrity of a Property

Integrity is the ability of a property to convey its significance. To be listed on the National Register of Historic Places, a property must not only be proven to be significant under the National Register criteria but must also have integrity. The evaluation of integrity is sometimes a subjective judgment but it must always be grounded in an understanding of a property's physical features and how they relate to its significance.

Historic properties either retain integrity or they do not. Within the concept of integrity, the National Register criterion recognizes seven aspects or qualities that, in various combinations, define integrity.

To retain historic integrity a property will always possess several, and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance. Determining which of these aspects are most important to a particular property requires knowing why, where and when the property is significant. The seven aspects of integrity for the National Register are:

1. Location
2. Design
3. Setting *(not included for the Spokane Register)*
4. Materials
5. Workmanship
6. Feeling *(not included for the Spokane Register)*
7. Association



# **CERTIFIED LOCAL GOVERNMENT NATIONAL REGISTER NOMINATION EVALUATION REPORT FORM**

If a nomination falls within the jurisdiction of a Certified Local Government, review is required by the local landmark commission or historic review board before any nomination to the National Register is heard by the State Advisory Council on Historic Preservation as per the National Historic Preservation Act of 1966 and the CLG program requirements as amended in 1993. This form must be received by OAHP two days in advance of the State Advisory Council meeting. The CLG should review the final National Register nomination, not a draft form.

**Property Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Certified Local Government Name:** \_\_\_\_\_

**Date of public meeting in which nomination was reviewed** \_\_\_\_\_

**Applicable Criteria:** (Please Check the Appropriate Box)

☐ Criterion A (Historical Events)

☐ Criterion C (Architecture)

☐ Criterion B (Important Person)

☐ Criterion D (Archaeological)

**Please check the following box that is appropriate to the nomination.**

☐ The Commission recommends that the property or properties should be listed on the National Register of Historic Places.

☐ The Commission recommends that the property or properties should not be listed in the National Register for the following reasons: \_\_\_\_\_

☐ The Commission chooses not to make a recommendation on this nomination for the following reasons: \_\_\_\_\_

**The Commission would like to make the following recommendations regarding the nomination:** (use additional sheets if necessary)

\_\_\_\_\_  
\_\_\_\_\_

**Approved By:** (both signatures required)

**Landmarks Commission/Historic Review Board Chair or Representative**

Print Name: \_\_\_\_\_ Approved ☐ Not Approved ☐

Signature: \_\_\_\_\_

**Elected Official/Designee**

Print Name: \_\_\_\_\_ Approved ☐ Not Approved ☐

Signature: \_\_\_\_\_

NATIONAL REGISTER NOMINATIONS  
TECHNICAL REVIEW

**General Review**

\_\_\_\_\_ Have all the blanks been filled, including “n/a” where applicable?

**Section 1. Name of Property**

\_\_\_\_\_ Is the name entered the one that best reflects the property’s historic importance or was commonly used for the property during the period of significance?

**Section 2. Location**

\_\_\_\_\_ Are all items completed? Are the correct codes used? Is the name of the federal land area noted, if pertinent? If the property needs certain protection, has “not for publication” been checked?

**Section 3. Certification**

\_\_\_\_\_ Is a Level of Significance checked?

\_\_\_\_\_ Is the form signed by a SHPO, THPO, FPO, or authorized delegate?

\_\_\_\_\_ For concurrent nominations, have both parties signed the form?

**Section 5. Classification**

\_\_\_\_\_ Are all items completed? Is there a clear identification of the number of contributing and noncontributing resources?

\_\_\_\_\_ Does the resource count agree with the narrative in Section 7?

**Sections 6. Function or Use**

\_\_\_\_\_ Have the historic and current functions been indicated, using functions listed in the *How To Complete the NR Registration Form* Bulletin?

**Section 7. Description**

\_\_\_\_\_ Have the Architectural Classification and Materials sections been completed (where appropriate)?

\_\_\_\_\_ Is there an initial paragraph that identifies what is being nominated, summarizes its appearance, and describes the property’s integrity?

\_\_\_\_\_ Have all alterations to the building/site over time been described and dated, to the extent possible? Do the descriptions of contributing/noncontributing resources agree with the resource counts in Section 5?

\_\_\_\_\_ For historic districts, is there a complete inventory list or accompanying sketch map identifying all resources counted and marked whether they contribute or not?

**Section 8. Statement of Significance**

\_\_\_\_\_ Has all pertinent information been included? The following are mandatory: Applicable NR Criteria, Areas of Significance, and Period of Significance. The following may be needed: Significant Person (if Criterion B is applicable), Cultural Affiliation (if Criterion D--and in some cases Criterion A—is applicable), Significant Dates and Criteria Considerations, as pertinent, and Architect/Builder (if “work of a master” pertains).

\_\_\_\_\_ Does the Narrative Statement include a summary paragraph indicating the pertinent NR Criteria, the period of significance, and the areas and level of significance of the property?

\_\_\_\_\_ In subsequent paragraphs, is the case made for each Area of Significance as it relates to a particular historic context/theme?

**Section 9. Major Bibliographical References**

\_\_\_\_\_ Are bibliographic sources provided?

**Section 10. Geographical Data**

\_\_\_\_\_ Does the verbal boundary description delineate the precise area within the boundaries of the property, not just a general location?

\_\_\_\_\_ Is the specific number of acres given? Is it consistent with the size of the area noted within the boundaries?

\_\_\_\_\_ Are lat/long coordinates or UTM references provided? Is the minimal requirement of three points given, if the property is 10 or more acres in area?

**Section 11. Form Prepared By**

\_\_\_\_\_ Is the preparer identified, with contact information?

**Maps**

\_\_\_\_\_ Is a locational map with defining coordinates enclosed and properly labeled?

\_\_\_\_\_ Is a map enclosed for historic districts that contains a north arrow and a scale?

**Photos** (Updated NR Photo Policy 2013)

\_\_\_\_\_ Are the photographs on the correct paper and appropriately identified and labeled?

\_\_\_\_\_ Is a photo log included? For historic districts, are photos keyed to the district map?

\_\_\_\_\_ Are the photo files saved as TIF files at the correct resolution on an archival quality CD?

# Design Review Fact Sheet for Historic Properties

SMC 17D.100  
SCC Title1-1.48



Administered by the City|County Office of  
Historic Preservation Since 1981

The City and County of Spokane adopted separate ordinances that designate the City-County Historic Landmarks Commission as responsible for the stewardship of the historic and architecturally significant properties in the City of Spokane and unincorporated areas of the County. The ordinances require review by the Spokane City-County Landmarks Commission of any proposed changes to properties designated as historic landmarks or districts on the Spokane Register of Historic Places.

## What is Design Review?

Owners of properties listed on the Spokane Register of Historic Places agree to follow Management Standards outlined in the Management Agreement. This Agreement states that an owner must obtain a [Certificate of Appropriateness](#) (COA) for any action affecting use, exterior appearance, new construction or demolition of the designated historic structure.

### The Certificate

The COA is an official notice of approval issued by the Landmarks Commission or its designee (Historic Preservation Officer), charged with the jurisdiction for permitting or denying the appropriateness of proposed changes or additions to historic structures.

### Basis for Review

In order to determine compatibility as objectively as possible, the Landmarks Commission refers to [The Secretary of the Interiors Standards for Rehabilitation](#) when conducting design review. These broad guidelines serve as the basis for rehabilitation design review.

#### **1. Change-of-Use Review**

Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment. The Landmarks Commission will consider the impact of the proposed use on the historic or architectural significance of the structure or historic district.

#### **2. New Structures or Alterations in Historic Districts**

Alterations to an historic landmark or building, or the construction of new structures in an historic district, should be architecturally compatible with the character of the landmark, building, or neighboring structures within the district. The Landmarks Commission shall determine the compatibility of proposals for alterations and new construction.

Design elements of contemporary proposals will be evaluated according to sensitivity to the surrounding structures regarding height, bulk, shape and configuration, as well as placement on the property in relation to patterns or spacing. Approval will be based upon review of plans and elevations of the new structure, as well as the criteria set out in the district's Design Standards and Guidelines document concerning new construction.

For new multi-family or non-residential structures, the Landmarks Commission will require site plans drawn to scale, showing the location of structures, drives, surface material of walks and parking area, and proposed landscaping.

#### **3. Signs, Lighting and Other Appurtenances**

Signs, exterior lighting and other appurtenances such as walls, fences, awnings and landscaping, shall be visually compatible with the traditional architectural character of the historic structure.

#### **4. Demolition Review**

For procedures regarding demolition of historic landmarks, or structures in historic districts, see [SMC Section 17D.100.220 and 230](#).

## Type of Work to be Reviewed

(a chart is included in [SMC: Table 17D.100-1](#))

Type of Work	No Review	Staff Review	Commission Review
<b>Exterior Renovation</b> If visible from the street			
Awning – change of color		X	
Awning – change of style		X	
Awning- new			X
Paint with Same Color	X		
Paint unpainted brick, stucco or stone			X
Paint with Non-historic color			X
Paint With New Historic Color		X	
Landscaping/Gardening	X		
Install Garden Structures	X		
Replace Windows			X
Replace Doors			X
Repair Porch	X		
Replace Porch			X
Repair old siding	X		
Install New Siding			X
Demolish historic Garage			X
Demolish non-historic Garage	X		
Install New Fence	X		
Install Sidewalk	X		
New Roofing with like material		X	
New Roofing with new material			X
Change Roofline			X
Install mechanical & Utility Equipment		X	
Minor Construction not easily seen from street		X	
Install shutters not original to the building		X	
Install exterior fire exits			X
Minor work not approved by Staff			X
<b>New Construction</b>			
Build New Addition			X
Build New Porch			X
Build New Deck			X
Move a Building			X

## The Process

Application for a Certificate of Appropriateness is made through the Historic Preservation Office (HPO).

**Fees:** Commission Review: \$75 (waived for local historic districts); Staff review: \$25. Fees must be paid when application is filed.

**Appeals:** Made to the Hearing Examiner per [SMC 17D.100.080](#).

**Non-Compliance:** If tax incentives have been claimed, the incentives are in jeopardy, and fines and penalties may be assessed. If tax incentives have not been used, the Landmarks Commission may recommend that the property be removed from the Spokane Register of Historic Places.

**Benefits:** Design review ensures that the historic character and appearance of property is preserved, and that the property retains its eligibility for the Register, and for incentives.

**Restrictions:** Work must follow approved plans. Revisions, omissions, or additions to plans must be reviewed by the Landmarks Commission prior to execution, or a permit will not be issued for the proposed work.

**Note:** Normal maintenance or repair does not require design review if no changes are made to the exterior appearance of the building.

### Other Informative Links:

[The Rehab Yes/No Learn Program](#)

[The Secretary of Interior's Standards for the Treatment of Historic Properties](#)

[Four Approaches to the Treatment of Historic Properties](#)

### Contact Information

**Spokane City-County Historic Preservation Office**

808 West Spokane Falls Boulevard  
Spokane, WA 99201

Phone: (509) 625-6300

FAX: (509) 625-6013

Web Page: <http://www.historicspokane.org>

E-mail: [preservation@spokanecity.org](mailto:preservation@spokanecity.org)

# Spokane Historic Landmarks Commission

## Policy on Special Valuation

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**1. Does an item approved on one application always set a precedent for the future?**

No. Items are reviewed on a case-by-case basis. Property owners or their representatives are asked to attend the hearings in order to explain their application and answer questions.

**2. How is “24 months from the month you apply” interpreted?**

When the applicant applies, qualified expenditures which occurred 24 months **PRIOR** to the application month can be included (i.e. if application is made April 14 of 2023, any expense dated between (and including) April 1, 2021 and April 30, 2023 can be included.) The date is defined as the date when the item is paid.

**3. If some of the work does not meet the Secretary of the Interior’s Standards can the applicant simply not include those expenses?**

The Commission has used a “scalpel” approach when dealing with items that do not necessarily meet the Standards. Oftentimes, if a property was not listed on the Spokane Register at the time work was being done, some items may not be eligible for the incentive. Staff will remove those items from the application.

**How does the Commission judge whether or not the property has met the Design Review standards if some of the work does not meet the Secretary of the Interior’s Standards?**

The Commission makes a determination as to whether, overall, the property still retains its significance (i.e. if the property has not been altered to the point that it is no longer historic), based on, in part, recommendations from the Nominations and Design Review committees.

**4. Can Special Valuation be claimed for expenses associated with noncontributing additions?**

Any expenditure attributable to an enlargement of an existing structure, i.e. a **new** addition, is specifically excluded from the definition of a qualified rehabilitation expenditure. If work is done within a prior addition that was in existence when the property was placed on the Register, that work would not be disqualified.

**How to deduct costs for additions/enlargements of non-historic additions:**

1. The costs should be broken out in the summary sheet: “exterior”, “interior” “addition”.
2. The use of a formula as follows: total cost of the renovation divided by the finished square footage of the house to arrive at a price per square foot of the project. The price per square foot of the renovation could then be multiplied by the size of the addition to arrive at an approximate cost allocation total; or
3. If the Commission feels that the above calculations do not reasonably represent the costs due to mitigating factors of the renovation, the

Commission will then request that the homeowner provide a contractor's estimate from either the original contractor or a secondary bid; or

4. Have the contractor remove all costs associated with the addition.

#### **5. Can Special Valuation be taken for work done outside the footprint of the building?**

The "footprint" of the building is determined by the Landmarks Commission on a case-by-case basis. Work outside the walls of the home (i.e. installation of gas line, storm sewer, etc.) is rarely approved and must be fully documented and justified.

Two references can help clarify this determination:

WAC 254-20-030, cost of rehabilitation includes:

- (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 usable but shall not include rentable/habitable floor space attributable to new construction.

26CFR ch. 1.48-12

(10) Enlargement defined-(1) in general. "A building is enlarged to the extent that the total volume of the building is increased. An increase in floor space resulting from interior remodeling is not considered an enlargement. The total volume of a building is generally equal to the product of the floor area of the base of the building and the height from the underside of the lowest floor (including the basement) to the average height of the finished roof (as it exists or existed)."

#### **6. When does a taxpayer receive Special Valuation?**

Special Valuation reduction in property tax occurs two years after the application year (i.e. if the application is made in 2023, the property tax will be reduced in 2025). *Note: Assessor's Policy, not SHLC policy. State law requires a "waiting year."*

#### **7. What are some expenses that DO qualify for Special Valuation?**

Any expenditure for a structural component of a building will qualify for Special Valuation. Treasury Regulation 1.48-1(e)(2) defines structural components to include walls, partitions, floors, ceilings, permanent coverings such as paneling or tiling, windows and doors, components of central air conditioning or heating systems, plumbing and plumbing fixtures, electrical wiring and lighting fixtures, chimneys, stairs, escalators, elevators, sprinkling systems, fire escapes, and other components related to the operation or maintenance of the building.

In addition to the above named "hard costs", there are "soft costs" which also qualify. These include construction period interest and taxes, architect fees, engineering fees, construction management costs, reasonable developer fees, and any other fees paid that would normally be charged to a capital account.

#### **8. What is NOT included in qualified rehabilitation expenditures?**

1. Costs of acquiring the building or interest therein. See Treasury Regulation 1.48-12(c)(9).

2. Enlargement costs that expand the total volume of the existing building (Interior remodeling which increases floor space is not considered enlargement.) See Treasury Regulation 1.48-12(c)(10)
3. Expenditures attributable to work done to facilities related to a building such as parking lots, sidewalks and landscaping. See Treasury Regulation 1.48-12(c)(5).
4. New building construction costs. See Treasury Regulation 1.48-12(b)(2)(B)(iv).

**What are some examples of expenses that do NOT qualify for Special Valuation?**

- Acquisition costs
- Appliances (if not built in) – Built in is further defined as “finished on its sides regardless of wiring or plumbing installation methods or the size of the appliance”
- Cabinets (if not built in)
- Decks (if not part of original building)
- Demolition costs (removal of a building on property site, demolition in preparation for rehab is allowed)
- Enlargement costs (increase in total volume)
- Fencing
- Feasibility studies
- Financing fees
- Furniture
- Landscaping
- Leasing Expenses
- Moving (building) costs (if part of acquisition)
- Outdoor lighting remote from building
- Parking lot
- Paving
- Planters
- Porches and Porticos (if not part of original building)
- Retaining walls
- Sidewalks
- Signage
- Storm sewer construction costs
- Window treatments (if not attached to the building)
- Meals for employees, parking tickets, hotel costs, etc.
- Homeowner labor (homeowner’s family is ok, if proof of payment is submitted)

**9. What is the difference between listing an element in the Spokane Register nomination and list it in the Management Agreement (i.e. rock wall).**

1. Listing an element in the Spokane Register nomination is done for the purposes of justifying the significance of the entire property.
2. Listing an element in the Management Agreement is done after the nomination is approved by the Landmarks Commission, and means that the owner agrees that the element will undergo design review.
3. Neither listing an element in the Spokane Register nomination nor listing it in the Management Agreement guarantees that the element will receive Special Valuation. As always, whether or not Special Valuation is received is determined by the Landmarks Commission during the public hearing.

**10. If a property has undergone a renovation, is not on the Spokane Register, and the owner wants to apply for Special Valuation (which has a 24-month eligibility period) what is the process?**

The property owner may submit the Special Valuation application to the Assessor's Office and indicate "pending" on the application. The nomination for the listing of the property on the Spokane Register must be complete by October of the year during which the application will be heard before the SHLC.

**11. Condominiums:** If a condominium has separate parcel numbers then each are treated as separate applications. Condominiums are charged as residential properties. To determine the formula for "shared" space that is being attributed to each individual condo i.e. the roof, common areas, then the applicants must use the following formula to determine the breakdown of costs applied to each condo unit: Total square footage divided by individual square footage = percentage. Take the percentage times the total \$ claimed = individual condo \$.



## **Considerations for Special Valuation**

Application for special valuation must be made to the Assessor at the end of a 24-month period of rehabilitation work on a property listed on the Spokane Register of Historic Places.

October 1<sup>st</sup> is the annual deadline for applications to be heard in front of the Landmarks Commission by the end of the current calendar year.

It is recommended that work not be done before a property is listed on the Spokane Register or reviewed first by the Landmarks Commission, however, it is not required for the property to be listed before work is done.

Improvements must be consistent with the historic character of the building and meet the Secretary of the Interior's Standards for Rehabilitation. A Certificate of Appropriateness must be issued before work is started (if the property is already listed on the Spokane Register).

In order for a historic property to be eligible for special valuation it must have been substantially rehabilitated – 25% of assessed improvement value of the building without considering the land value.

The property must be maintained in good condition as long as the special valuation is in effect.

Reduction in property taxes appears two years after special valuation approval and applies until the year following the ten-year period of special valuation.

Commercial or income-producing property owners who receive special valuation for a rehabilitation project may also apply for the Federal Historic Tax Credits for the same project.

The penalty for violating the agreement or other program requirements is substantial. Violators would have to pay the following: all back taxes that would otherwise have been owed, interest on back taxes and a penalty equal to 12% of back taxes and interest may be due.

Appeal Process: Any decision on the disqualification of a historic property for special valuation exemption or any other dispute may be appealed to the current year Board of Equalization by July 1<sup>st</sup> or 30 days after the disqualification, whichever is the later.

## Expenditures that Qualify for Rehabilitation Cost Total

**Exterior:** Windows, doors, painting, roofing

**Interior:** Plumbing, electrical, lighting, wiring, flooring, doors, windows; heating/air conditioning, finish work, cabinetry (affixed to the wall)

**Other:** Architectural/consultant fees, taxes, insurance and utilities during construction, construction administration expenses, construction phase interest expenses, demolition expenses, asbestos removal, etc.

Cost of **exterior** rehabilitation (amongst others):

- Windows, doors, painting, roofing, repointing masonry, permanent fixtures (lights, railings)

Cost of **interior** rehabilitation (amongst others):

- Plumbing, electrical
- Appliances: Only if they are considered “built-in”
- Permanent fixtures (lights)
- Alarm systems
- Flooring, doors, windows, heating/air condition, finish work
- Construction administration expense (permits, code-related expenses, etc.)
- Architectural fees, consultant fees, engineering fees
- Construction phases interest expense
- Taxes, insurance and utilities during construction (if the property is unoccupied)
- State sales tax
- Additional expenses and fees (itemized)

## Expenditures that DO NOT Qualify for Rehabilitation Cost Total

- Homeowner labor
- Acquisition costs
- Enlargement of the building
- Costs for permanent financing
- Overhead costs
- Fixtures that are not attached
- Landscaping costs

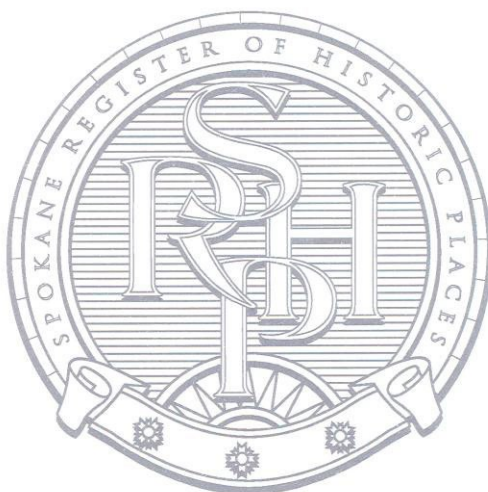
Homeowner labor is not considered an eligible expenditure for Special Valuation, unless the individual(s) actually received payment for services performed. All eligible expenses must be traceable to a Capital Account.

## **Section 3 - Member Resources**

1. Secretary of Interior's Standards
2. House History
3. Spokane Register FAQ
4. Resources for Historic Property Research
5. Spokane Register Nomination Form
6. Spokane Register Property Owner Handbook
7. Management Agreement
8. COA Application

# City|County of Spokane Historic Preservation Office

## Spokane Register Nomination Guide



**City-County of Spokane Historic Preservation Office**  
City Hall, Third Floor  
808 W. Spokane Falls Boulevard  
Spokane, Washington 99201  
[www.historicspokane.org](http://www.historicspokane.org)  
(509) 625-6543

Updated October 2022

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## REQUIREMENTS FOR LISTING A PROPERTY

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### Spokane Register of Historic Places

The Spokane Register of Historic Places is our local government's official list of those properties that have contributed to the community's history. The Register was established by ordinance in both the City and County of Spokane in late 1981 and early 1982. These ordinances deem the City-County Historic Landmarks Commission responsible for the stewardship of historic and architecturally significant properties. Nominations to the Spokane Register must be accompanied by owner consent, or in the case of a district, the majority of the owners' consent.



Julius M. Dutton House

Generally, a building, structure, object, site or district which is more than fifty years old may be designated an historic property or part of an historic district 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 and association, and must qualify under one or more of the following categories to be eligible for listing on the Spokane Register ([Spokane Municipal Code \[SMC\] 17D.100.020](#)):

A. Property is associated with events that have made a significant contribution to the broad patterns of the history of the city, county, state or nation.

B. Property is associated with the lives of persons significant in the history of the city, county, state or nation.

C. Property 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.

D. Property 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.

And must meet both of the following criteria:

1. Generally, a property must be 50 years of age or older. However, a property less than 50 years of age may be eligible if it is of exceptional importance or if it is an integral part of a district that is eligible for listing on the register.
2. The property is located in the City of Spokane, or in the unincorporated area of Spokane County.

