

10-03

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE RELATING TO HISTORIC PRESERVATION AND ADDING  
A NEW CHAPTER 17.50 TO THE ABERDEEN MUNICIPAL CODE.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
ABERDEEN:**

**SECTION 1. NEW CODE CHAPTER ADOPTED.** The following Chapter 17.50  
“Historic Preservation” is hereby added to the Aberdeen Municipal Code:

**17.50.010 Purpose.** The purpose of this ordinance is to provide for the identification, evaluation, designation and protection of designated historic properties within the City of Aberdeen for future generation through special valuation, a property tax incentive as provided in Chapter 84.26 RCW in order to:

A. Safeguard the heritage of the City of Aberdeen as represented by those buildings, districts, objects, sites and structures which reflect significant elements of City of Aberdeen history;

B. Foster civic and neighborhood pride in the beauty and accomplishments of the past and a sense of identity based on City of Aberdeen history;

C. Stabilize or improve the aesthetic and economic vitality and values of such sites, improvements and objects;

D. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, objects, sites and structures;

E. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and

F. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

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

A. “Aberdeen Historic Inventory” or “Inventory” means the comprehensive inventory of historic and prehistoric resources within the boundaries of the city.

B. “Aberdeen Historic Preservation Commission” or “Commission” means the commission created by AMC 17.50.030(A).

C. “Aberdeen Register of Historic Places”, “Local Register”, or “Register” means the listing of locally designated properties provided for in AMC 17.50.040 herein.

D. "Actual Cost of Rehabilitation" means costs incurred within twenty-four months prior to the date of application and directly resulting from one or more of the following: (a) improvements to an existing building located on or within the perimeters of the original structure; or (b) improvements outside of but directly attached to the original structure which are necessary to make the building fully useable but shall not include rentable/habitable floor-space attributable to new construction; or (c) architectural and engineering services attributable to design of the improvements; or (d) all costs defined as "qualified rehabilitation expenditures" for purposes of the federal historic preservation investment tax credit.

E. A "building" is a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.

F. "Certificate of Appropriateness" means the document indicating that the Commission has reviewed the proposed changes to a local register property or within a local register historic district and certified the changes as not adversely affecting the historic characteristics of the property, which contribute to its designation.

G. "Certified Local Government" or "CLG" means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established its own historic preservation commission and a program meeting Federal and State standards.

H. "Class of properties eligible to apply for Special Valuation" means all properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated as a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, until the city becomes a Certified Local Government (CLG). Once a CLG, the class of properties eligible to apply for Special Valuation means only properties listed on the Local Register of Historic Places or properties certified as contributing to a Local Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

I. "Cost" means the actual cost of rehabilitation, which cost shall be at least twenty-five percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

J. A "district" is a geographically definable area urban or rural, small or large, possessing a significant concentration, linkage, or continuity of sites buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

K. "Emergency repair" means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.

L. "Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed in local register of Certified Local Government or the National Register of Historic Places.

M. "Incentives" are such rights or privileges or combination thereof which the City Council, or other local, state, or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of Register properties.

Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, façade easements, gifts, preferential leasing policies, beneficial placement of public improvements or amenities, or the like.

N. “Local Review Board” or “Board” used in Chapters 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties means the commission created in AMC 17.50.060.

O. “National Register of Historic Places” means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.

P. An “object” is a thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Q. “Ordinary repair and maintenance” means work for which a permit issued by the city is not required by law and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

R. “Owner” of property is the fee simple owner of record as exists on the Grays Harbor County Assessor’s records.

S. “Significance” or “significant” used in the context of historic significance means the following: a property with local, state, or national significance is one which helps in the understanding of the history or prehistory of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include the city, Grays Harbor County, the Olympic Region of Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustration an important theme in the history of the nation.

T. A “site” is a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of ruined or now non-extant building or structure of the location itself possesses historic cultural or archaeological significance.

U. “Special Valuation for Historic Properties” or “Special Valuation” means the local option program, as authorized by Chapter 84.26 RCW, which when implemented makes available to property owners a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation.

V. “State Register of Historic Places” means the state listing of properties significant to the community, state or nation but which may or may not meet the criteria of the National Register.

W. A “structure” is a work made up of interdependent and interrelated parts in a definite pattern or organization. Generally constructed by man, it is often an engineering project.

X. “UTM” or “Universal Transverse Macerator” means the grid zone in metric measurement providing for an exact point of numerical reference.

Y. “Waiver of a Certificate of Appropriateness” or “Waiver” means the document indicating that the Commission has reviewed the proposed whole or partial demolition of a local register property or in a local register historic district and, failing to find alternatives to demolition, has issued a waiver which allows the building or zoning official to issue a permit for demolition.

Z. “Washington State Advisory Council’s Standards for the Rehabilitation and Maintenance of Historic Properties” or “State Advisory Council’s Standards” means the rehabilitation and maintenance standards used by the Aberdeen Historic Preservation Commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

**17.50.030 Aberdeen Historic Preservation Commission.**

A. Creation and size. There is hereby established an Aberdeen Historic Preservation Commission consisting of five (5) members, as provided in subsection B(3) below. Members of the Aberdeen Historic Preservation Commission shall be appointed by the Mayor and shall be residents of the City of Aberdeen except as provided in subsection (B)2 below.

B. Composition of the Commission.

1. All members of the Commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.

2. The Commission should include at least two (2) professionals who have experience in identifying, evaluating and protecting historic resources and are selected from among the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation and landscape architecture, or related disciplines. Any Commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the action is related to meeting Certified Local Government (CLG) responsibilities cited in the Certification Agreement between the city and the state Historic Preservation Officer on behalf of the state. The Mayor may grant exception to the residency requirement of Commission members in order to obtain representatives from these disciplines.

3. In making appointments, the Mayor may consider names submitted from any source, but the Mayor shall notify history and Aberdeen development related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source.

C. Terms. The original appointment of five (5) members to the commission shall be as follows: one (1) for two (2) years, three (3) for three (3) years and one (1) for four (4) years. Thereafter, appointments shall be made for a three (3) year term. The Mayor shall fill vacancies for the unexpired term in the same manner as the original appointment.

D. Meetings.

1. The Commission shall adopt a regular meeting schedule and a schedule of submittal deadlines for applications filed pursuant to this chapter.

2. A public record shall be kept of the Commission's meetings, resolutions, proceedings and actions.

E. Powers and duties. The major responsibility of the Historic Preservation Commission is to identify and actively encourage the conservation of the city's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the city's history and historic resources; and to serve, together with the Aberdeen Board of Museum and History, as a resource in matters of history, historic planning and preservation.

1. The Commission shall establish and adopt its own rules of procedure to comply with the Open Public Meetings Act (Chapter 42.30 RCW) and the responsibilities identified in this Section, and shall select from among its membership a chairperson and such other officers as may be necessary to conduct the Commission's business.

2. The Commission shall engage in the following functions:

(a) Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the city and publicize and periodically update inventory results. Properties listed on the Historic Inventory maintained by the Commission shall be recorded on official zoning records with an "HI" (for historic inventory designation). This designation shall not change or modify the underlying zone classification.

(b) Initiate and maintain the Aberdeen Register of Historic Places. This official register shall be compiled of buildings, structures, sites, objects and districts identified by the Commission as having historic significance worthy of recognition and protection by the city, including efforts to encourage owners to maintain, rehabilitate and preserve properties.

(c) Review nominations to the Aberdeen Register of Historic Places according to criteria in AMC 17.50.040(B) and adopt standards in its rules to be used to guide this review.

(d) Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register as provided in AMC 17.50.050; and adopt standards in its rules to be used to guide this review and the issuance of a certificate of appropriateness or waiver.

(e) Provide for the review either by the Commission or its staff of all applications for development approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to listed historic resources or adjacent properties.

(f) Review and submit nominations to the State and National Registers of Historic Places and insure public participation in the State and National Register nomination processes under compliance with Open Public Meetings Act (Chapter 42.30 RCW).

(g) Serve as the Special Valuation local review board under Chapter 84.26 RCW to:  
(i) determine the eligibility of historic properties for special valuation; (ii) verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance; (iii) Enter into agreements with property owners for the duration of the special valuation period as required under WAC 254-20-070(2); (iv) approve or

deny applications for special valuation; and (v) monitor property for continued compliance with agreements and statutory eligibility requirements during the 10 year special valuation period; and (vi) and comply with all other local review board responsibilities identified in Chapter 84.26 RCW.