## THE NOMINATION PROCESS

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A draft nomination should be submitted at least one month prior to the next Spokane Historic Landmarks Commission meeting, which occurs the third Wednesday of every month. The following process occurs once a nomination is received:

1. **Schedule Hearing:** Staff works with applicant to determine if the nomination is complete, and, when complete, will add the item to the Spokane Historic Landmarks Commission hearing agenda (SMC 17D.100.030, SCC 1.48.130).
2. **Public Notice:** Staff will publish a public hearing notice at least 10 days prior to the hearing date (SMC 17D.100.030D, SCC 1.48.180).
3. **Site Visit:** A sub-committee of the Landmarks Commission will visit and view the exterior of the property prior to the hearing date (generally two weeks prior to the hearing date).
4. **Hearing:** Staff will present the nomination.  
The applicant, or a qualified representative or consultant, should be present and will have an opportunity to offer comments concerning the nomination.
5. **Decision:** Staff submits the nomination, Management Agreement, and Findings of Fact to City Council or the Board of County Commissioners for a final decision.
6. **Notification:** City Council or the Board of County Commissioners staff will notify the applicant of the final decision.
7. **Fees:** The fee for listing a property on the Spokane Register of Historic Places is \$50.00 for residential properties, and \$100.00 for commercial properties. The listing fee must be paid at the time the nomination is submitted (as a draft) to the Preservation Office. An additional \$203 filing fee is required for recording the Management Agreement on the title of the property.



Kemp House

Nominations are usually completed by the property owner or a hired consultant. A current list of verified consultants is available through the Washington Trust for Historic Preservation's website. For a list of upcoming Landmarks Commission hearings and to learn more about the Commission, visit our [website](#).



## AFTER LISTING A PROPERTY

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Listing a property on the Spokane Register of Historic Places entitles owners to a number of benefits in exchange for preserving the historic character of the building. The *Management Agreement* and *Design Review* process ensure the preservation of those historic and architectural features. Successful rehabilitation may qualify homeowners for a significant reduction in property tax, available through the *Special Valuation* tax incentive program. Additionally, owners of designated historic properties may order a historic marker that can be mounted on the exterior of the property (cost of \$200). In 2018, a fund was established to provide façade improvement grants of up to \$5000 match for individually listed properties on the Spokane Register of Historic Places as well as contributing properties within a Spokane Register local historic district. See our [website](#) for more information about the grant cycle.

### Management Agreement

Once the Landmarks Commission approves the property for listing, the property owner(s) is required to sign a Management Agreement (SMC 17D.100.070, SCC 1.48.240). This agreement states that current and future owners will abide by the outlined Management Standards and obtain a Certificate of Appropriateness for any action affecting use or exterior appearance of the property. Management Standards are based on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for the Rehabilitation of Historic Buildings for Management Standards as interpreted by the Landmarks Commission.

To learn more about the Secretary of Interior Standards, visit the Spokane Historic Preservation Office's [website](#) concerning design review of historic properties.

### Certificate of Appropriateness & Design Review

Property owners who wish to do work affecting use, exterior appearance, demolition, or construction attached to the structure must follow the Design Review process and obtain a Certificate of Appropriateness (COA) before beginning work (SMC 17D.100.200-210, SCC 1.48.260-265). The COA is an official notice of approval issued by the Landmarks Commission or its designee, the Historic Preservation Officer, charged with the jurisdiction for permitting or denying the appropriateness of proposed alterations or additions.

Certain limited types of work are permitted without a COA. These include:

- painting and/or staining (same color)
- general maintenance/general repairs
- new porch floors that do not alter the existing or original shape
- interior work that is not visible from the outside (unless otherwise specified in the

agreement)

- repair-in-kind, if the work you want to do involves only repair using the same materials and exact same details and finishes

Examples of work that require a Certificate of Appropriateness include:

- installing synthetic siding (aluminum, steel, etc.)
- replacing roof with different finish materials
- changing existing doors
- changing existing windows, sashes or frames
- adding shutters not original to structure
- replacing existing porch
- altering historic garages
- painting in a new color (except in the Browne's Addition Historic District)
- additions attached to historic property
- new garages or Accessory Dwelling Units (ADUs) in Browne's Addition

The property owner is responsible for obtaining a COA before beginning work on a project. It is advisable to get the COA well in advance of anticipated construction and before making any financial commitments for work or materials. The fee for a COA is \$25 for administrative review and \$75 for Commission review. A complete application with the appropriate fee must be submitted at least three weeks before the Landmarks Commission meeting. See our [website for instructions](#) on how to fill out the online application for a COA. You will also find a Design Review Chart (SMC Table 17D.100-1) on that page.

### Special Valuation Tax Incentive

In 1985, the Washington State Legislature determined that the preservation of the state's historic resources was an important goal and allowed "special valuation" for certain historic properties within the state. Under the program, rehabilitation costs, which must equal to at least 25% of



Thomas J. Graham House before and after rehabilitation.

the assessed value of a structure prior to rehabilitation, are subtracted from the assessed value of the property for a ten-year period. To be eligible for Special Valuation, the property must first be listed on the Spokane Register, and property owners must have spent at least 25% of the assessed value of the structure in rehabilitation costs over a twenty-four month (maximum) period. Rehabilitation costs can include interior and exterior work, such as plumbing, electrical, roof replacement, painting and flooring. Rehabilitation costs do not include anything that is not affixed to the historic structure or costs for items outside the footprint of the structure, such as fencing or landscaping. All rehabilitation must follow the Management Standards set forth in the Management Agreement, and all exterior work must be approved through Design Review. (For more information on Special Valuation, see Chapter 84.26 of the Revised Code of Washington, and Chapters 254-20 and 458-15 of the Washington Administrative Code.)



### **Spokane Register Marker Program**

The Historic Preservation Office and the Historic Landmarks Commission have long worked toward the establishment of an historic marker program for properties listed on the Spokane Register of Historic Places. Local artist Marcia Smith created a handsome design executed in a 10-inch bronze plaque designed for exterior mounting, and finished with a clear acrylic lacquer for extra protection against the elements.

The Spokane Register Historic Marker Program offers us the opportunity to recognize those residences and commercial properties which contribute significantly to the historic and architectural character of this community. Markers can be purchased once a property has been listed on the Spokane Register for \$200.00 at the Historic Preservation Office, City of Spokane, 3rd floor.

## COMPLETING THE NOMINATION FORM

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The nomination functions as a record of the historic and architectural significance of a property. Each section of the document serves an important function, and should be thoroughly researched and reviewed before submitting to the Historic Preservation Office for approval. The following serves as a guide for completing each section of the Nomination.

### 1. Name of Property

**Historic Name:** This section is important not only because it identifies the specific property being nominated, but also because it provides a means of identifying and recording the different names by which the property has been known over time. It is important to use a historic name which will continue to be meaningful regardless of changes in occupancy or use. This is the name which is generally preferred in referring to a property since it ordinarily represents one of the following:

1. Original owner or builder (Patsy Clark Mansion, Kenneth & Edna Brooks House)
2. Significant persons or events associated with the property (Rose-Cecil-Kly Apartments)
3. Original or later significant uses of the property (Spokane County Courthouse)
4. Innovative or unusual characteristics of the property
5. Accepted professional, scientific, technical, or traditional names

**Common Name:** The common name represents the title by which the property is known locally. It may be representative of the history of the property or it may represent another facet (present ownership, etc.). This name will identify the property locally as well as provide a convenient means of differentiating it from similarly named properties.

### 2. Location

Include the number and the name of the street or road where the nominated property is located. If the road has a number rather than a name, indicate whether it is a Federal, State or County road. If a property does not have a specific address, give the names of the nearest roads. The "vicinity" category should only be marked if a property is rural and in the vicinity of a town or city.

### 3. Classification

**Category:** Mark one box which applies to the nominated property as described below:

A building is a structure created to shelter any form of human activity. This may refer to a house, barn, church, hotel, or similar structure. Building may refer to a historically-

related complex, such as a courthouse and jail, or a house and barn (Montvale Farm, Liberty Park United Methodist Church).

A site is the location of a significant event, activity, building, structure, or archaeological resource where the significance of the location and any archaeological remains outweigh the significance of any existing structures.

A structure is a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by humans, it is often an engineering project large in scale (Monroe Street Bridge).

An object is a material 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 (Natatorium Carousel).

A district is a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development (Hillyard Market Street District, Comstock-Shadle Historic District).

**Ownership of Property:** Public ownership (on the Federal, State, or local level) and private ownership are, in most cases, easily determined by the name of the owner.

**Public Acquisition:** If public acquisition is involved, indicate the present stage of negotiations on a Continuation Sheet.

**Status of Property:** It is possible to check more than one blank. If preservation work is in progress, the proposed alterations should be discussed in the description.

**Accessible:** This section indicates whether the public has access to the property. "Restricted" means that access is regulated. Regulation may include visits by appointment, scheduled hours, etc. "Unrestricted" means that the public has access to view exteriors seen from a public right-of-way.

**Present Use of Property:** Information about the present use helps to determine the function of the property.

#### **4. Owner of Property**

Include the name and contact information for the current property owner(s). If there are more than two owners, use a Continuation Sheet.

#### **5. Location of Legal Description**

In Spokane County, the legal description is kept on file in the Assessor's Office at the Spokane County Courthouse, 1116 West Broadway, Spokane, Washington, 99201. The chain of title, book and page reference to the title are not necessary. The legal description can also be found online at the Spokane County Assessor's [website](#).

## 6. Representation of Existing Surveys

Do not complete this section. Historic Preservation Office staff will check the nominated property against its files and inventory records to identify recognition in existing inventories. The surveys considered in this section are historical surveys only.

## 7. Description

**Condition:** The condition of the property is important in making an accurate judgment of its architectural integrity. Check the blanks that best describe the present condition of the property. In district nominations, more than one blank may be checked.

**Excellent:** The building is structurally sound and weatherproof, with no damage.

**Good:** The building is structurally sound and weatherproof. Siding loose, masonry cracked, roof faulty.

**Fair:** The building may or may not be structurally sound and weatherproof. Siding loose, masonry cracked, roof faulty.

**Deteriorated:** The building is not structurally sound and weatherproof. Major elements open to the weather. Structure facing, either masonry or wood, collapsing. Usually abandoned and not maintained.

**Ruins:** The visible remains of a structure which is no longer recognizable as an entity and whose original appearance is evident.

**Unexposed:** Generally refers to archaeological sites.

**Altered or Unaltered:** Refers to the present state of the property as compared to its condition at the time it achieved significance. Normal weathering or aging does not ordinarily constitute an alteration. Known alterations should be described and documented in the written statement of appearance. It is particularly important to supply dates if available.

A rehabilitation or remodel is considered an alteration even if an attempt has been made to restore the property to its original form. In cases involving numerous alterations to buildings, it would be helpful to include a floor plan with the nomination.

**Moved or Original Site:** If a property has been moved, the following information should be given in the description wherever possible: (1) date of move; (2) original location and description; (3) distance the property has been moved; (4) explanation of the effect of the move on the historic integrity of the property and upon its new location; (5) justification for the move.

Moved homes may not be eligible for inclusion on the Spokane Register if the property has lost its significance in regard to its setting and location. Properties that are

nominated under Category C because the property embodies distinctive characteristics of a type, period, or method of construction may still be eligible for listing.

**Narrative Description:** Using the Continuation Sheet, describe the physical appearance of the property. The description should be concise, factual, detailed and articulate. Photographs of the facades being described should be included within Section 7 itself to help guide the reader's understanding of the architectural terminology being described. Interior photographs should be included. Information relating to the history, significance, or use of the property should not be included in Item 7; include that information in Section 8. The description should also detail what changes, additions, or alterations, if any, have been made to the property throughout its history.

It is appropriate to include the following types of information in descriptions of buildings, structures, and objects:

- Type of building (home, church, store)
- Stylistic type (Gothic Revival, Queen Anne, Craftsman)
- Building placement (detached, row)
- General characteristics
- Overall shape or plan (rectangle, L-shaped)
- Number of stories
- Number of vertical divisions or bays
- Construction materials (brick, frame, masonry) and wall finish (kind of bond, coursing, shingle)
- Roof shape (gabled, hipped, shed)
- Specific features, including location, number, and appearance of porches, windows, doors, chimneys, and dormers
- Decorative elements and details
- Major interior features contributing to the significance of the building such as stairs, interior trim, mantels and wall coverings, floors, and lighting fixtures
- Number, type, and location of outbuildings, as well as dates
- Other man-made elements (roadways, significant landscaping) included in the nominated area

The first section of the description should include the date the house was built, the style, and the architect.

The second section should be a description of the exterior. It should begin with a description of the roof, then the first floor, and on up, including any porches. Special details should be described in architectural terms.

The third section should be a description of the interior. It should begin with a description of the first floor, then the second floor, etc. Special details should be described in architectural terms.

The fourth section should be a description of any changes, additions, or alterations that have been made to the home, including dates of those changes.

Special attention should be given to describing elements which will be included in the Management Agreement, such as a carriage house or interior foyer. Photographs should be included.

Our office recommends the following guides for assistance in determining the appropriate architectural classification of a nominated property:

- McAlester, Virginia and Lee, *A Field Guide to American Houses* (New York, New York: Alfred Knopf, 1989).
- Poppelier, John C., S. Allen Chambers and Nancy B. Schwartz, *What Style Is It? A Guide to American Architecture* (Washington, D.C.: The Preservation Press, 1983).
- Gottifred, Herbert and Jan Jennings, *American Vernacular Design, 1870-1940* (Ames, Iowa: Iowa State Press, 1993).
- Phillips, Steven J., *Old House Dictionary: An Illustrated Guide to American Domestic Architecture, 1600-1940* (Washington D.C.: The Preservation Press, 1992).
- Carley, Rachel, *The Visual Dictionary of American Domestic Architecture* (New York, New York: Henry Holt and Co., 1994).

## **8. Spokane Register Categories and Statement of Significance**

Mark the Categories (SMC 17D.100.020, SCC 1.48.110) that best apply to the property:

**Category A** is for properties associated with events that have made a significant contribution to the broad patterns of the history of the city, county, state or nation. *Example:* The Carlyle Hotel for its association as one of several single-room occupancy (SRO) hotels in the downtown.



**Category B** is for properties associated with the lives of persons significant in the history of the city, county, state or nation. *Example:* The Glover Mansion for its association with James Glover, one of Spokane's early leaders.

**Category C** is for properties that embody 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. *Example:* The Patsy Clark Mansion for its high-style architecture and association with prominent local architect Kirtland K. Cutter.

**Category D** is for properties, such as archaeological sites of historical importance, that have yielded, or are likely to yield, information important in prehistory or history. *Examples:* The Battle of Spokane Plains Monument, commemorating the site where the battle took place.

**Category E** is for 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.

Consider the following when nominating a building, structure, or object:

- If a building or structure is nominated for its significance in architecture, does it retain enough of its significant design, aspect, or feeling to be recognizable, or could the important elements of design or appearance be restored? (This does not mean that buildings which have additions or alterations are not eligible, since they may reflect later significant styles and design.)
- If a building or structure is nominated for historical significance, does the existing building have an identifiable relationship to the history described?
- Is the building or structure located where originally constructed? If not, explain fully in the description (Section 7) and justify the new location and the reason for the move. If a building, structure, or object may be moved in the near future, mention should be made of this.
- Does the building, structure or object have an unusually important association with its location?

Consider the following when nominating a site:

- Does the property retain integrity compatible with the subject being commemorated? (The present site of a treaty signing which took place in a forest is probably not eligible if the area is now a suburban development.)
- If the site has been nominated in the area of archaeological significance, has the site contributed, or does it have potential to contribute, useful information in the reconstruction of the cultural sequence? How does the site relate to other similar investigations and archaeological findings?

**Narrative Statement of Significance:** Using the Continuation Sheet as Section 8, describe in concise terms why the nominated property deserves to be included in the Spokane Register. This statement is based on written records, and should provide information relating to human associations and events as they are pertinent to the nominated structure or site. The first paragraph is written as a summary of the entire statement to follow. The opening paragraph achieves its purpose if it can be "lifted" from the nomination to convey the essential importance of the property and should state immediately which Categories the property is nominated under and the reasons why it follows those Categories. Also include in the statement which historic area(s) of significance the property would fall under (see list and definitions below). Photographs should be included of relevant aspects of the significance of the property – they may include photos of past owners, newspaper articles, historic images of the property, etc.

It is appropriate to include the following types of information in the statement of significance for buildings, structures, and objects:

- History of the neighborhood or development patterns associated with a nominated property's neighborhood
- Information about the first homeowners and/or subsequent homeowners associated with the home
- Information about significant persons associated with the home
- Information about the architect, builder, or engineer, including lifespan, professional training, span of career, general scope of the body of work, building types, and other known associated properties
- Information on the building type or architectural style
- History of the property's use (single-family, multi-family, commercial)
- Provide specific dates for original construction, later additions, dates of occupancy, dates of the most significant residents, or date(s) of significant events connected with the property.

Also choose at least one *Area of Significance*. If the nominated property is being considered under Category C, the appropriate area of significance would be *Architecture*. If the property is significant under *Architecture* and for its association with a local musician, for example, include both *Architecture* and *Music*.

**Archaeology-Prehistoric:** The scientific study of the life and culture of Indigenous peoples who lived before the advent of written records

**Archaeology-Historic:** The scientific study of the life and culture of indigenous people who lived after the advent of written records, and the scientific study of the life and culture of non-indigenous peoples (European, African, Asiatic) in the new world

Agriculture: Farming, livestock-raising, and horticulture

Architecture: Style and construction of buildings and structures

Art: Concerning creative works and their principles; Fine arts and crafts; Does not include architecture, sculpture, music, or literature

Commerce: Production and exchange of goods and the social contacts thereby encouraged

Communications: Art or science of transmitting information

Community Planning: Design of communities from predetermined principles

Conservation: Official maintenance or supervision of natural or man-made resources

Economics: The science that deals with the production, distribution, and consumption of wealth

Education: Formal schooling that deals with training and developing knowledge, ability, and character

Engineering: Applied science concerned with utilizing products and sources of power for supplying human needs in the form of structures, and machines

Exploration/Settlement: Investigation of regions previously unknown or little known; The establishment of a new colony or community

Industry: Enterprises producing goods and services

Invention: Something originated by experiment or ingenuity

Landscape Architecture: The art or practice of planning or changing land and water elements for the enhancement of the physical environment

Literature: Production of writings, especially those of an imaginative nature

Military: Concerning the armed forces and individual soldiers

Music: The art of combining vocal or instrumental sounds or tones

Philosophy: A system of principles for the conduct of life; the theory or analysis of the principles of underlying thought or knowledge and the nature of the universe

Political government: An established system of political administration by which a nation, state, or district is governed and the processes which determine how it is to be conducted

Religion: Systems and expressions of belief in a superhuman power that have made a contribution to the patterns of a culture

Science: A systematic study of nature

Sculpture: The art of forming material into three-dimensional representation

Social/Humanitarian: Concerning human beings living together in a group or the promotion of the welfare of humanity

Theater: Dramatic arts and the places where they are enacted

Transportation: Concerning the work or business or means of conveying passengers or materials

## **9. Major Bibliographical References**

This section lists the sources used to compile the nomination. General reference works on architecture, archaeology, etc. should be included, especially if they specifically mention the property by name. Use a standard bibliographical style, listing author, full title, date and location of publication, and publisher. For an article, list the magazine or journal from which it was taken, volume number, and date. For unpublished manuscripts, indicate where copies are available. Interviews should also be listed, giving name and address of the informant and date of the interview. Bibliographic references should be listed on a Continuation Sheet.

## **10. Geographical Data**

**Acreage of Property:** This information can be obtained from the Spokane County Assessor's Office at the Spokane County Courthouse, 1116 West Broadway, Spokane, Washington, 99201, or [online](#).

**Verbal Boundary Description:** This information is also held at the Assessor's Office.

Examples:   Heaths 4th Addition, Block 40, Lot 10  
              Havermale Addition, Block 4, Lots 5 & 6

**Verbal Boundary Justification:** The justification will often read as follows: *Nominated property includes entire parcel and urban legal description.*

**District Verbal Boundary Description:** Describe the boundaries verbally, using one of the following:

- a map may be substituted for a narrative verbal boundary description
- legal parcel number
- block and lot number

- metes and bounds
- dimensions of a parcel of land, reckoning from a landmark, such as a natural or cultural feature

**Boundary Justification:** Provide a concise explanation of the reasons for selecting the boundaries, based on the property's historic significance and integrity. Discuss the methods used to determine the boundaries. Account for irregular boundaries and areas excluded because of loss of integrity. For archeological properties, discuss the techniques used to identify the limits of the eligible resource, including survey procedures and the extent and distribution of known sites.

## 11. Form Prepared By

Write in the name(s), address, email address, and telephone number of the person directly involved in compiling information contained in the nomination form. Include the zip code and date.

## 12. Additional Documentation

**Photographs** are required as part of a complete nomination form. A minimum of six to ten representative digital photographs are required showing the primary and secondary exterior elevations, and the landscape, with at least one photograph showing the property in the context of its neighborhood (the streetscape). Six to ten representative interior photos of significant interior features are also required as part of the nomination form. Photographs should be submitted within the nomination form itself both in Section 7 and Section 8; and as continuation pages in Section 12; and should also be submitted digitally as jpg images on a disc or emailed to the Historic Preservation Office.

**For districts**, a small thumbnail photo shall be included within the nomination form for every property within the district boundaries. It should include a photo, address, date built, whether it is contributing or non-contributing, and a short description of the architectural details of the resource. Here is an example of the expected format for district properties:



Address:		
Historic Name:		Built:
Style:		Site ID:
Architect:	Builder:	
Classification: Contributing/Non-contributing		

Description:

Significance Statement:

Accessory Structure:

**Illustrative maps** are also required and can include plat maps showing the location of the nominated property or the boundaries of a district, U.S.G.S. Topographic Quadrangle maps showing the location of the property, or Sanborn Fire Insurance maps. Optional maps may include sketch site maps, and floor or architectural plans. Label the various buildings and important features associated with the property and include the property name and address on the map.

To view examples of completed nomination forms for properties currently listed on the Spokane Register, visit our [website](#). All Spokane Register nomination forms have been scanned and uploaded and are available for public viewing.