3. In addition to the mandatory regulatory duties in subsection (2) above, the Commission shall have the authority to:

(a) Participate in, promote, and conduct such public information, educational and interpretive programs relating to historic and prehistoric resources as it may determine appropriate.

(b) Serve as the city's liaison with federal, state and other local government historic preservation programs.

(c) Review and comment to the Mayor and City Council on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by the city, its public development corporations, other neighboring communities, and the state or federal governments as they relate to historic resources of the city.

(d) Advise the Mayor and City Council generally on matters of history and historic preservation.

(e) Provide information to the public on methods of maintaining and rehabilitation historic properties. This may take the form of pamphlets, newsletter, workshops, or similar activities.

(f) Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts and new construction in historic areas; and encourage appropriate measures for such recognition.

(g) Distribute information to the public and city departments on incentives for preservation of historic resources, including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.

(f) Investigate and report to the Mayor and City Council on the use of various federal, state; local or private funding sources available to promote historic resource preservation in the city.

E. Compensation. All members shall serve without compensation.

F. Commission staff. Commission and professional staff assistance shall be provided by the Community Development Department of the city of Aberdeen with additional assistance and information to be provided by other departments as may be necessary to aid the Commission in carrying out its duties and responsibilities under this ordinance.

**17.50.040 Register of Historic Places.**

A. Criteria for determining designation in the Historic Register. Any building, structure, site, object or district may be designated for inclusion in the Historic Register if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage for the community; if it has integrity; is at least 50 years old, or is of lesser age and has exceptional importance; and if it falls in at least two (2) of the following categories:

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1. Associated with events that have made a significant contribution to the broad patterns of national, state or local history.

2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction.

3. An outstanding work of a designer, builder, or architect who has made a substantial contribution to the art.

4. Exemplifies or reflects special elements of the city's cultural, economic, political, aesthetic, engineering or architectural history.

5. Associated with the lives of persons significant in national, state or local history.

6. Has yielded or may be likely to yield important archaeological information related to history or prehistory.

7. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event.

8. Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person.

9. A cemetery, which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns.

10. A reconstructed building that has been executed in a historically accurate manner on the original site.

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

B. Process for designating properties or districts to the Historical Register.

1. Any person, with the owners consent, may nominate a building, structure, site, object or district for inclusion in the Register of Historic Places. The Commission, and any member of the Commission, may solicit nominations. In its designation decision, the Commission shall consider the Aberdeen Historic Register and the city's Comprehensive Plan.

2. In the case of individual properties, the designation shall include the UTM reference and all features—interior and exterior—and outbuildings that contribute to its designation.

3. In the case of districts, the designation shall include description of the boundaries of the district; the characteristics of the district, which justifies its designation; and a list of all properties including features, structures, sites and objects, which contribute to the designation of the district.

4. The Historic Preservation Commission shall consider the merits of the nomination according to the criteria in AMC 17.50.040(A) and the nomination review standards established in the Commission's rules.

5. The Commission shall provide notice to the public, the owner(s) and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the meeting at which the nomination will be considered. The notice shall include publication in a newspaper of

general circulation in the Aberdeen area, posting of the property, and written notification as required by the Open Public Meetings Act (Chpt. 42.30 RCW).

6. If the Commission finds that the nominated property is eligible for the city's Historic Register, the Commission shall, with the owner's consent, make a recommendation to the Mayor and City Council that the property be listed in the Historic Register. In the case of historic districts, the consent of the owners of 60% of the property, by assessed valuation, within the proposed district boundary shall be required.

7. The public, property owner(s), and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing.

8. Properties listed in the city's Historic Register shall be recorded on official zoning records with an "HR" (for Historic Register) designation. This designation shall not change or modify the underlying zone classification.

C. Removal of properties from the Historic Register. In the event that any property is no longer deemed appropriate for designation in the city's Historic Register, the Commission may initiate removal from such designation by the same procedure as provided for in establishing the designation in AMC 17.50.040(B). A property may be removed from the city's Historic Register without the owner's consent.

D. Effects of listing on the Historic Register.

1. Listing on the city's Historic Register is an honorary designation denoting significant association with the historic, archaeological, engineering or cultural heritage of the community. Properties are listed individually or as contributing properties to an historic district.

2. Prior to the commencement of any work on a Historic Register property, excluding ordinary repair and maintenance and emergency measures defined in AMC 17.50.050, the owner must request and receive a Certificate of Appropriateness from the Commission for the proposed work. Violation of this rule shall be grounds for the Commission to review the property for removal from the register.

3. Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a Certificate of Appropriateness from the Commission.

4. Once the city's Historic Register is recognized as a Certified Local Government Historic Register all properties listed on the city's Historic Register may be eligible for Special Tax Valuation on their rehabilitation (See, AMC 17.50.060).

**17.50.050 Review of changes to Historic Register properties.**

A. Review required. No person shall change the use, construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, or demolish any existing property on the city's Historic Register or within an historic district on the City of Aberdeen Register without review by the Commission and without receipt of a Certificate of Appropriateness, or in the case of demolition, a waiver, as a result of the review. The review shall apply to all interior and exterior features of the property that contribute to its designation and are listed on the nomination form.

B. Exemptions. Ordinary repair and maintenance as defined by AMC 17.50.020(Q) and emergency measures as defined by AMC 17.50.020(K), do not require a Certificate of Appropriateness or review by the commission.

C. Review process.

1. Requests for review and issuance of a Certificate of Appropriateness or waiver. The Community Development Director or his/her designee shall report any application for a permit to work on a Historical Register property or property in a historic district to the Commission. If the activity is not exempt from review, the Commission or staff shall notify the applicant of the review requirements. The city shall not issue any permit for work on the property until a Certificate of Appropriateness or a waiver is received from the Commission. City staff shall assist the Commission in considering building and fire code requirements.

2. Commission review.

(a) The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the Commission for a review of proposed changes on a Historic Register property or within a historic district and request a Certificate of Appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by such information as is required by the Commission in its rules for review of the proposed project.

(b) The Commission shall meet with the applicant and review the proposed work according to the design review criteria established in rules. All action taken on the application shall be taken at a regular meeting of the Commission or, if the review is conducted at a special meeting, action shall be taken only after public notice as provided in AMC 17.50.040B(5).

(c) The Commission shall complete its review and make its recommendations in writing within thirty (30) calendar days from its meeting with the applicant unless the applicant grants an extension or the Commission makes written findings that a specified amount of additional time is needed to complete its review of a proposed change.

(d) The Commission's recommendations shall be in writing and shall state the findings of fact and conclusions relied upon in reaching its decision. The Commission shall issue a Certificate of Appropriateness upon the owner's acceptance of the Commission's recommendations. Any conditions agreed to by the applicant shall become conditions of approval of the permits granted by the city.

(e) The Commission's recommendations and any Certificate of Appropriateness issued shall be transmitted to the building or zoning official. No permit shall be issued by the city unless a Certificate of Appropriateness has been issued.

D. Demolition.

1. A waiver of the Certificate of Appropriateness is required before a permit may be issued to allow whole or partial demolition of a Historical Register property or property in a Historic District. The Commission shall grant a waiver if it finds the property in question meets any of the following criteria and if the proposed demolition is determined to substantially improve or correct any of the following conditions:

(a) The property constitutes a hazard to the safety of the public or to the structure's occupants; or

(b) The property is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances; or

(c) Retaining the property will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner; or

(d) Retaining the property is not in the interest of the majority of the community.

2. The owner or his/her agent shall apply to the Commission for a review of the proposed demolition and request a waiver. The applicant shall meet with the Commission in an attempt to find alternatives to demolition. The Commission shall issue its decision, in writing, within forty-five (45) calendar days from the initial meeting with the applicant, unless the applicant grants an extension or the Commission makes written findings that a specified amount of additional time is needed to complete its review of the application. If no alternative to demolition has been agreed to during the review process, the Commission shall issue a written decision granting or denying the waiver. A copy of the Commission's decision shall be provided to the official in charge of issuing the demolition permit.

3. The official in charge of issuing the demolition permit may include a condition allowing the Commission up to 45 additional calendar days to develop alternatives to demolition.

4. The board may require any owner granted a waiver to document the loss of the Historic Register property by means determined by the Commission, which shall at a minimum include recent or historic photographs of the interior and exterior, construction plans if available, and a written history of the building outlining the historic significance.