# Spokane Register of Historic Places Nomination

*Spokane City/County Historic Preservation Office, City Hall, Third Floor  
808 Spokane Falls Boulevard, Spokane, Washington 99201-3337*

## 1. Name of Property

Historic Name: Enter historic name of property

And/Or Common Name: Enter common name of property

## 2. Location

Street & Number: Enter street address

City, State, Zip Code: Enter city, state and zip code

Parcel Number: Enter parcel number

## 3. Classification

### Category

☐ building

☐ site

☐ structure

☐ object

### Ownership

☐ public ☐ both

☐ private

### Public Acquisition

☐ in process

☐ being considered

### Status

☐ occupied

☐ work in progress

### Accessible

☐ yes, restricted

☐ yes, unrestricted

☐ no

### Present Use

☐ agricultural

☐ commercial

☐ educational

☐ entertainment

☐ government

☐ industrial

☐ military

☐ museum

☐ park

☐ residential

☐ religious

☐ scientific

☐ transportation

☐ other

## 4. Owner of Property

Name: Enter property owner's name

Street & Number: Enter property owner's street address

City, State, Zip Code: Enter property owner's city, state and zip code

Telephone Number/E-mail: Enter property owner's telephone number and email

## 5. Location of Legal Description

Courthouse, Registry of Deeds

Street Number:

City, State, Zip Code:

County:

Spokane County Courthouse

1116 West Broadway

Spokane, WA 99260

Spokane

## 6. Representation in Existing Surveys

Title: Enter previous survey name if applicable

Date: Enter survey date if applicable

Depository for Survey Records:

☐ Federal ☐ State ☐ County ☐ Local

Spokane Historic Preservation Office

## 7. Description

### Architectural Classification

### Condition

- ☐ excellent
- ☐ good
- ☐ fair
- ☐ deteriorated
- ☐ ruins
- ☐ unexposed

### Check One

- ☐ unaltered
- ☐ altered

### Check One

- ☐ original site
- ☐ moved & date \_\_\_\_\_

*Narrative statement of description is found on one or more continuation sheets.*

## 8. Spokane Register Criteria and Statement of Significance

**Applicable Spokane Register of Historic Places criteria: Mark "x" on one or more for the categories that qualify the property for the Spokane Register listing:**

- ☐ A Property is associated with events that have made a significant contribution to the broad patterns of Spokane history.
- ☐ B Property is associated with the lives of persons significant in our past.
- ☐ C Property 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.
- ☐ D Property has yielded, or is likely to yield, information important in prehistory history.
- ☐ E Property 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.

*Narrative statement of significance is found on one or more continuation sheets.*

## 9. Major Bibliographical References

*Bibliography is found on one or more continuation sheets.*

## 10. Geographical Data

Acreage of Property:

Enter acreage of property

Verbal Boundary Description:

Describe the legal boundaries of the property

Verbal Boundary Justification:

Nominated property includes entire parcel and urban legal description.

## 11. Form Prepared By

Name and Title: Enter your name and title

Organization: Enter your organization if applicable

Street, City, State, Zip Code: Enter your address

Telephone Number: Enter your telephone number

E-mail Address: Enter your email address

Date Final Nomination Heard:

## 12. Additional Documentation

*Additional documentation is found on one or more continuation sheets.*



**13. Signature of Owner(s)**

\_\_\_\_\_  
\_\_\_\_\_

**14. For Official Use Only:**

Date nomination application filed: \_\_\_\_\_

Date of Landmarks Commission Hearing: \_\_\_\_\_

Landmarks Commission decision: \_\_\_\_\_

Date of City Council/Board of County Commissioners' hearing: \_\_\_\_\_

**I hereby certify that this property has been listed in the Spokane Register of Historic Places based upon the action of either the City Council or the Board of County Commissioners as set forth above.**

\_\_\_\_\_  
**Megan Duvall**  
**City/County Historic Preservation Officer**  
City/County Historic Preservation Office  
Third Floor – City Hall  
808 W. Spokane Falls Blvd.  
Spokane, WA 99201

\_\_\_\_\_  
**Date**

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

Section 7 will contain a detailed architectural description of the building or buildings. First, begin with a summary paragraph that briefly describes the appearance, location, size, style and significant features of the property.

The description of the property will detail the physical properties from the ground up and from the exterior to the interior. The description will include information on materials, windows and openings, style, roof, plan, etc. Subsequent paragraphs will focus on the original appearance, modifications and current appearance.

While all the information listed above is needed, the headings are not limited to the ones seen below.

#### SUMMARY STATEMENT

#### DESCRIPTION OF PROPERTY

#### ORIGINAL APPEARANCE & SUBSEQUENT MODIFICATIONS

#### CURRENT APPEARANCE & CONDITION

Section 8 will include a detailed account of the history and significance of the building or buildings. First, begin with a summary paragraph that briefly describes the significance of the property and how it meets the Spokane Register criteria (A, B, C, D).

The statement of significance will detail why and how the property is a significant contributor to the history of Spokane. This is the researcher's chance to explain why the property is important and meaningful. The historic context of the building should be provided to set the stage for the history of the property. This might include a brief history of the settlement of Spokane, the growth of the Pacific Northwest, the Great Fire of 1889, the development of a particular neighborhood, or any other relevant history.

The statement of significance should include the following information (if it is known): areas of significance, period of significance, built date, architect and builder. While all the information listed above is needed, the headings are not limited to the ones seen below.

#### SUMMARY STATEMENT

#### HISTORIC CONTEXT

#### STATEMENT OF SIGNIFICANCE

Section 9 contains a careful and thorough list of all sources used. This includes books, websites, newspaper articles, maps, photographs, etc.

## BIBLIOGRAPHY

Section 12 contains photographs (both historic and modern) of the property, as well as plat maps, Sanborn maps and any other relevant documentation.

City Clerk No. \_\_\_\_\_

### **MANAGEMENT AGREEMENT**

The Management Agreement is entered into this **date** day of **month** **year**, by and between the City of Spokane (hereinafter "City"), acting through its Historic Landmarks Commission ("Commission"), and **owner(s)** (hereinafter "Owner(s)"), the owner of the property located at **address** commonly known as the **property name** in the City of Spokane.

WHEREAS, the City of Spokane has enacted Chapter 4.35 of the Spokane Municipal Code (SMC) and Spokane has enacted Chapter 1.48 of the Spokane County Code (SCC), both regarding the establishment of the Historic Landmarks Commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the city and county is a public necessity and.

WHEREAS, both Ch. 17D.100 SMC and Ch. 1.48 SCC provide that the City/County Historic Landmarks Commission (hereinafter "Commission") is responsible for the stewardship of historic and architecturally significant properties in the City of Spokane and Spokane County; and

WHEREAS, the City has authority to contract with property owners to assure that any owner who directly benefits by action taken pursuant to City ordinance will bind her/his benefited property to mutually agreeable management standards assuring the property will retain those characteristics which make it architecturally or historically significant;

NOW THEREFORE, -- the City and the Owner(s), for mutual consideration hereby agree to the following covenants and conditions:

1. CONSIDERATION. The City agrees to designate the Owner's property an Historic Landmark on the Spokane Register of Historic Places, with all the rights, duties, and privileges attendant thereto. In return, the Owner(s) agrees to abide by the below referenced Management Standards for his/her property.

2. COVENANT. This Agreement shall be filed as a public record. The parties intend this Agreement to constitute a covenant that runs with the land, and that the land is bound by this Agreement. Owner intends his/her successors and assigns to be bound by this instrument. This covenant benefits and burdens the property of both parties.

3. ALTERATION OR EXTINGUISHMENT. The covenant and servitude and all attendant rights and obligations created by this Agreement may be altered or extinguished by mutual agreement of the parties or their successors or assigns. In the event Owner(s) fails to comply with the Management Standards or any City ordinances governing historic landmarks, the Commission may revoke, after notice and an opportunity for a hearing, this Agreement.

4. PROMISE OF OWNERS. The Owner(s) agrees to and promises to fulfill the following Management Standards for his/her property which is the subject of the Agreement. Owner intends to bind his/her land and all successors and assigns. The Management Standards are: "THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS (36 CFR Part 67)." Compliance with the Management Standards shall be monitored by the Historic Landmarks Commission.

5. HISTORIC LANDMARKS COMMISSION. The Owner(s) must first obtain from the Commission a "Certificate of Appropriateness" for any action which would affect any of the following:

- (A) demolition;
- (B) relocation;
- (C) change in use;
- (D) any work that affects the exterior appearance of the historic landmark; or
- (E) any work affecting items described in Exhibit A.

6. In the case of an application for a "Certificate of Appropriateness" for the demolition of a landmark, the Owner(s) agrees to meet with the Commission to seek alternatives to demolition. These negotiations may last no longer than forty-five (45) days. If no alternative is found within that time, the Commission may take up to forty-five (45) additional days to attempt to develop alternatives, and/or to arrange for the salvage of architectural artifacts and structural recording. Additional and supplemental provisions are found in City ordinances governing historic landmarks.

This Agreement is entered into the year and date first above written.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

**CITY OF SPOKANE**

**HISTORIC PRESERVATION OFFICER**

**MAYOR**

\_\_\_\_\_  
Megan M.K. Duvall

\_\_\_\_\_  
Nadine Woodward

**ATTEST:**

\_\_\_\_\_  
City Clerk

**Approved as to form:**

\_\_\_\_\_  
Assistant City Attorney



STATE OF \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, **year**, before me, the undersigned,  
a Notary Public in and for the State of \_\_\_\_\_, personally appeared

\_\_\_\_\_, to me known to be the  
individual(s) described in and who executed the within and foregoing  
instrument, and acknowledged that \_\_\_\_\_ (he/she/they) signed the same as  
\_\_\_\_\_ (his/her/their) free and voluntary act and deed, for the uses and  
purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal  
this \_\_\_\_\_ day of \_\_\_\_\_, **year**.

\_\_\_\_\_  
Notary Public in and for the State  
of \_\_\_\_\_, residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
County of Spokane )

On this \_\_\_\_\_ day of \_\_\_\_\_, **year**, before me, the undersigned, a  
Notary Public in and for the State of Washington, personally appeared DAVID  
A. CONDON, MAYOR and TERRI L. PFISTER, to me known to be the Mayor and  
the City Clerk, respectively, of the CITY OF SPOKANE, the municipal  
corporation that executed the within and foregoing instrument, and  
acknowledged the said instrument to be the free and voluntary act and deed of  
said municipal corporation, for the uses and purposes therein mentioned, and  
on oath stated that they were authorized to execute said instrument and that  
the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal  
this \_\_\_\_\_ day of \_\_\_\_\_, **year**.

\_\_\_\_\_  
Notary Public in and for the State  
of Washington, residing at Spokane  
My commission expires \_\_\_\_\_

## **Attachment A**

## **Secretary of The Interior's Standards**

- 1.** A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2.** The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3.** Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4.** Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5.** Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- 6.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- 7.** Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8.** Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9.** New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10.** New additions and 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.

**City-County of Spokane  
Historic Preservation Office**

**Spokane Register  
Property Owner Handbook**

City-County of Spokane  
Historic Preservation Office  
**City Hall, Third Floor**  
**808 W Spokane Falls Boulevard**  
**Spokane Washington 99201**  
**[www.historicspokane.org](http://www.historicspokane.org)**  
**(509) 625-6983**

January 2023

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## **INTRODUCTION**

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### **Spokane Register of Historic Places**

Congratulations! Your property has been approved for listing on the Spokane Register of Historic Places by the Spokane Historic Landmarks Commission (SHLC). After you've signed the Management Agreement, and the City Council or Spokane County Commission (for properties outside the city limits) has approved the property for official listing on the Spokane Register, you're eligible to apply for the Special Valuation property tax incentive and you can purchase a plaque for your home or commercial property.

Owning a property on the Spokane Register is both a privilege and a responsibility. Property owners can benefit from generally increased property values, local tax incentives for rehabilitation, and protection from the threat of destructive planning. In return, owners are responsible for helping to maintain the distinctive characteristics which make an historic building unique.

This handbook has been created to assist property owners in understanding their responsibilities. Inside you'll find information on the design review process and how to get exterior changes or modifications to your property approved, the Special Valuation property tax incentive, and how to acquire a historic plaque indicating your property's historic designation.

## **RESULTS OF LISTING A PROPERTY ON THE SPOKANE REGISTER**

### **Management Agreement**

Once the Landmarks Commission approves a Spokane Register nomination for listing, the property owner(s) are required to sign a ***Management Agreement***. This agreement states that he/she will abide by the outlined Management Standards and obtain a ***Certificate of Appropriateness*** for any action affecting use or exterior appearance (or interior features specified within the Management Agreement, Attachment A); or involving demolition or new construction attached to the nominated property. The Management Standards are the mechanism used to ensure that structures maintain their historic character and architectural integrity. The Management Standards are the ***Secretary of the Interior's Standards for Rehabilitation and Guidelines for the Rehabilitation of Historic Buildings (36 CFR Part 67)***:

### **Secretary of the Interior's Standards**

- 1) The property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5) Distinctive features, finishes, and construction techniques, or examples of craftsmanship that characterize a historic property shall be preserved.
- 6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- 7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. If such resources must be disturbed, mitigation measures shall be undertaken.
- 8) Significant archeological resources affected by a project shall be protected and preserved.
- 9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10) New additions and 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.

To learn more about the Secretary of Interior Standards, visit:

<https://www.nps.gov/subjects/taxincentives/secretarys-standards-rehabilitation.htm>.

## **Certificate of Appropriateness & Design Review**

Owners of properties designated historic and listed on the Spokane Register have signed a document stating that they will abide by Management Standards outlined within the Management Agreement. They must also agree to obtain a Certificate of Appropriateness (COA) for any action affecting use, exterior appearance, demolition, or new construction attached to the structure.

The Management Agreement and design review process ensures the preservation of those historic and architectural features that allowed the structure to be placed on the Spokane Register. A Certificate of Appropriateness is the tool used to provide this protection for a designated structure or district. The Certificate of Appropriateness is an official notice of approval issued by the administrative commission (the Landmarks Commission), or its designee (The Historic Preservation Officer), charged with the jurisdiction for permitting or denying the appropriateness of proposed alterations or additions.



Figure 1. Patsy Clark Mansion

***Certain limited types of work are permitted without a Certificate of Appropriateness. These are as follows:***

- 1.) Painting and/or staining (same color)
- 2) General maintenance/general repairs (see item 5)
- 3) New porch floors that do not alter the existing or original shape.
- 4) Interior work that is not visible from the outside (unless otherwise specified in the agreement)
- 5) Repair-in-kind, if the work you want to do involves only repair, using the same materials and exact same details and finishes. It is, however, a good idea to notify the Historic Preservation Office when you are planning in-kind maintenance.

***Examples of work that require a Certificate of Appropriateness include:***

- 1) Installing synthetic siding (aluminum, steel, etc.)
- 2) Installing ornamental fencing
- 3) Replacing roof, with different finish materials



- 4) Changing existing windows, sashes or frames
- 5) Adding shutters not original to structure
- 6) Altering or adding sidewalks, driveways or parking areas
- 7) Adding/altering garages
- 8) Painting: change of color
- 9) Additional landscaping and planting

A table covering most circumstances related to work that may need a Certificate of Appropriateness has been added to the Historic Preservation ordinance which can be found [here](#).



Obtaining a Certificate of Appropriateness is the responsibility of the property owner(s). It is advisable to get the Certificate of Appropriateness well in advance of anticipated construction and before making any financial commitments for work or materials.

The fee for a Certificate of Appropriateness is \$25.00 for the application and \$75.00 for Landmarks Commission review; the fee will be billed to the property owner prior to review of the COA application.

To learn more about the Design Review process and required documentation to be submitted with the Certificate of Appropriateness, visit the [Historic Preservation Office website](#).



Figure 2. The American Legion Building before and after rehabilitation.

The Certificate of Appropriateness application is online through our Accela Citizen Access (ACA) website. For instructions on how to fill out the application and links to the application website, visit: <https://www.historicspokane.org/design-review#application>.

## **INCENTIVES**

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### **Special Valuation Tax Incentive**

In 1985, the Washington State Legislature determined that the preservation of the state's historic resources was an important goal and allowed "special valuation" for certain historic properties within the state. Under the program, rehabilitation costs, which must equal to at least 25% of the assessed value of a structure prior to rehabilitation, are subtracted from the assessed value of the property for a ten-year period. To be eligible for the Special Valuation, the property must be listed on the Spokane Register before an application for Special Valuation application can be heard and property owners have spent at least 25% of the assessed value

of the structure in rehabilitation costs over a twenty-four-month (maximum) period. The date that the application is made to the Assessor's Office sets the 24-month period (the 24-month time period is that which occurs directly prior to the date of the application). Rehabilitation costs can include interior and exterior work; such as plumbing, electrical, roof replacement, painting, and flooring. Rehabilitation costs preclude anything that is not affixed to the historic structure and does not include costs for items outside the footprint of the structure, such as fencing or landscaping, and all rehabilitation must follow the Management Standards set forth in the Management Agreement. More information about the Special Valuation incentive program is available here: <https://www.historicspokane.org/incentives>.

### ***Eligibility***

To be classified as eligible for special valuation, a property must first meet the following criteria:

- 1) The property **must** be listed on the Spokane Register of Historic Places, individually, or certified as a contributing property within a Local Register District.
- 2) Work must have been completed no more than 24 months prior to the application.
- 3) Rehab costs must be equal to at least 25% of the assessed value of the structure, not including land, prior to rehabilitation. The County Assessor's Office sets the value of the property which is the value of the building 2 years prior to application, exclusive of land value.

### ***Guidelines for Rehabilitation***

All work must comply with the Management Standards, Secretary of the Interior's Standards for Rehabilitation and Guidelines for the Rehabilitation of Historic Buildings (36 CFR Part 67).

### ***Deadlines to Remember***

- Application for special valuation must be made no later than 24 months after the beginning date of the rehabilitation work included therein.
- October 1 is the deadline for applications when special valuation is desired to be heard in the current calendar year. Applications may still be submitted after October 1, but a hearing will not be scheduled until the following calendar year, delaying the start of the Special Valuation for two years.

**NOTE:** Due to lag in property tax payments, the tax reduction will appear two years after approval, and it applies until the year following the end of the 10-year special valuation period.

### **Application Process**

Step 1: Property is listed on the Spokane Register.

Step 2: Property owner applies for Certificate of Appropriateness (COA) on proposed work and then rehabilitates building in accordance with the Secretary of the Interior's Standards.

Step 3: Property owner files application for Special Valuation with the Spokane County Assessor's Office prior to October 1.

Step 4: Preservation Office meets with applicant to discuss application requirements and procedures.

Step 5: Property owner files paperwork and Preservation Office processes application.

Step 6: Landmarks Commission conducts public hearing on application.

Step 7: If approved, Preservation Office sends approved amount to the County Assessor.

Step 8: Property owner sees a reduction in Spokane County property tax bill within two years.

### ***Important Considerations***

- It is recommended that work not be done before a property is listed on the Spokane Register or reviewed first by the Landmarks Commission.
- Improvements must be consistent with the historic character of the building, and meet the Secretary of the Interior's Standards for Rehabilitation.
- A Certificate of Appropriateness should be issued before work is started (if possible).
- In order for a historic property to be eligible for special valuation, it must have been substantially rehabilitated (25% of the assessed improvement value at the beginning of the two year period); within 24 months prior to the date of application.
- The property must be maintained in good condition as long as the special valuation is in effect.
- Applications may be submitted at any time; however, the deadline is October 1 when special valuation is desired for two years following approval. Reduction in property taxes

appears two years after special valuation approval and applies until the year following the ten-year period of special valuation. If an application is made in April of 2023, the first reduction in taxes will be seen in 2025.

- Property owners who receive special valuation for a rehabilitation project may also apply for the Federal Investment Tax Credits for the same project (income-producing/commercial properties only).

### ***Penalty***

The penalty for violating the agreement or other program requirements is substantial: all back taxes that would otherwise have been owed, interest on back taxes and a penalty equal to 12% of back taxes and interest may be due.

### ***Below are examples of expenditures that DO qualify for Special Valuation:***

- Walls and roofs
- Partitions
- Floors
- Ceilings
- Permanent coverings such as paneling or tiling
- Windows and doors
- Components of central air conditioning or heating systems
- Plumbing and plumbing fixtures
- Electrical wiring and lighting fixtures
- Chimneys
- Stairs
- Escalators
- Elevators
- Sprinkling systems
- Fire escapes and other components related to the operation or maintenance of the building
- Construction period interest and taxes
- Architect and engineering fees
- Construction management costs
- Reasonable developer fees
- Any other fees paid that would normally be charged to a capital account.



Figure 3. Pattullo House in Booge's Addition Historic District

### ***Below are examples of expenditures that DO NOT qualify for Special Valuation:***

- Costs of acquiring the building or interest therein; acquisition costs
- Enlargement costs that expand the total volume of the existing building (Interior remodeling which increases floor space is not considered enlargement)

- Non-contributing additions
- Parking lots, sidewalks, paving and landscaping
- New building construction costs
- Appliances (if not built in)
- Cabinets (if not built in)
- Carpeting (if tacked in place and not glued)
- Decks (if not part of original building)
- Demolition costs (removal of a building on property site)
- Enlargement costs (increase in total volume)
- Fencing
- Feasibility studies
- Financing fees
- Furniture
- Leasing Expenses
- Moving (building) costs (if part of acquisition)
- Outdoor lighting remote from building
- Planters
- Porches and Porticos (if not part of original building)
- Retaining walls
- Signage
- Storm sewer construction costs
- Window treatments (if not attached to the building)
- Meals for employees
- Homeowner labor (homeowner's family is ok, if proof of payment is submitted)

Application fees for Special Valuation are \$150.00 for residential properties, and from \$250.00+ for all other properties. Price will vary on commercial property depending upon the dollar amount of the rehabilitation at the time of filing.

To learn about other incentives available for local Spokane Register listed properties, visit:  
<https://www.historicspokane.org/incentives>.

See appendix for a Special Valuation Application form, checklist and affidavit.

### **Spokane Register Marker Program**

The Historic Preservation Office and the Historic Landmarks Commission have long worked toward the establishment of an historic marker program for properties listed on the Spokane Register of Historic Places. Local artist, Marcia Smith, created a handsome design executed in a ten-inch bronze plaque designed for exterior mounting, and finished with a clear acrylic lacquer for extra protection against the elements.

The Spokane Register Historic Marker Program offers us the opportunity to recognize those residences and commercial properties which contribute significantly to the historic and architectural character of this community. Markers can be purchased for \$200.00 once a property has been listed on the Spokane Register at the City-County of Spokane Historic Preservation Office, City Hall, Third Floor, 808 W Spokane Falls Boulevard.



## **RESOURCES**

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City-County of Spokane Historic Preservation Office

<http://www.historicspokane.org>

Department of Archaeology and Historic Preservation (DAHP)

<http://www.dahp.wa.gov>

Spokane County Assessor

<http://www.spokanecounty.org/assessor>

Spokane Preservation Advocates (SPA)

<http://www.spokanepreservation.org>

## **Contact**

For questions or more information, contact the Spokane City/County Historic Preservation Office at [preservation@spokanecity.org](mailto:preservation@spokanecity.org) or (509) 625-6543.

## **Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings**

### **Standard Number 1: Compatible use**

"A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment."

### **Standard Number 2: Retention of Historic Character**

"The historic character of a property shall be retained and reserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided."

### **Standard Number 3: Recognition of Historic Period**

"Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken."

### **Standard Number 4: Preserve Record of Change**

"Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved."

### **Standard Number 5: Preserve Character Defining Features**

"Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved."

### **Standard Number 6: Repair/Replacement Based on Evidence**

"Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence."

### **Standard Number 7: Appropriate Treatment**

"Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible."

**Standard Number 8: Protect Archeological Resources**

“Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.”

**Standard Number 9: Compatible New Additions/Alterations**

“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.”

**Standard Number 10: Reversible Alterations**

“New additions and 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 property and its environment would be unimpaired.”





## House History



Learning about the history of your home can be a fun and fascinating process. You may find information about the people who used to live there, or you may learn what architectural style your house represents and try to find out the name of the original architect and builder. Your research could uncover information about important people or events associated with your home. Above all, researching your house will give you a sense of appreciation for its history and lend insight into the customs and lifestyles of your predecessors.

Staff members in the Northwest Room of Downtown Spokane Public Library are happy to assist you as you conduct your research. Many of the research materials you will need are available at the library.

### Getting Started

If your home is in the City of Spokane, you may first visit Property Development, a sector of the Permit Department, Third Floor, City Hall, 808 West Spokane Falls Blvd. There are usually permits on file here that show water connections, sewer connections, permits for remodeling and if the home was constructed after 1912, there will be a Building Permit. Ask the receptionist to see the microfiche on your address to view these files. County residents may see their building permits dating back to 1930 at the County Building Department Public Works Building, 811 North Jefferson. Ask to see the Assessor's workbook that will show any additions or remodeling done to your home.

Information uncovered at these offices may provide names and dates that will be invaluable as you conduct further research.

### Tracing the owners of your home

This process is called creating a Chain of Title and may be accomplished with a visit to a Title Insurance Company. This Company may provide you with a list of owners and any business transactions attached to the property. There are several Title companies in Spokane, and most may charge a fee for this service. Before approaching a Company, be prepared with a legal description of your property, which may be found by consulting your property's tax records. The description is shown in the upper left hand corner. (Example: HEATH'S L5 B6, meaning Heath's Addition, Lot 5, Block 6). If your tax records are not readily available, a computer printout may be obtained at the Assessor's Office, Spokane County Courthouse, 1116 West Broadway.

### Tracing the History of the Owners of Your Home

After learning the names of previous owners of your property, you can put together a history using the R. L. Polk Spokane City Directories. Dating back to 1883, these books list the names and occupations of Spokane residents. Beginning in the 1929 directories, information is cross-referenced, so you may look search by either address or name. It is important to note that prior to 1891, the streets in Spokane used the river to divide north and south and Howard Street to divide east and west, while in directories dated after 1891, the major dividing lines are Division for east and west and Sprague for north and south. Suburban directories are available from 1956, and the library also maintains are county maps and a few Valley directories that may be helpful. These materials are all available for use at the Downtown Library, 906 West Main Avenue.

For more information, call (509) 444-5338 or visit the Northwest Room at the Spokane Public Library, 906 W. Main, Spokane, Washington 99201.



SPOKANE CITY-COUNTY HISTORIC PRESERVATION OFFICE

808 W. Spokane Falls Blvd.  
Spokane, Washington 99201  
Phone (509) 625-6983  
Fax (509) 625-6013  
[www.historicspokane.org](http://www.historicspokane.org)



### 1. How can I get my home listed on the Spokane Register?

A home eligible for listing on the Spokane Register is generally at least 50 years of age or older and maintains its historic character, meaning no extensive changes have been made to the exterior of the home. The home must meet one of five additional criteria considerations to be eligible. For more information or to learn if your home is eligible for listing, visit <https://www.historicspokane.org/spokane-register>.

### 2. What is the nomination process?

Once your home has been determined eligible for listing, a nomination form must be filled out. Nomination forms can be filled out by property owners, or a historic consultant can be hired to complete the form. Nominations are reviewed for approval by the Spokane Historic Landmarks Commission every month. To get a copy of the nomination form or a list of historic consultants, visit [www.historicspokane.org](http://www.historicspokane.org) or call 509.625.6543.

### 3. What does it mean to have a home listed on the Spokane Register?

Once the Commission approves a nomination for listing, the property owner(s) must sign a Management Agreement. This agreement states that the owner will abide by the outlined Management Standards and obtain a Certificate of Appropriateness for any action affecting use or exterior appearance, or involving demolition or new construction attached to the structure. The Management Standards are the mechanism used to ensure

that structures maintain their historic character and architectural integrity. Because the Management Agreement is a contract, it is approved by the City Council after the SHLC's review.

### 4. Am I allowed to make changes to my home if it is listed on the Spokane Register?

Yes. If your home is listed on the Spokane Register, you may make changes to the home as long as all changes have been reviewed prior to the start of work and are in keeping with the historic character of the property. Changes to listed properties can be reviewed through a Certificate of Appropriateness application.

### 5. Are there any tax incentives associated with the listing of a home on the Spokane Register?

Yes. Properties listed on the Spokane Register are eligible to take advantage of a Special Valuation Tax Incentive. Special Valuation offers a reduced property tax for the certified rehabilitation of listed properties. If property owners spend 25% of the assessed improvement value of the home in rehabilitation over a 2-year period just prior to application, that dollar-for-dollar amount is deducted off the assessed value of the home resulting in a lowered property tax that is good for 10 years. For more information on Special Valuation, visit <https://www.historicspokane.org/Incentives#SV>.

### 6. How can my neighborhood become a local Spokane Register Historic District?

Creating a Spokane Register Historic District involves the same process as the individual listing of properties, but requires majority consent. To determine if your neighborhood is eligible for a local district designation, contact us at 509.625.6543.

### 7. How can I find out if my home is already listed on the Spokane Register?

To find out if your home is already listed on the Spokane Register, visit <https://properties.historicspokane.org/>.





### City-County of Spokane Historic Preservation

3<sup>rd</sup> Floor, City Hall

808 W. Spokane Falls Boulevard

Spokane, Washington 99201

Phone: 509.625.6543

Email: [preservation@spokanecity.org](mailto:preservation@spokanecity.org)

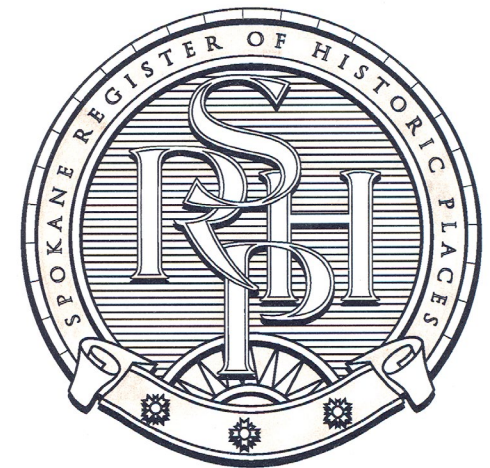
[www.historicspokane.org](http://www.historicspokane.org)



SPOKANE COUNTY

## Spokane Register of Historic Places

### Frequently Asked Questions



### City-County of Spokane Historic Preservation

3<sup>rd</sup> Floor, City Hall

808 W. Spokane Falls Boulevard

Spokane, Washington 99201

The **Spokane Register of Historic Places** is our local government's official list of those properties that have contributed to the community's history. The Register was established by ordinance in both the City and County of Spokane in late 1981 and early 1982. These ordinances deem the Spokane Historic Landmarks Commission responsible for the stewardship of historic and architecturally significant properties. Nominations to the Spokane Register must be accompanied by owner consent, or in the case of a district, the majority of the owners' consent.

# Resources for Historic Property Research

Location	Contact Person/ Email	Phone Number	Website	Resources
<i>Spokane Public Library, Northwest Room 906 W Main Ave Spokane, Washington 99201</i>	Dana Bronson <a href="mailto:dbronson@spokanelibrary.org">dbronson@spokanelibrary.org</a>	(509) 444-5300	<a href="https://spokanelibrary.org/northwest-room/">https://spokanelibrary.org/northwest-room/</a>	Copies of National and Local Register nominations, photographs, local history, Sanborn Maps, Polk Directories, plat maps, vertical file
<i>Museum of Arts &amp; Culture (MAC), Joel E. Ferris Library (Eastern Washington Historical Society) 2316 W First Ave Spokane, Washington 99204</i>	Anna Harbine, Archivist Alex Fergus, Assistant Reference Archivist <a href="mailto:Archives@northwestmuseum.org">Archives@northwestmuseum.org</a>	(509) 363-5342	<a href="http://www.northwestmuseum.org/">http://www.northwestmuseum.org/</a>	Large photograph collection, Polk Directories, biographies, vertical file, architectural plans
<i>Eastern Regional Archives Eastern Washington Regional Archives 960 Washington Street Cheney, Washington 99004</i>	<a href="mailto:EABranchArchives@sos.wa.gov">EABranchArchives@sos.wa.gov</a>	(509) 235-7508	<a href="http://www.secstate.wa.gov/archives/archives_eastern.aspx">http://www.secstate.wa.gov/archives/archives_eastern.aspx</a> <a href="http://www.digitalarchives.wa.gov/Search">www.digitalarchives.wa.gov/Search</a>	Public records, Polk Directories, County Assessor field books
<i>Spokane County Assessor's Office 1116 W Broadway County Courthouse, 1<sup>st</sup> Floor Spokane, Washington 99201</i>	<a href="#">Spokane County Assessor</a>	(509) 477-3698	<a href="http://www.spokanecounty.org/assessor/">http://www.spokanecounty.org/assessor/</a>	Property legal descriptions, tax parcel information, assessed values, construction dates
<i>DSC – Developer Services Center 808 W Spokane Falls Blvd City Hall, 3<sup>rd</sup> Floor Spokane, Washington 99201</i>	Development Services Center Permit Team <a href="mailto:eradscpt@spokanecity.org">eradscpt@spokanecity.org</a>	(509) 625-6300	<a href="http://my.spokanecity.org/business/">my.spokanecity.org/business/</a> <a href="http://my.spokanecity.org/permits/archive/">my.spokanecity.org/permits/archive/</a>	View historic building permits; includes build dates, dates of remodels or additions, and names of contractors or architects



CITY-COUNTY of SPOKANE HISTORIC PRESERVATION  
808 W. Spokane Falls Blvd.  
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Phone (509) 625-6983  
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[www.historicspokane.org](http://www.historicspokane.org)

# Resources for Historic Property Research

Location	Contact Person/ Email	Phone Number	Website	Resources
<i>City of Cheney Historic Preservation Office</i> Cheney Planning Department 112 Anderson Road Cheney, Washington 99004	Sue Beeman <a href="mailto:sbeeman@cityofcheney.org">sbeeman@cityofcheney.org</a>	(509) 498-9240	<a href="http://www.cityofcheney.org/site/history/preservation">www.cityofcheney.org/site/history/preservation</a>	Preservation process, registered properties, Cheney Register nomination forms, Cheney historic property inventory forms
<i>Eastern Washington University Special Collections</i> JFK Library, EWU Cheney, Washington 99004-2453	Steven Bingo, University Archivist <a href="mailto:sbingo@ewu.edu">sbingo@ewu.edu</a>	(509) 359-2302	<a href="https://www.ewu.edu/library/ewu-archives-special-collections/">https://www.ewu.edu/library/ewu-archives-special-collections/</a>	University archive, historic photographs, special collections, theses, digital collections
<i>Whitworth Archives</i> Harriet Cheney Cowles Library Whitworth College Spokane, Washington 99251	Nancy A Bunker, Assoc. Prof., Library <a href="mailto:nbunker@whitworth.edu">nbunker@whitworth.edu</a> <a href="mailto:archives@whitworth.edu">archives@whitworth.edu</a>	(509) 777-4481	<a href="http://www.whitworth.edu/library/archives/index.htm">http://www.whitworth.edu/library/archives/index.htm</a>	University archive, historic photographs, special collections
<i>Gonzaga Special Collections</i> Foley Library Gonzaga University Spokane, Washington 99258	Stephanie Plowman <a href="mailto:plowman@gonzaga.edu">plowman@gonzaga.edu</a> <a href="mailto:uasc@gonzaga.edu">uasc@gonzaga.edu</a>	(509) 313-2847	<a href="https://www.gonzaga.edu/foley-library/university-archives-and-special-collections--uasc">https://www.gonzaga.edu/foley-library/university-archives-and-special-collections--uasc</a>	University archive, special collections, rare book collection, Bing Crosby Collection



## **Section 4 - Legislation**

1. By-Laws for SHLC
2. Spokane Municipal Code 17D.100 – Historic Preservation
3. Chapter 84.26 RCW – Historic Property
4. Title 254 WAC – Advisory Council on Historic Preservation
5. Title 458 WAC – Historic Property



**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 17<sup>TH</sup> OF OCTOBER 2018.

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Chairperson

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Co-Vice-Chairperson

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Co-Vice-Chairperson

## Title 17D City-wide Standards

### Chapter 17D.100 Historic Preservation

#### Section 17D.100.010 Purposes

- A. The City recognizes that the maintenance and preservation of historic landmarks and historic districts benefits all people in Spokane, and provides a general benefit to the public by preserving our City's history and unique culture.
- B. By creating standards for the designation and protection of historic landmarks and historic districts, the City intends to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the City and County as a public necessity. 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 law.

Date Passed: Monday, February 12, 2018

Effective Date: Saturday, March 31, 2018

#### ORD C35580 Section 2

#### Section 17D.100.015 Applicability

- A. This chapter applies to actions of the Spokane City/County Historic Landmarks Commission, and to properties located in the City of Spokane and in unincorporated areas of Spokane County.
- B. For purposes of this chapter, "Council" refers to the Spokane City Council and "Board" refers to the Spokane County Board of Commissioners.

#### Section 17D.100.020 Historic Landmarks and Districts – Designation

- A. Generally a building, structure, object, site or district which is more than fifty (50) years old or determined to be exceptionally significant in an architectural, historical or a cultural manner may be designated an historic landmark or historic district 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 and association and must fall into one or more of the following categories:
  - 1. Property 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
  - 2. Property is associated with the lives of persons significant in the history of the city, county, state or nation; or
  - 3. Property 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;

4. Property has yielded, or is likely to yield, information important in prehistory or history; or
  5. 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.
- B. An area within Spokane may be designated as a Spokane Register Historic District according to the process described in SMC 17D.100.030 – 17D.100.110.

#### Section 17D.100.025 Compatibility of Historic Standards with Title 17 Development Standards

- A. All property designated by the City as a historic landmark or that is located within a historic district that has been designated by the City pursuant to this chapter, shall be subject to all of the controls, standards, and procedures set forth in Title 17 SMC, including those contained in this chapter, applicable to the area in which it is presently located, and the owners of the property shall comply with the mandates of this Title 17 SMC in addition to all other applicable Spokane Municipal Code requirements for the area in which such property is located. In the event of a conflict between the application of this chapter and other codes and ordinances of the City, the more restrictive shall govern, except where otherwise indicated.
- B. Coordination with Underlying Zoning. In certain cases, application of the development standards, including those for height, bulk, scale, and setbacks, may conflict with historic preservation standards or criteria and result in adverse effects to historic landmarks or properties located in historic districts. In such cases, properties subject to design review and approval by the Landmarks Commission shall be exempted from the standards that conflict with the Landmarks Commission's application of the historic preservation standards adopted in this chapter. The issuance of a certificate of appropriateness for final design by the Landmarks Commission shall include specific references to any conflicts between the historic standards and those in Title 17 SMC generally, and specifically request the appropriate exemptions.

#### Section 17D.100.030 Historic Landmarks and Historic Districts – Submittal Process

- A. An application for the designation of a property or district as an historic landmark or historic district as provided in this chapter shall be submitted to the historic preservation officer ("HPO") on a standard form made available by the HPO. The application may be submitted by the property owner(s) or a designated agent of the property owner(s).
- B. With respect to historic landmark applications, when the HPO is satisfied as to the completeness and accuracy of the information, the nomination is referred within thirty (30) days of the receipt of the application to the historic landmarks commission ("commission") for a hearing. Fourteen (14) days prior to the commission hearing, the HPO transmits to commission members copies of the nominations of properties to be considered for designation.
- C. In the case of historic districts, the HPO will submit (i) proposed management and design standards for the district as a whole; and (ii) the nomination document which delineates all contributing resources and non-contributing resources within the district, to the owners of property within the boundaries of the proposed historic district for their consideration and

review for a sixty (60) day period. If the requisite number of consents are received according to SMC 17D.100.100, the HPO schedules the application for a hearing before the commission.

D. Notice.

1. Once the nomination is scheduled for a hearing, the HPO notifies the owner(s) of the nominated property in writing by first-class mail, as well as by publication in a newspaper of general circulation of the date of the hearing and of the benefits and conditions which may result from designation.
2. Notice of the hearing on proposed historic landmarks shall be sent at least fourteen (14) days before the hearing. Notice of the hearing on proposed historic districts shall be sent at least thirty (30) days prior to the date of the hearing.

Section 17D.100.040 Procedure - Preliminary Designation

- A. Public hearings of the commission are publicly advertised. Staff causes notice, containing the time, place and date of the hearing and a description of the location of the property in nonlegal language, to be mailed to all property owners of record, and in the case of a proposed historic district, to the owners of property within the proposed historic district, by publication in a newspaper of general circulation, and to be advertised in the legal newspaper of the board or council, as appropriate, at least thirty (30) days prior to the hearing. For proposed historic districts, no later than thirty (30) days prior to the hearing, staff shall cause the posting of a sign containing the notice provisions of this section to be posted at a central location within the proposed district.
- B. At a publicly advertised hearing, the commission takes testimony concerning the nomination and formulates a recommendation as to the designation. The commission may decide to:
  1. recommend approval of designation of the property or district to the council or board as appropriate; or
  2. recommend denial of designation of the property or district to the council or board as appropriate; or
  3. defer the consideration of the nomination to a continued public hearing, if necessary.

Section 17D.100.050 Procedure - Findings of Fact

After the hearing, the commission enters findings of fact with reference to the relevant designation criteria. These findings of fact are forwarded, along with the recommendation, to the council or the board, as appropriate.

Section 17D.100.060 Procedure - Notification of Results

- A. The commission shall, within five (5) days of the preliminary designation, provide notice to the owner(s), and City and County agencies, of the following:
  1. The designation decision and the reasons therefor;
  2. the necessity, once the designation becomes final, of applying for a certificate of appropriateness for any action which would alter the property(ies);

3. any responsibilities the owner(s) may have in regard to certificates of appropriateness; and
  4. any incentives which may be available for the maintenance, repair, or rehabilitation of the property.
- B. The commission is also required to review nominations to the National Register of Historic Places ("NRHP") as part of its duties as a certified local government. Upon approval or denial of a national nomination, the HPO advises the state historic preservation officer of the action taken in accordance with the rules of the "certified local government" program.

Section 17D.100.070 Procedure - Council or Board Action

- A. Once a preliminary designation is made, the owner and the HPO shall negotiate a management standards agreement for the property. Upon agreement, the management agreement is forwarded to the council or board, as appropriate for consideration.
- B. The council or the board, as appropriate, must act on the recommendation of the commission within thirty (30) days of receiving a copy of the agreed management standards. A final designation decision may be deferred for consideration at another public hearing. Once a final decision is made, the city clerk, board clerk, or their designee, notifies the commission, property owner(s) and affected City and County agencies.

Section 17D.100.080 Procedure - Appeal of Preliminary Designation

- A. The commission's recommendation may be appealed to the Hearing Examiner pursuant to SMC 17G.050.310 by filing with an appeal with the Hearing Examiner's office with a copy to the HPO.
- B. An appeal may only be filed (i) by an owner of record whose property is the subject of the preliminary designation decision or, (ii) in the case of historic district designations, on petition of at least 25% of the owners of property located within the proposed historic district.
- C. An appeal filed under this section may only be accepted if it is filed within fourteen (14) days of the execution of the findings of fact set forth in SMC 17D.100.050.
- D. An appeal filed under this section must state the grounds upon which the appeal is based, such as procedural irregularities or a clear error of law.
- E. Appeals filed pursuant to this section are reviewed by the Hearing Examiner on a closed record; that is, in rendering a decision, the Hearing Examiner may only take into consideration the written record of the commission's deliberations, factual findings, and preliminary designation. No additional evidence shall be considered by the Hearing Examiner on appeal.
- F. The Hearing Examiner may either affirm the preliminary designation or remand the matter to the commission for further proceedings.

Section 17D.100.090 Procedure - Appeal of Council or Board Action

Action of the council or the board may be appealed to the superior court.

## Section 17D.100.100 Property Management and Design Standards – Agreement

- A. In the case of individual properties, in order for the preliminary designation to become final and the property to be designated as an historic landmark, the owner(s) must enter into appropriate management standards as recommended by the commission for the property under consideration. If the owner does not enter into a management agreement, the preliminary designation does not become final and the property is not listed on the Spokane historic register.
- B. In the case of a historic district, the proposed design standards and guidelines shall only be effective if a majority of the owners of properties located within the boundaries of the proposed historic district sign a petition, on a form prescribed by the HPO, seeking the formation of the proposed historic district, under the management standards applicable to the district as a whole, within the sixty (60) day consideration period. Following the expiration of the sixty (60) day consideration period, the HPO shall report to the commission concerning the number of properties within the proposed district and the number of signatures contained on the petition. If the HPO determines that the petition contains the requisite number of signatures, the commission shall set the property management and design standards for the district. For purposes of this requirement, “owners of property” includes owners of units within a condominium association.
- C. If the commission finds that both the requisite number of signatures are present on the petition and that the design standards and guidelines should be set for the district, the historic district shall be designated as such on the official City zoning map by the use of an historic district overlay zone. The Commission shall, pursuant to SMC 17D.100.050, forward its findings to the City Council for adoption of the appropriate legislation to adopt the historic district overlay zone as part of the official zoning map. Non-contributing resources within the overlay zone are subject to administrative or commission review for significant alterations and demolition, including the resulting replacement structures, consistent with the requirements of the design standards and guidelines. No less than every five (5) years, the commission shall review and consider amendments to the design standards and guidelines for each district established under this section and forward its findings and recommendations to the City Council for adoption.
- D. The property management agreement for individual properties and the design standards and guidelines for historic districts are not applicable to the public right of way.
- E. Local historic district design standards and guidelines are intended to provide guidance for decision making by both the property owner when undertaking work within a local historic district and the historic preservation officer and commission when issuing certificates of appropriateness in the district. Local historic district design standards and guidelines are not development regulations but are instead used to assist the HPO and commission making decisions in accordance with the Secretary of Interior’s Standards for Rehabilitation. Final decisions of the HPO or the commission are based on the Secretary of Interior Standards for Rehabilitation (Department of Interior regulations, 36 CFR 67). The Standards for Rehabilitation pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior, related landscape features and the building’s site and environment as well as attached, adjacent, or related new construction. The Standards for Rehabilitation are to

be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

#### Section 17D.100.110 Procedure - Final Designation of Landmarks and Districts

- A. After a management agreement is executed and approved by the City Council, or, in the case of districts, set by commission action, final designation is made, the property or district is placed upon the Spokane register of historic places, and, for individual properties, a notice of the management agreement shall be recorded so as to be reflected in a title search for the property. In the case of districts, a notice of historic district overlay zone designation shall be recorded so as to also be reflected in a title search for a given property therein, and the designation shall be confirmed by ordinance.
- B. If the commission and the owner(s) cannot agree on management standards, no management agreement is entered into between the parties, the preliminary designation does not become final, and the property is not placed on the Spokane register of historic places.

#### Section 17D.100.200 Certificates of Appropriateness - When Required

- A. A certificate of appropriateness is required prior to the issuance of any permit for the following activities:
  - 1. Demolition of a Spokane Register historic landmark or a contributing resource located within an historic district (National or Spokane Register);
  - 2. Relocation of an historic landmark or a contributing resource located within an historic district;
  - 3. any work that affects the exterior appearance of an historic landmark;
  - 4. any work that significantly affects the street-facing façade of a building located within an historic district; and
  - 5. development or new construction located within the designated boundaries of an historic district.
  - 6. The HPO may administratively approve certificate of appropriateness applications for non-contributing resources within historic districts in consultation with the Design Review Committee of the Commission.
- B. Exemptions. The following activities do not require a certificate of appropriateness or review by the HPO or the Commission.
  - 1. Ordinary repair and maintenance activities, including emergency measures, which do not affect significant historic features.
  - 2. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials.
  - 3. Repairs to or replacement of utility systems if such work does not alter a significant feature.
  - 4. Table 17D.100-1 sets forth the list of the types of work that are reviewed by the full commission, types of work that can be approved administratively and types of work that are exempt from the requirement of a certificate of appropriateness.