5. Any conditions agreed to by the applicant in the review process shall become conditions of approval of the permits granted by the city.

6. The Commission shall remove the property from the city's Historic Register after the property is demolished.

**17.50.060 Review and monitoring of properties for special property tax valuation.**

A. Time lines.

1. The Community Development Director shall forward applications for special property tax valuation to the Grays Harbor County Assessor and the Commission within 10 calendar days of receipt by the city.

2. The commission shall review applications before December 31 of the calendar year in which the application was submitted.

3. Commission decisions regarding the applications shall be in writing and filed with the Assessor within 10 calendar days of issuance.

B. Procedure.

1. The Assessor and the Commission shall review applications to determine if the applications are complete and if the properties meet the criteria set forth in WAC 254-20-070(1) and AMC 17.50.060(C).

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(a) If the Commission determines that a property meets all the criteria it shall approve the application subject to execution of a Historic Preservation Special Valuation Agreement between the Commission, acting on behalf of the city, and the owner as provided in WAC 254-20-120 and AMC 17.50.060(D).

(b) If the Commission determines that a property does not meet all the criteria, then it shall deny the application.

2. The Commission shall issue its decision in writing stating the facts and conclusions upon which the approvals or denials are based. Copies of the Commission's decisions shall be filed with the Assessor and the state review board and shall include copies of the agreements, applications and supporting documentation as required by WAC 254-20-090(4) and AMC 17.50.060(C)

3. The Commission shall monitor approved properties for continued compliance with the agreements throughout the 10-year special valuation period.

C. Criteria.

1. Historic Property Criteria. The class of historic property eligible to apply for Special Valuation means all properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, until the city becomes a Certified Local Government (CLG). The class of property eligible to apply for Special Valuation after the city becomes a CLG shall be limited to property listed on the city's Historic Register which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

2. Application Criteria. Complete applications shall consist of the following documentation:

(a) A legal description of the historic property;

(b) Comprehensive exterior and interior photographs of the historic property before and after rehabilitation;

(c) Architectural plans or other legible drawings depicting the completed rehabilitation work;

(d) A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed and documentation of both to be made available to the Commission upon request; and

(e) For properties located within historic districts, in addition to the standard application documentation, a statement from the Secretary of the Interior or appropriate local official, as specified in local administrative rules or by the local government, indicating the property is a certified historic structure is required.

3. Property Review Criteria. In its review the Commission shall determine if the properties meet all the following criteria:

(a) The property is historic property;

(b) The property is included within a class of historic property determined eligible for Special Valuation by the city under AMC 17.50.040;

(c) The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) and in AMC 17.50.020(I) 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 under WAC 254-20-100(1) and AMC 17.50.060(4).

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

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

#### **17.50.070 Appeals.**

A. Appeals from decisions on applications for special property tax valuation. Any decision by the Commission 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 relating to the tax valuation of the property, may be appealed to the county board of equalization in accordance with RCW 84.40.038.

B. Appeals from historical register decisions.

1. Any Commission decision regarding a historical register designation, issuance or denial of a Certificate of Appropriateness, or waiver of a Certificate of Appropriateness may be appealed to the City Council within ten (10) days from the date the decision is mailed to the applicant.

2. Standing to appeal the Commission's decision shall be limited to the applicant, the owner of property to which the Commission's decision is directed, and any person aggrieved or adversely affected by the Commission's decision, or who would be aggrieved or adversely affected by a reversal or modification of the Commission's decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

(a) The Commission's decision has prejudiced or is likely to prejudice that person;

(b) That person's asserted interests are among those that the Commission was required to consider when it made its decision; and

(c) A city council decision in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the Commission's decision.

3. Appeals must be in writing and clearly state the errors of fact or law alleged.

4. The appeal shall be reviewed by the City Council only on the records of the Commission.

5. Any appeal from the decision of the City Council must be filed in Superior Court and served on the city no later than twenty-one (21) calendar days following the date of the City Council's decision or appeal is thereafter barred.

**SECTION 3. SEVERABILITY.** Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

**SECTION 4. PUBLICATION BY SUMMARY.** The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall take effect immediately upon its passage, signing, and publication.

**PASSED and APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Bill Simpson, Mayor

ATTESTED:

\_\_\_\_\_  
Kathryn Skolrood, Finance Director