#### Section 17D.100.210 Certificates of Appropriateness – Procedure

- A. Any application for an action which requires a certificate of appropriateness under this chapter or which may be within the scope of agreed management standards under this chapter must

meet minimum submittal requirements established by the HPO. Prior to taking action on the application, the official responsible for processing the application shall request review of the action by the commission. For non-contributing resources within a local register historic district, an administrative approval may be considered.

- B. The requests for review and issuance of a certificate of appropriateness and any supplemental information shall be transmitted by the HPO to the commission, the property owner or applicant, the neighborhood council where the property is located and interested parties of record at least fourteen (14) days prior to the next scheduled meeting of the commission. The review of requests for certificate of appropriateness which may be approved by the HPO are deemed to be ministerial permits. The HPO shall issue the administrative decision within fourteen (14) days after receipt of the application. The review of requests for certificates of appropriateness which are approved by the landmarks commission are subject to the timeline and procedures contained in this section.
- C. At its next scheduled meeting, the commission reviews the request and decides whether to issue a certificate of appropriateness. The commission transmits its findings to the property owner or applicant, the neighborhood council and interested parties of record. If the commission is unable to process the request, the commission may extend the time for its determination.
- D. The commission reviews the request for certificates of appropriateness under the following procedure:
  - 1. The applicant for a certificate of appropriateness must provide to the commission drawings of the proposed work, photographs of the existing building or structure and adjacent properties, information about the building materials to be used, and any other information requested by the HPO or commission.
  - 2. In making a decision on an application, the commission uses the Secretary of the Interior's Standards for Rehabilitation, historic district design standards and other general guidelines established and adopted by the commission. In adopting and using standards, the commission does not limit new construction to any one architectural style but seeks to preserve the character and integrity of the landmark or the historic district through contemporary compatible designs.
  - 3. The HPO reviews each application, certifies it complete and, within seven (7) days of certification, causes notice of application to be provided to the property owner or applicant, the neighborhood council and interested parties of record. The notice of application shall be provided electronically to the e-mail on record or by mail if there is no e-mail address. After the notice of application has been given, a public comment period is provided until the commission closes the public comment period upon completion of the public hearing. The purpose of the public comment period is to provide the opportunity for public review and comment on the application. Comments on the application will be accepted at or any time prior to the closing of the record of the open-record public hearing.
  - 4. At least fourteen (14) days prior to the public hearing, the officer causes notice of hearing to be provided, which shall consist of notification to the property owner or applicant and interested parties of record of the date and time of the public hearing before the commission.
  - 5. Commission review.

- a. The HPO makes a written report regarding the application to the commission, ensures that the application is sent to appropriate other City departments, coordinates their review of the application and assembles their comments and remarks for inclusion in the report to the commission as appropriate. The report of the HPO contains a description of the proposal, a summary of the pertinent Secretary of the Interior's Standards for Rehabilitation, findings and conclusions relating to those standards and a recommendation. If the recommendation is for approval with conditions, the report also identifies appropriate conditions of approval. At least ten (10) days prior to the scheduled public hearing, the report is filed with the commission as appropriate and copies are mailed to the applicant and the applicant's representative. Copies of the report are also made available to any interested person for the cost of reproduction. If a report is not made available as provided in this subsection, commission may reschedule or continue the hearing, or make a decision without regard to any report.
- b. The commission makes a decision regarding the application within ten (10) days of the date the record regarding the application is closed. The time for decision may be extended if the applicant agrees. In making the decision, the commission may approve, approve with conditions, or deny the permit application. The decision is in writing.
6. Within seven (7) days of making the decision, the permit authority causes a notice of decision to be provided to the property owner or applicant, the neighborhood council and interested parties of record.

#### Section 17D.100.215 Vesting Project Permits

A complete application for a project permit that is entitled to vesting under Washington law and that is subject to a certificate of appropriateness shall be considered under the land use codes and other land use control ordinances in effect on the date a complete application for a certificate of appropriateness as set forth in chapter 17D.100 SMC is submitted to the HPO, provided that a complete project permit application is filed within one hundred eighty days of the landmark commission's final decision.

#### Section 17D.100.220 Certificates of Appropriateness – Demolition of Historic Landmarks or Contributing Resources Within Spokane Register Historic Districts

- A. No permit for the demolition of an historic landmark or a contributing building located within a local historic district shall be processed or issued until the commission issues a certificate of appropriateness for the proposed action. A building permit for a replacement structure under this section may not be accepted, processed, or issued prior to the issuance of the demolition permit.
- B. Within forty-five (45) days of the HPO's receipt of an application for a certificate of appropriateness concerning the demolition of an historic landmark or a contributing resource located within a local historic district, the applicant and the HPO shall meet to determine if there are feasible alternatives to demolition. The attempt to find feasible alternatives may continue beyond forty-five (45) days if both parties agree to an extension.
- C. If no feasible alternative to demolition has been agreed to within the forty-five (45) day window and any extension(s), the commission may either issue or deny the certificate of appropriateness for demolition by taking into account the following:
  1. The historic importance of the property;

2. The nature of the redevelopment which is planned for the property;
  3. The condition of the existing structure;
  4. The effect on the surrounding neighborhood of the planned replacement use;
  5. The overall effect of the proposed redevelopment on the neighborhood character and the elements of the neighborhood's urban design; and
  6. Any proposed mitigation measures under which the owner would salvage significant architectural features of the structure after properly documenting the building before demolition.
- D. If the commission denies the application for a certificate of appropriateness for a property for which a demolition permit is sought, no demolition permit may be issued. The applicant may appeal the denial, within thirty (30) days to the Hearing Examiner, who shall review the commission's decision. Such appeal is conducted by the Hearing Examiner on a closed record; that is, the Hearing Examiner may only consider the written record of the commission's deliberations, findings, and recommendation and no additional evidence shall be considered by the Hearing Examiner.
- E. The Hearing Examiner may affirm the denial or may remand to the HPO or commission, as appropriate, for further consideration.
- F. If the commission issues a certificate of appropriateness for the demolition of an historic landmark, or a building located within an historic district, such certificate shall include conditions such as:
1. any temporary measures deemed necessary by the commission for the condition of the resulting property after the demolition, including, without limitation, fencing or other screening of the property;
  2. the provision of ongoing, specific site security measures;
  3. salvage of any historically significant artifacts or fixtures, determined in consultation with the HPO prior to demolition;
  4. if no replacement structure is constructed on the site within six (6) months of the issuance of the certificate, the owner must landscape the site for erosion protection and weed control and provide for solid waste clean-up;
  5. abatement of any hazardous substances on the property prior to demolition;
  6. requirement for dust control during the demolition process; and
  7. that the certificate of appropriateness for demolition of the building is valid for three (3) months.



Section 17D.100.230 Demolition Permits for Historic Structures in the Downtown Boundary Area and National Register Historic Districts

- A. No demolition permits for structures that are listed or eligible to be listed on the National or Local Register of Historic Places located in the area shown on Map 17D.100.230-M1, Downtown Boundary Area, and in all National Register Historic Districts shall be issued unless the structure to be demolished is to be replaced with a replacement structure that is approved by the commission under the following criteria:
  - 1. The replacement structure shall have a footprint square footage equal to or greater than the footprint square footage of the landmark structure to be demolished. The replacement structure must also have a floor area ratio equal to or greater than 60% of that of the landmark structure to be demolished. The square footage of the footprint may be reduced:
    - a. to accommodate an area intended for public benefit, such as public green space and/or public art;
    - b. if the owner submits plans in lieu for review and approval by the City's design review board subject to applicable zoning and design guidelines; and
    - c. if the replacement structure is, in the opinion of the HPO and the commission, and in consultation with the Design Review Board, compatible with the historic character of the Downtown Boundary Area or National Register Historic District, as appropriate.
  - 2. Any replacement structure under this section shall satisfy all applicable zoning and design guidelines, and shall be considered by the commission within thirty days of the commission's receipt of an application for a certificate of appropriateness concerning the building for which a demolition permit is sought.
  - 3. A building permit for a replacement structure under this section must be accepted, processed, and issued prior to the issuance of the demolition permit. In the alternative, the owner may obtain a demolition permit prior to the issuance of the building permit if the owner demonstrates to the satisfaction of the director of building services, in consultation with the HPO, that the owner has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or has other financial resources that are sufficient (together with any valid and binding commitments for financing) and available for such purpose.
- B. Eligibility shall be determined by the commission within thirty (30) days of the submission of the application for a demolition permit. The applicant shall be responsible to submit a determination of eligibility demonstrating the ineligibility of the structure based upon the National Register Criteria for Evaluation (36 CFR 60). Applications for structures that are determined not to be listed or eligible to be listed on a National or Local Register of Historic Places shall be processed pursuant to existing regulations.

- C. This section shall not apply to orders of the building official or fire marshal regarding orders that a structure be demolished due to public health, safety, or welfare concerns.
- D. If the commission issues a certificate of appropriateness for the demolition of an building on the national register or located within the downtown boundary zone, such certificate shall include conditions such as:
  - 1. any temporary measures deemed necessary by the commission for the condition of the resulting property after the demolition, including, without limitation, fencing or other screening of the property;
  - 2. the provision of ongoing, specific site security measures;
  - 3. salvage of any historically significant artifacts or fixtures, determined in consultation with the HPO prior to demolition;
  - 4. limitations on the extent of the demolition permitted, such that only non-historically significant portions of the property are subject to demolition;
  - 5. if construction on a replacement structure is not commenced on the site within six (6) months of the issuance of the certificate, the owner must landscape the site for erosion protection and weed control and provide for solid waste clean-up;
  - 6. abatement of any hazardous substances on the property prior to demolition;
  - 7. requirement for dust control during the demolition process; and
  - 8. that the certificate of appropriateness for demolition of the building is valid for three months.

#### Section 17D.100.240 Economic Hardship Determination

- A. The City recognizes that there are circumstances under which enforcement of this chapter may cause an undue hardship to a property owner. The City therefore finds that it is necessary to provide property owners the opportunity to demonstrate that an economic hardship exists in specific cases, under which the demolition prohibitions of SMC 17D.100.220 and 17D.100.230 shall not apply.
- B. The requirements of SMC 17D.100.220 and 17D.100.230 shall not apply and the owner may obtain a demolition permit without the requirement of constructing a replacement structure if the owner can demonstrate to the satisfaction of the ad hoc committee established by this section that maintaining the historic structure would impose an economic hardship on the property owner that was created beyond the owner's control.
  - 1. The ad hoc committee on economic hardship shall be appointed by the commission, and will consist of at least seven members as follows:

- a. one member of the real estate development community or association such as CCIM Institute, Institute of Real Estate Management, the Society of Office and Industrial Realtors, and Building Owners and Managers Association;
    - b. one member from a banking or financial institution;
    - c. one licensed architect registered in Washington State;
    - d. one member from the property management industry;
    - e. one member representative of property developers;
    - f. one member of the landmarks commission; and
    - g. one member representing the neighborhood council where the historic structure is located.
  2. The ad hoc committee's decision shall be made by majority vote and within thirty (30) days of the submission of the material demonstrating an economic hardship by the property owners.
    - a. The property owner has the burden of demonstrating the economic hardship.
    - b. Evidence of economic hardship is limited to instances when preservation will deprive the owner of reasonable economic use of the property.
    - c. An owner's financial status is not evidence of economic hardship.
    - d. The decision of the ad hoc committee may be appealed to the hearing examiner within thirty days of the committee's decision.
  3. The ad hoc committee will be a standing committee with one revolving member representing the specified neighborhood in which the property resides.
    - a. There is a preference for developer and architects who participate on the ad hoc committee to have both new building construction and historic renovation experience.
    - b. There is a preference for the neighborhood representative who participates on the ad hoc committee to have experience in development, appraising, construction, and/or related skills.
    - c. Members of the ad hoc committee shall serve for two-year terms and may be reappointed for additional two-year terms.
- C. For purposes of this section, a reasonable economic use would be one that provides a greater return on the underlying land value (land with improvements) than the land alone could generate. The following four steps will be taken to determine reasonable economic use:

1. The market value of the land, as vacant, is to be estimated.
    - a. The sales comparison approach to value is an approved method.
    - b. The land residual technique is an approved method, but only allowable when accompanied by and reconciled with the sales comparison approach method.
  2. The first-year market rate of return on leased land is to be estimated. Market data supporting this rate of return must be provided.
  3. Based on applying the rate of return to the land value estimate, an annual market return on the underlying land results. This is the base figure or threshold for the analysis.
  4. Provide an estimate of the annual market net operating income for the property as is, and under any reasonable modifications thereof. Note that any required capital investment in the property would increase the basis from which the return is estimated.
    - a. The sales comparison approach, income approach, cost approach, and development approach to value are all approved techniques.
    - b. Under valuation scenarios where an additional capital investment is required, the expected market return on the capital investment will be subtracted from the annual return, with the residual income being the return on the land.
- D. In order that a property may be marketed for sale or refinance with knowledge of the property's status, an owner may request an advance determination that a specific property qualifies under the economic hardship exemption established by this section. Upon receipt of a written request from a property owner, the owner shall be entitled to an economic hardship hearing at the owner's expense, to provide a showing that the factors stated in SMC 17D.100.230(B) are present. If the commission agrees, it shall issue a written determination to the owner that the property qualifies for economic hardship status pursuant to this section, and the owner is therefore entitled to represent the such written determination as binding upon the property owner and City to third parties including without limitation prospective purchasers and lenders.
- E. This section does not apply to orders of the building official or fire marshal that a structure be demolished due to public health, safety, or welfare concerns.

#### Section 17D.100.250 Negotiated Standards

The owner, the commission, or the HPO may request a negotiation process leading to more specifically defined or different management standards for a specific piece of property; provided, however, that nothing in this section requires the commission to agree to participate in a negotiation process leading to specifically defined or different standards for any particular property which would otherwise be subject to this chapter, and provided also that it is the intent of the City that negotiated standards are to be utilized only in extraordinary circumstances. While the negotiation process is occurring, the requirements for a certificate of appropriateness continue to be in effect.

#### Section 17D.100.260 Negotiated Standards - Approved Process

Once the negotiation process is completed and the owner and the commission are in agreement with the negotiated standards, a copy of that agreement is transmitted to the council or board for final approval. Once final approval is received, the commission distributes copies of the agreement to the appropriate boards, commissions and agencies for implementation. If the council or board does not approve the agreement, it may be sent back, with a statement of the council's or board's objection, for further negotiation. When renegotiation is completed, the agreement is returned to the council or the board for approval.

#### Section 17D.100.270 Negotiated Standards - Arbitration and Appeal

If no agreement can be reached between the commission and the owner, the matter may be presented to the council or the board, or designees to arbitrate the agreement. Appeal from any arbitration decision may be made to the superior court.

#### Section 17D.100.280 Browne's Addition Local Historic District Overlay Zone

##### A. Purpose.

This special overlay zone establishes a local historic district in Browne's Addition under section 17D.100.020. This overlay zone sets forth standards and guidelines that will maintain the historic character of the district through a design review process.

##### B. Designation of Districts.

Along with individual properties, contiguous groups of properties can be designated as local historic districts on the Spokane Register of Historic Places.

1. The process for designation of local historic districts is detailed in Chapter 17D.100.
2. Local historic districts are displayed as an overlay zone on the official zoning map and its title and purpose are adopted as an ordinance under Title 17C. See the Browne's Addition Local Historic District Overlay Zone Map 17D.100.280-M1.

##### C. Certificate of Appropriateness Review.

The certificate of appropriateness review process for the Browne's Addition Local Historic District helps insure any alterations to a building do not adversely affect that building's historic character and appearance, or that of the historic district. The process is conducted by the Spokane Historic Landmarks Commission as detailed in "Browne's Addition Historic District Design Standards and Guidelines."

1. The District Design Standards and Guidelines assist property owners through the design review process by providing the following:
  - a. District-wide design standards and guidelines,
  - b. Specific design standards and guidelines for single-family contributing structures,
  - c. Specific design standards and guidelines for multi-family contributing structures,
  - d. Specific design standards and guidelines for non-contributing structures,
  - e. Design standards and guidelines for new construction, and
  - f. Demolition review criteria for properties within the district

2. The Browne's Addition Design Standards and Guidelines require property owners to apply for and receive a Certificate of Appropriateness for proposed exterior changes to properties within the district as outlined in the Browne's Addition Historic District Design Standards and Guidelines and under sections 17D.100.200-220.
- D. The Browne's Addition Design Standards and Guidelines are intended to provide guidance for decision making by both the property owner when undertaking work within the Browne's Addition Local Historic District and the historic preservation officer and commission when issuing certificates of appropriateness in the district. The Browne's Addition Design Standards and Guidelines are not development regulations but are instead used to assist the historic preservation officer and commission making decisions in accordance with the Secretary of Interior's Standards Rehabilitation. Final decisions of the HPO or the commission are based on the Secretary of Interior Standards for Rehabilitation (Department of Interior regulations, 36 CFR 67). The following Standards for Rehabilitation are the criteria used to determine if a rehabilitation project qualifies for a certificate of appropriateness. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.
1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
  5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  10. New additions and 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.
- E. The Browne's Addition Historic District Design Standards and Guidelines, which are incorporated by reference and included as Appendix A are adopted.

#### Section 17D.100.300 Waiver of Review

The commission, at the request of the owner, may waive review under SMC 17D.100.240 through 17D.100.290 of those actions which may require a certificate of appropriateness or which may be within the scope of agreed management standards when the action will be reviewed by the Washington State Department of Archaeology and Historic Preservation or the National Park Service and will be subject to the Secretary of the Interior's Standards for Treatment of Historic Properties. The commission may choose to deny said request should it be determined by the Washington State Department of Archaeology and Historic Preservation or the National Park Service that the proposed action does not meet the Secretary of the Interior's Standards for the Treatment of Historic Properties

#### Section 17D.100.310 Review and Monitoring of Properties for Special Property Tax Valuation

##### A. Timeline

1. Applications shall be forwarded to the commission by the assessor within ten (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 ten (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 SMC 17D.100.090.
  - a. If the commission finds the properties meet all the criteria, then, on behalf of the City, it enters into a Historic Preservation Special Valuation Agreement (set forth in WAC 254-20-120) with the owner. Upon execution of the agreement between the owner and commission, the commission approves the application(s) for special property tax valuation.
  - b. If the commission determines the properties do not meet all the criteria, then it shall deny the application(s) for special property tax valuation.

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, the commission:
  - a. forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-20-090 (4) 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 and based on the report of the HPO, whether properties are disqualified from special valuation. Such disqualification can be based on:
  - a. The owner's failure to comply with the agreement's terms; or
  - b. The loss of the property's historic value due to physical changes to the building or site.
6. If the commission concludes that a property is no longer qualified for the special property tax valuation, the commission shall notify the owner, assessor, and state review board in writing that the property is disqualified and state the facts supporting its findings.

C. Criteria

1. The City attained Certified Local Government (CLG) status in 1986. As a CLG, the City determines the class of property eligible to apply for Special Valuation. Eligible property types in Spokane mean only properties listed on Spokane Register of Historic Places or properties certified as contributing to a Spokane 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. To be complete, applications must include 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 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. 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 City;
  - c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) 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 17D.100.210 of this ordinance).
4. 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. 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. Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to the 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.

#### Section 17D.100.320 Incentives

- A. In order to help fulfill the purposes of this chapter, the HPO is authorized to approve incentive measures described in this section for historic landmarks and contributing buildings within historic districts, in addition to the other generally applicable provisions of the City's Economic Development Strategy identified by the City Council. In addition, the HPO is authorized to approve the use of funds from the Historic Preservation Incentives Fund to incentivize historic preservation in Spokane and fulfill the purposes of this chapter.

B. Façade improvement grants

The HPO is authorized to administer a grant program to provide matching funds for the improvement of the street-facing façades of historic landmarks and contributing resources located within historic districts.

C. Pilot sidewalk Improvement grants

1. There is created a Pilot Sidewalk Improvement Grant program to mitigate the cost of improvements or repairs to sidewalks adjacent to historic landmarks or contributing resources located within historic districts, and made in conjunction with the historic rehabilitation of an historic landmark or contributing resource. This grant shall be administered by the HPO and shall be available starting on January 1, 2019.

2. Project Criteria

- a. The grant program created by this section applies only to projects in which the property owner has invested an amount equaling not less than twenty-five percent (25%) of the assessed value of the property, as measured by the valuation of the project after the completion of the rehabilitation project.
- b. The property must be located within the boundaries of Council district 2.

3. Applicants shall apply for project funding to the HPO on a form supplied by the HPO. The application shall provide the following information:

- a. Satisfaction of project criteria stated above;
- b. Documentation of the property's status as an historic landmark;
- c. A description of the changes proposed for the property to be made as a result of the project,
- d. Information sufficient to show that the project has financial funding or commitments for funding; and
- e. any other relevant information requested by the HPO.

4. Funding

- a. On or before January 1, 2019, there shall be allocated five thousand dollars (\$5,000) to this Pilot Sidewalk Improvement Grant program.
- b. No individual project funding may exceed one thousand dollars (\$1,000) dollars.
- c. On or before January 1, 2020, the program will be evaluated to determine, based on reports of administration staff, the success of the program.

This section shall expire on January 1, 2021 unless renewed.

D. Pilot Urban Utility Installation Program

Pursuant to SMC 08.10.230, the Pilot Urban Utility Installation Program shall be made available for historic landmarks and contributing resources within historic districts.

Section 17D.100.330 Project Permit Exclusion

Pursuant to RCW 36.70B.140, and subject to SMC 17D.100.025, the City Council finds that the certificates of appropriateness required under this chapter warrant a review process different from that provided in RCW 36.70B.060 through 36.70B.080 and 36.70B.110 through 36.70B.130 and Chapter 17G.060 SMC, and hereby excludes such certificates of appropriateness from the review processes provided for therein.

Section 17D.100.400 Enforcement; Violations; Penalty

- A. This chapter shall be enforced by the HPO under the city's civil infraction system, pursuant to chapter 01.05 SMC. The HPO is the "code enforcement officer" as designated by SMC 01.05.020(B).
- B. A violation of SMC 17D.100.200-17D.100.230 is a class 1 civil infraction.
- C. Pursuant to SMC 01.02.950(A), the HPO may refer violations or imminent violations of this chapter to the city attorney for actions in Superior Court seeking declaratory or injunctive relief.

# **Chapter 254-20 WAC**

## **SPECIAL VALUATION FOR HISTORIC PROPERTIES**

### **WAC Sections**

<a href="#"><u>254-20-010</u></a>	Purpose.
<a href="#"><u>254-20-020</u></a>	Authority.
<a href="#"><u>254-20-030</u></a>	Definitions.
<a href="#"><u>254-20-040</u></a>	Responsibilities of the local legislative authority.
<a href="#"><u>254-20-050</u></a>	Defining the class of eligible historic property.
<a href="#"><u>254-20-060</u></a>	Requirements for local review boards.
<a href="#"><u>254-20-070</u></a>	Responsibilities of local review boards.
<a href="#"><u>254-20-080</u></a>	Responsibilities of the state historic preservation officer.
<a href="#"><u>254-20-090</u></a>	Responsibilities of the owner—Application requirements.
<a href="#"><u>254-20-100</u></a>	Washington state advisory council's standards for the rehabilitation and maintenance of historic properties.
<a href="#"><u>254-20-110</u></a>	Eligibility and disqualification.
<a href="#"><u>254-20-120</u></a>	Historic preservation special valuation agreement.

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### **254-20-010**

#### **Purpose.**

The purpose of these rules is to implement special tax valuation for rehabilitation of historic properties under which the assessed value of eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation.

[Statutory Authority: RCW [84.26.120](#). WSR 86-21-103 (Order 86-11), § 254-20-010, filed 10/20/86.]

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### **254-20-020**

#### **Authority.**

These rules are promulgated by the advisory council on historic preservation under the authority granted in RCW [84.26.120](#).

[Statutory Authority: RCW [84.26.120](#). WSR 86-21-103 (Order 86-11), § 254-20-020, filed 10/20/86.]

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## 254-20-030

### Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout these rules:

(1) "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 floorspace 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.

(2) "Certified historic structure" means property located within a national register historic district which has been:

(a) Certified by the secretary of the interior as contributing to the significance of a national register historic district pursuant to 36 C.F.R. 67.4; or

(b) Certified, under a process specified in local administrative rules, as contributing to the significance of an historic district in a local register of historic places which has been created by a local government historic preservation program certified by the secretary of the interior as provided in P.L. 96-515.

(3) "Class of historic property" means all historic property meeting any neutral, objective criteria for determining which types of historic property are eligible for special valuation that have been adopted by the local legislative authority under an ordinance or administrative rule, consistent with the purposes of chapter [84.26](#) RCW.

(4) "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.

(5) "Historic district" means historic property consisting of multiple buildings, sites, structures, or objects located in proximity to one another and related in historic period or theme.

(6) "Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is:

(a) Listed in a local register of historic places created by comprehensive ordinance, certified by the secretary of the interior as provided in P.L. 96-515; or

(b) Listed in the National Register of Historic Places.

(7) "Local legislative authority" means the municipal government within incorporated cities and the county government in unincorporated areas.

(8) "Local review board" means any appointed committee designated by local ordinance to make determinations concerning the eligibility of historic properties for special valuation and to approve or deny applications therefor.

(9) "Owner" means the owner of record.

(10) "Rehabilitation" is the process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving

those portions and features of the property which are significant to its architectural and cultural values.

(11) "State review board" means the advisory council on historic preservation established under chapter [27.34](#) RCW, or any successor agency designated by the state to act as the state historic preservation review board under federal law.

(12) "Special valuation" means the determination of the assessed value of the historic property subtracting, for up to ten years, such cost as is approved by the local review board. [Statutory Authority: RCW [84.26.120](#). WSR 86-21-103 (Order 86-11), § 254-20-030, filed 10/20/86.]

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## **254-20-040**

### **Responsibilities of the local legislative authority.**

(1) Each local jurisdiction, at the option of the local legislative authority, shall designate a local review board and establish one or more classes of historic property that are eligible for special valuation under these rules.

(2) Multiple jurisdictions within the same county may elect to jointly designate, under an interlocal agreement, a single local review board to carry out the purposes of chapter [84.26](#) RCW.

[Statutory Authority: RCW [84.26.120](#). WSR 86-21-103 (Order 86-11), § 254-20-040, filed 10/20/86.]

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## **254-20-050**

### **Defining the class of eligible historic property.**

(1) Each "class of eligible historic property" shall be defined by the local legislative authority using objective criteria which lead to consistent decisions on determinations of eligibility.

(2) The criteria for the class of eligible historic property may take into account such factors as geographic location, date of construction, type of use, local landmarks designation, and other verifiable criteria consistent with the purposes of chapter [84.26](#) RCW, and these rules.

(3) Within historic districts, only certified historic structures may be included in the class of eligible historic property.

(4) Once a local jurisdiction has established a class of eligible historic property, it may amend the criteria defining the class at any time. However, if the new criteria are more restrictive than the previous criteria, the new criteria may not take effect for a period of two years following October 1 of the year in which the change is made. Amendments to the criteria shall not have the effect of disqualifying property already subject to special valuation.

[Statutory Authority: RCW [84.26.120](#). WSR 86-21-103 (Order 86-11), § 254-20-050, filed 10/20/86.]

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## **254-20-060**

### **Requirements for local review boards.**

(1) The local review board may be an existing board or commission of local government or a special purpose authority, but shall not be the same as the local legislative authority.

(2) The local review board shall be identified by local ordinance as having responsibility to:

- (a) Make determinations concerning the eligibility of individual properties;
  - (b) Verify that the improvements are consistent with the advisory council's standards for rehabilitation and maintenance;
  - (c) Enter into agreements as required under WAC [254-20-070\(2\)](#);
  - (d) Approve or deny applications for special valuation; and
  - (e) Monitor property for continued compliance with the agreement and statutory eligibility requirements.
- (3) The local review board shall adopt bylaws and/or administrative rules governing:
- (a) Compliance with the Open Public Meetings Act (chapter [42.30](#) RCW);
  - (b) Rules of parliamentary procedure;
  - (c) Order and conduct of business; and
  - (d) Frequency of meetings.

[Statutory Authority: RCW [84.26.120](#). WSR 86-21-103 (Order 86-11), § 254-20-060, filed 10/20/86.]

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## **254-20-070**

### **Responsibilities of local review boards.**

(1) Following receipt of an application for special valuation from the county assessor, the local review board shall, consistent with locally adopted rules of procedure, determine if the property meets 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 legislative authority under an ordinance or administrative rule;
- (c) The property has been rehabilitated at a cost which meets the definition set forth in RCW [84.26.020\(2\)](#) 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.

(2) If the local review board finds that the property satisfies all four of the above requirements, then it shall, on behalf of the local jurisdiction, enter into an agreement with the owner which, at a minimum, includes the provisions set forth in WAC [254-20-120](#). Upon execution of said agreement between the owner and the local review board, the local review board shall approve the application.

(3) If the local review board determines that the property does not meet all of the requirements for special valuation, then it shall deny the application.

(4) An application for special valuation shall be approved or denied by the local review board before December 31 of the calendar year in which the application is made. The local review board shall certify its decision in writing and state the facts upon which the approval

or denial is based. The local review board shall file a copy of the certification with the county assessor within ten days of issuing a decision.

(5) If the application is approved, the local review board shall forward a copy of the agreement, the application, and supporting documentation as required by WAC [254-20-090](#)(4) to the county assessor for recording and shall notify the state review board that the property has been approved for special valuation.

(6) Once an application for special valuation has been approved, the local review board shall determine, according to its bylaws and rules of procedure, whether or not the property has become disqualified, either because of the owner's failure to comply with the terms of the agreement, or because of a loss of historic value resulting from physical changes to the building or site. In the event that a local review board concludes that a property is no longer qualified for special valuation, it shall notify the owner, the county assessor, and the state review board in writing and state the facts supporting its findings.

[Statutory Authority: RCW [84.26.120](#). WSR 86-21-103 (Order 86-11), § 254-20-070, filed 10/20/86.]

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## **254-20-080**

### **Responsibilities of the state historic preservation officer.**

(1) The state historic preservation officer will, upon request, provide technical assistance to the local legislative authority and the local review board in conducting special valuation activities.

(2) The state historic preservation officer shall inform the local review board if the state review board is notified by the owner of property subject to special valuation that the property no longer qualifies for special valuation under chapter [84.26](#) RCW.

[Statutory Authority: RCW [84.26.120](#). WSR 86-21-103 (Order 86-11), § 254-20-080, filed 10/20/86.]

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## **254-20-090**

### **Responsibilities of the owner—Application requirements.**

(1) The owner of an historic property desiring special valuation shall apply to the assessor of the county in which the historic property is located upon forms prescribed by the department of revenue and supplied by the county assessor.

(2) In order to be eligible for special valuation, applications must be made not later than October 1 of the calendar year preceding the assessment year for which special valuation is sought.

(3) The owner shall be required to pay only such fees as are necessary to process and record documents pursuant to chapter [84.26](#) RCW.

(4) Applications shall include a legal description of the historic property. The owner shall also provide comprehensive exterior and interior photographs of the historic property before and after rehabilitation, architectural plans or other legible drawings depicting the completed rehabilitation work, and 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.



(5) For properties located within historic districts, the application shall also include, in addition to the information specified in subsection (4) of this section, a statement from the secretary of the interior or the appropriate local official, as specified in local administrative rules, or by the local government, indicating that the property is a certified historic structure.

(6) Property owners applying for special valuation under these rules shall make available to the local review board documentation as to the actual cost of the rehabilitation project and the period of time during which the rehabilitation took place.

[Statutory Authority: RCW [84.26.120](#). WSR 87-03-039 (Order 86-11), § 254-20-090, filed 1/16/87; WSR 86-21-103 (Order 86-11), § 254-20-090, filed 10/20/86.]

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## **254-20-100**

### **Washington state advisory council's standards for the rehabilitation and maintenance of historic properties.**

The following rehabilitation and maintenance standards shall be used by local review boards 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:

(1) Rehabilitation.

(a) Every reasonable effort shall be made to provide a compatible use for an historic property which requires minimal alteration of the building, structure, or site and its environment, or to use an historic 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 features should be avoided when possible.

(c) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(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 recognized and respected.

(e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(f) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should 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) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

(i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

(j) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(2) Maintenance.

(a) Buildings and structures shall not be allowed to deteriorate beyond the point where routine maintenance and repair will return them to good condition.

(b) Buildings shall be kept in a safe and habitable condition at all times. Structural defects and hazards shall be corrected. Any condition which constitutes a fire hazard shall be eliminated.

(c) Buildings shall be protected against ongoing water damage due to defective roofing, flashing, glazing, caulking, or other causes. Moisture condensation resulting from inadequate heat or ventilation shall be eliminated if present at levels sufficient to promote rot or decay of building materials.

(d) Deteriorated exterior architectural features and any broken or missing doors and windows shall be repaired or replaced.

(e) Painted exterior surfaces shall be maintained and repainted as necessary to prevent a deteriorated appearance or damage to the substrate. Exterior masonry surfaces shall be tuck pointed where required to maintain the mortar in sound condition. Finished tuck pointing shall match the original mortar joint in hardness and appearance.

[Statutory Authority: RCW [84.26.120](#). WSR 86-21-103 (Order 86-11), § 254-20-100, filed 10/20/86.]

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## **254-20-110**

### **Eligibility and disqualification.**

(1) The actual cost of the rehabilitation work shall be calculated on the basis of expenses incurred for improvements or work elements completed prior to the date of application. Properties subject to ongoing or phased rehabilitation work shall be eligible for special valuation so long as the property meets the criteria of WAC [254-20-070](#)(1).

(2) No application for special valuation under these rules shall be made after December 31, 1991.

(3) When property has once been classified and valued as eligible historic property, the expiration of the ten-year period allowed for special valuation shall not have the effect of disqualifying the property and thereby invoking the additional tax, interest, and penalty otherwise due when a property is disqualified or determined ineligible.

[Statutory Authority: RCW [84.26.120](#). WSR 86-21-103 (Order 86-11), § 254-20-110, filed 10/20/86.]

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## 254-20-120

### Historic preservation special valuation agreement.

The following historic preservation special valuation agreement shall be used by local review boards as the minimum agreement necessary to comply with the requirements of RCW [84.26.050](#)(2):

This Historic Preservation Agreement is entered into on this . . . . day of . . . . ., 19 . . . . , by and between . . . . . (hereinafter referred to as APPLICANT) and . . . . . (hereinafter referred to as LOCAL REVIEW BOARD).

WHEREAS APPLICANT is the owner of record of the historic property commonly known as . . . . ., located at . . . . ., State of Washington, as more fully described in Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to as PROPERTY); and

WHEREAS APPLICANT has requested special valuation of the PROPERTY pursuant to chapter [84.26](#) RCW; and

WHEREAS the LOCAL REVIEW BOARD has determined that the PROPERTY has been substantially rehabilitated within the two year period preceding the date of application and the actual cost of said rehabilitation equals or exceeds twenty-five percent of the assessed valuation of the PROPERTY prior to the improvements; and

WHEREAS the LOCAL REVIEW BOARD has verified that the PROPERTY is historic property that falls within a class of properties determined eligible for special valuation by local ordinance or administrative rule; and

WHEREAS the LOCAL REVIEW BOARD finds that the rehabilitation work has not altered the PROPERTY in any way which adversely affects those elements which qualify it as historically significant;

NOW THEREFORE, in recognition of the foregoing, the APPLICANT enters into this Agreement with the LOCAL REVIEW BOARD and agrees to adhere to the following terms and conditions for the ten-year period of the special valuation classification:

1. APPLICANT agrees to comply with the Washington State Advisory Council's Standards for the Maintenance and Rehabilitation of Historic Properties as set forth in Exhibit B, which is attached hereto and by this reference incorporated herein.
2. APPLICANT agrees the property shall not be altered without the prior written consent of the LOCAL REVIEW BOARD signed by a duly authorized representative thereof. No construction, alteration or remodeling or any other action shall be undertaken or permitted to be undertaken which would affect the historic character of the PROPERTY which classifies it as eligible for special valuation, or which would affect the appearance of the PROPERTY as depicted in the photographs attached hereto and incorporated herein by this reference as Exhibits . . . . . through . . . . ., or which would adversely affect the structural soundness of the PROPERTY; provided, however, that the reconstruction, repair, repainting, or refinishing of presently existing parts or elements of the PROPERTY subject to this Agreement, damage to which has resulted from casualty loss, deterioration or wear and tear, shall be permitted without the prior approval of the LOCAL REVIEW BOARD, provided that such reconstruction, repair, repainting, or refinishing is performed in a manner which will not alter the appearance of those elements of the PROPERTY subject to this Agreement as they are as of this date. Exterior changes which shall require the consent of the LOCAL REVIEW BOARD shall include, but not be limited to, any substantial structural change or any change in design, color or materials.
3. APPLICANT agrees the PROPERTY shall not be demolished without the prior written consent of the local review board.
4. APPLICANT agrees to make historic aspects of the PROPERTY accessible to the public one day each year if the PROPERTY is not visible from a public right of way.
5. APPLICANT agrees to monitor the PROPERTY for its continued qualification for special valuation and notify the appropriate County Assessor within 30 days if the PROPERTY becomes disqualified because of
  - a. a loss of historic integrity,
  - b. sale or transfer to new ownership exempt from taxation, or
  - c. sale or transfer to new ownership which does not intend to agree to the terms of this Agreement nor file a notice of compliance form with the County Assessor.
6. The APPLICANT and LOCAL REVIEW BOARD both agree that there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provisions of this Agreement,

during the period of the classification without the approval of all parties to this Agreement.

Term of the Agreement. This Agreement shall take effect immediately upon signature and remain in effect until the property is no longer eligible for special valuation either through disqualification under RCW [84.26.080](#) or upon expiration of the ten-year period of special valuation commencing January 1, 19 . . . . , and ending December 31, 19 . . . .

Hold Harmless. The APPLICANT or its successors or assigns shall hold the State and the LOCAL REVIEW BOARD harmless from any and all liability and claims which may be asserted against the State and the LOCAL REVIEW BOARD as a result of this Historic Preservation Special Valuation Agreement or the participation by the APPLICANT in the Special Valuation Program.

Governing Law. The terms of this Agreement shall be construed in accordance with the laws of the state of Washington.

[Statutory Authority: RCW [84.26.120](#). WSR 86-21-103 (Order 86-11), § 254-20-120, filed 10/20/86.]

# Chapter 458-15 WAC

## HISTORIC PROPERTY

Last Update: 1/29/09

### WAC Sections

<a href="#">458-15-005</a>	Purpose.
<a href="#">458-15-010</a>	Authority.
<a href="#">458-15-015</a>	Definitions.
<a href="#">458-15-020</a>	Application.
<a href="#">458-15-030</a>	Multiple applications.
<a href="#">458-15-040</a>	Costs and fees.
<a href="#">458-15-050</a>	Qualifications.
<a href="#">458-15-060</a>	Processing of the agreement.
<a href="#">458-15-070</a>	Disqualification or removal.
<a href="#">458-15-080</a>	Disqualification or removal—Effective date.
<a href="#">458-15-090</a>	Additional tax.
<a href="#">458-15-100</a>	Appeals.
<a href="#">458-15-110</a>	Exemption of portion of historic property.
<a href="#">458-15-120</a>	Revaluation and new construction.

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### 458-15-005

#### Purpose.

The purpose of these rules is to implement the provisions of chapter [84.26](#) RCW relating to the administration of the act. These rules are to be used in conjunction with chapter [254-20](#) WAC as adopted by the advisory council on historic preservation.

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 87-05-022 (Order PT 87-2), § 458-15-005, filed 2/13/87.]

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### 458-15-010

#### Authority.

These rules are promulgated by the department under RCW [84.08.010](#)(2).

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 87-05-022 (Order PT 87-2), § 458-15-010, filed 2/13/87.]

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### 458-15-015

#### Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Act" means chapter [84.26](#) RCW.

(2) "Additional tax" means those additional taxes, interest, and penalties specified in RCW [84.26.090](#).

(3) "Agreement" means an instrument executed by an applicant and the local review board.

(4) "Applicant" means the owner(s) of record of property who submit(s) an application for special valuation.

(5) "Assessed value" means the true and fair value of the property for which each special valuation is sought.

(6) "Board" or "local review board" means any appointed committee designated by local ordinance to make determinations concerning the eligibility of historic properties for special valuation and to approve or deny applications therefor.

(7) "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.

(8) "County recording authority" means the county auditor or the county recording authority which records real property transactions.

(9) "Department" means the department of revenue.

(10) "Disqualification" means the loss of eligibility of a property to receive special valuation.

(11) "Eligible historic property" means a property determined by the board to be:

(a) Within a class approved by the local legislative authority; and

(b) Eligible for special valuation.

(12) "Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is:

(a) Listed in a local register of historic places created by comprehensive ordinance, certified by the secretary of the interior as provided in P.L. 96-515; or

(b) Listed in the national register of historic places.

(13) "Special valuation" means the determination of the assessed value of the historic property subtracting, for up to ten years, such cost as is approved by the local review board: Provided, That the special valuation shall not be less than zero.

(14) "Local legislative authority" means the municipal government within incorporated cities and the county government in unincorporated areas.

(15) "Rehabilitation" is the process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its architectural and cultural values. (See WAC [458-15-050](#).)

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 87-05-022 (Order PT 87-2), § 458-15-015, filed 2/13/87.]

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## **458-15-020**

### **Application.**

(1) The application for special valuation under the act shall be submitted to the assessor of the county where the property is located upon forms prescribed by the department of revenue and supplied by the county assessor.

(2) Applications shall be filed by October 1 of the calendar year preceding the first assessment year for which the special valuation is sought.

(3) Upon receipt of the application the assessor shall verify:

(a) The assessed valuation of the building carried on the assessment roll twenty-four months prior to filing the application;

(b) The owner of the property; and

(c) Legal description and parcel or tax account number.

(4) Within ten days after the filing of the application with the county assessor the application for special valuation shall be forwarded to the board for approval or denial.

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 87-05-022 (Order PT 87-2), § 458-15-020, filed 2/13/87.]

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## **458-15-030**

### **Multiple applications.**

If rehabilitation of a historic property is completed in more than one phase the cost of each phase shall be determined at the time of application.

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 87-05-022 (Order PT 87-2), § 458-15-030, filed 2/13/87.]

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## **458-15-040**

### **Costs and fees.**

The assessor may charge such fees as are necessary for the processing and recording of the certification and agreement for special valuation of historic property. These fees shall be payable to the county recording authority.

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 87-05-022 (Order PT 87-2), § 458-15-040, filed 2/13/87.]

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## **458-15-050**

### **Qualifications.**

Four criteria must be met for special valuation under this act. The property must:

- (1) Be an historic property;
- (2) Fall within a class of historic property determined eligible for special valuation by the local legislative authority under an ordinance or administrative rule;
- (3) Be rehabilitated at a cost which meets the definition set forth in RCW [84.26.020](#)(2) within twenty-four months prior to the application for special valuation; and
- (4) Be protected by an agreement between the owner and the board as described in RCW [84.26.050](#)(2).

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 87-05-022 (Order PT 87-2), § 458-15-050, filed 2/13/87.]

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## **458-15-060**

### **Processing of the agreement.**

Upon receipt from the board of documentation that the property is an eligible historic property and the agreement between the applicant and the board, the assessor shall:

- (1) Record the original agreement, the certification and the application with the county recording authority.
- (2) Enter upon the assessment rolls for the subsequent year the special valuation as defined in WAC [458-15-015](#)(13).
- (3) The assessor shall calculate and enter on the assessment rolls a special value each succeeding year. The property shall receive the special valuation until:
  - (a) Ten assessment years have elapsed; or
  - (b) The special valuation is lost through disqualification or removal.
- (4) Retain copies of all documents.

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 87-05-022 (Order PT 87-2), § 458-15-060, filed 2/13/87.]

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## **458-15-070**

### **Disqualification or removal.**

When property has been granted special valuation as historic property, the special valuation shall continue until the property is disqualified or removed by the assessor upon:

- (1) Expiration of the ten-year special valuation period;
- (2) Notice by the owner to remove the special valuation;
- (3) Sale or transfer to an ownership making it exempt from taxation;
- (4) Sale or transfer of the property through the exercise of the power of eminent domain;
- (5) Sale or transfer to a new owner; and
- (a) The property no longer qualifies as historic property; or
- (b) The new owner does not sign the notice of compliance contained on the real estate excise tax affidavit;
- (6) Determination by the board that the property no longer qualifies as historic property; or
- (7) Determination by the board and notice to the assessor that the owner has failed to comply with the conditions established under RCW [84.26.050](#), chapter [254-20](#) WAC or the agreement.

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 87-05-022 (Order PT 87-2), § 458-15-070, filed 2/13/87.]

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## **458-15-080**

### **Disqualification or removal—Effective date.**

The disqualification from special valuation shall be effective on the date the event that led to the disqualification occurs.

- (1) If the owner gives notice to discontinue the special valuation, the owner shall specify in the notice the effective date of removal.
- (2) In case of sale or transfer, the date of disqualification shall be the date of the instrument of conveyance.
- (3) If removal is based on a board decision, the board shall determine the effective date of disqualification to be the date of any disqualifying change in the property or the owner's noncompliance with conditions established under RCW [84.26.050](#). If the board does not specify the date of such an occurrence, then the date of the board order shall be the effective date of disqualification.



(4) After the board has sent notice to the owner that it has determined that property is disqualified or after property has been sold and no notice of compliance has been signed, the owner shall not be deemed able to act in the good faith belief that the property is qualified. Until such time, if the owner was acting in the good faith belief that the property remained qualified, the effective date of the disqualification shall be suspended during the pendency of that good faith belief. When an owner raises a good faith belief at a board proceeding, the board may enter a finding as to when the owner's good faith belief ceased.

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 87-05-022 (Order PT 87-2), § 458-15-080, filed 2/13/87.]

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## **458-15-090**

### **Additional tax.**

An additional tax shall be imposed upon the disqualification or removal from the special valuation provided for by chapter [84.26](#) RCW as follows:

(1) No additional tax shall be levied prior to the assessor notifying the owner by mail, return receipt requested, that the property is no longer qualified for special valuation.

(2) Except as provided for in subsection (3) of this section, an additional tax shall be due which is the sum of the following:

(a) The cost shall be multiplied by the levy rate for each year the property received the special valuation.

(b) For the year of disqualification or removal, the cost multiplied by the levy rate shall be multiplied by a fraction, the denominator of which is the number of days in the current year and the numerator of which shall be the number of days in the current year the property received the special valuation.

(c) Interest at the statutory rate on delinquent property taxes shall be added for each year of special valuation from April 30th of that year to the effective date of disqualification or removal.

(d) A penalty in the amount of twelve percent of the sum of (a), (b) and (c) of this subsection.

(3) No additional tax shall be due if the disqualification or removal resulted solely from:

(a) Expiration of the ten-year special valuation period;

(b) Sale or transfer of the property to an ownership making it exempt from taxation;

(c) Alteration or destruction through no fault of the owner; or

(d) A taking through the exercise of the power of eminent domain.

(4) The additional tax shall become a lien on the property which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable.

(5) The additional tax shall be due and payable in full within thirty days after the tax statement is rendered by the county treasurer and shall be delinquent and subject to:

(a) The delinquent property tax rate after that date; and

(b) Foreclosure as provided for in chapter [84.64](#) RCW.

Such additional tax when collected shall be distributed by the county treasurer in the same manner in which current taxes applicable to the subject property are distributed.

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 87-05-022 (Order PT 87-2), § 458-15-090, filed 2/13/87.]

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## **458-15-100**

### **Appeals.**

(1) The owner may appeal a determination of eligibility of special valuation by a local review board to superior court under RCW [34.05.510](#) through 34.05.598 or to the legislative authority if local ordinances so provide.

(2) Disqualification or removal of the property from special valuation may be appealed to the county board of equalization in accordance with RCW [84.40.038](#).

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 09-04-034, § 458-15-100, filed 1/29/09, effective 3/1/09; WSR 87-05-022 (Order PT 87-2), § 458-15-100, filed 2/13/87.]

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## **458-15-110**

### **Exemption of portion of historic property.**

When a portion of a historic property is exempt under chapter [84.36](#) RCW and rehabilitation was completed on the entire building, only the cost of rehabilitation attributable to that portion of the property that is not exempt shall be used for the special valuation. If the cost of rehabilitation for the nonexempt portion is not readily discernible, the allocation of the cost may be made on a square foot basis.

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 87-05-022 (Order PT 87-2), § 458-15-110, filed 2/13/87.]

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## **458-15-120**

### **Revaluation and new construction.**

(1) The assessor shall continue to revalue the historic property on the regular revaluation cycle, deducting the cost from the assessed value to determine the special valuation.

(2) While rehabilitation is being accomplished, the assessor shall assess the property as required by the new construction assessment dates contained in RCW [36.21.080](#).

[Statutory Authority: RCW [84.08.010](#)(2) and 84.08.070. WSR 87-05-022 (Order PT 87-2), § 458-15-120, filed 2/13/87.]

# Chapter 84.26 RCW: HISTORIC PROPERTY

## Sections

- [84.26.010](#) Legislative findings.
  - [84.26.020](#) Definitions.
  - [84.26.030](#) Special valuation criteria.
  - [84.26.040](#) Application—Fees.
  - [84.26.050](#) Referral of application to local review board—Agreement—Approval or denial.
  - [84.26.060](#) Notice to assessor of approval—Certification and filing—Notation of special valuation.
  - [84.26.070](#) Valuation.
  - [84.26.080](#) Duration of special valuation—Notice of disqualification.
  - [84.26.090](#) Disqualification for valuation—Additional tax—Lien—Exceptions from additional tax.
  - [84.26.100](#) Payment of additional tax—Distribution.
  - [84.26.110](#) Special valuation—Request for assistance from state historic preservation officer authorized.
  - [84.26.120](#) Rules.
  - [84.26.130](#) Appeals from decisions on applications.
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### **84.26.010** **Legislative findings.**

The legislature finds and declares that it is in the public interest of the people of the state of Washington to encourage maintenance, improvement, and preservation of privately owned historic landmarks as the state approaches its Centennial year of 1989. To achieve this purpose, this chapter provides special valuation for improvements to historic property.

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### **84.26.020** **Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is:

(a) Listed in a local register of historic places created by comprehensive ordinance, certified by the secretary of the interior as provided in P.L. 96-515; or

(b) Listed in the national register of historic places.

(2) "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.

(3) "Special valuation" means the determination of the assessed value of the historic property subtracting, for up to ten years, such cost as is approved by the local review board.

(4) "State review board" means the advisory council on historic preservation established under chapter [27.34](#) RCW, or any successor agency designated by the state to act as the state historic preservation review board under federal law.

(5) "Local review board" means a local body designated by the local legislative authority.

(6) "Owner" means the owner of record.

(7) "Rehabilitation" is the process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its architectural and cultural values.

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### **84.26.030**

#### **Special valuation criteria.**

Four criteria must be met for special valuation under this chapter. The property must:

(1) Be an historic property;

(2) Fall within a class of historic property determined eligible for special valuation by the local legislative authority;

(3) Be rehabilitated at a cost which meets the definition set forth in RCW [84.26.020](#)(2) within twenty-four months prior to the application for special valuation; and

(4) Be protected by an agreement between the owner and the local review board as described in RCW [84.26.050](#)(2).

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### **84.26.040**

#### **Application—Fees.**

An owner of property desiring special valuation under this chapter shall apply to the assessor of the county in which the property is located upon forms prescribed by the department of revenue and supplied by the county assessor. The application form shall include a statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for special valuation. Applications shall be made no later than October 1 of the calendar year preceding the first assessment year for which classification is requested. The assessor may charge only such fees as are necessary to process and record documents pursuant to this chapter.

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### **84.26.050**

#### **Referral of application to local review board—Agreement—Approval or denial.**

(1) Within ten days after the filing of the application in the county assessor's office, the county assessor shall refer each application for classification to the local review board.

(2) The review board shall approve the application if the property meets the criterion of RCW [84.26.030](#) and is not altered in a way which adversely affects those elements which qualify it as historically significant, and the owner enters into an agreement with the review board which requires the owner for the ten-year period of the classification to:

- (a) Monitor the property for its continued qualification for the special valuation;
- (b) Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement;
- (c) Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right-of-way;
- (d) Apply to the local review board for approval or denial of any demolition or alteration; and
- (e) Comply with any other provisions in the original agreement as may be appropriate.

(3) Once an agreement between an owner and a review board has become effective pursuant to this chapter, there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provisions of the agreement, during the period of the classification without the approval of all parties to the agreement.

(4) An application for classification as an eligible historic property shall be approved or denied by the local review board before December 31 of the calendar year in which the application is made.

(5) The local review board is authorized to examine the records of applicants.

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#### **84.26.060**

#### **Notice to assessor of approval—Certification and filing—Notation of special valuation.**

(1) The review board shall notify the county assessor and the applicant of the approval or denial of the application.

(2) If the local review board determines that the property qualifies as eligible historic property, the review board shall certify the fact in writing and shall file a copy of the certificate with the county assessor within ten days. The certificate shall state the facts upon which the approval is based.

(3) The assessor shall record the certificate with the county auditor.

(4) The assessor, as to any historic property, shall value the property under RCW [84.26.070](#) and, each year the historic property is classified and so valued, shall enter on the assessment list and tax roll that the property is being specially valued as historic property.

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#### **84.26.070**

#### **Valuation.**

(1) The county assessor shall, for ten consecutive assessment years following the calendar year in which application is made, place a special valuation on property classified as eligible historic property.

(2) The entitlement of property to the special valuation provisions of this section shall be determined as of January 1. If property becomes disqualified for the special valuation for any reason, the property shall receive the special valuation for that part of any year during which it remained qualified or the owner was acting in the good faith belief that the property was qualified.

(3) At the conclusion of special valuation, the cost shall be considered as new construction.

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## **84.26.080**

### **Duration of special valuation—Notice of disqualification.**

(1) When property has once been classified and valued as eligible historic property, it shall remain so classified and be granted the special valuation provided by RCW [84.26.070](#) for ten years or until the property is disqualified by:

(a) Notice by the owner to the assessor to remove the special valuation;

(b) Sale or transfer to an ownership making it exempt from property taxation; or

(c) Removal of the special valuation by the assessor upon determination by the local review board that the property no longer qualifies as historic property or that the owner has failed to comply with the conditions established under RCW [84.26.050](#).

(2) The sale or transfer to a new owner or transfer by reason of death of a former owner to a new owner does not disqualify the property from the special valuation provided by RCW [84.26.070](#) if:

(a) The property continues to qualify as historic property; and

(b) The new owner files a notice of compliance with the assessor of the county in which the property is located. Notice of compliance forms shall be prescribed by the state department of revenue and supplied by the county assessor. The notice shall contain a statement that the new owner is aware of the special valuation and of the potential tax liability involved when the property ceases to be valued as historic property under this chapter. The signed notice of compliance shall be attached to the real estate excise tax affidavit provided for in RCW [82.45.150](#). If the notice of compliance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to RCW [84.26.090](#) shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of specially valued historic property for filing or recording unless the new owner has signed the notice of compliance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer.

(3) When the property ceases to qualify for the special valuation the owner shall immediately notify the state or local review board.

(4) Before the additional tax or penalty imposed by RCW [84.26.090](#) is levied, in the case of disqualification, the assessor shall notify the taxpayer by mail, return receipt requested, of the disqualification.

### **NOTES:**

Effective date—1999 c 233: See note following RCW [4.28.320](#).

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#### **84.26.090**

#### **Disqualification for valuation—Additional tax—Lien—Exceptions from additional tax.**

(1) Except as provided in subsection (3) of this section, whenever property classified and valued as eligible historic property under RCW [84.26.070](#) becomes disqualified for the valuation, there shall be added to the tax an additional tax equal to:

(a) The cost multiplied by the levy rate in each year the property was subject to special valuation; plus

(b) Interest on the amounts of the additional tax at the statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the property had not been valued as historic property under this chapter; plus

(c) A penalty equal to twelve percent of the amount determined in (a) and (b) of this subsection.

(2) The additional tax and penalties, together with applicable interest thereon, shall become a lien on the property which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable.

(3) The additional tax, interest, and penalty shall not be imposed if the disqualification resulted solely from:

(a) Sale or transfer of the property to an ownership making it exempt from taxation;

(b) Alteration or destruction through no fault of the owner; or

(c) A taking through the exercise of the power of eminent domain.

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#### **84.26.100**

#### **Payment of additional tax—Distribution.**

The additional tax, penalties, and/or interest provided by RCW [84.26.090](#) shall be payable in full thirty days after the date which the treasurer's statement therefor is rendered. Such additional tax when collected shall be distributed by the county treasurer in the same manner in which current taxes applicable to the subject land are distributed.

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#### **84.26.110**

#### **Special valuation—Request for assistance from state historic preservation officer authorized.**

The local legislative authority and the local review board may request the assistance of the state historic preservation officer in conducting special valuation activities.

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#### **84.26.120**

#### **Rules.**

The state review board shall adopt rules necessary to carry out the purposes of this chapter. The rules shall include rehabilitation and maintenance standards for historic properties to be used as minimum requirements by local review boards to ensure that the historic property is safe and habitable, including but not limited to:

- (1) Elimination of visual blight due to past neglect of maintenance and repair to the exterior of the building, including replacement of broken or missing doors and windows, repair of deteriorated architectural features, and painting of exterior surfaces;
- (2) Correction of structural defects and hazards;
- (3) Protection from weather damage due to defective roofing, flashings, glazing, caulking, or lack of heat; and
- (4) Elimination of any condition on the premises which could cause or augment fire or explosion.

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### **84.26.130**

#### **Appeals from decisions on applications.**

Any decision by a local review board on an application for classification as historic property eligible for special valuation may be appealed to superior court under RCW [34.05.510](#) through [34.05.598](#) in addition to any other remedy at 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 in accordance with RCW [84.40.038](#).

#### **NOTES:**

Application—2001 c 185 §§ 1-12: See note following RCW [84.14.110](#).

Effective date—1989 c 175: See note following RCW [34.05.010](#).

## Title 17D City-wide Standards

### Chapter 17D.100 Historic Preservation

#### Section 17D.100.010 Purposes

- A. The City recognizes that the maintenance and preservation of historic landmarks and historic districts benefits all people in Spokane, and provides a general benefit to the public by preserving our City's history and unique culture.
- B. By creating standards for the designation and protection of historic landmarks and historic districts, the City intends to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the City and County as a public necessity. 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 law.

Date Passed: Monday, February 12, 2018

Effective Date: Saturday, March 31, 2018

#### ORD C35580 Section 2

#### Section 17D.100.015 Applicability

- A. This chapter applies to actions of the Spokane City/County Historic Landmarks Commission, and to properties located in the City of Spokane and in unincorporated areas of Spokane County.
- B. For purposes of this chapter, "Council" refers to the Spokane City Council and "Board" refers to the Spokane County Board of Commissioners.

#### Section 17D.100.020 Historic Landmarks and Districts – Designation

- A. Generally a building, structure, object, site or district which is more than fifty (50) years old or determined to be exceptionally significant in an architectural, historical or a cultural manner may be designated an historic landmark or historic district 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 and association and must fall into one or more of the following categories:
  - 1. Property 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
  - 2. Property is associated with the lives of persons significant in the history of the city, county, state or nation; or
  - 3. Property 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;

4. Property has yielded, or is likely to yield, information important in prehistory or history; or
  5. 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.
- B. An area within Spokane may be designated as a Spokane Register Historic District according to the process described in SMC 17D.100.030 – 17D.100.110.

#### Section 17D.100.025 Compatibility of Historic Standards with Title 17 Development Standards

- A. All property designated by the City as a historic landmark or that is located within a historic district that has been designated by the City pursuant to this chapter, shall be subject to all of the controls, standards, and procedures set forth in Title 17 SMC, including those contained in this chapter, applicable to the area in which it is presently located, and the owners of the property shall comply with the mandates of this Title 17 SMC in addition to all other applicable Spokane Municipal Code requirements for the area in which such property is located. In the event of a conflict between the application of this chapter and other codes and ordinances of the City, the more restrictive shall govern, except where otherwise indicated.
- B. Coordination with Underlying Zoning. In certain cases, application of the development standards, including those for height, bulk, scale, and setbacks, may conflict with historic preservation standards or criteria and result in adverse effects to historic landmarks or properties located in historic districts. In such cases, properties subject to design review and approval by the Landmarks Commission shall be exempted from the standards that conflict with the Landmarks Commission's application of the historic preservation standards adopted in this chapter. The issuance of a certificate of appropriateness for final design by the Landmarks Commission shall include specific references to any conflicts between the historic standards and those in Title 17 SMC generally, and specifically request the appropriate exemptions.

#### Section 17D.100.030 Historic Landmarks and Historic Districts – Submittal Process

- A. An application for the designation of a property or district as an historic landmark or historic district as provided in this chapter shall be submitted to the historic preservation officer ("HPO") on a standard form made available by the HPO. The application may be submitted by the property owner(s) or a designated agent of the property owner(s).
- B. With respect to historic landmark applications, when the HPO is satisfied as to the completeness and accuracy of the information, the nomination is referred within thirty (30) days of the receipt of the application to the historic landmarks commission ("commission") for a hearing. Fourteen (14) days prior to the commission hearing, the HPO transmits to commission members copies of the nominations of properties to be considered for designation.
- C. In the case of historic districts, the HPO will submit (i) proposed management and design standards for the district as a whole; and (ii) the nomination document which delineates all contributing resources and non-contributing resources within the district, to the owners of property within the boundaries of the proposed historic district for their consideration and

review for a sixty (60) day period. If the requisite number of consents are received according to SMC 17D.100.100, the HPO schedules the application for a hearing before the commission.

D. Notice.

1. Once the nomination is scheduled for a hearing, the HPO notifies the owner(s) of the nominated property in writing by first-class mail, as well as by publication in a newspaper of general circulation of the date of the hearing and of the benefits and conditions which may result from designation.
2. Notice of the hearing on proposed historic landmarks shall be sent at least fourteen (14) days before the hearing. Notice of the hearing on proposed historic districts shall be sent at least thirty (30) days prior to the date of the hearing.

Section 17D.100.040 Procedure - Preliminary Designation

- A. Public hearings of the commission are publicly advertised. Staff causes notice, containing the time, place and date of the hearing and a description of the location of the property in nonlegal language, to be mailed to all property owners of record, and in the case of a proposed historic district, to the owners of property within the proposed historic district, by publication in a newspaper of general circulation, and to be advertised in the legal newspaper of the board or council, as appropriate, at least thirty (30) days prior to the hearing. For proposed historic districts, no later than thirty (30) days prior to the hearing, staff shall cause the posting of a sign containing the notice provisions of this section to be posted at a central location within the proposed district.
- B. At a publicly advertised hearing, the commission takes testimony concerning the nomination and formulates a recommendation as to the designation. The commission may decide to:
  1. recommend approval of designation of the property or district to the council or board as appropriate; or
  2. recommend denial of designation of the property or district to the council or board as appropriate; or
  3. defer the consideration of the nomination to a continued public hearing, if necessary.

Section 17D.100.050 Procedure - Findings of Fact

After the hearing, the commission enters findings of fact with reference to the relevant designation criteria. These findings of fact are forwarded, along with the recommendation, to the council or the board, as appropriate.

Section 17D.100.060 Procedure - Notification of Results

- A. The commission shall, within five (5) days of the preliminary designation, provide notice to the owner(s), and City and County agencies, of the following:
  1. The designation decision and the reasons therefor;
  2. the necessity, once the designation becomes final, of applying for a certificate of appropriateness for any action which would alter the property(ies);

3. any responsibilities the owner(s) may have in regard to certificates of appropriateness; and
  4. any incentives which may be available for the maintenance, repair, or rehabilitation of the property.
- B. The commission is also required to review nominations to the National Register of Historic Places ("NRHP") as part of its duties as a certified local government. Upon approval or denial of a national nomination, the HPO advises the state historic preservation officer of the action taken in accordance with the rules of the "certified local government" program.

Section 17D.100.070 Procedure - Council or Board Action

- A. Once a preliminary designation is made, the owner and the HPO shall negotiate a management standards agreement for the property. Upon agreement, the management agreement is forwarded to the council or board, as appropriate for consideration.
- B. The council or the board, as appropriate, must act on the recommendation of the commission within thirty (30) days of receiving a copy of the agreed management standards. A final designation decision may be deferred for consideration at another public hearing. Once a final decision is made, the city clerk, board clerk, or their designee, notifies the commission, property owner(s) and affected City and County agencies.

Section 17D.100.080 Procedure - Appeal of Preliminary Designation

- A. The commission's recommendation may be appealed to the Hearing Examiner pursuant to SMC 17G.050.310 by filing with an appeal with the Hearing Examiner's office with a copy to the HPO.
- B. An appeal may only be filed (i) by an owner of record whose property is the subject of the preliminary designation decision or, (ii) in the case of historic district designations, on petition of at least 25% of the owners of property located within the proposed historic district.
- C. An appeal filed under this section may only be accepted if it is filed within fourteen (14) days of the execution of the findings of fact set forth in SMC 17D.100.050.
- D. An appeal filed under this section must state the grounds upon which the appeal is based, such as procedural irregularities or a clear error of law.
- E. Appeals filed pursuant to this section are reviewed by the Hearing Examiner on a closed record; that is, in rendering a decision, the Hearing Examiner may only take into consideration the written record of the commission's deliberations, factual findings, and preliminary designation. No additional evidence shall be considered by the Hearing Examiner on appeal.
- F. The Hearing Examiner may either affirm the preliminary designation or remand the matter to the commission for further proceedings.

Section 17D.100.090 Procedure - Appeal of Council or Board Action

Action of the council or the board may be appealed to the superior court.

## Section 17D.100.100 Property Management and Design Standards – Agreement

- A. In the case of individual properties, in order for the preliminary designation to become final and the property to be designated as an historic landmark, the owner(s) must enter into appropriate management standards as recommended by the commission for the property under consideration. If the owner does not enter into a management agreement, the preliminary designation does not become final and the property is not listed on the Spokane historic register.
- B. In the case of a historic district, the proposed design standards and guidelines shall only be effective if a majority of the owners of properties located within the boundaries of the proposed historic district sign a petition, on a form prescribed by the HPO, seeking the formation of the proposed historic district, under the management standards applicable to the district as a whole, within the sixty (60) day consideration period. Following the expiration of the sixty (60) day consideration period, the HPO shall report to the commission concerning the number of properties within the proposed district and the number of signatures contained on the petition. If the HPO determines that the petition contains the requisite number of signatures, the commission shall set the property management and design standards for the district. For purposes of this requirement, “owners of property” includes owners of units within a condominium association.
- C. If the commission finds that both the requisite number of signatures are present on the petition and that the design standards and guidelines should be set for the district, the historic district shall be designated as such on the official City zoning map by the use of an historic district overlay zone. The Commission shall, pursuant to SMC 17D.100.050, forward its findings to the City Council for adoption of the appropriate legislation to adopt the historic district overlay zone as part of the official zoning map. Non-contributing resources within the overlay zone are subject to administrative or commission review for significant alterations and demolition, including the resulting replacement structures, consistent with the requirements of the design standards and guidelines. No less than every five (5) years, the commission shall review and consider amendments to the design standards and guidelines for each district established under this section and forward its findings and recommendations to the City Council for adoption.
- D. The property management agreement for individual properties and the design standards and guidelines for historic districts are not applicable to the public right of way.
- E. Local historic district design standards and guidelines are intended to provide guidance for decision making by both the property owner when undertaking work within a local historic district and the historic preservation officer and commission when issuing certificates of appropriateness in the district. Local historic district design standards and guidelines are not development regulations but are instead used to assist the HPO and commission making decisions in accordance with the Secretary of Interior’s Standards for Rehabilitation. Final decisions of the HPO or the commission are based on the Secretary of Interior Standards for Rehabilitation (Department of Interior regulations, 36 CFR 67). The Standards for Rehabilitation pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior, related landscape features and the building’s site and environment as well as attached, adjacent, or related new construction. The Standards for Rehabilitation are to

be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

#### Section 17D.100.110 Procedure - Final Designation of Landmarks and Districts

- A. After a management agreement is executed and approved by the City Council, or, in the case of districts, set by commission action, final designation is made, the property or district is placed upon the Spokane register of historic places, and, for individual properties, a notice of the management agreement shall be recorded so as to be reflected in a title search for the property. In the case of districts, a notice of historic district overlay zone designation shall be recorded so as to also be reflected in a title search for a given property therein, and the designation shall be confirmed by ordinance.
- B. If the commission and the owner(s) cannot agree on management standards, no management agreement is entered into between the parties, the preliminary designation does not become final, and the property is not placed on the Spokane register of historic places.

#### Section 17D.100.200 Certificates of Appropriateness - When Required

- A. A certificate of appropriateness is required prior to the issuance of any permit for the following activities:
  - 1. Demolition of a Spokane Register historic landmark or a contributing resource located within an historic district (National or Spokane Register);
  - 2. Relocation of an historic landmark or a contributing resource located within an historic district;
  - 3. any work that affects the exterior appearance of an historic landmark;
  - 4. any work that significantly affects the street-facing façade of a building located within an historic district; and
  - 5. development or new construction located within the designated boundaries of an historic district.
  - 6. The HPO may administratively approve certificate of appropriateness applications for non-contributing resources within historic districts in consultation with the Design Review Committee of the Commission.
- B. Exemptions. The following activities do not require a certificate of appropriateness or review by the HPO or the Commission.
  - 1. Ordinary repair and maintenance activities, including emergency measures, which do not affect significant historic features.
  - 2. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials.
  - 3. Repairs to or replacement of utility systems if such work does not alter a significant feature.
  - 4. Table 17D.100-1 sets forth the list of the types of work that are reviewed by the full commission, types of work that can be approved administratively and types of work that are exempt from the requirement of a certificate of appropriateness.

#### Section 17D.100.210 Certificates of Appropriateness – Procedure

- A. Any application for an action which requires a certificate of appropriateness under this chapter or which may be within the scope of agreed management standards under this chapter must

meet minimum submittal requirements established by the HPO. Prior to taking action on the application, the official responsible for processing the application shall request review of the action by the commission. For non-contributing resources within a local register historic district, an administrative approval may be considered.

- B. The requests for review and issuance of a certificate of appropriateness and any supplemental information shall be transmitted by the HPO to the commission, the property owner or applicant, the neighborhood council where the property is located and interested parties of record at least fourteen (14) days prior to the next scheduled meeting of the commission. The review of requests for certificate of appropriateness which may be approved by the HPO are deemed to be ministerial permits. The HPO shall issue the administrative decision within fourteen (14) days after receipt of the application. The review of requests for certificates of appropriateness which are approved by the landmarks commission are subject to the timeline and procedures contained in this section.
- C. At its next scheduled meeting, the commission reviews the request and decides whether to issue a certificate of appropriateness. The commission transmits its findings to the property owner or applicant, the neighborhood council and interested parties of record. If the commission is unable to process the request, the commission may extend the time for its determination.
- D. The commission reviews the request for certificates of appropriateness under the following procedure:
  - 1. The applicant for a certificate of appropriateness must provide to the commission drawings of the proposed work, photographs of the existing building or structure and adjacent properties, information about the building materials to be used, and any other information requested by the HPO or commission.
  - 2. In making a decision on an application, the commission uses the Secretary of the Interior's Standards for Rehabilitation, historic district design standards and other general guidelines established and adopted by the commission. In adopting and using standards, the commission does not limit new construction to any one architectural style but seeks to preserve the character and integrity of the landmark or the historic district through contemporary compatible designs.
  - 3. The HPO reviews each application, certifies it complete and, within seven (7) days of certification, causes notice of application to be provided to the property owner or applicant, the neighborhood council and interested parties of record. The notice of application shall be provided electronically to the e-mail on record or by mail if there is no e-mail address. After the notice of application has been given, a public comment period is provided until the commission closes the public comment period upon completion of the public hearing. The purpose of the public comment period is to provide the opportunity for public review and comment on the application. Comments on the application will be accepted at or any time prior to the closing of the record of the open-record public hearing.
  - 4. At least fourteen (14) days prior to the public hearing, the officer causes notice of hearing to be provided, which shall consist of notification to the property owner or applicant and interested parties of record of the date and time of the public hearing before the commission.
  - 5. Commission review.

- a. The HPO makes a written report regarding the application to the commission, ensures that the application is sent to appropriate other City departments, coordinates their review of the application and assembles their comments and remarks for inclusion in the report to the commission as appropriate. The report of the HPO contains a description of the proposal, a summary of the pertinent Secretary of the Interior's Standards for Rehabilitation, findings and conclusions relating to those standards and a recommendation. If the recommendation is for approval with conditions, the report also identifies appropriate conditions of approval. At least ten (10) days prior to the scheduled public hearing, the report is filed with the commission as appropriate and copies are mailed to the applicant and the applicant's representative. Copies of the report are also made available to any interested person for the cost of reproduction. If a report is not made available as provided in this subsection, commission may reschedule or continue the hearing, or make a decision without regard to any report.
- b. The commission makes a decision regarding the application within ten (10) days of the date the record regarding the application is closed. The time for decision may be extended if the applicant agrees. In making the decision, the commission may approve, approve with conditions, or deny the permit application. The decision is in writing.
6. Within seven (7) days of making the decision, the permit authority causes a notice of decision to be provided to the property owner or applicant, the neighborhood council and interested parties of record.

#### Section 17D.100.215 Vesting Project Permits

A complete application for a project permit that is entitled to vesting under Washington law and that is subject to a certificate of appropriateness shall be considered under the land use codes and other land use control ordinances in effect on the date a complete application for a certificate of appropriateness as set forth in chapter 17D.100 SMC is submitted to the HPO, provided that a complete project permit application is filed within one hundred eighty days of the landmark commission's final decision.

#### Section 17D.100.220 Certificates of Appropriateness – Demolition of Historic Landmarks or Contributing Resources Within Spokane Register Historic Districts

- A. No permit for the demolition of an historic landmark or a contributing building located within a local historic district shall be processed or issued until the commission issues a certificate of appropriateness for the proposed action. A building permit for a replacement structure under this section may not be accepted, processed, or issued prior to the issuance of the demolition permit.
- B. Within forty-five (45) days of the HPO's receipt of an application for a certificate of appropriateness concerning the demolition of an historic landmark or a contributing resource located within a local historic district, the applicant and the HPO shall meet to determine if there are feasible alternatives to demolition. The attempt to find feasible alternatives may continue beyond forty-five (45) days if both parties agree to an extension.
- C. If no feasible alternative to demolition has been agreed to within the forty-five (45) day window and any extension(s), the commission may either issue or deny the certificate of appropriateness for demolition by taking into account the following:
  1. The historic importance of the property;

2. The nature of the redevelopment which is planned for the property;
  3. The condition of the existing structure;
  4. The effect on the surrounding neighborhood of the planned replacement use;
  5. The overall effect of the proposed redevelopment on the neighborhood character and the elements of the neighborhood's urban design; and
  6. Any proposed mitigation measures under which the owner would salvage significant architectural features of the structure after properly documenting the building before demolition.
- D. If the commission denies the application for a certificate of appropriateness for a property for which a demolition permit is sought, no demolition permit may be issued. The applicant may appeal the denial, within thirty (30) days to the Hearing Examiner, who shall review the commission's decision. Such appeal is conducted by the Hearing Examiner on a closed record; that is, the Hearing Examiner may only consider the written record of the commission's deliberations, findings, and recommendation and no additional evidence shall be considered by the Hearing Examiner.
- E. The Hearing Examiner may affirm the denial or may remand to the HPO or commission, as appropriate, for further consideration.
- F. If the commission issues a certificate of appropriateness for the demolition of an historic landmark, or a building located within an historic district, such certificate shall include conditions such as:
1. any temporary measures deemed necessary by the commission for the condition of the resulting property after the demolition, including, without limitation, fencing or other screening of the property;
  2. the provision of ongoing, specific site security measures;
  3. salvage of any historically significant artifacts or fixtures, determined in consultation with the HPO prior to demolition;
  4. if no replacement structure is constructed on the site within six (6) months of the issuance of the certificate, the owner must landscape the site for erosion protection and weed control and provide for solid waste clean-up;
  5. abatement of any hazardous substances on the property prior to demolition;
  6. requirement for dust control during the demolition process; and
  7. that the certificate of appropriateness for demolition of the building is valid for three (3) months.



Section 17D.100.230 Demolition Permits for Historic Structures in the Downtown Boundary Area and National Register Historic Districts

- A. No demolition permits for structures that are listed or eligible to be listed on the National or Local Register of Historic Places located in the area shown on Map 17D.100.230-M1, Downtown Boundary Area, and in all National Register Historic Districts shall be issued unless the structure to be demolished is to be replaced with a replacement structure that is approved by the commission under the following criteria:
  - 1. The replacement structure shall have a footprint square footage equal to or greater than the footprint square footage of the landmark structure to be demolished. The replacement structure must also have a floor area ratio equal to or greater than 60% of that of the landmark structure to be demolished. The square footage of the footprint may be reduced:
    - a. to accommodate an area intended for public benefit, such as public green space and/or public art;
    - b. if the owner submits plans in lieu for review and approval by the City's design review board subject to applicable zoning and design guidelines; and
    - c. if the replacement structure is, in the opinion of the HPO and the commission, and in consultation with the Design Review Board, compatible with the historic character of the Downtown Boundary Area or National Register Historic District, as appropriate.
  - 2. Any replacement structure under this section shall satisfy all applicable zoning and design guidelines, and shall be considered by the commission within thirty days of the commission's receipt of an application for a certificate of appropriateness concerning the building for which a demolition permit is sought.
  - 3. A building permit for a replacement structure under this section must be accepted, processed, and issued prior to the issuance of the demolition permit. In the alternative, the owner may obtain a demolition permit prior to the issuance of the building permit if the owner demonstrates to the satisfaction of the director of building services, in consultation with the HPO, that the owner has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or has other financial resources that are sufficient (together with any valid and binding commitments for financing) and available for such purpose.
- B. Eligibility shall be determined by the commission within thirty (30) days of the submission of the application for a demolition permit. The applicant shall be responsible to submit a determination of eligibility demonstrating the ineligibility of the structure based upon the National Register Criteria for Evaluation (36 CFR 60). Applications for structures that are determined not to be listed or eligible to be listed on a National or Local Register of Historic Places shall be processed pursuant to existing regulations.

- C. This section shall not apply to orders of the building official or fire marshal regarding orders that a structure be demolished due to public health, safety, or welfare concerns.
- D. If the commission issues a certificate of appropriateness for the demolition of an building on the national register or located within the downtown boundary zone, such certificate shall include conditions such as:
  - 1. any temporary measures deemed necessary by the commission for the condition of the resulting property after the demolition, including, without limitation, fencing or other screening of the property;
  - 2. the provision of ongoing, specific site security measures;
  - 3. salvage of any historically significant artifacts or fixtures, determined in consultation with the HPO prior to demolition;
  - 4. limitations on the extent of the demolition permitted, such that only non-historically significant portions of the property are subject to demolition;
  - 5. if construction on a replacement structure is not commenced on the site within six (6) months of the issuance of the certificate, the owner must landscape the site for erosion protection and weed control and provide for solid waste clean-up;
  - 6. abatement of any hazardous substances on the property prior to demolition;
  - 7. requirement for dust control during the demolition process; and
  - 8. that the certificate of appropriateness for demolition of the building is valid for three months.

#### Section 17D.100.240 Economic Hardship Determination

- A. The City recognizes that there are circumstances under which enforcement of this chapter may cause an undue hardship to a property owner. The City therefore finds that it is necessary to provide property owners the opportunity to demonstrate that an economic hardship exists in specific cases, under which the demolition prohibitions of SMC 17D.100.220 and 17D.100.230 shall not apply.
- B. The requirements of SMC 17D.100.220 and 17D.100.230 shall not apply and the owner may obtain a demolition permit without the requirement of constructing a replacement structure if the owner can demonstrate to the satisfaction of the ad hoc committee established by this section that maintaining the historic structure would impose an economic hardship on the property owner that was created beyond the owner's control.
  - 1. The ad hoc committee on economic hardship shall be appointed by the commission, and will consist of at least seven members as follows:

- a. one member of the real estate development community or association such as CCIM Institute, Institute of Real Estate Management, the Society of Office and Industrial Realtors, and Building Owners and Managers Association;
  - b. one member from a banking or financial institution;
  - c. one licensed architect registered in Washington State;
  - d. one member from the property management industry;
  - e. one member representative of property developers;
  - f. one member of the landmarks commission; and
  - g. one member representing the neighborhood council where the historic structure is located.
2. The ad hoc committee's decision shall be made by majority vote and within thirty (30) days of the submission of the material demonstrating an economic hardship by the property owners.
- a. The property owner has the burden of demonstrating the economic hardship.
  - b. Evidence of economic hardship is limited to instances when preservation will deprive the owner of reasonable economic use of the property.
  - c. An owner's financial status is not evidence of economic hardship.
  - d. The decision of the ad hoc committee may be appealed to the hearing examiner within thirty days of the committee's decision.
3. The ad hoc committee will be a standing committee with one revolving member representing the specified neighborhood in which the property resides.
- a. There is a preference for developer and architects who participate on the ad hoc committee to have both new building construction and historic renovation experience.
  - b. There is a preference for the neighborhood representative who participates on the ad hoc committee to have experience in development, appraising, construction, and/or related skills.
  - c. Members of the ad hoc committee shall serve for two-year terms and may be reappointed for additional two-year terms.
- C. For purposes of this section, a reasonable economic use would be one that provides a greater return on the underlying land value (land with improvements) than the land alone could generate. The following four steps will be taken to determine reasonable economic use:

1. The market value of the land, as vacant, is to be estimated.
    - a. The sales comparison approach to value is an approved method.
    - b. The land residual technique is an approved method, but only allowable when accompanied by and reconciled with the sales comparison approach method.
  2. The first-year market rate of return on leased land is to be estimated. Market data supporting this rate of return must be provided.
  3. Based on applying the rate of return to the land value estimate, an annual market return on the underlying land results. This is the base figure or threshold for the analysis.
  4. Provide an estimate of the annual market net operating income for the property as is, and under any reasonable modifications thereof. Note that any required capital investment in the property would increase the basis from which the return is estimated.
    - a. The sales comparison approach, income approach, cost approach, and development approach to value are all approved techniques.
    - b. Under valuation scenarios where an additional capital investment is required, the expected market return on the capital investment will be subtracted from the annual return, with the residual income being the return on the land.
- D. In order that a property may be marketed for sale or refinance with knowledge of the property's status, an owner may request an advance determination that a specific property qualifies under the economic hardship exemption established by this section. Upon receipt of a written request from a property owner, the owner shall be entitled to an economic hardship hearing at the owner's expense, to provide a showing that the factors stated in SMC 17D.100.230(B) are present. If the commission agrees, it shall issue a written determination to the owner that the property qualifies for economic hardship status pursuant to this section, and the is therefore entitled represent the such written determination as binding upon the property owner and City to third parties including without limitation prospective purchasers and lenders.
- E. This section does not apply to orders of the building official or fire marshal that a structure be demolished due to public health, safety, or welfare concerns.

#### Section 17D.100.250 Negotiated Standards

The owner, the commission, or the HPO may request a negotiation process leading to more specifically defined or different management standards for a specific piece of property; provided, however, that nothing in this section requires the commission to agree to participate in a negotiation process leading to specifically defined or different standards for any particular property which would otherwise be subject to this chapter, and provided also that it is the intent of the City that negotiated standards are to be utilized only in extraordinary circumstances. While the negotiation process is occurring, the requirements for a certificate of appropriateness continue to be in effect.

#### Section 17D.100.260 Negotiated Standards - Approved Process

Once the negotiation process is completed and the owner and the commission are in agreement with the negotiated standards, a copy of that agreement is transmitted to the council or board for final approval. Once final approval is received, the commission distributes copies of the agreement to the appropriate boards, commissions and agencies for implementation. If the council or board does not approve the agreement, it may be sent back, with a statement of the council's or board's objection, for further negotiation. When renegotiation is completed, the agreement is returned to the council or the board for approval.

#### Section 17D.100.270 Negotiated Standards - Arbitration and Appeal

If no agreement can be reached between the commission and the owner, the matter may be presented to the council or the board, or designees to arbitrate the agreement. Appeal from any arbitration decision may be made to the superior court.

#### Section 17D.100.280 Browne's Addition Local Historic District Overlay Zone

##### A. Purpose.

This special overlay zone establishes a local historic district in Browne's Addition under section 17D.100.020. This overlay zone sets forth standards and guidelines that will maintain the historic character of the district through a design review process.

##### B. Designation of Districts.

Along with individual properties, contiguous groups of properties can be designated as local historic districts on the Spokane Register of Historic Places.

1. The process for designation of local historic districts is detailed in Chapter 17D.100.
2. Local historic districts are displayed as an overlay zone on the official zoning map and its title and purpose are adopted as an ordinance under Title 17C. See the Browne's Addition Local Historic District Overlay Zone Map 17D.100.280-M1.

##### C. Certificate of Appropriateness Review.

The certificate of appropriateness review process for the Browne's Addition Local Historic District helps insure any alterations to a building do not adversely affect that building's historic character and appearance, or that of the historic district. The process is conducted by the Spokane Historic Landmarks Commission as detailed in "Browne's Addition Historic District Design Standards and Guidelines."

1. The District Design Standards and Guidelines assist property owners through the design review process by providing the following:
  - a. District-wide design standards and guidelines,
  - b. Specific design standards and guidelines for single-family contributing structures,
  - c. Specific design standards and guidelines for multi-family contributing structures,
  - d. Specific design standards and guidelines for non-contributing structures,
  - e. Design standards and guidelines for new construction, and
  - f. Demolition review criteria for properties within the district

2. The Browne's Addition Design Standards and Guidelines require property owners to apply for and receive a Certificate of Appropriateness for proposed exterior changes to properties within the district as outlined in the Browne's Addition Historic District Design Standards and Guidelines and under sections 17D.100.200-220.
- D. The Browne's Addition Design Standards and Guidelines are intended to provide guidance for decision making by both the property owner when undertaking work within the Browne's Addition Local Historic District and the historic preservation officer and commission when issuing certificates of appropriateness in the district. The Browne's Addition Design Standards and Guidelines are not development regulations but are instead used to assist the historic preservation officer and commission making decisions in accordance with the Secretary of Interior's Standards Rehabilitation. Final decisions of the HPO or the commission are based on the Secretary of Interior Standards for Rehabilitation (Department of Interior regulations, 36 CFR 67). The following Standards for Rehabilitation are the criteria used to determine if a rehabilitation project qualifies for a certificate of appropriateness. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.
1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
  5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  10. New additions and 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.
- E. The Browne's Addition Historic District Design Standards and Guidelines, which are incorporated by reference and included as Appendix A are adopted.

#### Section 17D.100.300 Waiver of Review

The commission, at the request of the owner, may waive review under SMC 17D.100.240 through 17D.100.290 of those actions which may require a certificate of appropriateness or which may be within the scope of agreed management standards when the action will be reviewed by the Washington State Department of Archaeology and Historic Preservation or the National Park Service and will be subject to the Secretary of the Interior's Standards for Treatment of Historic Properties. The commission may choose to deny said request should it be determined by the Washington State Department of Archaeology and Historic Preservation or the National Park Service that the proposed action does not meet the Secretary of the Interior's Standards for the Treatment of Historic Properties

#### Section 17D.100.310 Review and Monitoring of Properties for Special Property Tax Valuation

##### A. Timeline

1. Applications shall be forwarded to the commission by the assessor within ten (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 ten (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 SMC 17D.100.090.
  - a. If the commission finds the properties meet all the criteria, then, on behalf of the City, it enters into a Historic Preservation Special Valuation Agreement (set forth in WAC 254-20-120) with the owner. Upon execution of the agreement between the owner and commission, the commission approves the application(s) for special property tax valuation.
  - b. If the commission determines the properties do not meet all the criteria, then it shall deny the application(s) for special property tax valuation.

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, the commission:
  - a. forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-20-090 (4) 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 and based on the report of the HPO, whether properties are disqualified from special valuation. Such disqualification can be based on:
  - a. The owner's failure to comply with the agreement's terms; or
  - b. The loss of the property's historic value due to physical changes to the building or site.
6. If the commission concludes that a property is no longer qualified for the special property tax valuation, the commission shall notify the owner, assessor, and state review board in writing that the property is disqualified and state the facts supporting its findings.

C. Criteria

1. The City attained Certified Local Government (CLG) status in 1986. As a CLG, the City determines the class of property eligible to apply for Special Valuation. Eligible property types in Spokane mean only properties listed on Spokane Register of Historic Places or properties certified as contributing to a Spokane 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. To be complete, applications must include 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 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. 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 City;
  - c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) 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 17D.100.210 of this ordinance).
4. 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. 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. Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to the 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.

#### Section 17D.100.320 Incentives

- A. In order to help fulfill the purposes of this chapter, the HPO is authorized to approve incentive measures described in this section for historic landmarks and contributing buildings within historic districts, in addition to the other generally applicable provisions of the City's Economic Development Strategy identified by the City Council. In addition, the HPO is authorized to approve the use of funds from the Historic Preservation Incentives Fund to incentivize historic preservation in Spokane and fulfill the purposes of this chapter.

B. Façade improvement grants

The HPO is authorized to administer a grant program to provide matching funds for the improvement of the street-facing façades of historic landmarks and contributing resources located within historic districts.

C. Pilot sidewalk Improvement grants

1. There is created a Pilot Sidewalk Improvement Grant program to mitigate the cost of improvements or repairs to sidewalks adjacent to historic landmarks or contributing resources located within historic districts, and made in conjunction with the historic rehabilitation of an historic landmark or contributing resource. This grant shall be administered by the HPO and shall be available starting on January 1, 2019.

2. Project Criteria

- a. The grant program created by this section applies only to projects in which the property owner has invested an amount equaling not less than twenty-five percent (25%) of the assessed value of the property, as measured by the valuation of the project after the completion of the rehabilitation project.
- b. The property must be located within the boundaries of Council district 2.

3. Applicants shall apply for project funding to the HPO on a form supplied by the HPO. The application shall provide the following information:

- a. Satisfaction of project criteria stated above;
- b. Documentation of the property's status as an historic landmark;
- c. A description of the changes proposed for the property to be made as a result of the project,
- d. Information sufficient to show that the project has financial funding or commitments for funding; and
- e. any other relevant information requested by the HPO.

4. Funding

- a. On or before January 1, 2019, there shall be allocated five thousand dollars (\$5,000) to this Pilot Sidewalk Improvement Grant program.
- b. No individual project funding may exceed one thousand dollars (\$1,000) dollars.
- c. On or before January 1, 2020, the program will be evaluated to determine, based on reports of administration staff, the success of the program.

This section shall expire on January 1, 2021 unless renewed.

D. Pilot Urban Utility Installation Program

Pursuant to SMC 08.10.230, the Pilot Urban Utility Installation Program shall be made available for historic landmarks and contributing resources within historic districts.

Section 17D.100.330 Project Permit Exclusion

Pursuant to RCW 36.70B.140, and subject to SMC 17D.100.025, the City Council finds that the certificates of appropriateness required under this chapter warrant a review process different from that provided in RCW 36.70B.060 through 36.70B.080 and 36.70B.110 through 36.70B.130 and Chapter 17G.060 SMC, and hereby excludes such certificates of appropriateness from the review processes provided for therein.

Section 17D.100.400 Enforcement; Violations; Penalty

- A. This chapter shall be enforced by the HPO under the city's civil infraction system, pursuant to chapter 01.05 SMC. The HPO is the "code enforcement officer" as designated by SMC 01.05.020(B).
- B. A violation of SMC 17D.100.200-17D.100.230 is a class 1 civil infraction.
- C. Pursuant to SMC 01.02.950(A), the HPO may refer violations or imminent violations of this chapter to the city attorney for actions in Superior Court seeking declaratory or injunctive relief.